



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2447

Introduced 2/7/2025, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Requires the clerks of the court to remit a portion of filing and appearance fees to the State Treasurer for deposit into the Guardianship and Advocacy Fund. Increases various schedule fees. Creates fees for county law libraries, neutral site custody, dispute resolutions, and domestic relation legal fund. Amends the Clerks of Courts Act. Provides that no fee may be charged for accounts filed for guardianships established for disabled minors or adults. Eliminates a provision that unless a court-ordered payment schedule is implemented or the fee requirements of the provisions concerning circuit court clerks' fees are waived under a court order, the clerk of the circuit court may add to any unpaid fees and costs under this provision a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Creates additional conditional assessments. Amends the Criminal and Traffic Assessment Act. Amends the Domestic Relations Legal Funding Act. Allows any county to enact a fee. Provides that conditional assessments include court-supervised service provider costs imposed in a case. Amends the Code of Criminal Procedure of 1963. Prohibits plea agreements that are conditioned upon a defendant giving up the right to seek an assessment waiver. Amends the Unified Code of Corrections. Provides that the court shall, without application, reduce the total amount of fines imposed on a defendant who is sentenced to a term of imprisonment, based upon the defendant's prison sentence. Amends the Counties Code, the Neutral Site Custody Exchange Funding Act, the Illinois Municipal Code, the Firearm Concealed Carry Act, the Domestic Relations Legal Funding Act, the Illinois Not-For-Profit Dispute Center Resolution Act, the Criminal Code of 2012, the Code of Criminal Procedure of 1963, the Unified Code of Corrections, the Code of Civil Procedure, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Adoption Act to make other and confirming changes.

LRB104 08645 JRC 18698 b

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 State Finance Act is amended by changing
5 Section 6z-22 as follows:

6 (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

7 Sec. 6z-22. Viabile public guardianship and advocacy
8 programs, including the public guardianship programs created
9 and supervised in probate proceedings in State courts, are
10 essential to the administration of justice and ensure that
11 incapacitated persons and their estates are protected. To
12 defray the expense of maintaining and operating the divisions
13 and programs of the Guardianship and Advocacy Commission and
14 to support viable guardianship and advocacy programs
15 throughout the State, each circuit court clerk shall remit a
16 portion of the filing and appearance fees, as provided in
17 Section 27.1b of the Clerk of Courts Act, to the State
18 Treasurer for deposit into the Guardianship and Advocacy Fund.
19 All fees or other monies received by the Guardianship and
20 Advocacy Commission incident to the provision of legal or
21 guardianship services to eligible persons or wards pursuant to
22 subsection (i) of Section 5 of the Guardianship and Advocacy
23 Act shall be paid into the Guardianship and Advocacy Fund.

1 Appropriations for the improvement, development, addition
2 or expansion of legal and guardianship services for eligible
3 persons or wards pursuant to Section 5 of the Guardianship and
4 Advocacy Act or for the financing of any program designed to
5 provide such improvement, development, addition or expansion
6 of services or for expenses incurred in administering the
7 Human Rights Authority, Legal Advocacy Service and Office of
8 State Guardian are payable from the Guardianship and Advocacy
9 Fund.

10 (Source: P.A. 86-448; 86-1028.)

11 Section 10. The Counties Code is amended by changing
12 Section 5-39001 as follows:

13 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

14 Sec. 5-39001. Establishment and use; fee. The county board
15 of any county may establish and maintain a county law library,
16 to be located in any county building or privately or publicly
17 owned building at the county seat of government. The term
18 "county building" includes premises leased by the county from
19 a public building commission created under the Public Building
20 Commission Act. After August 2, 1976, the county board of any
21 county may establish and maintain a county law library at the
22 county seat of government and, in addition, branch law
23 libraries in other locations within that county as the county
24 board deems necessary.

1 The facilities of those libraries shall be freely
2 available to all licensed Illinois attorneys, judges, other
3 public officers of the county, and all members of the public,
4 whenever the court house is open, and may include self-help
5 centers and other legal assistance programs for the public as
6 part of the services it provides on-site and online.

7 The expense of establishing and maintaining those
8 libraries shall be borne by the county. To defray that
9 expense, including the expense of any attendant self-help
10 centers and legal assistance programs, in any county having
11 established a county law library or libraries, ~~the clerk of~~
12 ~~all trial courts located at the county seat of government~~
13 ~~shall charge and collect a county law library fee of \$2, and~~
14 the county board may, by ordinance and as specified in Section
15 27.1b of the Clerk of Courts Act, authorize a county law
16 library fee ~~of~~ not to exceed \$20 to be paid by the plaintiff at
17 the time of the filing of the case and by the defendant at the
18 time of filing an appearance. \$21 through December 31, 2021
19 ~~and \$20 on and after January 1, 2022, to be charged and~~
20 ~~collected by the clerks of all trial courts located in the~~
21 ~~county. The fee shall be paid at the time of filing the first~~
22 ~~pleading, paper, or other appearance filed by each party in~~
23 ~~all civil cases, but no additional fee shall be required if~~
24 ~~more than one party is represented in a single pleading,~~
25 ~~paper, or other appearance.~~

26 ~~Each clerk shall commence those charges and collections~~

1 ~~upon receipt of written notice from the chairman of the county~~
2 ~~board that the board has acted under this Division to~~
3 ~~establish and maintain a law library.~~

4 The fees shall be charged and collected pursuant to
5 subsection (b-10) of Section 27.1b of the Clerk of Courts Act
6 ~~in addition to all other fees and charges of the clerks,~~
7 ~~assessable as costs,~~ remitted by the clerks monthly to the
8 county treasurer, and retained by the county treasurer in a
9 special fund designated as the County Law Library Fund. Except
10 as otherwise provided in this paragraph, disbursements from
11 the fund shall be by the county treasurer, on order of a
12 majority of the resident circuit judges of the circuit court
13 of the county. In any county with more than 2,000,000
14 inhabitants, the county board shall order disbursements from
15 the fund and the presiding officer of the county board, with
16 the advice and consent of the county board, may appoint a
17 library committee of not less than 9 members, who, by majority
18 vote, may recommend to the county board as to disbursements of
19 the fund and the operation of the library. In single county
20 circuits with 2,000,000 or fewer inhabitants, disbursements
21 from the County Law Library Fund shall be made by the county
22 treasurer on the order of the chief judge of the circuit court
23 of the county. In those single county circuits, the number of
24 personnel necessary to operate and maintain the county law
25 library shall be set by and those personnel shall be appointed
26 by the chief judge. The county law library personnel shall

1 serve at the pleasure of the appointing authority. The
2 salaries of those personnel shall be fixed by the county board
3 of the county. Orders shall be pre-audited, funds shall be
4 audited by the county auditor, and a report of the orders and
5 funds shall be rendered to the county board and to the judges.

6 Fees shall not be charged in any criminal or
7 quasi-criminal case, ~~in any matter coming to the clerk on~~
8 ~~change of venue, or in any proceeding to review the decision of~~
9 ~~any administrative officer, agency, or body.~~

10 No moneys distributed from the County Law Library Fund may
11 be directly or indirectly used for lobbying activities, as
12 defined in Section 2 of the Lobbyist Registration Act or as
13 defined in any ordinance or resolution of a municipality,
14 county, or other unit of local government in Illinois.

15 (Source: P.A. 98-351, eff. 8-15-13; 99-859, eff. 8-19-16.)

16 Section 15. The Neutral Site Custody Exchange Funding Act
17 is amended by changing Section 15 as follows:

18 (55 ILCS 82/15)

19 Sec. 15. Fund; fee; administration.

20 (a) In any county, a neutral site custody exchange fund
21 may be established by the passage of an ordinance by the county
22 board.

23 (b) In each county in which a county board has enacted an
24 ordinance authorizing a neutral site custody exchange fund to

1 be established, the county board may, by ordinance and as
2 specified in Section 27.1b of the Clerk of Courts Act,
3 establish ~~shall set~~ a fee to be collected by the clerk of the
4 circuit court on all civil case filings of not ~~less than \$1 nor~~
5 more than \$8 to be paid by the plaintiff at the time of the
6 filing of the case and by the defendant at the time of filing
7 an appearance. The county board shall review the amount of the
8 fee on an annual basis and shall increase the amount of the
9 fee, not to exceed the \$8 maximum, if the demand for neutral
10 site custody exchanges requires additional funding.

11 (c) (Blank). ~~In each county in which a county board has~~
12 ~~enacted an ordinance authorizing a neutral site custody~~
13 ~~exchange fund to be established, the clerk of the circuit~~
14 ~~court shall charge and collect a neutral site custody exchange~~
15 ~~fund fee as established by the county ordinance. The fee shall~~
16 ~~be paid by the parties to the action at the time of filing the~~
17 ~~first pleading in all civil cases. The fees shall not be~~
18 ~~charged in any proceeding commenced by or on behalf of a unit~~
19 ~~of local government.~~

20 The fees shall be charged and collected by the clerk of the
21 circuit court as provided in subsection (b-15) of Section
22 27.1b of the Clerk of Courts Act, and ~~in addition to all other~~
23 ~~fees and charges of the clerk, shall be assessable as costs,~~
24 shall be remitted by the clerk monthly to the county
25 treasurer, and shall be deposited monthly by the county
26 treasurer in the neutral site custody exchange fund

1 established under this Section. ~~Each such clerk shall commence~~
2 ~~the charging and collection of the fee upon receipt of written~~
3 ~~notice from the county board that a neutral site custody~~
4 ~~exchange fund has been established.~~

5 (Source: P.A. 93-746, eff. 7-15-04.)

6 Section 20. The Illinois Municipal Code is amended by
7 changing Section 7-1-2 as follows:

8 (65 ILCS 5/7-1-2) (from Ch. 24, par. 7-1-2)

9 Sec. 7-1-2. (a) A written petition signed by a majority of
10 the owners of record of land in the territory and also by a
11 majority of the electors, if any, residing in the territory
12 shall be filed with the circuit court clerk of the county in
13 which the territory is located, or the corporate authorities
14 of a municipality may initiate the proceedings by enacting an
15 ordinance expressing their desire to annex the described
16 territory. A person owning land underlying a highway shall not
17 be considered an owner of record for purposes of this petition
18 unless that person owns some land not underlying a highway
19 proposed to be annexed in the petition for annexation. No
20 tract of land in excess of 10 acres in area may be included in
21 the ordinances of a municipality initiating the proceedings,
22 however, without the express consent of the owner of the tract
23 unless the tract (i) is subdivided into lots or blocks or (ii)
24 is bounded on at least 3 sides by lands subdivided into lots or

1 blocks. A tract of land shall be deemed so bounded if it is
2 actually separated from the subdivision only by the
3 right-of-way of a railroad or other public utility or at a
4 public highway. The petition or ordinance, as the case may be,
5 shall request the annexation of the territory to a specified
6 municipality and also shall request that the circuit court of
7 the specified county submit the question of the annexation to
8 the corporate authorities of the annexing municipality or to
9 the electors of the unincorporated territory, as the case may
10 be. The circuit court shall enter an order fixing the time for
11 the hearing upon the petition, and the day for the hearing
12 shall be not less than 20 nor more than 30 days after the
13 filing of the petition or ordinance, as the case may be.

14 (b) The petitioners or corporate authorities, as the case
15 may be, shall give notice of the annexation petition or
16 ordinance, as the case may be, not more than 30 nor less than
17 15 days before the date fixed for the hearing. This notice
18 shall state that a petition for annexation or ordinance, as
19 the case may be, has been filed and shall give the substance of
20 the petition, including a description of the territory to be
21 annexed, the name of the annexing municipality, and the date
22 fixed for the hearing. This notice shall be given by
23 publishing a notice at least once in one or more newspapers
24 published in the annexing municipality or, if no newspaper is
25 published in the annexing municipality, in one or more
26 newspapers with a general circulation within the annexing

1 municipality and territory. A copy of this notice shall be
2 filed with the clerk of the annexing municipality and the
3 municipal clerk shall send, by registered mail, an additional
4 copy to the highway commissioner of each road district within
5 which the territory proposed to be annexed is situated. If a
6 municipal clerk fails to send the notice to a highway
7 commissioner as required by this subsection, the municipality
8 shall reimburse the road district served by that highway
9 commissioner for any loss or liability caused by that failure.
10 Any notice required by this Section need not include a metes
11 and bounds legal description of the territory to be annexed,
12 provided that the notice includes: (i) the common street
13 address or addresses and (ii) the property index number
14 ("PIN") or numbers of all the parcels of real property
15 contained in the territory to be annexed.

16 (c) (Blank). ~~The petitioners or corporate authorities, as~~
17 ~~the case may be, shall pay to the clerk of the circuit court~~
18 ~~\$10 as a filing and service fee, and no petition or ordinance,~~
19 ~~as the case may be, shall be filed until this fee is paid.~~

20 (d) No petitioner may withdraw from this petition except
21 by consent of the majority of the other petitioners, or where
22 it is shown to the satisfaction of the court that the signature
23 of the petitioner was obtained by fraud or misrepresentation.

24 (e) If a State charitable institution is situated upon a
25 tract or tracts of land that lie partly within and partly
26 without the corporate limits of any municipality, the

1 corporate authorities of the municipality may by resolution
2 without any petition or proceedings required by this Article
3 but with the written consent of the Director of the State
4 Department having jurisdiction of the institution, annex any
5 part or all of the tracts lying without the corporate limits.

6 (f) If real estate owned by the State of Illinois or any
7 board, agency, or commission of the State is situated in
8 unincorporated territory adjacent to a municipality, the
9 corporate authorities of the municipality may annex any part
10 or all of the real estate only with the written consent of the
11 Governor or the governing authority of the board, agency, or
12 commission, without any petition or proceedings required by
13 this Article by resolution of the corporate authorities. This
14 requirement does not apply, however, to State highways located
15 within territory to be annexed under this Article.

16 (Source: P.A. 97-336, eff. 8-12-11.)

17 Section 25. The Firearm Concealed Carry Act is amended by
18 changing Section 70 as follows:

19 (430 ILCS 66/70)

20 Sec. 70. Violations.

21 (a) A license issued or renewed under this Act shall be
22 revoked if, at any time, the licensee is found to be ineligible
23 for a license under this Act or the licensee no longer meets
24 the eligibility requirements of the Firearm Owners

1 Identification Card Act.

2 (b) A license shall be suspended if an order of
3 protection, including an emergency order of protection,
4 plenary order of protection, or interim order of protection
5 under Article 112A of the Code of Criminal Procedure of 1963 or
6 under the Illinois Domestic Violence Act of 1986, or if a
7 firearms restraining order, including an emergency firearms
8 restraining order, under the Firearms Restraining Order Act,
9 is issued against a licensee for the duration of the order, or
10 if the Illinois State Police is made aware of a similar order
11 issued against the licensee in any other jurisdiction. If an
12 order of protection is issued against a licensee, the licensee
13 shall surrender the license, as applicable, to the court at
14 the time the order is entered or to the law enforcement agency
15 or entity serving process at the time the licensee is served
16 the order. The court, law enforcement agency, or entity
17 responsible for serving the order of protection shall notify
18 the Illinois State Police within 7 days and transmit the
19 license to the Illinois State Police.

20 (c) A license is invalid upon expiration of the license,
21 unless the licensee has submitted an application to renew the
22 license, and the applicant is otherwise eligible to possess a
23 license under this Act.

24 (d) A licensee shall not carry a concealed firearm while
25 under the influence of alcohol, other drug or drugs,
26 intoxicating compound or combination of compounds, or any

1 combination thereof, under the standards set forth in
2 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

3 A licensee in violation of this subsection (d) shall be
4 guilty of a Class A misdemeanor for a first or second violation
5 and a Class 4 felony for a third violation. The Illinois State
6 Police may suspend a license for up to 6 months for a second
7 violation and shall permanently revoke a license for a third
8 violation.

9 (e) Except as otherwise provided, a licensee in violation
10 of this Act shall be guilty of a Class B misdemeanor. A second
11 or subsequent violation is a Class A misdemeanor. The Illinois
12 State Police may suspend a license for up to 6 months for a
13 second violation and shall permanently revoke a license for 3
14 or more violations of Section 65 of this Act. Any person
15 convicted of a violation under this Section shall pay, in
16 addition to any other fine imposed by the court, an additional
17 fine of a \$150, fee to be deposited into the Mental Health
18 Reporting Fund, plus any applicable court costs or fees.

19 (f) A licensee convicted or found guilty of a violation of
20 this Act who has a valid license and is otherwise eligible to
21 carry a concealed firearm shall only be subject to the
22 penalties under this Section and shall not be subject to the
23 penalties under Section 21-6, paragraph (4), (8), or (10) of
24 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
25 of paragraph (3) of subsection (a) of Section 24-1.6 of the
26 Criminal Code of 2012. Except as otherwise provided in this

1 subsection, nothing in this subsection prohibits the licensee
2 from being subjected to penalties for violations other than
3 those specified in this Act.

4 (g) A licensee whose license is revoked, suspended, or
5 denied shall, within 48 hours of receiving notice of the
6 revocation, suspension, or denial, surrender his or her
7 concealed carry license to the local law enforcement agency
8 where the person resides. The local law enforcement agency
9 shall provide the licensee a receipt and transmit the
10 concealed carry license to the Illinois State Police. If the
11 licensee whose concealed carry license has been revoked,
12 suspended, or denied fails to comply with the requirements of
13 this subsection, the law enforcement agency where the person
14 resides may petition the circuit court to issue a warrant to
15 search for and seize the concealed carry license in the
16 possession and under the custody or control of the licensee
17 whose concealed carry license has been revoked, suspended, or
18 denied. The observation of a concealed carry license in the
19 possession of a person whose license has been revoked,
20 suspended, or denied constitutes a sufficient basis for the
21 arrest of that person for violation of this subsection. A
22 violation of this subsection is a Class A misdemeanor.

23 (h) Except as otherwise provided in subsection (h-5), a
24 license issued or renewed under this Act shall be revoked if,
25 at any time, the licensee is found ineligible for a Firearm
26 Owner's Identification Card, or the licensee no longer

1 possesses a valid Firearm Owner's Identification Card. If the
2 Firearm Owner's Identification Card is expired or suspended
3 rather than denied or revoked, the license may be suspended
4 for a period of up to one year to allow the licensee to
5 reinstate his or her Firearm Owner's Identification Card. The
6 Illinois State Police shall adopt rules to enforce this
7 subsection. A licensee whose license is revoked under this
8 subsection (h) shall surrender his or her concealed carry
9 license as provided for in subsection (g) of this Section.

10 This subsection shall not apply to a person who has filed
11 an application with the Illinois State Police for renewal of a
12 Firearm Owner's Identification Card and who is not otherwise
13 ineligible to obtain a Firearm Owner's Identification Card.

14 (h-5) If the Firearm Owner's Identification Card of a
15 licensee under this Act expires during the term of the license
16 issued under this Act, the license and the Firearm Owner's
17 Identification Card remain valid, and the Illinois State
18 Police may automatically renew the licensee's Firearm Owner's
19 Identification Card as provided in subsection (c) of Section 5
20 of the Firearm Owners Identification Card Act.

21 (i) A certified firearms instructor who knowingly provides
22 or offers to provide a false certification that an applicant
23 has completed firearms training as required under this Act is
24 guilty of a Class A misdemeanor. A person guilty of a violation
25 of this subsection (i) is not eligible for court supervision.
26 The Illinois State Police shall permanently revoke the

1 firearms instructor certification of a person convicted under
2 this subsection (i).

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
4 102-813, eff. 5-13-22.)

5 Section 30. The Clerks of Courts Act is amended by
6 changing Sections 27.1b and 27.1c as follows:

7 (705 ILCS 105/27.1b)

8 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
9 other provision of law, all fees charged by the clerks of the
10 circuit court for the services described in this Section shall
11 be established, collected, and disbursed in accordance with
12 this Section. Except as otherwise specified in this Section,
13 all fees under this Section shall be paid in advance and
14 disbursed by each clerk on a monthly basis. In a county with a
15 population of over 3,000,000, units of local government and
16 school districts shall not be required to pay fees under this
17 Section in advance and the clerk shall instead send an
18 itemized bill to the unit of local government or school
19 district, within 30 days of the fee being incurred, and the
20 unit of local government or school district shall be allowed
21 at least 30 days from the date of the itemized bill to pay;
22 these payments shall be disbursed by each clerk on a monthly
23 basis. Unless otherwise specified in this Section, the amount
24 of a fee shall be determined by ordinance or resolution of the

1 county board and remitted to the county treasurer to be used
2 for purposes related to the operation of the court system in
3 the county. In a county with a population of over 3,000,000,
4 any amount retained by the clerk of the circuit court or
5 remitted to the county treasurer shall be subject to
6 appropriation by the county board.

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

12 (1) SCHEDULE 1: not to exceed a total of \$409 ~~\$366~~ in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$357 ~~\$316~~ in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$225 ~~\$190~~ through December 31, 2021 and ~~\$184~~ on and
18 after January 1, 2022. The fees collected under this
19 schedule shall be disbursed as follows:

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and in an amount not to exceed \$45 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

1 (B) The clerk shall remit up to \$26 ~~\$21~~ to the
2 State Treasurer. The State Treasurer shall deposit the
3 appropriate amounts, in accordance with the clerk's
4 instructions, as follows:

5 (i) up to \$10 in a county with a population of
6 3,000,000 or more and up to \$8 in any other county,
7 as specified by the Supreme Court in accordance
8 with Part 10A of Article II of the Code of Civil
9 Procedure, into the Mandatory Arbitration Fund;

10 (ii) \$4 ~~\$2~~ into the Access to Justice Fund;

11 and

12 (iii) \$3 into the Guardianship and Advocacy
13 Fund; and

14 (iv) \$9 into the Supreme Court Special
15 Purposes Fund.

16 (C) The clerk shall remit a sum to the County
17 Treasurer, in an amount not to exceed \$328 ~~\$290~~ in a
18 county with a population of 3,000,000 or more and in an
19 amount not to exceed \$288 ~~\$250~~ in any other county, as
20 follows:

21 (i) up to \$20 for the County Law Library Fund;

22 (ii) up to \$8 for the Neutral Site Custody
23 Exchange Fund;

24 (iii) up to \$8 for the Domestic Relations
25 Legal Fund;

26 (iv) up to \$2 for the Dispute Resolution Fund;

1 and
2 (v) up to \$290 in a county with a population of
3 3,000,000 or more, or up to \$250 in any other
4 county specified by ordinance or resolution passed
5 ~~by the county board,~~ for purposes related to the
6 operation of the court system in the county; as
7 specified by ordinance or resolution passed by the
8 county board.

9 (2) SCHEDULE 2: not to exceed a total of \$400 ~~\$357~~ in a
10 county with a population of 3,000,000 or more and not to
11 exceed \$307 ~~\$266~~ in any other county, except as applied to
12 units of local government and school districts in counties
13 with more than 3,000,000 inhabitants an amount not to
14 exceed \$225 ~~\$190~~ ~~through December 31, 2021 and \$184 on and~~
15 ~~after January 1, 2022.~~ The fees collected under this
16 schedule shall be disbursed as follows:

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

24 (B) The clerk shall remit up to \$26 ~~\$21~~ to the
25 State Treasurer. The State Treasurer shall deposit the
26 appropriate amounts, in accordance with the clerk's

1 instructions, as follows:

2 (i) up to \$10 in a county with a population of
3 3,000,000 or more and up to \$8 in any other county,
4 as specified by the Supreme Court in accordance
5 with Part 10A of Article II of the Code of Civil
6 Procedure, into the Mandatory Arbitration Fund;

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

9 (iii) \$3 into the Guardianship and Advocacy
10 Fund; and

11 (iv) \$9 into the Supreme Court Special
12 Purposes Fund.

13 (C) The clerk shall remit a sum to the County
14 Treasurer, in an amount not to exceed \$319 ~~\$281~~ in a
15 county with a population of 3,000,000 or more and in an
16 amount not to exceed \$238 ~~\$200~~ in any other county,

17 (i) up to \$20 for the County Law Library Fund;

18 (ii) up to \$8 for the Neutral Site Custody
19 Exchange Fund;

20 (iii) up to \$8 for the Domestic Relations
21 Legal Fund;

22 (iv) up to \$2 for the Dispute Resolution Fund;

23 and

24 (v) up to \$281 in a county with a population of
25 3,000,000 or more, or up to \$200 in any other
26 county as specified by ordinance or resolution

1 passed by the county board, for purposes related
2 to the operation of the court system in the
3 county.

4 (3) SCHEDULE 3: not to exceed a total of \$308 ~~\$265~~ in a
5 county with a population of 3,000,000 or more and not to
6 exceed \$132 ~~\$89~~ in any other county, except as applied to
7 units of local government and school districts in counties
8 with more than 3,000,000 inhabitants an amount not to
9 exceed \$225 ~~\$190 through December 31, 2021 and \$184 on and~~
10 ~~after January 1, 2022~~. The fees collected under this
11 schedule shall be disbursed as follows:

12 (A) The clerk shall retain a sum, in an amount not
13 to exceed \$55 in a county with a population of
14 3,000,000 or more and in an amount not to exceed \$22 in
15 any other county determined by the clerk with the
16 approval of the Supreme Court, to be used for court
17 automation, court document storage, and administrative
18 purposes.

19 (B) The clerk shall remit \$16 ~~\$11~~ to the State
20 Treasurer. The State Treasurer shall deposit the
21 appropriate amounts in accordance with the clerk's
22 instructions, as follows:

23 (i) \$4 ~~\$2~~ into the Access to Justice Fund;

24 (ii) \$3 into the Guardianship and Advocacy
25 Fund; and

26 (ii) \$9 into the Supreme Court Special

1 Purposes Fund.

2 (C) The clerk shall remit a sum to the County
3 Treasurer, in an amount not to exceed \$237 ~~\$199~~ in a
4 county with a population of 3,000,000 or more and in an
5 amount not to exceed \$94 ~~\$56~~ in any other county, as
6 follows:

7 (i) up to \$20 for the County Law Library Fund;

8 (ii) up to \$8 for the Neutral Site Custody
9 Exchange Fund;

10 (iii) up to \$8 for the Domestic Relations
11 Legal Fund;

12 (iv) up to \$2 for the Dispute Resolution Fund;

13 and

14 (v) up to \$199 in a county with a population of
15 3,000,000 or more, or up to \$56 in any other county
16 specified by ordinance or resolution passed by the
17 county board, for purposes related to the
18 operation of the court system in the county.

19 (4) SCHEDULE 4: \$0.

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

25 (1) SCHEDULE 1: not to exceed a total of \$273 ~~\$230~~ in a
26 county with a population of 3,000,000 or more and not to

1 exceed \$232 ~~\$191~~ in any other county, except as applied to
2 units of local government and school districts in counties
3 with more than 3,000,000 inhabitants an amount not to
4 exceed \$116 ~~\$75~~. The fees collected under this schedule
5 shall be disbursed as follows:

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

13 (B) The clerk shall remit up to \$26 ~~\$21~~ to the
14 State Treasurer. The State Treasurer shall deposit the
15 appropriate amounts, in accordance with the clerk's
16 instructions, as follows:

17 (i) up to \$10 in a county with a population of
18 3,000,000 or more and up to \$8 in any other county,
19 as specified by the Supreme Court in accordance
20 with Part 10A of Article II of the Code of Civil
21 Procedure, into the Mandatory Arbitration Fund;

22 (ii) \$4 ~~\$2~~ into the Access to Justice Fund;

23 ~~and~~

24 (iii) \$3 into the Guardianship and Advocacy
25 Fund; and

26 (iv) \$9 into the Supreme Court Special

1 Purposes Fund.

2 (C) The clerk shall remit a sum to the County
3 Treasurer, in an amount not to exceed \$197 ~~\$159~~ in a
4 county with a population of 3,000,000 or more and in an
5 amount not to exceed \$163 ~~\$125~~ in any other county,

6 (i) up to \$20 for the County Law Library Fund;

7 (ii) up to \$8 for the Neutral Site Custody
8 Exchange Fund;

9 (iii) up to \$8 for the Domestic Relations
10 Legal Fund;

11 (iv) up to \$2 for the Dispute Resolution
12 Funder; and

13 (v) up to \$159 in a county with a population of
14 3,000,000 or more, or up to \$125 in any other
15 county as specified by ordinance or resolution
16 passed by the county board, for purposes related
17 to the operation of the court system in the
18 county.

19 (2) SCHEDULE 2: not to exceed a total of \$185 ~~\$130~~ in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$162 ~~\$109~~ in any other county, except as applied to
22 units of local government and school districts in counties
23 with more than 3,000,000 inhabitants an amount not to
24 exceed \$116 ~~\$75~~. The fees collected under this schedule
25 shall be disbursed as follows:

26 (A) The clerk shall retain a sum, in an amount not

1 to exceed \$50 in a county with a population of
2 3,000,000 or more and in an amount not to exceed \$10 in
3 any other county determined by the clerk with the
4 approval of the Supreme Court, to be used for court
5 automation, court document storage, and administrative
6 purposes.

7 (B) The clerk shall remit up to \$261 to the State
8 Treasurer. The State Treasurer shall deposit the
9 appropriate amounts, in accordance with the clerk's
10 instructions, as follows:

11 (i) up to \$10 in a county with a population of
12 3,000,000 or more and up to \$8 in any other county,
13 as specified by the Supreme Court in accordance
14 with Part 10A of Article II of the Code of Civil
15 Procedure, into the Mandatory Arbitration Fund;

16 (ii) \$42 into the Access to Justice Fund; and

17 (iii) \$3 into the Guardianship and Advocacy
18 Fund; and

19 (iv) \$9 into the Supreme Court Special
20 Purposes Fund. ~~The clerk shall remit \$9 to the~~
21 State Treasurer, which the State Treasurer shall
22 deposit into the Supreme Court Special Purposes
23 Fund.

24 (C) The clerk shall remit a sum to the County
25 Treasurer, in an amount not to exceed \$109 ~~\$71~~ in a
26 county with a population of 3,000,000 or more and in an

1 amount not to exceed \$128 ~~\$90~~ in any other county,

2 (i) up to \$20 for the County Law Library Fund;

3 (ii) up to \$8 for the Neutral Site Custody
4 Exchange Fund;

5 (iii) up to \$8 for the Domestic Relations
6 Legal Fund;

7 (iv) up to \$2 for the Dispute Resolution Fund;

8 and

9 (v) up to \$71 in a county with a population of
10 3,000,000 or more, or up to \$90 in any other county
11 for purposes related to the operation of the court
12 system in the county; as specified by ordinance or
13 resolution passed by the county board, ~~for~~
14 ~~purposes related to the operation of the court~~
15 ~~system in the county.~~

16 (3) SCHEDULE 3: \$0.

17 (b-5) Kane County, and Will County, and Kendall County. In
18 Kane County, and Will County, and Kendall County civil cases,
19 there is an additional fee of up to \$30 as set by the county
20 board under Section 5-1101.3 of the Counties Code to be paid by
21 each party at the time of filing the first pleading, paper, or
22 other appearance; provided that no additional fee shall be
23 required if more than one party is represented in a single
24 pleading, paper, or other appearance. Distribution of fees
25 collected under this subsection (b-5) shall be as provided in
26 Section 5-1101.3 of the Counties Code.

1 (b-10) In any county in which the county board has, by
2 ordinance, established a county law library fee, the clerks of
3 all trial courts located in the county shall charge and
4 collect a law library fee, not to exceed \$20, as established by
5 the county ordinance. The fee shall be paid at the time of
6 filing the first pleading, paper, or other appearance filed by
7 each party in all civil cases, but no additional fee shall be
8 required if more than one party is represented in a single
9 pleading, paper, or other appearance. Each clerk shall
10 commence charging and collection of the fee upon receipt of
11 written notice from the chairman of the county board that the
12 board has acted, by ordinance, to establish a law library fee.
13 Distribution of fees collected under this subsection shall be
14 as provided in Section 5-39001 of the Counties Code.

15 (b-15) In each county in which a county board has enacted
16 an ordinance authorizing a neutral site custody exchange fund
17 fee, the clerk of the circuit court shall charge and collect a
18 neutral site custody exchange fund fee of not more than \$8, as
19 established by the county ordinance. The fee shall be paid at
20 the time of filing the first pleading, paper, or other
21 appearance filed by each party in all civil cases, but no
22 additional fee shall be required if more than one party is
23 represented in a single pleading, paper, or other appearance.
24 The fees shall not be charged in any proceeding commenced by or
25 on behalf of a unit of local government. Each circuit clerk
26 shall commence the charging and collection of the fee upon

1 receipt of written notice from the county board that a neutral
2 site custody exchange fund fee has been established.
3 Distribution of fees collected under this subsection shall be
4 as provided in Section 15 of the Neutral Site Custody Exchange
5 Funding Act.

6 (b-20) In each county in which a county board has
7 established a dispute resolution fund, the clerk of the
8 circuit court shall charge and collect a dispute resolution
9 fund fee of \$2. The fee shall be paid by the party initiating
10 the action at the time of filing the first pleading in all
11 civil cases. The fees shall not be charged in any proceeding
12 commenced by or on behalf of a unit of local government. Each
13 circuit clerk shall commence the charging and collection of
14 the fee upon written notice from the Chief Judge of the
15 judicial circuit that a dispute resolution fund has been
16 established.

17 (b-25) In each county in which a county board has
18 established a domestic relations legal fund, the clerk of the
19 circuit court shall charge and collect a domestic relations
20 legal fund fee of not more than \$8. The fee shall be paid at
21 the time of filing the first pleading, paper, or other
22 appearance filed by each party in all civil cases, but no
23 additional fee shall be required if more than one party is
24 represented in a single pleading, paper, or other appearance.
25 The fees shall not be charged in any proceeding commenced by or
26 on behalf of a unit of local government. Each circuit clerk

1 shall commence the charging and collection of the fee upon
2 written notice from the Chief Judge of the judicial circuit
3 that a domestic relations legal fund has been established.
4 Distribution of fees collected under this subsection shall be
5 as provided in Section 15 of the Domestic Relations Legal
6 Funding Act.

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

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

24 (e) Jury services. The clerk shall collect, in addition to
25 other fees allowed by law, a sum not to exceed \$212.50, as a
26 fee for the services of a jury in every civil action not

1 quasi-criminal in its nature and not a proceeding for the
2 exercise of the right of eminent domain and in every other
3 action wherein the right of trial by jury is or may be given by
4 law. The jury fee shall be paid by the party demanding a jury
5 at the time of filing the jury demand. If the fee is not paid
6 by either party, no jury shall be called in the action or
7 proceeding, and the action or proceeding shall be tried by the
8 court without a jury.

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

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

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

16 (g) Petition to vacate or modify.

17 (1) In a proceeding involving a petition to vacate or
18 modify any final judgment or order filed within 30 days
19 after the judgment or order was entered, except for an
20 eviction case, small claims case, petition to reopen an
21 estate, petition to modify, terminate, or enforce a
22 judgment or order for child or spousal support, or
23 petition to modify, suspend, or terminate an order for
24 withholding, the fee shall not exceed \$60 in a county with
25 a population of 3,000,000 or more and shall not exceed \$50
26 in any other county, except as applied to units of local

1 government and school districts in counties with more than
2 3,000,000 inhabitants an amount not to exceed \$50.

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

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

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

18 (1) if the record contains no more than 100 pages, the
19 fee shall not exceed \$70 in a county with a population of
20 3,000,000 or more and shall not exceed \$50 in any other
21 county;

22 (2) if the record contains between 100 and 200 pages,
23 the fee shall not exceed \$100; and

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

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

11 (j) Garnishment, wage deduction, and citation. In
12 garnishment affidavit, wage deduction affidavit, and citation
13 petition proceedings:

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

21 (2) if the amount in controversy in the proceeding is
22 greater than \$1,000 and not more than \$5,000, the fee may
23 not exceed \$45 in a county with a population of 3,000,000
24 or more and may not exceed \$30 in any other county, except
25 as applied to units of local government and school
26 districts in counties with more than 3,000,000 inhabitants

1 an amount not to exceed \$30; and

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

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

14 (1) \$35 if the amount in controversy in the proceeding
15 is not more than \$1,000;

16 (2) \$45 if the amount in controversy in the proceeding
17 is greater than \$1,000 and not more than \$5,000; and

18 (3) \$65 if the amount in controversy in the proceeding
19 is greater than \$5,000.

20 (k) Collections.

21 (1) For all collections made of others, except the
22 State and county and except in maintenance or child
23 support cases, the clerk may collect a fee of up to 2.5% of
24 the amount collected and turned over.

25 (2) In child support and maintenance cases, the clerk
26 may collect an annual fee of up to \$36 from the person

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

16 (A) To reimburse any covered county for the cost
17 of maintaining the child support enforcement program
18 pursuant to Section 710 of the Illinois Marriage and
19 Dissolution of Marriage Act, the court shall order any
20 payor making payments directly to the clerk to pay the
21 clerk a fee at the rate of \$3 per month for every month
22 the order is in effect.

23 The fee shall be payable annually, being due with
24 the support payment due on or next immediately
25 following January 1 and July 1. The fee shall be
26 payable in advance as herein provided, except for the

1 initial payment which shall be paid at the time of the
2 initial child support payment to the clerk. The amount
3 of the fee due for the initial period shall be computed
4 from the date the support order first takes effect to
5 the next January 1 or July 1, whichever occurs first.

6 Unless paid in cash, the payment of the fee shall
7 be by a separate instrument from the support payment
8 and shall be made to the order of the clerk.

9 All monies collected in fees by the clerk and all
10 monies received by him upon assessment under Section
11 710 of the Illinois Marriage and Dissolution of
12 Marriage Act for reimbursement for the costs of
13 enforcement shall be held in a special fund, the
14 contents of which the clerk shall pay over to the
15 county treasury every month or at such other period as
16 the treasurer shall determine.

17 (B) No filing fee or costs will be required in any
18 action brought at the request of the Department of
19 Healthcare and Family Services in any proceeding under
20 the Illinois Marriage and Dissolution of Marriage Act.
21 However, any such fees or costs may be assessed by the
22 court against the respondent in the court's order of
23 support or any modification thereof in a proceeding
24 under the Illinois Marriage and Dissolution of
25 Marriage Act.

26 (3) The clerk may collect a fee of \$5 for

1 certifications made to the Secretary of State as provided
2 in Section 7-703 of the Illinois Vehicle Code, and this
3 fee shall be deposited into the Separate Maintenance and
4 Child Support Collection Fund.

5 (4) In proceedings to foreclose the lien of delinquent
6 real estate taxes, State's Attorneys shall receive a fee
7 of 10% of the total amount realized from the sale of real
8 estate sold in the proceedings. The clerk shall collect
9 the fee from the total amount realized from the sale of the
10 real estate sold in the proceedings and remit to the
11 County Treasurer to be credited to the earnings of the
12 Office of the State's Attorney.

13 (1) Mailing. The fee for the clerk mailing documents shall
14 not exceed \$10 plus the cost of postage.

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

17 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

11 (q) Index inquiry and other records. No fee shall be
12 charged for a single plaintiff and defendant index inquiry or
13 single case record inquiry when this request is made in person
14 and the records are maintained in a current automated medium,
15 and when no hard copy print output is requested. The fees to be
16 charged for management records, multiple case records, and
17 multiple journal records may be specified by the Chief Judge
18 pursuant to the guidelines for access and dissemination of
19 information approved by the Supreme Court.

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

22 (s) Voluntary assignment. For filing each deed of
23 voluntary assignment, the clerk shall collect a fee not to
24 exceed \$20. For recording a deed of voluntary assignment, the
25 clerk shall collect a fee not to exceed 50 cents for each 100
26 words. Exceptions filed to claims presented to an assignee of

1 a debtor who has made a voluntary assignment for the benefit of
2 creditors shall be considered and treated, for the purpose of
3 taxing costs therein, as actions in which the party or parties
4 filing the exceptions shall be considered as party or parties
5 plaintiff, and the claimant or claimants as party or parties
6 defendant, and those parties respectively shall pay to the
7 clerk the same fees as provided by this Section to be paid in
8 other actions.

9 (t) Expungement petition. Except as provided in Sections
10 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may
11 collect a fee not to exceed \$60 for each expungement petition
12 filed and an additional fee not to exceed \$4 for each certified
13 copy of an order to expunge arrest records.

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

17 (v) Probate filings.

18 (1) For each account (other than one final account)
19 filed in the estate of a decedent, ~~or ward,~~ the fee shall
20 not exceed \$25. No fee shall be charged for accounts filed
21 for guardianships established for minors pursuant to
22 Article XI of the Probate Act of 1975 or for disabled
23 adults pursuant to Article XIa of the Probate Act of 1975.

24 (2) For filing a claim in an estate when the amount
25 claimed is greater than \$150 and not more than \$500, the
26 fee shall not exceed \$40 in a county with a population of

1 3,000,000 or more and shall not exceed \$25 in any other
2 county; when the amount claimed is greater than \$500 and
3 not more than \$10,000, the fee shall not exceed \$55 in a
4 county with a population of 3,000,000 or more and shall
5 not exceed \$40 in any other county; and when the amount
6 claimed is more than \$10,000, the fee shall not exceed \$75
7 in a county with a population of 3,000,000 or more and
8 shall not exceed \$60 in any other county; except the court
9 in allowing a claim may add to the amount allowed the
10 filing fee paid by the claimant.

11 (3) For filing in an estate a claim, petition, or
12 supplemental proceeding based upon an action seeking
13 equitable relief including the construction or contest of
14 a will, enforcement of a contract to make a will, and
15 proceedings involving testamentary trusts or the
16 appointment of testamentary trustees, the fee shall not
17 exceed \$60.

18 (4) There shall be no fee for filing in an estate: (i)
19 the appearance of any person for the purpose of consent;
20 or (ii) the appearance of an executor, administrator,
21 administrator to collect, guardian, guardian ad litem, or
22 special administrator.

23 (5) For each jury demand, the fee shall not exceed
24 \$137.50.

25 (6) For each certified copy of letters of office, of
26 court order, or other certification, the fee shall not

1 exceed \$2 per page.

2 (7) For each exemplification, the fee shall not exceed
3 \$2, plus the fee for certification.

4 (8) The executor, administrator, guardian, petitioner,
5 or other interested person or his or her attorney shall
6 pay the cost of publication by the clerk directly to the
7 newspaper.

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

12 (10) The executor, administrator, guardian,
13 petitioner, or other interested person or his or her
14 attorney shall pay to the clerk all postage charges
15 incurred by the clerk in mailing petitions, orders,
16 notices, or other documents pursuant to the provisions of
17 the Probate Act of 1975.

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

23 (x) Miscellaneous.

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

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

5 (y) Other fees. Any fees not covered in this Section shall
6 be set by rule or administrative order of the circuit court
7 with the approval of the Administrative Office of the Illinois
8 Courts. The clerk of the circuit court may provide services in
9 connection with the operation of the clerk's office, other
10 than those services mentioned in this Section, as may be
11 requested by the public and agreed to by the clerk and approved
12 by the Chief Judge. Any charges for additional services shall
13 be as agreed to between the clerk and the party making the
14 request and approved by the Chief Judge. Nothing in this
15 subsection shall be construed to require any clerk to provide
16 any service not otherwise required by law.

17 (y-5) Unpaid fees. Unless a court ordered payment schedule
18 is implemented or the fee requirements of this Section are
19 waived under a court order, the clerk of the circuit court may
20 add to any unpaid fees and costs under this Section a
21 delinquency amount equal to 5% of the unpaid fees that remain
22 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
23 after 60 days, and 15% of the unpaid fees that remain unpaid
24 after 90 days. Notice to those parties may be made by signage
25 posting or publication. The additional delinquency amounts
26 collected under this Section shall be deposited into the

1 Circuit Court Clerk Operations and Administration Fund and
2 used to defray additional administrative costs incurred by the
3 clerk of the circuit court in collecting unpaid fees and
4 costs.

5 (z) Exceptions.

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

7 (A) police departments or other law enforcement
8 agencies. In this Section, "law enforcement agency"
9 means: an agency of the State or agency of a unit of
10 local government which is vested by law or ordinance
11 with the duty to maintain public order and to enforce
12 criminal laws or ordinances; the Attorney General; or
13 any State's Attorney;

14 (A-5) any unit of local government or school
15 district, except in counties having a population of
16 500,000 or more the county board may by resolution set
17 fees for units of local government or school districts
18 no greater than the minimum fees applicable in
19 counties with a population less than 3,000,000;
20 provided however, no fee may be charged to any unit of
21 local government or school district in connection with
22 any action which, in whole or in part, is: (i) to
23 enforce an ordinance; (ii) to collect a debt; or (iii)
24 under the Administrative Review Law;

25 (B) any action instituted by the corporate
26 authority of a municipality with more than 1,000,000

1 inhabitants under Section 11-31-1 of the Illinois
2 Municipal Code and any action instituted under
3 subsection (b) of Section 11-31-1 of the Illinois
4 Municipal Code by a private owner or tenant of real
5 property within 1,200 feet of a dangerous or unsafe
6 building seeking an order compelling the owner or
7 owners of the building to take any of the actions
8 authorized under that subsection;

9 (C) any commitment petition or petition for an
10 order authorizing the administration of psychotropic
11 medication or electroconvulsive therapy under the
12 Mental Health and Developmental Disabilities Code;

13 (D) a petitioner in any order of protection
14 proceeding, including, but not limited to, fees for
15 filing, modifying, withdrawing, certifying, or
16 photocopying petitions for orders of protection,
17 issuing alias summons, any related filing service, or
18 certifying, modifying, vacating, or photocopying any
19 orders of protection;

20 (E) proceedings for the appointment of a
21 confidential intermediary under the Adoption Act;

22 (F) a minor subject to Article III, IV, or V of the
23 Juvenile Court Act of 1987, or the minor's parent,
24 guardian, or legal custodian; or

25 (G) a minor under the age of 18 transferred to
26 adult court or excluded from juvenile court

1 jurisdiction under Article V of the Juvenile Court Act
2 of 1987, or the minor's parent, guardian, or legal
3 custodian.

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

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

11 (Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21;
12 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff.
13 5-31-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24.)

14 (705 ILCS 105/27.1c)

15 Sec. 27.1c. Assessment report.

16 (a) Not later than March 1 of each year ~~, 2022, and March 1~~
17 ~~of every year thereafter~~, the clerk of the circuit court shall
18 submit to the Administrative Office of the Illinois Courts an
19 annual report, in the form and manner directed by the Supreme
20 Court, for the period January 1 through December 31 of the
21 previous year. The report shall contain, with respect to each
22 of the 4 categories of civil cases established by the Supreme
23 Court pursuant to Section 27.1b of this Act, and in accordance
24 with the Supreme Court's General Administrative Order on
25 Recordkeeping in the Circuit Courts:

- 1 (1) the total number of cases that were filed;
- 2 (2) the amount of filing fees that were collected
3 pursuant to subsection (a) of Section 27.1b;
- 4 (3) the amount of appearance fees that were collected
5 pursuant to subsection (b) of Section 27.1b;
- 6 (4) the amount of fees collected pursuant to
7 subsection (b-5) of Section 27.1b;
- 8 (5) the amount of filing fees collected for
9 counterclaims or third party complaints pursuant to
10 subsection (c) of Section 27.1b;
- 11 (6) the nature and amount of any fees collected
12 pursuant to subsection (y) of Section 27.1b; ~~and~~
- 13 (7) the total number of applications, pursuant to
14 Section 5-105 of the Code of Civil Procedure, for waiver
15 of court fees, costs, and charges; and
- 16 (8) the number of applications ~~eases for which,~~
17 pursuant to Section 5-105 of the Code of Civil Procedure,
18 for waiver ~~there were waivers~~ of fees, costs, and charges
19 of 25%, 50%, 75%, or 100%, respectively, that were
20 approved, and the associated amount of fees, costs, and
21 charges that were waived.

22 (b) The Administrative Office of the Illinois Courts shall
23 publish the reports submitted under this Section on its
24 website.

25 ~~(c) (Blank).~~

26 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21.)

1 (705 ILCS 105/27.3f rep.)

2 (705 ILCS 105/27.9 rep.)

3 Section 35. The Clerks of Courts Act is amended by
4 repealing Sections 27.3f and 27.9.

5 Section 40. The Domestic Relations Legal Funding Act is
6 amended by changing Section 15 as follows:

7 (705 ILCS 130/15)

8 Sec. 15. Fund; fee; administration.

9 (a) ~~A In judicial circuits which include a county with a~~
10 ~~population of over 650,000 and less than 1,000,000~~
11 ~~inhabitants,~~ a domestic relations legal fund may be
12 established by any ~~such~~ county by the passage of an ordinance
13 by the county board.

14 (b) In each ~~judicial~~ circuit in which the county board has
15 enacted an ordinance authorizing a domestic relations legal
16 fund to be established, the county board shall set a fee to be
17 collected by the clerk of the circuit court on all civil case
18 filings of not less than \$1 nor more than \$8 to be paid by the
19 plaintiff at the time of the filing of the case and by the
20 defendant at the time of filing an appearance. ~~The county~~
21 ~~board shall review the amount of the fee on an annual basis and~~
22 ~~shall increase the amount of the fee, not to exceed the \$8~~
23 ~~maximum, if the demand for legal representation requires~~

1 ~~additional funding.~~

2 (c) In each judicial circuit in which the county board has
3 enacted an ordinance authorizing the domestic relations legal
4 fund to be established, the clerk of the circuit court shall
5 charge and collect a domestic relations legal fund fee as
6 established by the county ordinance, such fee to be paid by the
7 parties to the action at the time of filing the first pleading
8 in all civil cases. Such fees shall not be charged in any
9 proceeding commenced by or on behalf of a unit of local
10 government. The fees shall be charged and collected pursuant
11 to subsection (b-25) of Section 27.1b of the Clerk of Courts
12 Act ~~Such fees shall be in addition to all other fees and~~
13 ~~charges of such clerks, shall be assessable as costs, and~~
14 shall be remitted by such clerks monthly to the county
15 treasurers, and shall be disbursed monthly by the county
16 treasurer to the domestic relations legal fund established
17 under this Section. Each such clerk shall commence such
18 charges and collections upon receipt of written notice from
19 the county board of the judicial circuit that a domestic
20 relations legal fund has been established.

21 (d) Each domestic relations legal fund established under
22 this Section shall be administered by the Chief Judge of the
23 judicial circuit in which the fund is established.

24 (Source: P.A. 89-56, eff. 1-1-96.)

25 Section 45. The Criminal and Traffic Assessment Act is

1 amended by changing Sections 1-5, 1-10, 5-15, and 15-70 as
2 follows:

3 (705 ILCS 135/1-5)

4 Sec. 1-5. Definitions. In this Act:

5 "Assessment" means any costs imposed on a defendant under
6 schedules 1 through 13 of this Act.

7 "Business offense" means any offense punishable by a fine
8 in excess of \$1,000 and for which a sentence of imprisonment is
9 not an authorized disposition.

10 "Case" means all charges and counts arising from the same
11 act or incident filed against a single defendant which are
12 being prosecuted by a single agency ~~as a single proceeding~~
13 before the court.

14 "Conditional assessments" means any costs imposed on a
15 defendant under Section 15-70 of this Act.

16 "Count" means each separate offense charged in the same
17 indictment, information, or complaint when the indictment,
18 information, or complaint alleges the commission of more than
19 one offense.

20 "Conservation offense" means any violation of the
21 following Acts, Codes, or ordinances, except any offense
22 punishable upon conviction by imprisonment in the
23 penitentiary:

24 (1) Fish and Aquatic Life Code;

25 (2) Wildlife Code;

- 1 (3) Boat Registration and Safety Act;
- 2 (4) Park District Code;
- 3 (5) Chicago Park District Act;
- 4 (6) State Parks Act;
- 5 (7) State Forest Act;
- 6 (8) Forest Fire Protection District Act;
- 7 (9) Snowmobile Registration and Safety Act;
- 8 (10) Endangered Species Protection Act;
- 9 (11) Forest Products Transportation Act;
- 10 (12) Timber Buyers Licensing Act;
- 11 (13) Downstate Forest Preserve District Act;
- 12 (14) Illinois Exotic Weeds Act;
- 13 (15) Ginseng Harvesting Act;
- 14 (16) Cave Protection Act;
- 15 (17) ordinances adopted under the Counties Code for
- 16 the acquisition of property for parks or recreational
- 17 areas;
- 18 (18) Recreational Trails of Illinois Act;
- 19 (19) Herptiles-Herps Act; or
- 20 (20) any rule, regulation, proclamation, or ordinance
- 21 adopted under any Code or Act named in paragraphs (1)
- 22 through (19) of this definition.
- 23 "Conviction" means a judgment of conviction or sentence
- 24 entered upon a plea of guilty or upon a verdict or finding of
- 25 guilty of an offense, rendered by a legally constituted jury
- 26 or by a court of competent jurisdiction authorized to try the

1 case without a jury.

2 "Court-supervised service provider" means any entity,
3 facility, or other person that is directly or contractually
4 supervised by the court and which provides services to the
5 court, parties, or other persons in connection with a case.

6 "Court-supervised service provider costs" means any
7 charges imposed in a case by a service provider in accordance
8 with a court order.

9 "Drug offense" means any violation of the Cannabis Control
10 Act, the Illinois Controlled Substances Act, the
11 Methamphetamine Control and Community Protection Act, or any
12 similar local ordinance which involves the possession or
13 delivery of a drug.

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

20 "Electronic citation" means the process of transmitting
21 traffic, misdemeanor, ordinance, conservation, or other
22 citations and law enforcement data via electronic means to a
23 circuit court clerk.

24 "Emergency response" means any incident requiring a
25 response by a police officer, an ambulance, a firefighter
26 carried on the rolls of a regularly constituted fire

1 department or fire protection district, a firefighter of a
2 volunteer fire department, or a member of a recognized
3 not-for-profit rescue or emergency medical service provider.
4 "Emergency response" does not include a drug-related emergency
5 response.

6 "Felony offense" means an offense for which a sentence to
7 a term of imprisonment in a penitentiary for one year or more
8 is provided.

9 "Fine" means a pecuniary punishment for a conviction or
10 supervision disposition as ordered by a court of law.

11 "Highest classified offense" means the offense in the case
12 which carries the most severe potential disposition under
13 Article 4.5 of Chapter V of the Unified Code of Corrections.

14 "Major traffic offense" means a traffic offense, as
15 defined by paragraph (f) of Supreme Court Rule 501, other than
16 a petty offense or business offense.

17 "Minor traffic offense" means a traffic offense, as
18 defined by paragraph (f) of Supreme Court Rule 501, that is a
19 petty offense or business offense.

20 "Misdemeanor offense" means any offense for which a
21 sentence to a term of imprisonment in other than a
22 penitentiary for less than one year may be imposed.

23 "Offense" means a violation of any local ordinance or
24 penal statute of this State.

25 "Petty offense" means any offense punishable by a fine of
26 up to \$1,000 and for which a sentence of imprisonment is not an

1 authorized disposition.

2 "Non-court supervised service~~Service~~ provider costs" means
3 costs incurred as a result of services provided by a non-court
4 supervised ~~an~~ entity including, but not limited to, ~~traffic~~
5 ~~safety programs, laboratories,~~ ambulance companies, and fire
6 departments. ~~"Service provider costs" includes conditional~~
7 ~~amounts under this Act that are reimbursements for services~~
8 ~~provided.~~

9 "Street value" means the amount determined by the court on
10 the basis of testimony of law enforcement personnel and the
11 defendant as to the amount of drug or materials seized and any
12 testimony as may be required by the court as to the current
13 street value of the cannabis, controlled substance,
14 methamphetamine or salt of an optical isomer of
15 methamphetamine, or methamphetamine manufacturing materials
16 seized.

17 "Supervision" means a disposition of conditional and
18 revocable release without probationary supervision, but under
19 the conditions and reporting requirements as are imposed by
20 the court, at the successful conclusion of which disposition
21 the defendant is discharged and a judgment dismissing the
22 charges is entered.

23 (Source: P.A. 103-620, eff. 1-1-25.)

24 (705 ILCS 135/1-10)

25 Sec. 1-10. Assessment reports.

1 (a) Not later than March 1 of each year ~~February 29, 2020,~~
2 the clerk of the circuit court shall file with the
3 Administrative Office of the Illinois Courts, in the form and
4 manner directed by the Supreme Court, a report for the
5 previous calendar year containing, in accordance with the
6 Supreme Court's General Administrative Order on Recordkeeping
7 in the Circuit Courts:

8 (1) ~~a report for the period July 1, 2019 through~~
9 ~~December 31, 2019 containing~~ the total number of cases
10 filed in the following categories: total felony cases;
11 felony driving under the influence of alcohol, drugs, or a
12 combination thereof; cases that contain at least one count
13 of driving under the influence of alcohol, drugs, or a
14 combination thereof; felony cases that contain at least
15 one count of a drug offense; felony cases that contain at
16 least one count of a sex offense; total misdemeanor cases;
17 misdemeanor driving under the influence of alcohol, drugs,
18 or a combination thereof cases; misdemeanor cases that
19 contain at least one count of a drug offense; misdemeanor
20 cases that contain at least one count of a sex offense;
21 total traffic offense counts; traffic offense counts of a
22 misdemeanor offense under the Illinois Vehicle Code;
23 traffic offense counts of an overweight offense under the
24 Illinois Vehicle Code; traffic offense counts that are
25 satisfied under Supreme Court Rule 529; conservation
26 cases; and ordinance cases that do not contain an offense

1 under the Illinois Vehicle Code;

2 (2) ~~a report for the period July 1, 2019 through~~
3 ~~December 31, 2019 containing~~ the following for each
4 schedule referenced in Sections 15-5 through 15-70 of this
5 Act: the number of offenses for which assessments were
6 imposed; the amount of any fines imposed in addition to
7 assessments; the number and amount of conditional
8 assessments ordered pursuant to Section 15-70; the total
9 number of assessment waiver applications filed under
10 Section 124A-20 of the Code of Criminal Procedure; and the
11 number of applications ~~and~~ for 25%, 50%, 75%, and 100%
12 waivers, respectively, that were approved, the number of
13 offenses for which waivers were granted and the associated
14 amount of assessments that were waived; and

15 (3) ~~a report for the period July 1, 2019 through~~
16 ~~December 31, 2019 containing,~~ with respect to each
17 schedule referenced in Sections 15-5 through 15-70 of this
18 Act: 7 the number of offenses for which assessments were
19 collected; the number of offenses for which fines were
20 collected and the amount collected; and how much was
21 disbursed to each fund under the disbursement requirements
22 for each schedule defined in Section 15-5.

23 (b) The Administrative Office of the Illinois Courts shall
24 publish the reports submitted under this Section on its
25 website.

26 (c) A list of offenses that qualify as drug offenses for

1 Schedules 3 and 7 and a list of offenses that qualify as sex
2 offenses for Schedules 4 and 8 shall be distributed to clerks
3 of the circuit court by the Administrative Office of the
4 Illinois Courts.

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

6 (705 ILCS 135/5-15)

7 Sec. 5-15. Non-court supervised service ~~Service~~ provider
8 costs. Unless otherwise provided in Article 15 of this Act,
9 the defendant shall pay non-court supervised service provider
10 costs to the entity that provided the service. Service
11 provider costs are not eligible for credit for time served,
12 substitution of community service, or waiver. The circuit
13 court may, through administrative order or local rule, appoint
14 the clerk of the court as the receiver and remitter of certain
15 non-court supervised service provider costs, ~~which may~~
16 ~~include, but are not limited to, probation fees, traffic~~
17 ~~school fees, or drug or alcohol testing fees.~~ Except for
18 traffic violations, fines and assessments, such as fees or
19 administrative costs, authorized in this Section shall not be
20 ordered or imposed on a minor subject to Article III, IV, or V
21 of the Juvenile Court Act of 1987, or a minor under the age of
22 18 transferred to adult court or excluded from juvenile court
23 jurisdiction under Article V of the Juvenile Court Act of
24 1987, or the minor's parent, guardian, or legal custodian.

25 (Source: P.A. 103-379, eff. 7-28-23.)

1 (705 ILCS 135/15-70)

2 Sec. 15-70. Conditional assessments. In addition to
3 payments under one of the Schedule of Assessments 1 through 13
4 of this Act, the court shall also order payment of any of the
5 following conditional assessment amounts for each sentenced
6 violation in the case to which a conditional assessment is
7 applicable, which shall be collected and remitted by the Clerk
8 of the Circuit Court as provided in this Section:

9 (1) arson, residential arson, or aggravated arson,
10 \$500 per conviction to the State Treasurer for deposit
11 into the Fire Prevention Fund;

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

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

25 (B) if the arresting agency is the Illinois State

1 Police, \$500 to the State Treasurer for deposit into
2 the State Crime Laboratory Fund;

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

11 (4) DNA analysis, \$250 on each conviction in which it
12 was used to the State Treasurer for deposit into the State
13 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
14 the Unified Code of Corrections;

15 (5) DUI analysis, \$150 on each sentenced violation in
16 which it was used as set forth in subsection (f) of Section
17 5-9-1.9 of the Unified Code of Corrections;

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

25 (A) 12.5% of the street value assessment shall be
26 paid into the Youth Drug Abuse Prevention Fund, to be

1 used by the Department of Human Services for the
2 funding of programs and services for drug-abuse
3 treatment, and prevention and education services;

4 (B) 37.5% to the county in which the charge was
5 prosecuted, to be deposited into the county General
6 Fund;

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

12 (D) if the arrest was made in combination with
13 multiple law enforcement agencies, the clerk shall
14 equitably allocate the portion in subparagraph (C) of
15 this paragraph (6) among the law enforcement agencies
16 involved in the arrest;

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

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 Section 10-102 of the Illinois Alcoholism and Other Drug
3 Dependency Act, or Section 10 of the Steroid Control Act;
4 except in local or county ordinance, traffic, and
5 conservation cases, if fines are paid in full without a
6 court appearance, then the assessment shall not be imposed
7 or collected. Distribution of assessments collected under
8 this paragraph (6.5) shall be as provided in Section
9 5-1101.3 of the Counties Code;

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

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

1 (B) 37.5% to the county in which the charge was
2 prosecuted, to be deposited into the county General
3 Fund;

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

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

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

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

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

25 (A) petty or business offense, \$4 to the county
26 treasurer of which \$2 deposited into the State's

1 Attorney Records Automation Fund and \$2 into the
2 Public Defender Records Automation Fund;

3 (B) conservation or traffic offense, \$2 to the
4 county treasurer for deposit into the State's Attorney
5 Records Automation Fund;

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

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

18 (13) victim and offender are family or household
19 members as defined in Section 103 of the Illinois Domestic
20 Violence Act of 1986 and offender pleads guilty or no
21 contest to or is convicted of murder, voluntary
22 manslaughter, involuntary manslaughter, burglary,
23 residential burglary, criminal trespass to residence,
24 criminal trespass to vehicle, criminal trespass to land,
25 criminal damage to property, telephone harassment,
26 kidnapping, aggravated kidnaping, unlawful restraint,

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

21 (14) violation of Section 11-501 of the Illinois
22 Vehicle Code, Section 5-7 of the Snowmobile Registration
23 and Safety Act, Section 5-16 of the Boat Registration and
24 Safety Act, or a similar provision, whose operation of a
25 motor vehicle, snowmobile, or watercraft while in
26 violation of Section 11-501, Section 5-7 of the Snowmobile

1 Registration and Safety Act, Section 5-16 of the Boat
2 Registration and Safety Act, or a similar provision
3 proximately caused an incident resulting in an appropriate
4 emergency response, \$1,000 maximum to the public agency
5 that provided an emergency response related to the
6 person's violation, or as provided in subsection (c) of
7 Section 10-5 if the arresting agency was a State agency,
8 unless more than one agency was responsible for the
9 arrest, in which case the amount shall be remitted to each
10 unit of government equally;

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

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

1 person's violation, or as provided in subsection (c) of
2 Section 10-5 if the arresting agency was a State agency,
3 unless more than one agency was responsible for the
4 arrest, in which case the amount shall be remitted to each
5 unit of government equally;

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

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

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

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

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

24 (iii) if the arresting or investigating agency
25 is the Secretary of State, into the Secretary of
26 State Police Services Fund;

1 (iv) if the arresting or investigating agency
2 is the Illinois Commerce Commission, into the
3 Transportation Regulatory Fund; or

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

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

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

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

25 (20) violation of Section 15-109.1 of the Illinois
26 Vehicle Code, \$150 to be distributed as follows:

1 (A) 50% to the county treasurer for deposit into
2 the county general fund; and

3 (B) 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
6 State agency, to be deposited as provided in
7 subsection (c) of Section 10-5~~i~~.

8 (21) an amount not to exceed the costs of one or more
9 tests performed by appropriately licensed medical
10 practitioners shall be assessed to the defendant as
11 follows:

12 (A) upon conviction of a defendant for a violation
13 under Section 11-1.20, 11-1.30, or 11-1.40 of the
14 Criminal Code of 2012, whose prosecution resulted in
15 an order from the court compelling the accused to be
16 tested for any sexually transmitted disease including
17 a test for infection with human immunodeficiency virus
18 (HIV). Such reimbursement shall be remitted to the
19 county's general fund;

20 (B) upon conviction of a defendant for a violation
21 of Sections 11-14, 11-14.3, 11-14.4 except for an
22 offense that involves keeping a place of juvenile
23 prostitution, 11-15, 11-15.1, 11-16, 11-17, 11-18,
24 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961
26 or the Criminal Code of 2012, that resulted in a test

1 for any sexually transmitted disease including a test
2 for infection with human immunodeficiency virus (HIV)
3 or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Such reimbursement
5 shall be remitted to the county's general fund; and

6 (C) Upon conviction of a defendant of a violation
7 under Section 1 or 2 of the Hypodermic Syringes and
8 Needles Act, that resulted in a test for human
9 immunodeficiency virus (HIV) or any other identified
10 causative agent of acquired immunodeficiency syndrome
11 (AIDS). Such reimbursement shall be remitted to the
12 county's general fund;

13 (22) Probation services fees, as ordered by the court,
14 shall be assessed to the defendant as follows:

15 (A) upon a defendant being ordered by the court to
16 perform community service as provided in Section
17 5-5-10 of the Uniform Code of Corrections, up to \$50
18 for each month the community service ordered by the
19 court is supervised by a probation and court services
20 department;

21 (B) upon conviction of any alcohol, cannabis or
22 controlled substance violation as referenced in
23 subparagraphs (iv) of paragraph (10) of subsection (b)
24 of Section 5-6-3 of the Unified Code of Corrections
25 and who, as a condition of probation or conditional
26 discharge during a term of home confinement, is placed

1 on an approved monitoring device, a reasonable fee for
2 each day of use of the device, as established by the
3 county board in subsection (g) of Section 5-6-3 of the
4 Unified Code of Corrections;

5 (C) upon conviction of a defendant of offenses
6 other than those referenced in subparagraphs (iv) of
7 paragraph (10) of subsection (b) of Section 5-6-3 of
8 the United Code of Corrections and as referenced in
9 subparagraph (v) of paragraph (10) of subsection (b)
10 of Section 5-6-3 who, as a condition of probation or
11 conditional discharge during a term of home
12 confinement, is placed on an approved monitoring
13 device, a reasonable fee for each day of use of the
14 device, as established by the county board in
15 subsection (g) of Section 5-6-3 of the Unified Code of
16 Corrections;

17 (D) when a defendant is sentenced to probation or
18 to conditional discharge and who during the term of
19 either undergoes mandatory drug or alcohol testing, or
20 both, or is assigned to be placed on an approved
21 electronic monitoring device as referenced in
22 subsection (g) of Section 5-6-3 of the Unified Code of
23 Corrections, all costs incidental to such mandatory
24 drug or alcohol testing, or both, and all costs
25 incidental to such approved electronic monitoring;

26 (E) when a defendant is transferred from the

1 sentencing court to the court of another circuit with
2 the concurrence of both courts as referenced in
3 subsection (h) of Section 5-6-3 of the Unified Code of
4 Corrections, probation fees imposed by the probation
5 department within the circuit to which jurisdiction
6 has been transferred, or which has agreed to provide
7 supervision; and

8 (F) when a defendant sentenced to probation after
9 January 1, 1989 or to conditional discharge after
10 January 1, 1992 or to community service under the
11 supervision of a probation or court services
12 department after January 1, 2004, as referenced in
13 subsection (i) of Section 5-6-3 of the Unified Code of
14 Corrections, up to \$50 for each month of probation or
15 conditional discharge supervision or supervised
16 community service ordered by the court;

17 (23) incidents and conditions of supervision as
18 ordered by the court, assessed to the defendant as
19 follows:

20 (A) when a defendant is placed on supervision and
21 who during the period of supervision undergoes
22 mandatory drug or alcohol testing, or both, or is
23 assigned to be placed on an approved electronic
24 monitoring device as referenced in subsection (g) of
25 Section 5-6-3.1 of the Unified Code of Corrections,
26 all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such
2 approved electronic monitoring;

3 (B) when a defendant placed on supervision after
4 January 1, 1992 or to community service under the
5 supervision of a probation or court services
6 department after January 1, 2004, as referenced in
7 subsection (i) of Section 5-6-3.1 of the Unified Code
8 of Corrections, up to \$50 for each month of
9 supervision or supervised community service ordered by
10 the court; and

11 (C) when a defendant is transferred from the
12 sentencing court to the court of another circuit with
13 the concurrence of both courts as referenced in
14 subsection (u) of Section 5-6-3.1 of the Unified Code
15 of Corrections, probation fees imposed by the
16 probation department upon receiving the transferred
17 offender.

18 (24) sentences of periodic imprisonment as ordered by
19 the court, assessed to the defendant as follows:

20 (A) when a defendant is sentenced to periodic
21 imprisonment who undergoes mandatory drug or alcohol
22 testing, or both, or is assigned to be placed on an
23 approved electronic monitoring device as referenced in
24 subsection (g) of Section 5-7-1 of the Unified Code of
25 Corrections, all costs incidental to such mandatory
26 drug or alcohol testing, or both, and all costs

1 incidental to such approved electronic monitoring; and

2 (B) violation of Chapters 3, 4, 6, and 11 of the
3 Illinois Vehicle Code, or a similar provision of a
4 local ordinance, and any violation of the federal
5 Child Protection Act of 2021, or a similar provision
6 of the local ordinance, as referenced in subsection
7 (h) of Section 5-7-1 of the Unified Code of
8 Corrections, all fees and costs imposed under
9 subsection (h) of Section 5-7-1;

10 (25) when a defendant subject to conditions of
11 probation, parole, or mandatory supervised release who
12 seeks to transfer to another state subject to the
13 Interstate Compact for Adult Offender Supervision as
14 referenced in Section 5-9-1.13 of the Uniform Code of
15 Corrections, \$125 to be paid to the proper administrative
16 or judicial authorities and shall be deposited into the
17 county general fund of the transferring county;

18 (26) when a person either convicted of, or charged
19 with, a violation of an order or protection as referenced
20 in subsection (c) of Section 5-9-1.16 of the Unified Code
21 of Corrections, a conditional assessment equal to but not
22 to exceed the costs of a domestic violence surveillance
23 program under Section 5-8A-7; and

24 (27) court-supervised service provider costs imposed
25 in a case.

26 Except for traffic violations, fines, and assessments,

1 such as fees or administrative costs authorized in this
2 Section, shall not be ordered or imposed on a minor subject to
3 Article III, IV, or V of the Juvenile Court Act of 1987, or a
4 minor under the age of 18 transferred to adult court or
5 excluded from juvenile court jurisdiction under Article V of
6 the Juvenile Court Act of 1987, or the minor's parent,
7 guardian, or legal custodian.

8 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
9 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
10 7-28-23; 103-730, eff. 1-1-25; revised 11-23-24.)

11 Section 50. The Illinois Not-For-Profit Dispute Resolution
12 Center Act is amended by changing Section 3 as follows:

13 (710 ILCS 20/3) (from Ch. 37, par. 853)

14 Sec. 3. (a) In judicial circuits which include a county
15 with a population of over 2,000,000 inhabitants, a dispute
16 resolution fund shall be established.

17 (b) In any other judicial circuit a dispute resolution
18 fund shall be established upon a finding by the Chief Judge of
19 the circuit that:

20 (1) a dispute resolution center would significantly
21 enhance the administration of justice in that circuit; and

22 (2) a dispute resolution center exists or should be
23 created in the judicial circuit.

24 (c) In each judicial circuit in which a dispute resolution

1 fund is established, the clerks of the circuit court shall
2 charge and collect a dispute resolution fund fee of \$2, such
3 fee to be paid by the party initiating the action at the time
4 of filing the first pleading in all civil cases. Such fees
5 shall not be charged in any proceeding commenced by or on
6 behalf of a unit of local government.

7 Such fees shall be charged and collected pursuant to
8 subsection (b-20) of Section 27.1b of the Clerks of Courts Act
9 ~~in addition to all other fees and charges of such clerks, shall~~
10 ~~be assessable as costs,~~ and shall be remitted by such clerks
11 monthly to the county treasurers, and shall be disbursed
12 monthly by the county treasurer to the dispute resolution fund
13 established under this Section. Each such clerk shall commence
14 such charges and collections upon receipt of written notice
15 from the Chief Judge of the judicial circuit that a dispute
16 resolution fund has been established.

17 (d) Each dispute resolution fund established under this
18 Section shall be administered by the Chief Judge of the
19 judicial circuit in which the fund is established.

20 (Source: P.A. 102-130, eff. 1-1-22.)

21 Section 55. The Criminal Code of 2012 is amended by
22 changing Sections 11-1.10 and 12-5.2 as follows:

23 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

24 Sec. 11-1.10. General provisions concerning offenses

1 described in Sections 11-1.20 through 11-1.60.

2 (a) No person accused of violating Section 11-1.20,
3 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code shall be
4 presumed to be incapable of committing an offense prohibited
5 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
6 this Code because of age, physical condition or relationship
7 to the victim. Nothing in this Section shall be construed to
8 modify or abrogate the affirmative defense of infancy under
9 Section 6-1 of this Code or the provisions of Section 5-805 of
10 the Juvenile Court Act of 1987.

11 (b) Any medical examination or procedure which is
12 conducted by a physician, nurse, medical or hospital
13 personnel, parent, or caretaker for purposes and in a manner
14 consistent with reasonable medical standards is not an offense
15 under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60
16 of this Code.

17 (c) (Blank).

18 (d) (Blank).

19 (e) The prosecuting State's Attorney shall seek an order
20 from the court to compel the accused to be tested for any
21 sexually transmissible disease, including a test for infection
22 with human immunodeficiency virus (HIV), within 48 hours:

23 (1) after a finding at a preliminary hearing that
24 there is probable cause to believe that an accused has
25 committed a violation of Section 11-1.20, 11-1.30, or
26 11-1.40 of this Code, or

1 (2) after an indictment is returned charging an
2 accused with a violation of Section 11-1.20, 11-1.30, or
3 11-1.40 of this Code, or

4 (3) after a finding that a defendant charged with a
5 violation of Section 11-1.20, 11-1.30, or 11-1.40 of this
6 Code is unfit to stand trial pursuant to Section 104-16 of
7 the Code of Criminal Procedure of 1963 where the finding
8 is made prior to the preliminary hearing, or

9 (4) after the request of the victim of the violation
10 of Section 11-1.20, 11-1.30, or 11-1.40.

11 The medical tests shall be performed only by appropriately
12 licensed medical practitioners. The testing shall consist of a
13 test approved by the Illinois Department of Public Health to
14 determine the presence of HIV infection, based upon
15 recommendations of the United States Centers for Disease
16 Control and Prevention; in the event of a positive result, a
17 reliable supplemental test based upon recommendations of the
18 United States Centers for Disease Control and Prevention shall
19 be administered. The results of the tests and any follow-up
20 tests shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the victim, to the
23 defendant, to the State's Attorney, and to the judge who
24 entered the order, for the judge's inspection in camera. The
25 judge shall provide to the victim a referral to the Illinois
26 Department of Public Health HIV/AIDS toll-free hotline for

1 counseling and information in connection with the test result.
2 Acting in accordance with the best interests of the victim and
3 the public, the judge shall have the discretion to determine
4 to whom, if anyone, the result of the testing may be revealed;
5 however, in no case shall the identity of the victim be
6 disclosed. The court shall order that the cost of the tests
7 shall be paid by the county, and shall be taxed as costs
8 against the accused if convicted, as provided in paragraph
9 (20) of Section 15-70 of the Criminal Traffic Assessment Act.

10 (f) Whenever any law enforcement officer has reasonable
11 cause to believe that a person has been delivered a controlled
12 substance without his or her consent, the law enforcement
13 officer shall advise the victim about seeking medical
14 treatment and preserving evidence.

15 (g) Every hospital providing emergency hospital services
16 to an alleged sexual assault survivor, when there is
17 reasonable cause to believe that a person has been delivered a
18 controlled substance without his or her consent, shall
19 designate personnel to provide:

20 (1) An explanation to the victim about the nature and
21 effects of commonly used controlled substances and how
22 such controlled substances are administered.

23 (2) An offer to the victim of testing for the presence
24 of such controlled substances.

25 (3) A disclosure to the victim that all controlled
26 substances or alcohol ingested by the victim will be

1 disclosed by the test.

2 (4) A statement that the test is completely voluntary.

3 (5) A form for written authorization for sample
4 analysis of all controlled substances and alcohol ingested
5 by the victim.

6 A physician licensed to practice medicine in all its
7 branches may agree to be a designated person under this
8 subsection.

9 No sample analysis may be performed unless the victim
10 returns a signed written authorization within 30 days after
11 the sample was collected.

12 Any medical treatment or care under this subsection shall
13 be only in accordance with the order of a physician licensed to
14 practice medicine in all of its branches. Any testing under
15 this subsection shall be only in accordance with the order of a
16 licensed individual authorized to order the testing.

17 (Source: P.A. 97-1109, eff. 1-1-13; 98-761, eff. 7-16-14.)

18 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

19 Sec. 12-5.2. Injunction in connection with criminal
20 housing management or aggravated criminal housing management.

21 (a) In addition to any other remedies, the State's
22 Attorney of the county where the residential property which
23 endangers the health or safety of any person exists is
24 authorized to file a complaint and apply to the circuit court
25 for a temporary restraining order, and such circuit court

1 shall upon hearing grant a temporary restraining order or a
2 preliminary or permanent injunction, without bond, restraining
3 any person who owns, manages, or has any equitable interest in
4 the property, from collecting, receiving or benefiting from
5 any rents or other monies available from the property, so long
6 as the property remains in a condition which endangers the
7 health or safety of any person.

8 (b) The court may order any rents or other monies owed to
9 be paid into an escrow account. The funds are to be paid out of
10 the escrow account only to satisfy the reasonable cost of
11 necessary repairs of the property which had been incurred or
12 will be incurred in ameliorating the condition of the property
13 as described in subsection (a), payment of delinquent real
14 estate taxes on the property or payment of other legal debts
15 relating to the property. The court may order that funds
16 remain in escrow for a reasonable time after the completion of
17 all necessary repairs to assure continued upkeep of the
18 property and satisfaction of other outstanding legal debts of
19 the property.

20 (c) The owner shall be responsible for contracting to have
21 necessary repairs completed and shall be required to submit
22 all bills, together with certificates of completion, to the
23 manager of the escrow account within 30 days after their
24 receipt by the owner.

25 (d) In contracting for any repairs required pursuant to
26 this Section the owner of the property shall enter into a

1 contract only after receiving bids from at least 3 independent
2 contractors capable of making the necessary repairs. If the
3 owner does not contract for the repairs with the lowest
4 bidder, he shall file an affidavit with the court explaining
5 why the lowest bid was not acceptable. At no time, under the
6 provisions of this Section, shall the owner contract with
7 anyone who is not a licensed contractor, except that a
8 contractor need not be licensed if neither the State nor the
9 county, township, or municipality where the residential real
10 estate is located requires that the contractor be licensed.
11 The court may order release of those funds in the escrow
12 account that are in excess of the monies that the court
13 determines to its satisfaction are needed to correct the
14 condition of the property as described in subsection (a).

15 For the purposes of this Section, "licensed contractor"
16 means: (i) a contractor licensed by the State, if the State
17 requires the licensure of the contractor; or (ii) a contractor
18 licensed by the county, township, or municipality where the
19 residential real estate is located, if that jurisdiction
20 requires the licensure of the contractor.

21 (e) The Clerk of the Circuit Court shall maintain a
22 separate trust account entitled "Property Improvement Trust
23 Account", which shall serve as the depository for the escrowed
24 funds prescribed by this Section. The Clerk of the Court shall
25 be responsible for the receipt, disbursement, monitoring and
26 maintenance of all funds entrusted to this account, and shall

1 provide to the court a quarterly accounting of the activities
2 for any property, with funds in such account, unless the court
3 orders accountings on a more frequent basis.

4 The Clerk of the Circuit Court shall promulgate rules and
5 procedures to administer the provisions of this Act.

6 (f) Nothing in this Section shall in any way be construed
7 to limit or alter any existing liability incurred, or to be
8 incurred, by the owner or manager except as expressly provided
9 in this Act. Nor shall anything in this Section be construed to
10 create any liability on behalf of the Clerk of the Court, the
11 State's Attorney's office or any other governmental agency
12 involved in this action.

13 Nor shall anything in this Section be construed to
14 authorize tenants to refrain from paying rent.

15 (g) ~~(Blank). Costs. As part of the costs of an action under~~
16 ~~this Section, the court shall assess a reasonable fee against~~
17 ~~the defendant to be paid to the Clerk of the Circuit Court.~~
18 ~~This amount is to be used solely for the maintenance of the~~
19 ~~Property Improvement Trust Account. No money obtained directly~~
20 ~~or indirectly from the property subject to the case may be used~~
21 ~~to satisfy this cost.~~

22 (h) The municipal building department or other entity
23 responsible for inspection of property and the enforcement of
24 such local requirements shall, within 5 business days of a
25 request by the State's Attorney, provide all documents
26 requested, which shall include, but not be limited to, all

1 records of inspections, permits and other information relating
2 to any property.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 Section 60. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 124A-10 and 124A-20 and by adding
6 Section 124A-25 as follows:

7 (725 ILCS 5/124A-10)

8 Sec. 124A-10. Lien. The property, real and personal, of a
9 person who is convicted of an offense shall be bound, and a
10 lien is created on the property, both real and personal, of
11 every offender, not exempt from the enforcement of a judgment
12 or attachment, from the time of finding the indictment at
13 least so far as will be sufficient to pay the fine and costs of
14 prosecution. The clerk of the court in which the conviction is
15 had shall upon the expiration of 30 days after judgment is
16 entered issue a certified copy of the judgment for any fine
17 that remains unpaid, and all costs of conviction remaining
18 unpaid. ~~Unless a court ordered payment schedule is~~
19 ~~implemented, the clerk of the court may add to any judgment a~~
20 ~~delinquency amount equal to 5% of the unpaid fines, costs,~~
21 ~~fees, and penalties that remain unpaid after 30 days, 10% of~~
22 ~~the unpaid fines, costs, fees, and penalties that remain~~
23 ~~unpaid after 60 days, and 15% of the unpaid fines, costs, fees,~~
24 ~~and penalties that remain unpaid after 90 days.~~ Notice to

1 those parties affected may be made by signage posting or
2 publication. The clerk of the court may also after a period of
3 90 days release to credit reporting agencies, information
4 regarding unpaid amounts. ~~The additional delinquency amounts~~
5 ~~collected under this Section shall be used to defray~~
6 ~~additional administrative costs incurred by the clerk of the~~
7 ~~court in collecting unpaid fines, costs, fees, and penalties.~~

8 The certified copy of the judgment shall state the day on which
9 the arrest was made or indictment found, as the case may be.
10 Enforcement of the judgment may be directed to the proper
11 officer of any county in this State. The officer to whom the
12 certified copy of the judgment is delivered shall levy the
13 judgment upon all the estate, real and personal, of the
14 defendant (not exempt from enforcement) possessed by him or
15 her on the day of the arrest or finding the indictment, as
16 stated in the certified copy of the judgment and any such
17 property subsequently acquired; and the property so levied
18 upon shall be advertised and sold in the same manner as in
19 civil cases, with the like rights to all parties that may be
20 interested in the property. It is not an objection to the
21 selling of any property under the judgment that the defendant
22 is in custody for the fine or costs, or both.

23 (Source: P.A. 92-653, eff. 1-1-03.)

24 (725 ILCS 5/124A-20)

25 Sec. 124A-20. Assessment waiver.

1 (a) As used in this Section:

2 "Assessments" means any costs imposed on a criminal
3 defendant under Article 15 of the Criminal and Traffic
4 Assessment Act, but does not include violation of the Illinois
5 Vehicle Code assessments except as provided in subsection
6 (a-5); all fees set forth in Section 27.1b of the Clerks of
7 Courts Act; fees for supplementary proceedings; charges for
8 translation services; fees associated with preparation of a
9 record on appeal, including court reporter fees; fees for
10 record or case searches; fees for the reproduction of any
11 document contained in the clerk's files; and all other
12 processes and procedures deemed by the court to be necessary
13 to defend a criminal action. "Assessments" does not include,
14 and "assessment waivers" under this Section do not cover,
15 non-court supervised service provider costs, as defined in
16 Section 1-5 of the Criminal and Traffic Assessment Act.

17 "Indigent person" means any person who meets one or more
18 of the following criteria:

19 (1) He or she is receiving assistance under one or
20 more of the following means-based governmental public
21 benefits programs: Supplemental Security Income; Aid to
22 the Aged, Blind and Disabled; Temporary Assistance for
23 Needy Families; Supplemental Nutrition Assistance Program;
24 General Assistance; Transitional Assistance; or State
25 Children and Family Assistance.

26 (2) His or her available personal income is 200% or

1 less of the current poverty level, unless the applicant's
2 assets that are not exempt under Part 9 or 10 of Article
3 XII of the Code of Civil Procedure are of a nature and
4 value that the court determines that the applicant is able
5 to pay the assessments.

6 (3) He or she is, in the discretion of the court,
7 unable to proceed in an action with payment of assessments
8 and whose payment of those assessments would result in
9 substantial hardship to the person or his or her family.

10 "Poverty level" means the current poverty level as
11 established by the United States Department of Health and
12 Human Services.

13 (a-5) In a county having a population of more than
14 3,000,000, "assessments" means any costs imposed on a criminal
15 defendant under Article 15 of the Criminal and Traffic
16 Assessment Act, including violation of the Illinois Vehicle
17 Code assessments. This subsection is inoperative on and after
18 July 1, 2025.

19 (b) For assessment schedules and conditional assessments
20 imposed on criminal offenses reflected in Schedules 1, 3, 4,
21 5, 7, and 8 of Article 15 of the Criminal and Traffic
22 Assessment Act, upon the application of any defendant, after
23 the commencement of an action, but no later than 30 days after
24 sentencing:

25 (1) If the court finds that the applicant is an
26 indigent person, the court shall grant the applicant a

1 full assessment waiver exempting him or her from the
2 payment of any assessments.

3 (2) The court shall grant the applicant a partial
4 assessment as follows:

5 (A) 75% of all assessments shall be waived if the
6 applicant's available income is greater than 200% but
7 no more than 250% of the poverty level, unless the
8 applicant's assets that are not exempt under Part 9 or
9 10 of Article XII of the Code of Civil Procedure are
10 such that the applicant is able, without undue
11 hardship, to pay the total assessments.

12 (B) 50% of all assessments shall be waived if the
13 applicant's available income is greater than 250% but
14 no more than 300% of the poverty level, unless the
15 applicant's assets that are not exempt under Part 9 or
16 10 of Article XII of the Code of Civil Procedure are
17 such that the court determines that the applicant is
18 able, without undue hardship, to pay a greater portion
19 of the assessments.

20 (C) 25% of all assessments shall be waived if the
21 applicant's available income is greater than 300% but
22 no more than 400% of the poverty level, unless the
23 applicant's assets that are not exempt under Part 9 or
24 10 of Article XII of the Code of Civil Procedure are
25 such that the court determines that the applicant is
26 able, without undue hardship, to pay a greater portion

1 of the assessments.

2 (b-5) For traffic and petty offenses reflected in
3 Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and
4 Traffic Assessment Act, upon the application of any defendant,
5 after the commencement of an action, but no later than 30 days
6 after sentencing, the court shall grant the applicant a
7 partial assessment as follows:

8 (1) 50% of all assessments shall be waived if the
9 court finds that the applicant is an indigent person or if
10 the applicant's available income is not greater than 200%
11 of the poverty level, unless the applicant's assets that
12 are not exempt under Part 9 or 10 of Article XII of the
13 Code of Civil Procedure are such that the applicant is
14 able, without undue hardship, to pay the total
15 assessments.

16 (2) 37.5% of all assessments shall be waived if the
17 applicant's available income is greater than 200% but no
18 more than 250% of the poverty level, unless the
19 applicant's assets that are not exempt under Part 9 or 10
20 of Article XII of the Code of Civil Procedure are such that
21 the applicant is able, without undue hardship, to pay the
22 total assessments.

23 (3) 25% of all assessments shall be waived if the
24 applicant's available income is greater than 250% but no
25 more than 300% of the poverty level, unless the
26 applicant's assets that are not exempt under Part 9 or 10

1 of Article XII of the Code of Civil Procedure are such that
2 the court determines that the applicant is able, without
3 undue hardship, to pay a greater portion of the
4 assessments.

5 (4) 12.5% of all assessments shall be waived if the
6 applicant's available income is greater than 300% but no
7 more than 400% of the poverty level, unless the
8 applicant's assets that are not exempt under Part 9 or 10
9 of Article XII of the Code of Civil Procedure are such that
10 the court determines that the applicant is able, without
11 undue hardship, to pay a greater portion of the
12 assessments.

13 (c) An application for a waiver of assessments shall be in
14 writing, signed by the defendant or, if the defendant is a
15 minor, by another person having knowledge of the facts, and
16 filed no later than 30 days after sentencing. The contents of
17 the application for a waiver of assessments, and the procedure
18 for deciding the applications, shall be established by Supreme
19 Court Rule. Factors to consider in evaluating an application
20 shall include:

21 (1) the applicant's receipt of needs based
22 governmental public benefits, including Supplemental
23 Security Income (SSI); Aid to the Aged, Blind and Disabled
24 (AABD); Temporary Assistance for Needy Families (TANF);
25 Supplemental Nutrition Assistance Program (SNAP or "food
26 stamps"); General Assistance; Transitional Assistance; or

1 State Children and Family Assistance;

2 (2) the employment status of the applicant and amount
3 of monthly income, if any;

4 (3) income received from the applicant's pension,
5 Social Security benefits, unemployment benefits, and other
6 sources;

7 (4) income received by the applicant from other
8 household members;

9 (5) the applicant's monthly expenses, including rent,
10 home mortgage, other mortgage, utilities, food, medical,
11 vehicle, childcare, debts, child support, and other
12 expenses; and

13 (6) financial affidavits or other similar supporting
14 documentation provided by the applicant showing that
15 payment of the imposed assessments would result in
16 substantial hardship to the applicant or the applicant's
17 family.

18 (d) The clerk of court shall provide the application for a
19 waiver of assessments to any defendant who indicates an
20 inability to pay the assessments. The clerk of the court shall
21 post in a conspicuous place in the courthouse a notice, no
22 smaller than 8.5 x 11 inches and using no smaller than 30-point
23 typeface printed in English and in Spanish, advising criminal
24 defendants they may ask the court for a waiver of any court
25 ordered assessments. The notice shall be substantially as
26 follows:

1 "If you are unable to pay the required assessments,
2 you may ask the court to waive payment of them. Ask the
3 clerk of the court for forms."

4 (e) For good cause shown, the court may allow an applicant
5 whose application is denied or who receives a partial
6 assessment waiver to defer payment of the assessments, make
7 installment payments, or make payment upon reasonable terms
8 and conditions stated in the order.

9 (f) Nothing in this Section shall be construed to affect
10 the right of a party to court-appointed counsel, as authorized
11 by any other provision of law or by the rules of the Illinois
12 Supreme Court.

13 (f-5) No defendant shall be required to forgo or waive his
14 or her right to seek a waiver of assessments as a condition of
15 any plea agreement.

16 (g) The provisions of this Section are severable under
17 Section 1.31 of the Statute on Statutes.

18 (Source: P.A. 102-558, eff. 8-20-21; 102-620, eff. 8-27-21;
19 103-1059, eff. 12-20-24.)

20 (725 ILCS 5/124A-25 new)

21 Sec. 124A-25. Earn-down reduction of assessments imposed
22 on defendants sentenced to the Department of Corrections.

23 (a) As used in this Section:

24 "Assessments" means any costs imposed on a criminal
25 defendant under Article 15 of the Criminal and Traffic

1 Assessment Act, including, but not limited to, assessments
2 relating to violations of the Illinois Vehicle Code, after the
3 application of any income-based waiver under Section 124A-20.

4 "Prison term" means the longest term of imprisonment to
5 which a defendant is sentenced in a case, either for a single
6 offense or in the aggregate for multiple offenses that run
7 consecutively, and without regard to any credit for time
8 served in custody, home detention, or for any other reason.

9 (b) The court shall, without application, reduce the total
10 amount of assessments imposed on a defendant who is sentenced
11 to a term of imprisonment in that case, as follows:

12 (1) 20% for a prison term of at least one year but less
13 than 2 years;

14 (2) 40% for a prison term of at least 2 years but less
15 than 3 years;

16 (3) 60% for a prison term of at least 3 years but less
17 than 4 years;

18 (4) 80% for a prison term of at least 4 years but less
19 than 5 years; and

20 (5) 100% for a prison term of 5 or more years.

21 (c) The State's Attorney may file a motion to eliminate
22 any reduction in assessments, pursuant to subsection (b), in
23 the sentence of a defendant whom the State's Attorney believes
24 is reasonably capable of paying the full amount of the
25 assessments. The decision whether to deny the motion or to
26 require the defendant to provide information bearing on the

1 defendant's ability to pay the assessments is committed to the
2 sound discretion of the court. If the court requires the
3 defendant to provide such information:

4 (1) Unless the defendant has already done so, the
5 court shall order the defendant to complete the
6 "Application for Waiver of Criminal Court Assessments"
7 approved by the Illinois Supreme Court;

8 (2) The motion shall be denied if the defendant
9 provides a current benefits statement or other documentary
10 proof of their receipt of assistance under one or more of
11 the means-based governmental public benefits programs
12 listed in Section 24A-20 of paragraph (1) of subsection
13 (c) of the Code of Criminal Procedure of 1963. Such a
14 defendant shall not be required to provide any additional
15 information about their income, assets, debts, or
16 expenses.

17 (3) A defendant who is not receiving a means-based
18 governmental public benefit shall provide financial
19 information and supporting documentation relating to the
20 factors listed in subparagraph (2-6) of Section 24A-20 of
21 paragraph (1) of subsection (c) of the Code of Criminal
22 Procedure of 1963, including their most recent pay stubs
23 from all employers, 1099s, and W-2s.

24 (4) The court may decline to reduce, pursuant to
25 subsection (b), the amount of assessments imposed on the
26 defendant if the court enters a written finding that there

1 is clear and convincing evidence that the defendant can
2 afford to pay the full amount of the assessments, after
3 considering the defendant's current income, anticipated
4 income while incarcerated, if any, current assets and
5 liabilities, and the anticipated cost, while the defendant
6 is incarcerated, of supporting persons who will remain
7 dependent on the defendant for support.

8 Section 65. The Unified Code of Corrections is amended by
9 changing Sections 5-5-3, 5-5-10, 5-6-3, 5-6-3.1, 5-7-1, 5-9-1,
10 5-9-1.13, 5-9-1.16, and 5-9-1.22 as follows:

11 (730 ILCS 5/5-5-3)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

16 (2) A period of probation, a term of periodic imprisonment
17 or conditional discharge shall not be imposed for the
18 following offenses. The court shall sentence the offender to
19 not less than the minimum term of imprisonment set forth in
20 this Code for the following offenses, and may order a fine or
21 restitution or both in conjunction with such term of
22 imprisonment:

23 (A) First degree murder.

24 (B) Attempted first degree murder.

1 (C) A Class X felony.

2 (D) A violation of Section 401.1 or 407 of the
3 Illinois Controlled Substances Act, or a violation of
4 subdivision (c)(1.5) of Section 401 of that Act which
5 relates to more than 5 grams of a substance containing
6 fentanyl or an analog thereof.

7 (D-5) A violation of subdivision (c)(1) of Section 401
8 of the Illinois Controlled Substances Act which relates to
9 3 or more grams of a substance containing heroin or an
10 analog thereof.

11 (E) (Blank).

12 (F) A Class 1 or greater felony if the offender had
13 been convicted of a Class 1 or greater felony, including
14 any state or federal conviction for an offense that
15 contained, at the time it was committed, the same elements
16 as an offense now (the date of the offense committed after
17 the prior Class 1 or greater felony) classified as a Class
18 1 or greater felony, within 10 years of the date on which
19 the offender committed the offense for which he or she is
20 being sentenced, except as otherwise provided in Section
21 40-10 of the Substance Use Disorder Act.

22 (F-3) A Class 2 or greater felony sex offense or
23 felony firearm offense if the offender had been convicted
24 of a Class 2 or greater felony, including any state or
25 federal conviction for an offense that contained, at the
26 time it was committed, the same elements as an offense now

1 (the date of the offense committed after the prior Class 2
2 or greater felony) classified as a Class 2 or greater
3 felony, within 10 years of the date on which the offender
4 committed the offense for which he or she is being
5 sentenced, except as otherwise provided in Section 40-10
6 of the Substance Use Disorder Act.

7 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
8 of the Criminal Code of 1961 or the Criminal Code of 2012
9 for which imprisonment is prescribed in those Sections.

10 (G) Residential burglary, except as otherwise provided
11 in Section 40-10 of the Substance Use Disorder Act.

12 (H) Criminal sexual assault.

13 (I) Aggravated battery of a senior citizen as
14 described in Section 12-4.6 or subdivision (a)(4) of
15 Section 12-3.05 of the Criminal Code of 1961 or the
16 Criminal Code of 2012.

17 (J) A forcible felony if the offense was related to
18 the activities of an organized gang.

19 Before July 1, 1994, for the purposes of this
20 paragraph, "organized gang" means an association of 5 or
21 more persons, with an established hierarchy, that
22 encourages members of the association to perpetrate crimes
23 or provides support to the members of the association who
24 do commit crimes.

25 Beginning July 1, 1994, for the purposes of this
26 paragraph, "organized gang" has the meaning ascribed to it

1 in Section 10 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act.

3 (K) Vehicular hijacking.

4 (L) A second or subsequent conviction for the offense
5 of hate crime when the underlying offense upon which the
6 hate crime is based is felony aggravated assault or felony
7 mob action.

8 (M) A second or subsequent conviction for the offense
9 of institutional vandalism if the damage to the property
10 exceeds \$300.

11 (N) A Class 3 felony violation of paragraph (1) of
12 subsection (a) of Section 2 of the Firearm Owners
13 Identification Card Act.

14 (O) A violation of Section 12-6.1 or 12-6.5 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (P) A violation of paragraph (1), (2), (3), (4), (5),
17 or (7) of subsection (a) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P-5) A violation of paragraph (6) of subsection (a)
20 of Section 11-20.1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 if the victim is a household or
22 family member of the defendant.

23 (P-6) A violation of paragraph (2) of subsection (b)
24 of Section 11-20.4 of the Criminal Code of 2012.

25 (Q) A violation of subsection (b) or (b-5) of Section
26 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (R) A violation of Section 24-3A of the Criminal Code
3 of 1961 or the Criminal Code of 2012.

4 (S) (Blank).

5 (T) (Blank).

6 (U) A second or subsequent violation of Section 6-303
7 of the Illinois Vehicle Code committed while his or her
8 driver's license, permit, or privilege was revoked because
9 of a violation of Section 9-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c) of
14 Section 11-20.1B or paragraph (4) of subsection (c) of
15 Section 11-20.3 of the Criminal Code of 1961, or paragraph
16 (6) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 2012 when the victim is under 13 years of age and
18 the defendant has previously been convicted under the laws
19 of this State or any other state of the offense of child
20 pornography, aggravated child pornography, aggravated
21 criminal sexual abuse, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, or any of
23 the offenses formerly known as rape, deviate sexual
24 assault, indecent liberties with a child, or aggravated
25 indecent liberties with a child where the victim was under
26 the age of 18 years or an offense that is substantially

1 equivalent to those offenses.

2 (V-5) A violation of paragraph (1) of subsection (b)
3 of Section 11-20.4 of the Criminal Code of 2012 when the
4 victim is under 13 years of age and the defendant has
5 previously been convicted under the laws of this State or
6 any other state of the offense of child pornography,
7 aggravated child pornography, aggravated criminal sexual
8 abuse, aggravated criminal sexual assault, predatory
9 criminal sexual assault of a child, or any of the offenses
10 formerly known as rape, deviate sexual assault, indecent
11 liberties with a child, or aggravated indecent liberties
12 with a child if the victim was under the age of 18 years or
13 an offense that is substantially equivalent to those
14 offenses.

15 (W) A violation of Section 24-3.5 of the Criminal Code
16 of 1961 or the Criminal Code of 2012.

17 (X) A violation of subsection (a) of Section 31-1a of
18 the Criminal Code of 1961 or the Criminal Code of 2012.

19 (Y) A conviction for unlawful possession of a firearm
20 by a street gang member when the firearm was loaded or
21 contained firearm ammunition.

22 (Z) A Class 1 felony committed while he or she was
23 serving a term of probation or conditional discharge for a
24 felony.

25 (AA) Theft of property exceeding \$500,000 and not
26 exceeding \$1,000,000 in value.

1 (BB) Laundering of criminally derived property of a
2 value exceeding \$500,000.

3 (CC) Knowingly selling, offering for sale, holding for
4 sale, or using 2,000 or more counterfeit items or
5 counterfeit items having a retail value in the aggregate
6 of \$500,000 or more.

7 (DD) A conviction for aggravated assault under
8 paragraph (6) of subsection (c) of Section 12-2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 firearm is aimed toward the person against whom the
11 firearm is being used.

12 (EE) A conviction for a violation of paragraph (2) of
13 subsection (a) of Section 24-3B of the Criminal Code of
14 2012.

15 (3) (Blank).

16 (4) A minimum term of imprisonment of not less than 10
17 consecutive days or 30 days of community service shall be
18 imposed for a violation of paragraph (c) of Section 6-303 of
19 the Illinois Vehicle Code.

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
22 this subsection (c), a minimum of 100 hours of community
23 service shall be imposed for a second violation of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300
26 hours of community service, as determined by the court, shall

1 be imposed for a second violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.4) Except as provided in paragraphs (4.5), (4.6), and
4 (4.9) of this subsection (c), a minimum term of imprisonment
5 of 30 days or 300 hours of community service, as determined by
6 the court, shall be imposed for a third or subsequent
7 violation of Section 6-303 of the Illinois Vehicle Code. The
8 court may give credit toward the fulfillment of community
9 service hours for participation in activities and treatment as
10 determined by court services.

11 (4.5) A minimum term of imprisonment of 30 days shall be
12 imposed for a third violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.6) Except as provided in paragraph (4.10) of this
15 subsection (c), a minimum term of imprisonment of 180 days
16 shall be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

18 (4.7) A minimum term of imprisonment of not less than 30
19 consecutive days, or 300 hours of community service, shall be
20 imposed for a violation of subsection (a-5) of Section 6-303
21 of the Illinois Vehicle Code, as provided in subsection (b-5)
22 of that Section.

23 (4.8) A mandatory prison sentence shall be imposed for a
24 second violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (c-5) of that
26 Section. The person's driving privileges shall be revoked for

1 a period of not less than 5 years from the date of his or her
2 release from prison.

3 (4.9) A mandatory prison sentence of not less than 4 and
4 not more than 15 years shall be imposed for a third violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-2.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (4.10) A mandatory prison sentence for a Class 1 felony
10 shall be imposed, and the person shall be eligible for an
11 extended term sentence, for a fourth or subsequent violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-3.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (5) The court may sentence a corporation or unincorporated
17 association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section 5-5-6
21 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but not

1 more than one year, if the violation resulted in damage to the
2 property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the Illinois
6 Vehicle Code shall have his or her driver's license, permit,
7 or privileges suspended for at least 180 days but not more than
8 2 years, if the violation resulted in injury to another
9 person.

10 (5.3) In addition to any other penalties imposed, a person
11 convicted of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 2 years, if the violation
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person
16 convicted of violating Section 3-707 of the Illinois Vehicle
17 Code shall have his or her driver's license, permit, or
18 privileges suspended for 3 months and until he or she has paid
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code during a period in which his or her driver's license,
23 permit, or privileges were suspended for a previous violation
24 of that Section shall have his or her driver's license,
25 permit, or privileges suspended for an additional 6 months
26 after the expiration of the original 3-month suspension and

1 until he or she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

5 (9) A defendant convicted of a second or subsequent
6 offense of ritualized abuse of a child may be sentenced to a
7 term of natural life imprisonment.

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000 for a
10 first offense and \$2,000 for a second or subsequent offense
11 upon a person convicted of or placed on supervision for
12 battery when the individual harmed was a sports official or
13 coach at any level of competition and the act causing harm to
14 the sports official or coach occurred within an athletic
15 facility or within the immediate vicinity of the athletic
16 facility at which the sports official or coach was an active
17 participant of the athletic contest held at the athletic
18 facility. For the purposes of this paragraph (11), "sports
19 official" means a person at an athletic contest who enforces
20 the rules of the contest, such as an umpire or referee;
21 "athletic facility" means an indoor or outdoor playing field
22 or recreational area where sports activities are conducted;
23 and "coach" means a person recognized as a coach by the
24 sanctioning authority that conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation of
3 that Section.

4 (13) A person convicted of or placed on court supervision
5 for an assault or aggravated assault when the victim and the
6 offender are family or household members as defined in Section
7 103 of the Illinois Domestic Violence Act of 1986 or convicted
8 of domestic battery or aggravated domestic battery may be
9 required to attend a Partner Abuse Intervention Program under
10 protocols set forth by the Illinois Department of Human
11 Services under such terms and conditions imposed by the court.
12 The costs of such classes shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is
14 vacated, the case shall be remanded to the trial court. The
15 trial court shall hold a hearing under Section 5-4-1 of this
16 Code which may include evidence of the defendant's life, moral
17 character and occupation during the time since the original
18 sentence was passed. The trial court shall then impose
19 sentence upon the defendant. The trial court may impose any
20 sentence which could have been imposed at the original trial
21 subject to Section 5-5-4 of this Code. If a sentence is vacated
22 on appeal or on collateral attack due to the failure of the
23 trier of fact at trial to determine beyond a reasonable doubt
24 the existence of a fact (other than a prior conviction)
25 necessary to increase the punishment for the offense beyond
26 the statutory maximum otherwise applicable, either the

1 defendant may be re-sentenced to a term within the range
2 otherwise provided or, if the State files notice of its
3 intention to again seek the extended sentence, the defendant
4 shall be afforded a new trial.

5 (e) In cases where prosecution for aggravated criminal
6 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 results in conviction
8 of a defendant who was a family member of the victim at the
9 time of the commission of the offense, the court shall
10 consider the safety and welfare of the victim and may impose a
11 sentence of probation only where:

12 (1) the court finds (A) or (B) or both are
13 appropriate:

14 (A) the defendant is willing to undergo a court
15 approved counseling program for a minimum duration of
16 2 years; or

17 (B) the defendant is willing to participate in a
18 court approved plan, including, but not limited to,
19 the defendant's:

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

24 (iv) restitution for harm done to the victim;

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

2 (2) the court orders the defendant to pay for the
3 victim's counseling services, to the extent that the court
4 finds, after considering the defendant's income and
5 assets, that the defendant is financially capable of
6 paying for such services, if the victim was under 18 years
7 of age at the time the offense was committed and requires
8 counseling as a result of the offense.

9 Probation may be revoked or modified pursuant to Section
10 5-6-4; except where the court determines at the hearing that
11 the defendant violated a condition of his or her probation
12 restricting contact with the victim or other family members or
13 commits another offense with the victim or other family
14 members, the court shall revoke the defendant's probation and
15 impose a term of imprisonment.

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 11-0.1 of the Criminal Code of 2012.

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
22 11-14.3, 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
24 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the defendant shall undergo medical

1 testing to determine whether the defendant has any sexually
2 transmissible disease, including a test for infection with
3 human immunodeficiency virus (HIV) or any other identified
4 causative agent of acquired immunodeficiency syndrome (AIDS).
5 Any such medical test shall be performed only by appropriately
6 licensed medical practitioners and may include an analysis of
7 any bodily fluids as well as an examination of the defendant's
8 person. Except as otherwise provided by law, the results of
9 such test shall be kept strictly confidential by all medical
10 personnel involved in the testing and must be personally
11 delivered in a sealed envelope to the judge of the court in
12 which the conviction was entered for the judge's inspection in
13 camera. Acting in accordance with the best interests of the
14 victim and the public, the judge shall have the discretion to
15 determine to whom, if anyone, the results of the testing may be
16 revealed. The court shall notify the defendant of the test
17 results. The court shall also notify the victim if requested
18 by the victim, and if the victim is under the age of 15 and if
19 requested by the victim's parents or legal guardian, the court
20 shall notify the victim's parents or legal guardian of the
21 test results. The court shall provide information on the
22 availability of HIV testing and counseling at Department of
23 Public Health facilities to all parties to whom the results of
24 the testing are revealed and shall direct the State's Attorney
25 to provide the information to the victim when possible. The
26 court shall order that the cost of any such test shall be paid

1 by the county and may be taxed as costs against the convicted
2 defendant, as provided in paragraph (2) of Section 15-70 of
3 the Criminal and Traffic Assessment Act.

4 (g-5) When an inmate is tested for an airborne
5 communicable disease, as determined by the Illinois Department
6 of Public Health, including, but not limited to, tuberculosis,
7 the results of the test shall be personally delivered by the
8 warden or his or her designee in a sealed envelope to the judge
9 of the court in which the inmate must appear for the judge's
10 inspection in camera if requested by the judge. Acting in
11 accordance with the best interests of those in the courtroom,
12 the judge shall have the discretion to determine what if any
13 precautions need to be taken to prevent transmission of the
14 disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense under
16 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has been exposed to human immunodeficiency virus
19 (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Except as otherwise provided
21 by law, the results of such test shall be kept strictly
22 confidential by all medical personnel involved in the testing
23 and must be personally delivered in a sealed envelope to the
24 judge of the court in which the conviction was entered for the
25 judge's inspection in camera. Acting in accordance with the
26 best interests of the public, the judge shall have the

1 discretion to determine to whom, if anyone, the results of the
2 testing may be revealed. The court shall notify the defendant
3 of a positive test showing an infection with the human
4 immunodeficiency virus (HIV). The court shall provide
5 information on the availability of HIV testing and counseling
6 at Department of Public Health facilities to all parties to
7 whom the results of the testing are revealed and shall direct
8 the State's Attorney to provide the information to the victim
9 when possible. The court shall order that the cost of any such
10 test shall be paid by the county and may be taxed as costs
11 against the convicted defendant, as provided in paragraph (20)
12 of Section 15-70 of the Criminal and Traffic Assessment Act.

13 (i) All fines and penalties imposed under this Section for
14 any violation of Chapters 3, 4, 6, and 11 of the Illinois
15 Vehicle Code, or a similar provision of a local ordinance, and
16 any violation of the Child Passenger Protection Act, or a
17 similar provision of a local ordinance, shall be collected and
18 disbursed by the circuit clerk as provided under the Criminal
19 and Traffic Assessment Act.

20 (j) In cases when prosecution for any violation of Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
22 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
24 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, any violation of the Illinois

1 Controlled Substances Act, any violation of the Cannabis
2 Control Act, or any violation of the Methamphetamine Control
3 and Community Protection Act results in conviction, a
4 disposition of court supervision, or an order of probation
5 granted under Section 10 of the Cannabis Control Act, Section
6 410 of the Illinois Controlled Substances Act, or Section 70
7 of the Methamphetamine Control and Community Protection Act of
8 a defendant, the court shall determine whether the defendant
9 is employed by a facility or center as defined under the Child
10 Care Act of 1969, a public or private elementary or secondary
11 school, or otherwise works with children under 18 years of age
12 on a daily basis. When a defendant is so employed, the court
13 shall order the Clerk of the Court to send a copy of the
14 judgment of conviction or order of supervision or probation to
15 the defendant's employer by certified mail. If the employer of
16 the defendant is a school, the Clerk of the Court shall direct
17 the mailing of a copy of the judgment of conviction or order of
18 supervision or probation to the appropriate regional
19 superintendent of schools. The regional superintendent of
20 schools shall notify the State Board of Education of any
21 notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted
23 of a felony and who has not been previously convicted of a
24 misdemeanor or felony and who is sentenced to a term of
25 imprisonment in the Illinois Department of Corrections shall
26 as a condition of his or her sentence be required by the court

1 to attend educational courses designed to prepare the
2 defendant for a high school diploma and to work toward a high
3 school diploma or to work toward passing high school
4 equivalency testing or to work toward completing a vocational
5 training program offered by the Department of Corrections. If
6 a defendant fails to complete the educational training
7 required by his or her sentence during the term of
8 incarceration, the Prisoner Review Board shall, as a condition
9 of mandatory supervised release, require the defendant, at his
10 or her own expense, to pursue a course of study toward a high
11 school diploma or passage of high school equivalency testing.
12 The Prisoner Review Board shall revoke the mandatory
13 supervised release of a defendant who wilfully fails to comply
14 with this subsection (j-5) upon his or her release from
15 confinement in a penal institution while serving a mandatory
16 supervised release term; however, the inability of the
17 defendant after making a good faith effort to obtain financial
18 aid or pay for the educational training shall not be deemed a
19 wilful failure to comply. The Prisoner Review Board shall
20 recommit the defendant whose mandatory supervised release term
21 has been revoked under this subsection (j-5) as provided in
22 Section 3-3-9. This subsection (j-5) does not apply to a
23 defendant who has a high school diploma or has successfully
24 passed high school equivalency testing. This subsection (j-5)
25 does not apply to a defendant who is determined by the court to
26 be a person with a developmental disability or otherwise

1 mentally incapable of completing the educational or vocational
2 program.

3 (k) (Blank).

4 (l) (A) Except as provided in paragraph (C) of subsection
5 (l), whenever a defendant, who is not a citizen or national of
6 the United States, is convicted of any felony or misdemeanor
7 offense, the court after sentencing the defendant may, upon
8 motion of the State's Attorney, hold sentence in abeyance and
9 remand the defendant to the custody of the Attorney General of
10 the United States or his or her designated agent to be deported
11 when:

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410 of
23 the Illinois Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act, the
25 court may, upon motion of the State's Attorney to suspend the
26 sentence imposed, commit the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct and
8 would not be inconsistent with the ends of justice.

9 (C) This subsection (1) does not apply to offenders who
10 are subject to the provisions of paragraph (2) of subsection
11 (a) of Section 3-6-3.

12 (D) Upon motion of the State's Attorney, if a defendant
13 sentenced under this Section returns to the jurisdiction of
14 the United States, the defendant shall be recommitted to the
15 custody of the county from which he or she was sentenced.
16 Thereafter, the defendant shall be brought before the
17 sentencing court, which may impose any sentence that was
18 available under Section 5-5-3 at the time of initial
19 sentencing. In addition, the defendant shall not be eligible
20 for additional earned sentence credit as provided under
21 Section 3-6-3.

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
4 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
5 of 1961 or the Criminal Code of 2012 (i) to an impact
6 incarceration program if the person is otherwise eligible for
7 that program under Section 5-8-1.1, (ii) to community service,
8 or (iii) if the person has a substance use disorder, as defined
9 in the Substance Use Disorder Act, to a treatment program
10 licensed under that Act.

11 (o) Whenever a person is convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act, the
13 defendant's driver's license or permit shall be subject to
14 renewal on an annual basis in accordance with the provisions
15 of license renewal established by the Secretary of State.

16 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
17 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
18 1-1-24; 103-825, eff. 1-1-25.)

19 (730 ILCS 5/5-5-10)

20 Sec. 5-5-10. Community service fee. When an offender or
21 defendant is ordered by the court to perform community service
22 and the offender is not otherwise assessed a fee for probation
23 services, the court shall impose a fee of \$50 for each month
24 the community service ordered by the court is supervised by a
25 probation and court services department, as provided in

1 paragraph (21) of Section 15-70 of the Criminal and Traffic
2 Assessment Act, unless after determining the inability of the
3 person sentenced to community service to pay the fee, the
4 court assesses a lesser fee. The court shall not impose a fee
5 on a minor who is placed in the guardianship or custody of the
6 Department of Children and Family Services under the Juvenile
7 Court Act of 1987. The court shall not impose a fee on a minor
8 subject to Article V of the Juvenile Court Act of 1987 or the
9 minor's parent, guardian, or legal custodian. Except for
10 minors under the age of 18 transferred to adult court or
11 excluded from juvenile court jurisdiction under Article V of
12 the Juvenile Court Act of 1987, the fee shall be imposed only
13 on an offender who is actively supervised by the probation and
14 court services department. The fee shall be collected by the
15 clerk of the circuit court. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probation Officers
19 Act.

20 A circuit court shall not impose a probation fee on a minor
21 subject to the Juvenile Court Act of 1987, or on a minor under
22 the age of 18 transferred to adult court or excluded from
23 juvenile court jurisdiction under Article V of the Juvenile
24 Court Act of 1987, or the minor's parent, guardian, or legal
25 custodian. In all other instances, a circuit court may not
26 impose a probation fee in excess of \$25 per month unless: (1)

1 the circuit court has adopted, by administrative order issued
2 by the chief judge, a standard probation fee guide determining
3 an offender's ability to pay, under guidelines developed by
4 the Administrative Office of the Illinois Courts; and (2) the
5 circuit court has authorized, by administrative order issued
6 by the chief judge, the creation of a Crime Victim's Services
7 Fund, to be administered by the Chief Judge or his or her
8 designee, for services to crime victims and their families. Of
9 the amount collected as a probation fee, not to exceed \$5 of
10 that fee collected per month may be used to provide services to
11 crime victims and their families.

12 (Source: P.A. 103-379, eff. 7-28-23.)

13 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

14 Sec. 5-6-3. Conditions of probation and of conditional
15 discharge.

16 (a) The conditions of probation and of conditional
17 discharge shall be that the person:

18 (1) not violate any criminal statute of any
19 jurisdiction;

20 (2) report to or appear in person before such person
21 or agency as directed by the court. To comply with the
22 provisions of this paragraph (2), in lieu of requiring the
23 person on probation or conditional discharge to appear in
24 person for the required reporting or meetings, the officer
25 may utilize technology, including cellular and other

1 electronic communication devices or platforms, that allow
2 for communication between the supervised person and the
3 officer in accordance with standards and guidelines
4 established by the Administrative Office of the Illinois
5 Courts;

6 (3) refrain from possessing a firearm or other
7 dangerous weapon where the offense is a felony or, if a
8 misdemeanor, the offense involved the intentional or
9 knowing infliction of bodily harm or threat of bodily
10 harm;

11 (4) not leave the State without the consent of the
12 court or, in circumstances in which the reason for the
13 absence is of such an emergency nature that prior consent
14 by the court is not possible, without the prior
15 notification and approval of the person's probation
16 officer. Transfer of a person's probation or conditional
17 discharge supervision to another state is subject to
18 acceptance by the other state pursuant to the Interstate
19 Compact for Adult Offender Supervision;

20 (5) permit the probation officer to visit him at his
21 home or elsewhere to the extent necessary to discharge his
22 duties;

23 (6) perform no less than 30 hours of community service
24 and not more than 120 hours of community service, if
25 community service is available in the jurisdiction and is
26 funded and approved by the county board where the offense

1 was committed, where the offense was related to or in
2 furtherance of the criminal activities of an organized
3 gang and was motivated by the offender's membership in or
4 allegiance to an organized gang. The community service
5 shall include, but not be limited to, the cleanup and
6 repair of any damage caused by a violation of Section
7 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
8 2012 and similar damage to property located within the
9 municipality or county in which the violation occurred.
10 When possible and reasonable, the community service should
11 be performed in the offender's neighborhood. For purposes
12 of this Section, "organized gang" has the meaning ascribed
13 to it in Section 10 of the Illinois Streetgang Terrorism
14 Omnibus Prevention Act. The court may give credit toward
15 the fulfillment of community service hours for
16 participation in activities and treatment as determined by
17 court services. Community service shall not interfere with
18 the school hours, school-related activities, or work
19 commitments of the minor or the minor's parent, guardian,
20 or legal custodian;

21 (7) if he or she is at least 17 years of age and has
22 been sentenced to probation or conditional discharge for a
23 misdemeanor or felony in a county of 3,000,000 or more
24 inhabitants and has not been previously convicted of a
25 misdemeanor or felony, may be required by the sentencing
26 court to attend educational courses designed to prepare

1 the defendant for a high school diploma and to work toward
2 a high school diploma or to work toward passing high
3 school equivalency testing or to work toward completing a
4 vocational training program approved by the court. The
5 person on probation or conditional discharge must attend a
6 public institution of education to obtain the educational
7 or vocational training required by this paragraph (7). The
8 court shall revoke the probation or conditional discharge
9 of a person who willfully fails to comply with this
10 paragraph (7). The person on probation or conditional
11 discharge shall be required to pay for the cost of the
12 educational courses or high school equivalency testing if
13 a fee is charged for those courses or testing. The court
14 shall resentence the offender whose probation or
15 conditional discharge has been revoked as provided in
16 Section 5-6-4. This paragraph (7) does not apply to a
17 person who has a high school diploma or has successfully
18 passed high school equivalency testing. This paragraph (7)
19 does not apply to a person who is determined by the court
20 to be a person with a developmental disability or
21 otherwise mentally incapable of completing the educational
22 or vocational program;

23 (8) if convicted of possession of a substance
24 prohibited by the Cannabis Control Act, the Illinois
25 Controlled Substances Act, or the Methamphetamine Control
26 and Community Protection Act after a previous conviction

1 or disposition of supervision for possession of a
2 substance prohibited by the Cannabis Control Act or
3 Illinois Controlled Substances Act or after a sentence of
4 probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act, or
6 Section 70 of the Methamphetamine Control and Community
7 Protection Act and upon a finding by the court that the
8 person is addicted, undergo treatment at a substance abuse
9 program approved by the court;

10 (8.5) if convicted of a felony sex offense as defined
11 in the Sex Offender Management Board Act, the person shall
12 undergo and successfully complete sex offender treatment
13 by a treatment provider approved by the Board and
14 conducted in conformance with the standards developed
15 under the Sex Offender Management Board Act;

16 (8.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing
18 at the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders;

1 (8.7) if convicted for an offense committed on or
2 after June 1, 2008 (the effective date of Public Act
3 95-464) that would qualify the accused as a child sex
4 offender as defined in Section 11-9.3 or 11-9.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012,
6 refrain from communicating with or contacting, by means of
7 the Internet, a person who is not related to the accused
8 and whom the accused reasonably believes to be under 18
9 years of age; for purposes of this paragraph (8.7),
10 "Internet" has the meaning ascribed to it in Section
11 16-0.1 of the Criminal Code of 2012; and a person is not
12 related to the accused if the person is not: (i) the
13 spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin
15 of the accused; or (iv) a step-child or adopted child of
16 the accused;

17 (8.8) if convicted for an offense under Section 11-6,
18 11-9.1, 11-14.4 that involves soliciting for a juvenile
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or any attempt to commit any of these offenses, committed
22 on or after June 1, 2009 (the effective date of Public Act
23 95-983):

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the offender's probation officer,

1 except in connection with the offender's employment or
2 search for employment with the prior approval of the
3 offender's probation officer;

4 (ii) submit to periodic unannounced examinations
5 of the offender's computer or any other device with
6 Internet capability by the offender's probation
7 officer, a law enforcement officer, or assigned
8 computer or information technology specialist,
9 including the retrieval and copying of all data from
10 the computer or device and any internal or external
11 peripherals and removal of such information,
12 equipment, or device to conduct a more thorough
13 inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or
17 software systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the offender's probation officer;

22 (8.9) if convicted of a sex offense as defined in the
23 Sex Offender Registration Act committed on or after
24 January 1, 2010 (the effective date of Public Act 96-262),
25 refrain from accessing or using a social networking
26 website as defined in Section 17-0.5 of the Criminal Code

1 of 2012;

2 (9) if convicted of a felony or of any misdemeanor
3 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
4 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
5 2012 that was determined, pursuant to Section 112A-11.1 of
6 the Code of Criminal Procedure of 1963, to trigger the
7 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
8 at a time and place designated by the court, his or her
9 Firearm Owner's Identification Card and any and all
10 firearms in his or her possession. The Court shall return
11 to the Illinois State Police Firearm Owner's
12 Identification Card Office the person's Firearm Owner's
13 Identification Card;

14 (10) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial
18 minors are present, not participate in a holiday event
19 involving children under 18 years of age, such as
20 distributing candy or other items to children on
21 Halloween, wearing a Santa Claus costume on or preceding
22 Christmas, being employed as a department store Santa
23 Claus, or wearing an Easter Bunny costume on or preceding
24 Easter;

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed

1 on or after January 1, 2010 (the effective date of Public
2 Act 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any
4 computer scrub software on any computer that the sex
5 offender uses;

6 (12) if convicted of a violation of the
7 Methamphetamine Control and Community Protection Act, the
8 Methamphetamine Precursor Control Act, or a
9 methamphetamine related offense:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate; and

16 (13) if convicted of a hate crime involving the
17 protected class identified in subsection (a) of Section
18 12-7.1 of the Criminal Code of 2012 that gave rise to the
19 offense the offender committed, perform public or
20 community service of no less than 200 hours and enroll in
21 an educational program discouraging hate crimes that
22 includes racial, ethnic, and cultural sensitivity training
23 ordered by the court.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under
4 Article 7 for a period not to exceed that specified in
5 paragraph (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) provide nonfinancial contributions to his own
19 support at home or in a foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of
3 this Code;

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be
9 that the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or
18 the probation or court services department, be placed
19 on an approved electronic monitoring device, subject
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, and as provided by
2 paragraph (21) of Section 15-70 of the Criminal and
3 Traffic Assessment Act, unless after determining the
4 inability of the offender to pay the fee, the court
5 assesses a lesser fee or no fee as the case may be.
6 This fee shall be imposed in addition to the fees
7 imposed under subsections (g) and (i) of this Section.
8 The fee shall be collected by the clerk of the circuit
9 court, except as provided in an administrative order
10 of the Chief Judge of the circuit court. The clerk of
11 the circuit court shall pay all monies collected from
12 this fee to the county treasurer for deposit in the
13 substance abuse services fund under Section 5-1086.1
14 of the Counties Code, except as provided in an
15 administrative order of the Chief Judge of the circuit
16 court.

17 The Chief Judge of the circuit court of the county
18 may by administrative order establish a program for
19 electronic monitoring of offenders, in which a vendor
20 supplies and monitors the operation of the electronic
21 monitoring device, and collects the fees on behalf of
22 the county. The program shall include provisions for
23 indigent offenders and the collection of unpaid fees.
24 The program shall not unduly burden the offender and
25 shall be subject to review by the Chief Judge.

26 The Chief Judge of the circuit court may suspend

1 any additional charges or fees for late payment,
2 interest, or damage to any device; and

3 (v) for persons convicted of offenses other than
4 those referenced in clause (iv) above and who are
5 placed on an approved monitoring device as a condition
6 of probation or conditional discharge, the court shall
7 impose a reasonable fee for each day of the use of the
8 device, as established by the county board in
9 subsection (g) of this Section, and as provided by
10 paragraph (21) of Section 15-70 of the Criminal and
11 Traffic Assessment Act, unless after determining the
12 inability of the defendant to pay the fee, the court
13 assesses a lesser fee or no fee as the case may be.
14 This fee shall be imposed in addition to the fees
15 imposed under subsections (g) and (i) of this Section.
16 The fee shall be collected by the clerk of the circuit
17 court, except as provided in an administrative order
18 of the Chief Judge of the circuit court. The clerk of
19 the circuit court shall pay all monies collected from
20 this fee to the county treasurer who shall use the
21 monies collected to defray the costs of corrections.
22 The county treasurer shall deposit the fee collected
23 in the probation and court services fund. The Chief
24 Judge of the circuit court of the county may by
25 administrative order establish a program for
26 electronic monitoring of offenders, in which a vendor

1 supplies and monitors the operation of the electronic
2 monitoring device, and collects the fees on behalf of
3 the county. The program shall include provisions for
4 indigent offenders and the collection of unpaid fees.
5 The program shall not unduly burden the offender and
6 shall be subject to review by the Chief Judge.

7 The Chief Judge of the circuit court may suspend
8 any additional charges or fees for late payment,
9 interest, or damage to any device.

10 (11) comply with the terms and conditions of an order
11 of protection issued by the court pursuant to the Illinois
12 Domestic Violence Act of 1986, as now or hereafter
13 amended, or an order of protection issued by the court of
14 another state, tribe, or United States territory. A copy
15 of the order of protection shall be transmitted to the
16 probation officer or agency having responsibility for the
17 case;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council
20 Act for any reasonable expenses incurred by the program on
21 the offender's case, not to exceed the maximum amount of
22 the fine authorized for the offense for which the
23 defendant was sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses
3 under the jurisdiction of the Department of Natural
4 Resources, to the fund established by the Department of
5 Natural Resources for the purchase of evidence for
6 investigation purposes and to conduct investigations as
7 outlined in Section 805-105 of the Department of Natural
8 Resources (Conservation) Law;

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer, if the defendant has been placed on
15 probation or advance approval by the court, if the
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of persons, including, but not limited to, members
20 of street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Illinois
23 Controlled Substances Act or the Methamphetamine Control
24 and Community Protection Act, unless prescribed by a
25 physician, and submit samples of his or her blood or urine
26 or both for tests to determine the presence of any illicit

1 drug;

2 (17) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464)
4 that would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, refrain from
7 communicating with or contacting, by means of the
8 Internet, a person who is related to the accused and whom
9 the accused reasonably believes to be under 18 years of
10 age; for purposes of this paragraph (17), "Internet" has
11 the meaning ascribed to it in Section 16-0.1 of the
12 Criminal Code of 2012; and a person is related to the
13 accused if the person is: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused;
15 (iii) a first or second cousin of the accused; or (iv) a
16 step-child or adopted child of the accused;

17 (18) if convicted for an offense committed on or after
18 June 1, 2009 (the effective date of Public Act 95-983)
19 that would qualify as a sex offense as defined in the Sex
20 Offender Registration Act:

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the offender's probation officer,
24 except in connection with the offender's employment or
25 search for employment with the prior approval of the
26 offender's probation officer;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's probation
4 officer, a law enforcement officer, or assigned
5 computer or information technology specialist,
6 including the retrieval and copying of all data from
7 the computer or device and any internal or external
8 peripherals and removal of such information,
9 equipment, or device to conduct a more thorough
10 inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 subject's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the offender's probation officer; and

19 (19) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a misdemeanor that
21 did not involve the intentional or knowing infliction of
22 bodily harm or threat of bodily harm.

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If
2 such person is in possession of a permit or license, the court
3 may require that the minor refrain from driving or operating
4 any motor vehicle during the period of probation or
5 conditional discharge, except as may be necessary in the
6 course of the minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional
8 discharge shall be given a certificate setting forth the
9 conditions thereof.

10 (e) Except where the offender has committed a fourth or
11 subsequent violation of subsection (c) of Section 6-303 of the
12 Illinois Vehicle Code, the court shall not require as a
13 condition of the sentence of probation or conditional
14 discharge that the offender be committed to a period of
15 imprisonment in excess of 6 months. This 6-month limit shall
16 not include periods of confinement given pursuant to a
17 sentence of county impact incarceration under Section 5-8-1.2.

18 Persons committed to imprisonment as a condition of
19 probation or conditional discharge shall not be committed to
20 the Department of Corrections.

21 (f) The court may combine a sentence of periodic
22 imprisonment under Article 7 or a sentence to a county impact
23 incarceration program under Article 8 with a sentence of
24 probation or conditional discharge.

25 (g) An offender sentenced to probation or to conditional
26 discharge and who during the term of either undergoes

1 mandatory drug or alcohol testing, or both, or is assigned to
2 be placed on an approved electronic monitoring device, shall
3 be ordered to pay all costs incidental to such mandatory drug
4 or alcohol testing, or both, and all costs incidental to such
5 approved electronic monitoring in accordance with the
6 defendant's ability to pay those costs. The county board with
7 the concurrence of the Chief Judge of the judicial circuit in
8 which the county is located shall establish reasonable fees
9 for the cost of maintenance, testing, and incidental expenses
10 related to the mandatory drug or alcohol testing, or both, and
11 all costs incidental to approved electronic monitoring and as
12 provided by 705 ILCS 135/15-70(21),, involved in a successful
13 probation program for the county. The concurrence of the Chief
14 Judge shall be in the form of an administrative order. The fees
15 shall be collected by the clerk of the circuit court, except as
16 provided in an administrative order of the Chief Judge of the
17 circuit court. The clerk of the circuit court shall pay all
18 moneys collected from these fees to the county treasurer who
19 shall use the moneys collected to defray the costs of drug
20 testing, alcohol testing, and electronic monitoring. The
21 county treasurer shall deposit the fees collected in the
22 county working cash fund under Section 6-27001 or Section
23 6-29002 of the Counties Code, as the case may be. The Chief
24 Judge of the circuit court of the county may by administrative
25 order establish a program for electronic monitoring of
26 offenders, in which a vendor supplies and monitors the

1 operation of the electronic monitoring device, and collects
2 the fees on behalf of the county. The program shall include
3 provisions for indigent offenders and the collection of unpaid
4 fees. The program shall not unduly burden the offender and
5 shall be subject to review by the Chief Judge. A person shall
6 not be assessed costs or fees for mandatory testing for drugs,
7 alcohol, or both, if the person is an indigent person as
8 defined in paragraph (2) of subsection (a) of Section 5-105 of
9 the Code of Civil Procedure.

10 The Chief Judge of the circuit court may suspend any
11 additional charges or fees for late payment, interest, or
12 damage to any device.

13 (h) Jurisdiction over an offender may be transferred from
14 the sentencing court to the court of another circuit with the
15 concurrence of both courts. Further transfers or retransfers
16 of jurisdiction are also authorized in the same manner. The
17 court to which jurisdiction has been transferred shall have
18 the same powers as the sentencing court. The probation
19 department within the circuit to which jurisdiction has been
20 transferred, or which has agreed to provide supervision, may
21 impose probation fees upon receiving the transferred offender,
22 as provided in subsection (i) and as provided by paragraph
23 (21) of Section 15-70 of the Criminal and Traffic Assessment
24 Act. For all transfer cases, as defined in Section 9b of the
25 Probation and Probation Officers Act, the probation department
26 from the original sentencing court shall retain all probation

1 fees collected prior to the transfer. After the transfer, all
2 probation fees shall be paid to the probation department
3 within the circuit to which jurisdiction has been transferred.

4 (i) The court shall impose upon an offender sentenced to
5 probation after January 1, 1989 or to conditional discharge
6 after January 1, 1992 or to community service under the
7 supervision of a probation or court services department after
8 January 1, 2004, as a condition of such probation or
9 conditional discharge or supervised community service, a fee
10 of \$50 for each month of probation or conditional discharge
11 supervision or supervised community service ordered by the
12 court, and as provided by paragraph (21) of Section 15-70 of
13 the Criminal and Traffic Assessment Act, unless after
14 determining the inability of the person sentenced to probation
15 or conditional discharge or supervised community service to
16 pay the fee, the court assesses a lesser fee. The court may not
17 impose the fee on a minor who is placed in the guardianship or
18 custody of the Department of Children and Family Services
19 under the Juvenile Court Act of 1987 while the minor is in
20 placement. The fee shall be imposed only upon an offender who
21 is actively supervised by the probation and court services
22 department. The fee shall be collected by the clerk of the
23 circuit court. The clerk of the circuit court shall pay all
24 monies collected from this fee to the county treasurer for
25 deposit in the probation and court services fund under Section
26 15.1 of the Probation and Probation Officers Act.

1 A circuit court may not impose a probation fee under this
2 subsection (i) in excess of \$25 per month unless the circuit
3 court has adopted, by administrative order issued by the Chief
4 Judge, a standard probation fee guide determining an
5 offender's ability to pay. Of the amount collected as a
6 probation fee, up to \$5 of that fee collected per month may be
7 used to provide services to crime victims and their families.

8 The Court may only waive probation fees based on an
9 offender's ability to pay. The probation department may
10 re-evaluate an offender's ability to pay every 6 months, and,
11 with the approval of the Director of Court Services or the
12 Chief Probation Officer, adjust the monthly fee amount. An
13 offender may elect to pay probation fees due in a lump sum. Any
14 offender that has been assigned to the supervision of a
15 probation department, or has been transferred either under
16 subsection (h) of this Section or under any interstate
17 compact, shall be required to pay probation fees to the
18 department supervising the offender, based on the offender's
19 ability to pay.

20 Public Act 93-970 deletes the \$10 increase in the fee
21 under this subsection that was imposed by Public Act 93-616.
22 This deletion is intended to control over any other Act of the
23 93rd General Assembly that retains or incorporates that fee
24 increase.

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation
3 department has determined to be sexually motivated (as defined
4 in the Sex Offender Management Board Act), the court or the
5 probation department shall assess additional fees to pay for
6 all costs of treatment, assessment, evaluation for risk and
7 treatment, and monitoring the offender, based on that
8 offender's ability to pay those costs either as they occur or
9 under a payment plan.

10 (j) All fines and costs imposed under this Section for any
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
12 Code, or a similar provision of a local ordinance, and any
13 violation of the Child Passenger Protection Act, or a similar
14 provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under the Criminal
16 and Traffic Assessment Act.

17 (k) Any offender who is sentenced to probation or
18 conditional discharge for a felony sex offense as defined in
19 the Sex Offender Management Board Act or any offense that the
20 court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order
2 of protection be placed under electronic surveillance as
3 provided in Section 5-8A-7 of this Code.

4 (m) Except for restitution, and assessments issued for
5 adjudications under Section 5-125 of the Juvenile Court Act of
6 1987, fines and assessments, such as fees or administrative
7 costs, authorized under this Section shall not be ordered or
8 imposed on a minor subject to Article III, IV, or V of the
9 Juvenile Court Act of 1987, or a minor under the age of 18
10 transferred to adult court or excluded from juvenile court
11 jurisdiction under Article V of the Juvenile Court Act of
12 1987, or the minor's parent, guardian, or legal custodian.

13 (n) A person on probation, conditional discharge, or
14 supervision shall not be ordered to refrain from having
15 cannabis or alcohol in his or her body unless:

16 (1) the person is under 21 years old;

17 (2) the person was sentenced to probation, conditional
18 discharge, or supervision for an offense which had as an
19 element of the offense the presence of an intoxicating
20 compound in the person's body;

21 (3) the person is participating in a problem-solving
22 court certified by the Illinois Supreme Court;

23 (4) the person has undergone a validated clinical
24 assessment and the clinical treatment plan includes
25 alcohol or cannabis testing; or

26 (5) a court ordered evaluation recommends that the

1 person refrain from using alcohol or cannabis, provided
2 the evaluation is a validated clinical assessment and the
3 recommendation originates from a clinical treatment plan.

4 If the court has made findings that alcohol use was a
5 contributing factor in the commission of the underlying
6 offense, the court may order a person on probation,
7 conditional discharge, or supervision to refrain from having
8 alcohol in his or her body during the time between sentencing
9 and the completion of a validated clinical assessment,
10 provided that such order shall not exceed 30 days and shall be
11 terminated if the clinical treatment plan does not recommend
12 abstinence or testing, or both.

13 In this subsection (n), "validated clinical assessment"
14 and "clinical treatment plan" have the meanings ascribed to
15 them in Section 10 of the Drug Court Treatment Act.

16 In any instance in which the court orders testing for
17 cannabis or alcohol, the court shall state the reasonable
18 relation the condition has to the person's crime for which the
19 person was placed on probation, conditional discharge, or
20 supervision.

21 (o) A person on probation, conditional discharge, or
22 supervision shall not be ordered to refrain from use or
23 consumption of any substance lawfully prescribed by a medical
24 provider or authorized by the Compassionate Use of Medical
25 Cannabis Program Act, except where use is prohibited in
26 paragraph (3) or (4) of subsection (n).

1 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
2 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
3 1-1-24; 103-605, eff. 7-1-24.)

4 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

5 Sec. 5-6-3.1. Incidents and conditions of supervision.

6 (a) When a defendant is placed on supervision, the court
7 shall enter an order for supervision specifying the period of
8 such supervision, and shall defer further proceedings in the
9 case until the conclusion of the period.

10 (b) The period of supervision shall be reasonable under
11 all of the circumstances of the case, but may not be longer
12 than 2 years, unless the defendant has failed to pay the
13 assessment required by Section 10.3 of the Cannabis Control
14 Act, Section 411.2 of the Illinois Controlled Substances Act,
15 or Section 80 of the Methamphetamine Control and Community
16 Protection Act, in which case the court may extend supervision
17 beyond 2 years. Additionally, the court shall order the
18 defendant to perform no less than 30 hours of community
19 service and not more than 120 hours of community service, if
20 community service is available in the jurisdiction and is
21 funded and approved by the county board where the offense was
22 committed, when the offense (1) was related to or in
23 furtherance of the criminal activities of an organized gang or
24 was motivated by the defendant's membership in or allegiance
25 to an organized gang; or (2) is a violation of any Section of

1 Article 24 of the Criminal Code of 1961 or the Criminal Code of
2 2012 where a disposition of supervision is not prohibited by
3 Section 5-6-1 of this Code. The community service shall
4 include, but not be limited to, the cleanup and repair of any
5 damage caused by violation of Section 21-1.3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 and similar damages
7 to property located within the municipality or county in which
8 the violation occurred. Where possible and reasonable, the
9 community service should be performed in the offender's
10 neighborhood.

11 For the purposes of this Section, "organized gang" has the
12 meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (c) The court may in addition to other reasonable
15 conditions relating to the nature of the offense or the
16 rehabilitation of the defendant as determined for each
17 defendant in the proper discretion of the court require that
18 the person:

19 (1) make a report to and appear in person before or
20 participate with the court or such courts, person, or
21 social service agency as directed by the court in the
22 order of supervision;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other
6 dangerous weapon;

7 (8) and in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 (iv) provide nonfinancial contributions to his own
12 support at home or in a foster home; or

13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is placed on supervision for a
17 crime of violence as defined in Section 2 of the Crime
18 Victims Compensation Act committed in a school, on the
19 real property comprising a school, or within 1,000
20 feet of the real property comprising a school;

21 (9) make restitution or reparation in an amount not to
22 exceed actual loss or damage to property and pecuniary
23 loss or make restitution under Section 5-5-6 to a domestic
24 violence shelter. The court shall determine the amount and
25 conditions of payment;

26 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an order
3 of protection issued by the court pursuant to the Illinois
4 Domestic Violence Act of 1986 or an order of protection
5 issued by the court of another state, tribe, or United
6 States territory. If the court has ordered the defendant
7 to make a report and appear in person under paragraph (1)
8 of this subsection, a copy of the order of protection
9 shall be transmitted to the person or agency so designated
10 by the court;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council
13 Act for any reasonable expenses incurred by the program on
14 the offender's case, not to exceed the maximum amount of
15 the fine authorized for the offense for which the
16 defendant was sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses
22 under the jurisdiction of the Department of Natural
23 Resources, to the fund established by the Department of
24 Natural Resources for the purchase of evidence for
25 investigation purposes and to conduct investigations as
26 outlined in Section 805-105 of the Department of Natural

1 Resources (Conservation) Law;

2 (14) refrain from entering into a designated
3 geographic area except upon such terms as the court finds
4 appropriate. Such terms may include consideration of the
5 purpose of the entry, the time of day, other persons
6 accompanying the defendant, and advance approval by a
7 probation officer;

8 (15) refrain from having any contact, directly or
9 indirectly, with certain specified persons or particular
10 types of person, including but not limited to members of
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act, the Illinois Controlled Substances Act, or
15 the Methamphetamine Control and Community Protection Act,
16 unless prescribed by a physician, and submit samples of
17 his or her blood or urine or both for tests to determine
18 the presence of any illicit drug;

19 (17) refrain from operating any motor vehicle not
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1 of the Illinois Vehicle Code; under this
22 condition the court may allow a defendant who is not
23 self-employed to operate a vehicle owned by the
24 defendant's employer that is not equipped with an ignition
25 interlock device in the course and scope of the
26 defendant's employment; and

1 (18) if placed on supervision for a sex offense as
2 defined in subsection (a-5) of Section 3-1-2 of this Code,
3 unless the offender is a parent or guardian of the person
4 under 18 years of age present in the home and no
5 non-familial minors are present, not participate in a
6 holiday event involving children under 18 years of age,
7 such as distributing candy or other items to children on
8 Halloween, wearing a Santa Claus costume on or preceding
9 Christmas, being employed as a department store Santa
10 Claus, or wearing an Easter Bunny costume on or preceding
11 Easter.

12 (c-5) If payment of restitution as ordered has not been
13 made, the victim shall file a petition notifying the
14 sentencing court, any other person to whom restitution is
15 owed, and the State's Attorney of the status of the ordered
16 restitution payments unpaid at least 90 days before the
17 supervision expiration date. If payment as ordered has not
18 been made, the court shall hold a review hearing prior to the
19 expiration date, unless the hearing is voluntarily waived by
20 the defendant with the knowledge that waiver may result in an
21 extension of the supervision period or in a revocation of
22 supervision. If the court does not extend supervision, it
23 shall issue a judgment for the unpaid restitution and direct
24 the clerk of the circuit court to file and enter the judgment
25 in the judgment and lien docket, without fee, unless it finds
26 that the victim has recovered a judgment against the defendant

1 for the amount covered by the restitution order. If the court
2 issues a judgment for the unpaid restitution, the court shall
3 send to the defendant at his or her last known address written
4 notification that a civil judgment has been issued for the
5 unpaid restitution.

6 (d) The court shall defer entering any judgment on the
7 charges until the conclusion of the supervision.

8 (e) At the conclusion of the period of supervision, if the
9 court determines that the defendant has successfully complied
10 with all of the conditions of supervision, the court shall
11 discharge the defendant and enter a judgment dismissing the
12 charges.

13 (f) Discharge and dismissal upon a successful conclusion
14 of a disposition of supervision shall be deemed without
15 adjudication of guilt and shall not be termed a conviction for
16 purposes of disqualification or disabilities imposed by law
17 upon conviction of a crime. Two years after the discharge and
18 dismissal under this Section, unless the disposition of
19 supervision was for a violation of Sections 3-707, 3-708,
20 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance, or for a violation of
22 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
23 or the Criminal Code of 2012, in which case it shall be 5 years
24 after discharge and dismissal, a person may have his record of
25 arrest sealed or expunged as may be provided by law. However,
26 any defendant placed on supervision before January 1, 1980,

1 may move for sealing or expungement of his arrest record, as
2 provided by law, at any time after discharge and dismissal
3 under this Section. A person placed on supervision for a
4 sexual offense committed against a minor as defined in clause
5 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
6 for a violation of Section 11-501 of the Illinois Vehicle Code
7 or a similar provision of a local ordinance shall not have his
8 or her record of arrest sealed or expunged.

9 (g) A defendant placed on supervision and who during the
10 period of supervision undergoes mandatory drug or alcohol
11 testing, or both, or is assigned to be placed on an approved
12 electronic monitoring device, shall be ordered to pay the
13 costs incidental to such mandatory drug or alcohol testing, or
14 both, and costs incidental to such approved electronic
15 monitoring as provided in paragraph (21) of Section 15-70 of
16 the Criminal and Traffic Assessment Act, and in accordance
17 with the defendant's ability to pay those costs. The county
18 board with the concurrence of the Chief Judge of the judicial
19 circuit in which the county is located shall establish
20 reasonable fees for the cost of maintenance, testing, and
21 incidental expenses related to the mandatory drug or alcohol
22 testing, or both, and all costs incidental to approved
23 electronic monitoring, of all defendants placed on
24 supervision. The concurrence of the Chief Judge shall be in
25 the form of an administrative order. The fees shall be
26 collected by the clerk of the circuit court, except as

1 provided in an administrative order of the Chief Judge of the
2 circuit court. The clerk of the circuit court shall pay all
3 moneys collected from these fees to the county treasurer who
4 shall use the moneys collected to defray the costs of drug
5 testing, alcohol testing, and electronic monitoring. The
6 county treasurer shall deposit the fees collected in the
7 county working cash fund under Section 6-27001 or Section
8 6-29002 of the Counties Code, as the case may be.

9 The Chief Judge of the circuit court of the county may by
10 administrative order establish a program for electronic
11 monitoring of offenders, in which a vendor supplies and
12 monitors the operation of the electronic monitoring device,
13 and collects the fees on behalf of the county. The program
14 shall include provisions for indigent offenders and the
15 collection of unpaid fees. The program shall not unduly burden
16 the offender and shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend any
18 additional charges or fees for late payment, interest, or
19 damage to any device.

20 (h) A disposition of supervision is a final order for the
21 purposes of appeal.

22 (i) The court shall impose upon a defendant placed on
23 supervision after January 1, 1992 or to community service
24 under the supervision of a probation or court services
25 department after January 1, 2004, as a condition of
26 supervision or supervised community service, a fee of \$50 for

1 each month of supervision or supervised community service
2 ordered by the court as provided in paragraph (21) of Section
3 15-70 of the Criminal and Traffic Assessment Act,, unless
4 after determining the inability of the person placed on
5 supervision or supervised community service to pay the fee,
6 the court assesses a lesser fee. The court may not impose the
7 fee on a minor who is placed in the guardianship or custody of
8 the Department of Children and Family Services under the
9 Juvenile Court Act of 1987 while the minor is in placement. The
10 fee shall be imposed only upon a defendant who is actively
11 supervised by the probation and court services department. The
12 fee shall be collected by the clerk of the circuit court,
13 except as provided in an administrative order of the Chief
14 Judge of the circuit court. The clerk of the circuit court
15 shall pay all monies collected from this fee to the county
16 treasurer for deposit in the probation and court services fund
17 pursuant to Section 15.1 of the Probation and Probation
18 Officers Act.

19 A circuit court may not impose a probation fee in excess of
20 \$25 per month unless the circuit court has adopted, by
21 administrative order issued by the chief judge, a standard
22 probation fee guide determining an offender's ability to pay.
23 Of the amount collected as a probation fee, not to exceed \$5 of
24 that fee collected per month may be used to provide services to
25 crime victims and their families.

26 The Court may only waive probation fees based on an

1 offender's ability to pay. The probation department may
2 re-evaluate an offender's ability to pay every 6 months, and,
3 with the approval of the Director of Court Services or the
4 Chief Probation Officer, adjust the monthly fee amount. An
5 offender may elect to pay probation fees due in a lump sum. Any
6 offender that has been assigned to the supervision of a
7 probation department, or has been transferred either under
8 subsection (h) of this Section or under any interstate
9 compact, shall be required to pay probation fees to the
10 department supervising the offender, based on the offender's
11 ability to pay.

12 (j) All fines and costs imposed under this Section for any
13 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
14 Code, or a similar provision of a local ordinance, and any
15 violation of the Child Passenger Protection Act, or a similar
16 provision of a local ordinance, shall be collected and
17 disbursed by the circuit clerk as provided under the Criminal
18 and Traffic Assessment Act.

19 (k) A defendant at least 17 years of age who is placed on
20 supervision for a misdemeanor in a county of 3,000,000 or more
21 inhabitants and who has not been previously convicted of a
22 misdemeanor or felony may as a condition of his or her
23 supervision be required by the court to attend educational
24 courses designed to prepare the defendant for a high school
25 diploma and to work toward a high school diploma or to work
26 toward passing high school equivalency testing or to work

1 toward completing a vocational training program approved by
2 the court. The defendant placed on supervision must attend a
3 public institution of education to obtain the educational or
4 vocational training required by this subsection (k). The
5 defendant placed on supervision shall be required to pay for
6 the cost of the educational courses or high school equivalency
7 testing if a fee is charged for those courses or testing. The
8 court shall revoke the supervision of a person who wilfully
9 fails to comply with this subsection (k). The court shall
10 resentence the defendant upon revocation of supervision as
11 provided in Section 5-6-4. This subsection (k) does not apply
12 to a defendant who has a high school diploma or has
13 successfully passed high school equivalency testing. This
14 subsection (k) does not apply to a defendant who is determined
15 by the court to be a person with a developmental disability or
16 otherwise mentally incapable of completing the educational or
17 vocational program.

18 (1) The court shall require a defendant placed on
19 supervision for possession of a substance prohibited by the
20 Cannabis Control Act, the Illinois Controlled Substances Act,
21 or the Methamphetamine Control and Community Protection Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act or a
26 sentence of probation under Section 10 of the Cannabis Control

1 Act or Section 410 of the Illinois Controlled Substances Act
2 and after a finding by the court that the person is addicted,
3 to undergo treatment at a substance abuse program approved by
4 the court.

5 (m) The Secretary of State shall require anyone placed on
6 court supervision for a violation of Section 3-707 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance to give proof of his or her financial responsibility
9 as defined in Section 7-315 of the Illinois Vehicle Code. The
10 proof shall be maintained by the individual in a manner
11 satisfactory to the Secretary of State for a minimum period of
12 3 years after the date the proof is first filed. The proof
13 shall be limited to a single action per arrest and may not be
14 affected by any post-sentence disposition. The Secretary of
15 State shall suspend the driver's license of any person
16 determined by the Secretary to be in violation of this
17 subsection. This subsection does not apply to a person who, at
18 the time of the offense, was operating a motor vehicle
19 registered in a state other than Illinois.

20 (n) Any offender placed on supervision for any offense
21 that the court or probation department has determined to be
22 sexually motivated as defined in the Sex Offender Management
23 Board Act shall be required to refrain from any contact,
24 directly or indirectly, with any persons specified by the
25 court and shall be available for all evaluations and treatment
26 programs required by the court or the probation department.

1 (o) An offender placed on supervision for a sex offense as
2 defined in the Sex Offender Management Board Act shall refrain
3 from residing at the same address or in the same condominium
4 unit or apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has been
7 placed on supervision for a sex offense. The provisions of
8 this subsection (o) do not apply to a person convicted of a sex
9 offense who is placed in a Department of Corrections licensed
10 transitional housing facility for sex offenders.

11 (p) An offender placed on supervision for an offense
12 committed on or after June 1, 2008 (the effective date of
13 Public Act 95-464) that would qualify the accused as a child
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 shall
16 refrain from communicating with or contacting, by means of the
17 Internet, a person who is not related to the accused and whom
18 the accused reasonably believes to be under 18 years of age.
19 For purposes of this subsection (p), "Internet" has the
20 meaning ascribed to it in Section 16-0.1 of the Criminal Code
21 of 2012; and a person is not related to the accused if the
22 person is not: (i) the spouse, brother, or sister of the
23 accused; (ii) a descendant of the accused; (iii) a first or
24 second cousin of the accused; or (iv) a step-child or adopted
25 child of the accused.

26 (q) An offender placed on supervision for an offense

1 committed on or after June 1, 2008 (the effective date of
2 Public Act 95-464) that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
5 ordered by the court, refrain from communicating with or
6 contacting, by means of the Internet, a person who is related
7 to the accused and whom the accused reasonably believes to be
8 under 18 years of age. For purposes of this subsection (q),
9 "Internet" has the meaning ascribed to it in Section 16-0.1 of
10 the Criminal Code of 2012; and a person is related to the
11 accused if the person is: (i) the spouse, brother, or sister of
12 the accused; (ii) a descendant of the accused; (iii) a first or
13 second cousin of the accused; or (iv) a step-child or adopted
14 child of the accused.

15 (r) An offender placed on supervision for an offense under
16 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
17 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
18 11-21 of the Criminal Code of 1961 or the Criminal Code of
19 2012, or any attempt to commit any of these offenses,
20 committed on or after June 1, 2009 (the effective date of
21 Public Act 95-983) shall:

22 (i) not access or use a computer or any other device
23 with Internet capability without the prior written
24 approval of the court, except in connection with the
25 offender's employment or search for employment with the
26 prior approval of the court;

1 (ii) submit to periodic unannounced examinations of
2 the offender's computer or any other device with Internet
3 capability by the offender's probation officer, a law
4 enforcement officer, or assigned computer or information
5 technology specialist, including the retrieval and copying
6 of all data from the computer or device and any internal or
7 external peripherals and removal of such information,
8 equipment, or device to conduct a more thorough
9 inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 offender's expense, of one or more hardware or software
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a computer
16 or any other device with Internet capability imposed by
17 the court.

18 (s) An offender placed on supervision for an offense that
19 is a sex offense as defined in Section 2 of the Sex Offender
20 Registration Act that is committed on or after January 1, 2010
21 (the effective date of Public Act 96-362) that requires the
22 person to register as a sex offender under that Act, may not
23 knowingly use any computer scrub software on any computer that
24 the sex offender uses.

25 (t) An offender placed on supervision for a sex offense as
26 defined in the Sex Offender Registration Act committed on or

1 after January 1, 2010 (the effective date of Public Act
2 96-262) shall refrain from accessing or using a social
3 networking website as defined in Section 17-0.5 of the
4 Criminal Code of 2012.

5 (u) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers
8 of jurisdiction are also authorized in the same manner. The
9 court to which jurisdiction has been transferred shall have
10 the same powers as the sentencing court. The probation
11 department within the circuit to which jurisdiction has been
12 transferred may impose probation fees upon receiving the
13 transferred offender, as provided in subsection (i) and
14 paragraph (22) of Section 15-70 of the Criminal and Traffic
15 Assessment Act. The probation department from the original
16 sentencing court shall retain all probation fees collected
17 prior to the transfer.

18 (v) Except for restitution, and assessments issued for
19 adjudications under Section 5-125 of the Juvenile Court Act of
20 1987, fines and assessments, such as fees or administrative
21 costs, authorized under this Section shall not be ordered or
22 imposed on a minor subject to Article III, IV, or V of the
23 Juvenile Court Act of 1987, or a minor under the age of 18
24 transferred to adult court or excluded from juvenile court
25 jurisdiction under Article V of the Juvenile Court Act of
26 1987, or the minor's parent, guardian, or legal custodian.

1 (Source: P.A. 102-299, eff. 8-6-21; 103-379, eff. 7-28-23.)

2 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

3 Sec. 5-7-1. Sentence of periodic imprisonment.

4 (a) A sentence of periodic imprisonment is a sentence of
5 imprisonment during which the committed person may be released
6 for periods of time during the day or night or for periods of
7 days, or both, or if convicted of a felony, other than first
8 degree murder, a Class X or Class 1 felony, committed to any
9 county, municipal, or regional correctional or detention
10 institution or facility in this State for such periods of time
11 as the court may direct. Unless the court orders otherwise,
12 the particular times and conditions of release shall be
13 determined by the Department of Corrections, the sheriff, or
14 the Superintendent of the house of corrections, who is
15 administering the program.

16 (b) A sentence of periodic imprisonment may be imposed to
17 permit the defendant to:

18 (1) seek employment;

19 (2) work;

20 (3) conduct a business or other self-employed
21 occupation including housekeeping;

22 (4) attend to family needs;

23 (5) attend an educational institution, including
24 vocational education;

25 (6) obtain medical or psychological treatment;

1 (7) perform work duties at a county, municipal, or
2 regional correctional or detention institution or
3 facility;

4 (8) continue to reside at home with or without
5 supervision involving the use of an approved electronic
6 monitoring device, subject to Article 8A of Chapter V; or

7 (9) for any other purpose determined by the court.

8 (c) Except where prohibited by other provisions of this
9 Code, the court may impose a sentence of periodic imprisonment
10 for a felony or misdemeanor on a person who is 17 years of age
11 or older. The court shall not impose a sentence of periodic
12 imprisonment if it imposes a sentence of imprisonment upon the
13 defendant in excess of 90 days.

14 (d) A sentence of periodic imprisonment shall be for a
15 definite term of from 3 to 4 years for a Class 1 felony, 18 to
16 30 months for a Class 2 felony, and up to 18 months, or the
17 longest sentence of imprisonment that could be imposed for the
18 offense, whichever is less, for all other offenses; however,
19 no person shall be sentenced to a term of periodic
20 imprisonment longer than one year if he is committed to a
21 county correctional institution or facility, and in
22 conjunction with that sentence participate in a county work
23 release program comparable to the work and day release program
24 provided for in Article 13 of Chapter III of this Code in State
25 facilities. The term of the sentence shall be calculated upon
26 the basis of the duration of its term rather than upon the

1 basis of the actual days spent in confinement. No sentence of
2 periodic imprisonment shall be subject to the good time credit
3 provisions of Section 3-6-3 of this Code.

4 (e) When the court imposes a sentence of periodic
5 imprisonment, it shall state:

6 (1) the term of such sentence;

7 (2) the days or parts of days which the defendant is to
8 be confined;

9 (3) the conditions.

10 (f) The court may issue an order of protection pursuant to
11 the Illinois Domestic Violence Act of 1986 as a condition of a
12 sentence of periodic imprisonment. The Illinois Domestic
13 Violence Act of 1986 shall govern the issuance, enforcement
14 and recording of orders of protection issued under this
15 Section. A copy of the order of protection shall be
16 transmitted to the person or agency having responsibility for
17 the case.

18 (f-5) An offender sentenced to a term of periodic
19 imprisonment for a felony sex offense as defined in the Sex
20 Offender Management Board Act shall be required to undergo and
21 successfully complete sex offender treatment by a treatment
22 provider approved by the Board and conducted in conformance
23 with the standards developed under the Sex Offender Management
24 Board Act.

25 (g) An offender sentenced to periodic imprisonment who
26 undergoes mandatory drug or alcohol testing, or both, or is

1 assigned to be placed on an approved electronic monitoring
2 device, shall be ordered to pay the costs incidental to such
3 mandatory drug or alcohol testing, or both, and costs
4 incidental to such approved electronic monitoring as provided
5 in paragraph (23) of Section 15-70 of the Criminal and Traffic
6 Assessment Act, in accordance with the defendant's ability to
7 pay those costs. The county board with the concurrence of the
8 Chief Judge of the judicial circuit in which the county is
9 located shall establish reasonable fees for the cost of
10 maintenance, testing, and incidental expenses related to the
11 mandatory drug or alcohol testing, or both, and all costs
12 incidental to approved electronic monitoring, of all offenders
13 with a sentence of periodic imprisonment. The concurrence of
14 the Chief Judge shall be in the form of an administrative
15 order. The fees shall be collected by the clerk of the circuit
16 court, except as provided in an administrative order of the
17 Chief Judge of the circuit court. The clerk of the circuit
18 court shall pay all moneys collected from these fees to the
19 county treasurer who shall use the moneys collected to defray
20 the costs of drug testing, alcohol testing, and electronic
21 monitoring. The county treasurer shall deposit the fees
22 collected in the county working cash fund under Section
23 6-27001 or Section 6-29002 of the Counties Code, as the case
24 may be.

25 (h) All fees and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under paragraph
5 (23) of Section 15-70(23) of the Criminal and Traffic
6 Assessment Act.

7 The Chief Judge of the circuit court of the county may by
8 administrative order establish a program for electronic
9 monitoring of offenders, in which a vendor supplies and
10 monitors the operation of the electronic monitoring device,
11 and collects the fees on behalf of the county. The program
12 shall include provisions for indigent offenders and the
13 collection of unpaid fees. The program shall not unduly burden
14 the offender and shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend any
16 additional charges or fees for late payment, interest, or
17 damage to any device.

18 (i) A defendant at least 17 years of age who is convicted
19 of a misdemeanor or felony in a county of 3,000,000 or more
20 inhabitants and who has not been previously convicted of a
21 misdemeanor or a felony and who is sentenced to a term of
22 periodic imprisonment may as a condition of his or her
23 sentence be required by the court to attend educational
24 courses designed to prepare the defendant for a high school
25 diploma and to work toward receiving a high school diploma or
26 to work toward passing high school equivalency testing or to

1 work toward completing a vocational training program approved
2 by the court. The defendant sentenced to periodic imprisonment
3 must attend a public institution of education to obtain the
4 educational or vocational training required by this subsection
5 (i). The defendant sentenced to a term of periodic
6 imprisonment shall be required to pay for the cost of the
7 educational courses or high school equivalency testing if a
8 fee is charged for those courses or testing. The court shall
9 revoke the sentence of periodic imprisonment of the defendant
10 who wilfully fails to comply with this subsection (i). The
11 court shall resentence the defendant whose sentence of
12 periodic imprisonment has been revoked as provided in Section
13 5-7-2. This subsection (i) does not apply to a defendant who
14 has a high school diploma or has successfully passed high
15 school equivalency testing. This subsection (i) does not apply
16 to a defendant who is determined by the court to be a person
17 with a developmental disability or otherwise mentally
18 incapable of completing the educational or vocational program.
19 (Source: P.A. 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

20 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

21 Sec. 5-9-1. Authorized fines.

22 (a) An offender may be sentenced to pay a fine as provided
23 in Article 4.5 of Chapter V, subject to subsection (f).

24 (b) (Blank).

25 (c) (Blank).

1 (c-5) (Blank).

2 (c-7) (Blank).

3 (c-9) (Blank).

4 (d) In determining the amount and method of payment of a
5 fine, except for those fines established for violations of
6 Chapter 15 of the Illinois Vehicle Code, the court shall
7 consider:

8 (1) the financial resources and future ability of the
9 offender to pay the fine; and

10 (2) whether the fine will prevent the offender from
11 making court ordered restitution or reparation to the
12 victim of the offense; and

13 (3) in a case where the accused is a dissolved
14 corporation and the court has appointed counsel to
15 represent the corporation, the costs incurred either by
16 the county or the State for such representation.

17 (e) The court may order the fine to be paid forthwith or
18 within a specified period of time or in installments.

19 (f) The court shall, without application, reduce the total
20 amount of fines imposed on an offender who is sentenced to a
21 term of imprisonment as follows: ~~(Blank)~~.

22 (1) 20% for a prison term of at least one year but less
23 than 2 years;

24 (2) 40% for a prison term of at least 2 years but less
25 than 3 years;

26 (3) 60% for a prison term of at least 3 years but less

1 than 4 years;

2 (4) 80% for a prison term of at least 4 years but less
3 than 5 years; and

4 (5) 100% for a prison term of 5 or more years.

5 As used in this subsection, "prison term" means the
6 longest term of imprisonment to which an offender is sentenced
7 in a case, either for a single offense or in the aggregate for
8 multiple offenses that run consecutively, and without regard
9 to any credit for time served in custody, home detention, or
10 for any other reason.

11 (g) The State's Attorney may file a motion to eliminate
12 any reduction in fines, pursuant to subsection (f), in the
13 sentence of an offender whom the State's Attorney believes is
14 reasonably capable of paying the full amount of the fines. The
15 decision whether to deny the motion or to require the offender
16 to provide information bearing on their ability to pay the
17 fines is committed to the sound discretion of the court. If the
18 court requires the offender to provide such information:

19 (1) Unless the offender has already done so, the court
20 shall order the offender to complete the "Application for
21 Waiver of Criminal Court Assessments" approved by the
22 Illinois Supreme Court.

23 (2) The motion shall be denied if the offender
24 provides a current benefits statement or other documentary
25 proof of their receipt of assistance under one or more of
26 the means-based governmental public benefits programs

1 listed in paragraph (1) of subsection (c) of Section
2 124A-20. Such an offender shall not be required to provide
3 any additional information about their income, assets,
4 debts, or expenses.

5 (3) An offender who is not receiving a means-based
6 governmental public benefit shall provide financial
7 information and supporting documentation relating to the
8 factors listed in subparagraph (2-6) of paragraph (1) of
9 subsection (c) of Section 124A-20, including their most
10 recent pay stubs from all employers, 1099s, and W-2s.

11 (4) The court may decline to reduce, pursuant to
12 subsection (f), the total amount of fines imposed on the
13 offender if the court enters a written finding determining
14 that there is clear and convincing evidence that the
15 offender can afford to pay the full amount of the fines,
16 after considering the offender's current income,
17 anticipated income while incarcerated, if any, current
18 assets and liabilities, and the anticipated cost, while
19 the offender is incarcerated, of supporting persons who
20 will remain dependent on the offender for support.

21 (Source: P.A. 99-352, eff. 1-1-16; 100-987, eff. 7-1-19.)

22 (730 ILCS 5/5-9-1.13)

23 Sec. 5-9-1.13. Applications for transfer to other states.
24 A person subject to conditions of probation, parole, or
25 mandatory supervised release who seeks to transfer to another

1 state subject to the Interstate Compact for Adult Offender
2 Supervision must make provisions for the payment of any
3 restitution awarded by the circuit court and pay a fee of \$125
4 to the proper administrative or judicial authorities before
5 being granted the transfer, or otherwise arrange for payment,
6 as provided in paragraph (24) of Section 15-70 of the Criminal
7 and Traffic Assessment Act. The fee payment from persons
8 subject to a sentence of probation shall be deposited into the
9 general fund of the county in which the circuit has
10 jurisdiction. The fee payment from persons subject to parole
11 or mandatory supervised release shall be deposited into the
12 General Revenue Fund. The proceeds of this fee shall be used to
13 defray the costs of the Department of Corrections or county
14 sheriff departments, respectively, who will be required to
15 retrieve offenders that violate the terms of their transfers
16 to other states. Upon return to the State of Illinois, these
17 persons shall also be subject to reimbursing either the State
18 of Illinois or the county for the actual costs of returning
19 them to Illinois.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (730 ILCS 5/5-9-1.16)

22 Sec. 5-9-1.16. Protective order violation service provider
23 fees.

24 (a) (Blank).

25 (b) (Blank).

1 (c) The supervising authority of a domestic violence
2 surveillance program under Section 5-8A-7 of this Act shall
3 assess a person either convicted of, or charged with, the
4 violation of an order of protection an additional service
5 provider fee to cover the costs of providing the equipment
6 used and the additional supervision needed for such domestic
7 violence surveillance program, as provided in paragraph (25)
8 of Section 15-70 of the Criminal and Traffic Assessment Act.

9 If the court finds that the fee would impose an undue burden on
10 the victim, the court may reduce or waive the fee. The court
11 shall order that the defendant may not use funds belonging
12 solely to the victim of the offense for payment of the fee.

13 When the supervising authority is the court or the
14 probation and court services department, the fee shall be
15 collected by the circuit court clerk. The clerk of the circuit
16 court shall pay all monies collected from this fee and all
17 other required probation fees that are assessed to the county
18 treasurer for deposit in the probation and court services fund
19 under Section 15.1 of the Probation and Probations Officers
20 Act. In counties with a population of 2 million or more, when
21 the supervising authority is the court or the probation and
22 court services department, the fee shall be collected by the
23 supervising authority. In these counties, the supervising
24 authority shall pay all monies collected from this fee and all
25 other required probation fees that are assessed, to the county
26 treasurer for deposit in the probation and court services fund

1 under Section 15.1 of the Probation and Probation Officers
2 Act.

3 When the supervising authority is the Department of
4 Corrections, the Department shall collect the fee for deposit
5 into the Department of Corrections Reimbursement and Education
6 Fund.

7 (d) (Blank).

8 (e) (Blank).

9 (Source: P.A. 99-933, eff. 1-27-17; 100-987, eff. 7-1-19.)

10 (730 ILCS 5/5-9-1.22)

11 Sec. 5-9-1.22. Fine Fee; Roadside Memorial Fund. A person
12 who is convicted or receives a disposition of court
13 supervision for a violation of Section 11-501 of the Illinois
14 Vehicle Code shall, in addition to any other disposition,
15 penalty, or fine imposed, pay a fine fee of \$50 which shall be
16 collected by the clerk of the court and then remitted to the
17 State Treasurer for deposit into the Roadside Memorial Fund, a
18 special fund that is created in the State treasury. However,
19 the court may waive the fine fee if full restitution is
20 complied with. Subject to appropriation, all moneys in the
21 Roadside Memorial Fund shall be used by the Department of
22 Transportation to pay fees imposed under subsection (f) of
23 Section 20 of the Roadside Memorial Act.

24 This Section is substantially the same as Section 5-9-1.18
25 of the Unified Code of Corrections, which Section was repealed

1 by Public Act 100-987, and shall be construed as a
2 continuation of ~~the fee established by~~ that prior law, and not
3 as a new or different fine fee.

4 (Source: P.A. 101-10, eff. 6-5-19; 102-278, eff. 8-6-21.)

5 Section 70. The Code of Civil Procedure is amended by
6 changing Section 5-105 as follows:

7 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

8 Sec. 5-105. Waiver of court fees, costs, and charges.

9 (a) As used in this Section:

10 (1) "Fees, costs, and charges" means payments imposed
11 on a party in connection with the prosecution or defense
12 of a civil action, defined as: all including, but not
13 ~~limited to:~~ fees set forth in Section 27.1b of the Clerks
14 of Courts Act; fees for service of process and other
15 papers served either within or outside this State,
16 including service by publication pursuant to Section 2-206
17 of this Code and publication of necessary legal notices;
18 motion fees; charges for participation in, or attendance
19 at, any mandatory process or procedure including, but not
20 limited to, conciliation, mediation, arbitration,
21 counseling, evaluation, "Children First", "Focus on
22 Children" or similar programs; fees for supplementary
23 proceedings; charges for translation services; guardian ad
24 litem fees; fees associated with preparation of a record

1 on appeal, including court reporter fees; fees for record
2 or case searches; fees for the reproduction of any
3 document contained in the clerk's files; and all other
4 processes and procedures deemed by the court to be
5 necessary to commence, prosecute, defend, or enforce
6 relief in a civil action. "Fees, costs, and charges" does
7 not include, and "fee waivers" under this Section do not
8 cover, expenses incurred as a result of services provided
9 by a noncourt supervised entity, facility, or other
10 person, including, but not limited to, real estate
11 services, health care or mental health services, child
12 care, or job placement assistance.

13 (2) "Indigent person" means any person who meets one
14 or more of the following criteria:

15 (i) He or she is receiving assistance under one or
16 more of the following means-based governmental public
17 benefits programs: Supplemental Security Income (SSI),
18 Aid to the Aged, Blind and Disabled (AABD), Temporary
19 Assistance for Needy Families (TANF), Supplemental
20 Nutrition Assistance Program (SNAP), General
21 Assistance, Transitional Assistance, or State Children
22 and Family Assistance.

23 (ii) His or her available personal income is 125%
24 or less of the current poverty level, unless the
25 applicant's assets that are not exempt under Part 9 or
26 10 of Article XII of this Code are of a nature and

1 value that the court determines that the applicant is
2 able to pay the fees, costs, and charges.

3 (iii) He or she is, in the discretion of the court,
4 unable to proceed in an action without payment of
5 fees, costs, and charges and whose payment of those
6 fees, costs, and charges would result in substantial
7 hardship to the person or his or her family.

8 (iv) He or she is an indigent person pursuant to
9 Section 5-105.5 of this Code.

10 (3) "Poverty level" means the current poverty level as
11 established by the United States Department of Health and
12 Human Services.

13 (b) On the application of any person, before or after the
14 commencement of an action:

15 (1) If the court finds that the applicant is an
16 indigent person, the court shall grant the applicant a
17 full fees, costs, and charges waiver entitling him or her
18 to sue or defend the action without payment of any of the
19 fees, costs, and charges.

20 (2) If the court finds that the applicant satisfies
21 any of the criteria contained in items (i), (ii), or (iii)
22 of this subdivision (b)(2), the court shall grant the
23 applicant a partial fees, costs, and charges waiver
24 entitling him or her to sue or defend the action upon
25 payment of the applicable percentage of the assessments,
26 costs, and charges of the action, as follows:

1 (i) the court shall waive 75% of all fees, costs,
2 and charges if the available income of the applicant
3 is greater than 125% but does not exceed 150% of the
4 poverty level, unless the assets of the applicant that
5 are not exempt under Part 9 or 10 of Article XII of
6 this Code are such that the applicant is able, without
7 undue hardship, to pay a greater portion of the fees,
8 costs, and charges;

9 (ii) the court shall waive 50% of all fees, costs,
10 and charges if the available income is greater than
11 150% but does not exceed 175% of the poverty level,
12 unless the assets of the applicant that are not exempt
13 under Part 9 or 10 of Article XII of this Code are such
14 that the applicant is able, without undue hardship, to
15 pay a greater portion of the fees, costs, and charges;
16 and

17 (iii) the court shall waive 25% of all fees,
18 costs, and charges if the available income of the
19 applicant is greater than 175% but does not exceed
20 200% of the current poverty level, unless the assets
21 of the applicant that are not exempt under Part 9 or 10
22 of Article XII of this Code are such that the applicant
23 is able, without undue hardship, to pay a greater
24 portion of the fees, costs, and charges.

25 (c) An application for waiver of court fees, costs, and
26 charges shall be in writing and signed by the applicant, or, if

1 the applicant is a minor or an incompetent adult, by another
2 person having knowledge of the facts. The contents of the
3 application for waiver of court fees, costs, and charges, and
4 the procedure for the decision of the applications, shall be
5 established by Supreme Court Rule. Factors to consider in
6 evaluating an application shall include:

7 (1) the applicant's receipt of needs based
8 governmental public benefits, including Supplemental
9 Security Income (SSI); Aid to the Aged, Blind and Disabled
10 (AABD); Temporary Assistance for Needy Families (TANF);
11 Supplemental Nutrition Assistance Program (SNAP or "food
12 stamps"); General Assistance; Transitional Assistance; or
13 State Children and Family Assistance;

14 (2) the employment status of the applicant and amount
15 of monthly income, if any;

16 (3) income received from the applicant's pension,
17 Social Security benefits, unemployment benefits, and other
18 sources;

19 (4) income received by the applicant from other
20 household members;

21 (5) the applicant's monthly expenses, including rent,
22 home mortgage, other mortgage, utilities, food, medical,
23 vehicle, childcare, debts, child support, and other
24 expenses; and

25 (6) financial affidavits or other similar supporting
26 documentation provided by the applicant showing that

1 payment of the imposed fees, costs, and charges would
2 result in substantial hardship to the applicant or the
3 applicant's family.

4 (c-5) The court shall provide, through the office of the
5 clerk of the court, the application for waiver of court fees,
6 costs, and charges to any person seeking to sue or defend an
7 action who indicates an inability to pay the fees, costs, and
8 charges of the action. The clerk of the court shall post in a
9 conspicuous place in the courthouse a notice no smaller than
10 8.5 x 11 inches, using no smaller than 30-point typeface
11 printed in English and in Spanish, advising the public that
12 they may ask the court for permission to sue or defend a civil
13 action without payment of fees, costs, and charges. The notice
14 shall be substantially as follows:

15 "If you are unable to pay the fees, costs, and charges
16 of an action you may ask the court to allow you to proceed
17 without paying them. Ask the clerk of the court for
18 forms."

19 (d) (Blank).

20 (e) The clerk of the court shall not refuse to accept and
21 file any complaint, appearance, or other paper presented by
22 the applicant if accompanied by an application for waiver of
23 court fees, costs, and charges, and those papers shall be
24 considered filed on the date the application is presented. If
25 the application is denied or a partial fees, costs, and
26 charges waiver is granted, the order shall state a date

1 certain by which the necessary fees, costs, and charges must
2 be paid. For good cause shown, the court may allow an applicant
3 who receives a partial fees, costs, and charges waiver to
4 defer payment of fees, costs, and charges, make installment
5 payments, or make payment upon reasonable terms and conditions
6 stated in the order. The court may dismiss the claims or strike
7 the defenses of any party failing to pay the fees, costs, and
8 charges within the time and in the manner ordered by the court.
9 A judicial ruling on an application for waiver of court
10 assessments does not constitute a decision of a substantial
11 issue in the case under Section 2-1001 of this Code.

12 (f) The order granting a full or partial fees, costs, and
13 charges waiver shall expire after one year. Upon expiration of
14 the waiver, or a reasonable period of time before expiration,
15 the party whose fees, costs, and charges were waived may file
16 another application for waiver and the court shall consider
17 the application in accordance with the applicable Supreme
18 Court Rule.

19 (f-5) If, before or at the time of final disposition of the
20 case, the court obtains information, including information
21 from the court file, suggesting that a person whose fees,
22 costs, and charges were initially waived was not entitled to a
23 full or partial waiver at the time of application, the court
24 may require the person to appear at a court hearing by giving
25 the applicant no less than 10 days' written notice of the
26 hearing and the specific reasons why the initial waiver might

1 be reconsidered. The court may require the applicant to
2 provide reasonably available evidence, including financial
3 information, to support his or her eligibility for the waiver,
4 but the court shall not require submission of information that
5 is unrelated to the criteria for eligibility and application
6 requirements set forth in subdivision (b)(1) or (b)(2) of this
7 Section. If the court finds that the person was not initially
8 entitled to any waiver, the person shall pay all fees, costs,
9 and charges relating to the civil action, including any
10 previously waived fees, costs, and charges. The order may
11 state terms of payment in accordance with subsection (e). The
12 court shall not conduct a hearing under this subsection more
13 often than once every 6 months.

14 (f-10) If, before or at the time of final disposition of
15 the case, the court obtains information, including information
16 from the court file, suggesting that a person who received a
17 full or partial waiver has experienced a change in financial
18 condition so that he or she is no longer eligible for that
19 waiver, the court may require the person to appear at a court
20 hearing by giving the applicant no less than 10 days' written
21 notice of the hearing and the specific reasons why the waiver
22 might be reconsidered. The court may require the person to
23 provide reasonably available evidence, including financial
24 information, to support his or her continued eligibility for
25 the waiver, but shall not require submission of information
26 that is unrelated to the criteria for eligibility and

1 application requirements set forth in subdivisions (b)(1) and
2 (b)(2) of this Section. If the court enters an order finding
3 that the person is no longer entitled to a waiver, or is
4 entitled to a partial waiver different than that which the
5 person had previously received, the person shall pay the
6 requisite fees, costs, and charges from the date of the order
7 going forward. The order may state terms of payment in
8 accordance with subsection (e) of this Section. The court
9 shall not conduct a hearing under this subsection more often
10 than once every 6 months.

11 (g) A court, in its discretion, may appoint counsel to
12 represent an indigent person, and that counsel shall perform
13 his or her duties without fees, charges, or reward.

14 (h) Nothing in this Section shall be construed to affect
15 the right of a party to sue or defend an action in forma
16 pauperis without the payment of fees, costs, charges, or the
17 right of a party to court-appointed counsel, as authorized by
18 any other provision of law or by the rules of the Illinois
19 Supreme Court. Nothing in this Section shall be construed to
20 limit the authority of a court to order another party to the
21 action to pay the fees, costs, and charges of the action.

22 (h-5) If a party is represented by a civil legal services
23 provider or an attorney in a court-sponsored pro bono program
24 as defined in Section 5-105.5 of this Code, the attorney
25 representing that party shall file a certification with the
26 court in accordance with Supreme Court Rule 298 and that party

1 shall be allowed to sue or defend without payment of fees,
2 costs, and charges without filing an application under this
3 Section.

4 (h-10) (Blank).

5 (i) The provisions of this Section are severable under
6 Section 1.31 of the Statute on Statutes.

7 (Source: P.A. 101-36, eff. 6-28-19; 102-558, eff. 8-20-21.)".

8 (735 ILCS 5/15-1504.1 rep.)

9 Section 75. The Code of Civil Procedure is amended by
10 repealing Section 15-1504.1.

11 Section 80. The Illinois Marriage and Dissolution of
12 Marriage Act is amended by changing Section 705 as follows:

13 (750 ILCS 5/705) (from Ch. 40, par. 705)

14 Sec. 705. Support payments; receiving and disbursing
15 agents.

16 (1) The provisions of this Section shall apply, except as
17 provided in Sections 709 through 712.

18 (2) In a dissolution of marriage action filed in a county
19 of less than 3 million population in which an order or judgment
20 for child support is entered, and in supplementary proceedings
21 in any such county to enforce or vary the terms of such order
22 or judgment arising out of an action for dissolution of
23 marriage filed in such county, the court, except as it

1 otherwise orders, under subsection (4) of this Section, may
2 direct that child support payments be made to the clerk of the
3 court.

4 (3) In a dissolution of marriage action filed in any
5 county of 3 million or more population in which an order or
6 judgment for child support is entered, and in supplementary
7 proceedings in any such county to enforce or vary the terms of
8 such order or judgment arising out of an action for
9 dissolution of marriage filed in such county, the court,
10 except as it otherwise orders under subsection (4) of this
11 Section, may direct that child support payments be made either
12 to the clerk of the court or to the Court Service Division of
13 the County Department of Public Aid. After the effective date
14 of this Act, the court, except as it otherwise orders under
15 subsection (4) of this Section, may direct that child support
16 payments be made either to the clerk of the court or to the
17 Department of Healthcare and Family Services.

18 (4) In a dissolution of marriage action or supplementary
19 proceedings involving maintenance or child support payments,
20 or both, to persons who are recipients of aid under the
21 Illinois Public Aid Code, the court shall direct that such
22 payments be made to (a) the Department of Healthcare and
23 Family Services if the persons are recipients under Articles
24 III, IV, or V of the Code, or (b) the local governmental unit
25 responsible for their support if they are recipients under
26 Articles VI or VII of the Code. In accordance with federal law

1 and regulations, the Department of Healthcare and Family
2 Services may continue to collect current maintenance payments
3 or child support payments, or both, after those persons cease
4 to receive public assistance and until termination of services
5 under Article X of the Illinois Public Aid Code. The
6 Department of Healthcare and Family Services shall pay the net
7 amount collected to those persons after deducting any costs
8 incurred in making the collection or any collection fee from
9 the amount of any recovery made. The order shall permit the
10 Department of Healthcare and Family Services or the local
11 governmental unit, as the case may be, to direct that payments
12 be made directly to the former spouse, the children, or both,
13 or to some person or agency in their behalf, upon removal of
14 the former spouse or children from the public aid rolls or upon
15 termination of services under Article X of the Illinois Public
16 Aid Code; and upon such direction, the Department or local
17 governmental unit, as the case requires, shall give notice of
18 such action to the court in writing or by electronic
19 transmission.

20 (5) All clerks of the court and the Court Service Division
21 of a County Department of Public Aid and, after the effective
22 date of this Act, all clerks of the court and the Department of
23 Healthcare and Family Services, receiving child support
24 payments under subsections (2) and (3) of this Section shall
25 disburse the payments to the person or persons entitled
26 thereto under the terms of the order or judgment. They shall

1 establish and maintain current records of all moneys received
2 and disbursed and of defaults and delinquencies in required
3 payments. The court, by order or rule, shall make provision
4 for the carrying out of these duties.

5 Payments under this Section to the Department of
6 Healthcare and Family Services pursuant to the Child Support
7 Enforcement Program established by Title IV-D of the Social
8 Security Act shall be paid into the Child Support Enforcement
9 Trust Fund. All payments under this Section to the Illinois
10 Department of Human Services shall be deposited in the DHS
11 Recoveries Trust Fund. Disbursements from these funds shall be
12 as provided in the Illinois Public Aid Code. Payments received
13 by a local governmental unit shall be deposited in that unit's
14 General Assistance Fund. Any order of court directing payment
15 of child support to a clerk of court or the Court Service
16 Division of a County Department of Public Aid, which order has
17 been entered on or after August 14, 1961, and prior to the
18 effective date of this Act, may be amended by the court in line
19 with this Act; and orders involving payments of maintenance or
20 child support to recipients of public aid may in like manner be
21 amended to conform to this Act.

22 (6) (Blank). ~~No filing fee or costs will be required in any~~
23 ~~action brought at the request of the Department of Healthcare~~
24 ~~and Family Services in any proceeding under this Act. However,~~
25 ~~any such fees or costs may be assessed by the court against the~~
26 ~~respondent in the court's order of support or any modification~~

1 ~~thereof in a proceeding under this Act.~~

2 (7) For those cases in which child support is payable to
3 the clerk of the circuit court for transmittal to the
4 Department of Healthcare and Family Services (formerly
5 Illinois Department of Public Aid) by order of court or upon
6 notification by the Department of Healthcare and Family
7 Services (formerly Illinois Department of Public Aid), the
8 clerk shall transmit all such payments, within 4 working days
9 of receipt, to insure that funds are available for immediate
10 distribution by the Department to the person or entity
11 entitled thereto in accordance with standards of the Child
12 Support Enforcement Program established under Title IV-D of
13 the Social Security Act. The clerk shall notify the Department
14 of the date of receipt and amount thereof at the time of
15 transmittal. Where the clerk has entered into an agreement of
16 cooperation with the Department to record the terms of child
17 support orders and payments made thereunder directly into the
18 Department's automated data processing system, the clerk shall
19 account for, transmit and otherwise distribute child support
20 payments in accordance with such agreement in lieu of the
21 requirements contained herein.

22 In any action filed in a county with a population of
23 1,000,000 or less, the court shall assess against the
24 respondent in any order of maintenance or child support any
25 sum up to \$36 annually authorized by ordinance of the county
26 board to be collected by the clerk of the court as costs for

1 administering the collection and disbursement of maintenance
2 and child support payments. Such sum shall be in addition to
3 and separate from amounts ordered to be paid as maintenance or
4 child support.

5 (8) To the extent the provisions of this Section are
6 inconsistent with the requirements pertaining to the State
7 Disbursement Unit under Section 507.1 of this Act and Section
8 10-26 of the Illinois Public Aid Code, the requirements
9 pertaining to the State Disbursement Unit shall apply.

10 (Source: P.A. 94-88, eff. 1-1-06; 95-331, eff. 8-21-07.)

11 (750 ILCS 5/711 rep.)

12 Section 85. The Illinois Marriage and Dissolution of
13 Marriage Act is amended by repealing Section 711.

14 Section 90. The Adoption Act is amended by changing
15 Section 12a as follows:

16 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

17 Sec. 12a. Notice to putative father.

18 1. Upon the written request to any Clerk of any Circuit
19 Court, ~~and upon the payment of a filing fee of \$10.00,~~ by any
20 interested party, including persons intending to adopt a
21 child, a child welfare agency with whom the mother has placed
22 or has given written notice of her intention to place a child
23 for adoption, the mother of a child, or any attorney

1 representing an interested party, a notice, the declaration of
2 paternity and the disclaimer of paternity may be served on a
3 putative father in the same manner as Summons is served in
4 other civil proceedings, or, in lieu of personal service,
5 service may be made as follows:

6 (a) ~~The person requesting notice shall pay to the~~
7 ~~Clerk of the Court a mailing fee of \$2 plus the cost of U.~~
8 ~~S. postage for certified or registered mail and furnish to~~
9 ~~the Clerk an original and one copy of a notice, the~~
10 ~~declaration of paternity and the disclaimer of paternity~~
11 ~~together with an Affidavit setting forth the putative~~
12 ~~father's last known address.~~ The original notice, the
13 declaration of paternity and the disclaimer of paternity
14 shall be retained by the Clerk.

15 (b) The Clerk shall forthwith mail to the putative
16 father, at the address appearing in the Affidavit, the
17 copy of the notice, the declaration of paternity and the
18 disclaimer of paternity, by certified mail, return receipt
19 requested; the envelope and return receipt shall bear the
20 return address of the Clerk. The receipt for certified
21 mail shall state the name and address of the addressee,
22 and the date of mailing, and shall be attached to the
23 original notice.

24 (c) The return receipt, when returned to the Clerk,
25 shall be attached to the original notice, the declaration
26 of paternity and the disclaimer of paternity, and shall

1 constitute proof of service.

2 (d) The Clerk shall note the fact of service in a
3 permanent record.

4 2. The notice shall be signed by the Clerk, and may be
5 served on the putative father at any time after conception,
6 and shall read as follows:

7 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

8 You have been identified as the father of a child born or
9 expected to be born on or about (insert date).

10 The mother of the child is.....

11 The mother has indicated that she intends to place the
12 child for adoption.

13 As the alleged father of the child, you have certain legal
14 rights with respect to the child, including the right to
15 notice of the filing of proceedings instituted for the
16 adoption of the child. If you wish to retain your rights with
17 respect to the child, you must file with the Clerk of this
18 Circuit Court of County, Illinois, whose address is,
19 Illinois, within 30 days after the date of receipt of this
20 notice, the declaration of paternity enclosed herewith stating
21 that you are, in fact, the father of the child and that you
22 intend to retain your legal rights with respect to the child,
23 or request to be notified of any further proceedings with
24 respect to custody or adoption of the child.

25 If you do not file such a declaration of paternity, or a
26 request for notice, then whatever legal rights you have with

1 respect to the child, including the right to notice of any
 2 future proceedings for the adoption of the child, may be
 3 terminated without any further notice to you. When your legal
 4 rights with respect to the child are so terminated, you will
 5 not be entitled to notice of any proceeding instituted for the
 6 adoption of the child.

7 If you are not the father of the child, you may file with
 8 the Clerk of this Court the disclaimer of paternity enclosed
 9 herewith which will be noted in the Clerk's file and you will
 10 receive no further notice with respect to the child."

11 The declaration of paternity shall be substantially as
 12 follows:

13 "IN THE CIRCUIT COURT OF THE
 14 JUDICIAL CIRCUIT, ILLINOIS
 15 County

16)
 17)
 18) No.)
 19)

20 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

21 I,, state as follows:

22 (1) That I am years of age; and I reside at
 23 in the County of, State of

24 (2) That I have been advised that is the mother of
 25 a ...male child with the initials born or expected to
 26 be born on or about and that such mother has stated

1 that I am the father of this child.

2 (3) I declare that I am the father of this child.

3 (4) I understand that the mother of this child wishes to
4 consent to the adoption of this child. I do not consent to the
5 adoption of this child, and I understand that I must return
6 this initial declaration of parentage form to the Clerk of the
7 Circuit Court of County, located at, within
8 30 days of receipt of this notice.

9 (5) I further understand that I am also obligated to
10 establish my paternity pursuant to the Illinois Parentage Act
11 of 2015 within 30 days of my receiving this notice or, if the
12 child is not yet born, within 30 days after the birth of the
13 child. This proceeding is separate and distinct from the above
14 mailing of initial declaration of paternity; in this second
15 notice, I must state that I am, in fact, the father of said
16 child, and that I intend to retain my legal rights with respect
17 to said child, and request to be notified of any further
18 proceedings with respect to custody or adoption of the child.

19 (6) I hereby enter my appearance in the above entitled
20 cause.

21 OATH

22 I have been duly sworn and I say under oath that I have
23 read and understand this Declaration of Paternity With Entry
24 of Appearance. The facts that it contains are true and correct
25 to the best of my knowledge, and I understand that by signing
26 this document I admit my paternity. I have signed this

1 document as my free and voluntary act.

2

3 (signature)

4 Dated (insert date).

5 Signed and sworn before me on (insert date).

6

7 (notary public)".

8

9 The disclaimer of paternity shall be substantially as
10 follows:

11 "IN THE CIRCUIT COURT OF THE
12 JUDICIAL CIRCUIT, ILLINOIS
13 County

14)
15)
16) No.)
17)

18 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE
19 AND CONSENT TO ADOPTION

20 I,, state as follows:

21 (1) That I am years of age; and I reside at
22 in the County of, State of

23 (2) That I have been advised that is the mother
24 of amale child with the initials born or expected
25 to be born on or about and that such mother has stated

1 that I am the father of this child.

2 (3) I deny that I am the father of this child.

3 (4) I further understand that the mother of this child
4 wishes to consent to the adoption of the child. I hereby
5 consent to the adoption of this child, and waive any rights,
6 remedies and defenses that I may now or in the future have as a
7 result of the mother's allegation of the paternity of this
8 child. This consent is being given in order to facilitate the
9 adoption of the child and so that the court may terminate what
10 rights I may have to the child as a result of being named the
11 father by the mother. This consent is not in any manner an
12 admission of paternity.

13 (5) I hereby enter my appearance in the above entitled
14 cause and waive service of summons and other pleading.

15 OATH

16 I have been duly sworn and I say under oath that I have
17 read and understood this Denial of Paternity With Entry of
18 Appearance and Consent to Adoption. The facts it contains are
19 true and correct to the best of my knowledge, and I understand
20 that by signing this document I have not admitted paternity. I
21 have signed this document as my free and voluntary act in order
22 to facilitate the adoption of the child.

23
24 (signature)

25 Dated (insert date).

26 Signed and sworn before me on (insert date).

1
 2 (notary public)".

3
 4 The names of adoptive parents shall not be included in the
 5 notice.

6 3. If the putative father files a disclaimer of paternity,
 7 he shall be deemed not to be the father of the child with
 8 respect to any adoption or other proceeding held to terminate
 9 the rights of parents as respects such child.

10 4. In the event the putative father does not file a
 11 declaration of paternity of the child or request for notice
 12 within 30 days of service of the above notice, he need not be
 13 made a party to or given notice of any proceeding brought for
 14 the adoption of the child. An Order or judgment may be entered
 15 in such proceeding terminating all of his rights with respect
 16 to the child without further notice to him.

17 5. If the putative father files a declaration of paternity
 18 or a request for notice in accordance with subsection 2, with
 19 respect to the child, he shall be given notice in event any
 20 proceeding is brought for the adoption of the child.

21 6. The Clerk shall maintain separate numbered files and
 22 records of requests and proofs of service and all other
 23 documents filed pursuant to this article. All such records
 24 shall be impounded.

25 (Source: P.A. 99-85, eff. 1-1-16.)

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