



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1183**

Introduced 2/8/2005, by Rep. Arthur L. Turner

**SYNOPSIS AS INTRODUCED:**

705 ILCS 105/27.5  
705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Clerks of Courts Act. Adds the court service fee, the court system fee, and the traffic and criminal surcharge fee to the list of fees that the clerk of the court may add to the amount of money that the clerk is required to disburse. In cases of bail forfeiture, ex parte judgment, or guilty pleas, includes the court service fee, the court system fee, and the traffic and criminal surcharge fee to the list of deductions that the clerk of the court may remove from the amount collected before disbursing the money. Effective immediately.

LRB094 03594 LCB 33598 b

1 AN ACT concerning courts.

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

4 Section 5. The Clerks of Courts Act is amended by changing  
5 Sections 27.5 and 27.6 as follows:

6 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

7 Sec. 27.5. (a) All fees, fines, costs, additional  
8 penalties, bail balances assessed or forfeited, and any other  
9 amount paid by a person to the circuit clerk that equals an  
10 amount less than \$55, except restitution under Section 5-5-6 of  
11 the Unified Code of Corrections, reimbursement for the costs of  
12 an emergency response as provided under Section 11-501 of the  
13 Illinois Vehicle Code, any fees collected for attending a  
14 traffic safety program under paragraph (c) of Supreme Court  
15 Rule 529, any fee collected on behalf of a State's Attorney  
16 under Section 4-2002 of the Counties Code or a sheriff under  
17 Section 4-5001 of the Counties Code, or any cost imposed under  
18 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
19 convictions, orders of supervision, or any other disposition  
20 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
21 Vehicle Code, or a similar provision of a local ordinance, and  
22 any violation of the Child Passenger Protection Act, or a  
23 similar provision of a local ordinance, and except as provided  
24 in subsection (b) shall be disbursed within 60 days after  
25 receipt by the circuit clerk as follows: 47% shall be disbursed  
26 to the entity authorized by law to receive the fine imposed in  
27 the case; 12% shall be disbursed to the State Treasurer; and  
28 41% shall be disbursed to the county's general corporate fund.  
29 Of the 12% disbursed to the State Treasurer, 1/6 shall be  
30 deposited by the State Treasurer into the Violent Crime Victims  
31 Assistance Fund, 1/2 shall be deposited into the Traffic and  
32 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited

1 into the Drivers Education Fund. For fiscal years 1992 and  
2 1993, amounts deposited into the Violent Crime Victims  
3 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
4 Fund, or the Drivers Education Fund shall not exceed 110% of  
5 the amounts deposited into those funds in fiscal year 1991. Any  
6 amount that exceeds the 110% limit shall be distributed as  
7 follows: 50% shall be disbursed to the county's general  
8 corporate fund and 50% shall be disbursed to the entity  
9 authorized by law to receive the fine imposed in the case. Not  
10 later than March 1 of each year the circuit clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this Section during the preceding year based upon  
13 independent verification of fines and fees. All counties shall  
14 be subject to this Section, except that counties with a  
15 population under 2,000,000 may, by ordinance, elect not to be  
16 subject to this Section. For offenses subject to this Section,  
17 judges shall impose one total sum of money payable for  
18 violations. The circuit clerk may add on no additional amounts  
19 except for amounts that are required by Sections 27.3a and  
20 27.3c of this Act, the court service fee under Section 5-1103  
21 of the Counties Code, the court system fee under Section 5-1101  
22 of the Counties Code, and the traffic and criminal surcharge  
23 under subsection (c-9) of Section 5-9-1 of the Unified Code of  
24 Corrections, unless those amounts are specifically waived by  
25 the judge. With respect to money collected by the circuit clerk  
26 as a result of forfeiture of bail, ex parte judgment or guilty  
27 plea pursuant to Supreme Court Rule 529, the circuit clerk  
28 shall first deduct and pay amounts required by Sections 27.3a  
29 and 27.3c of this Act, Sections 5-1103 and 5-1101 of the  
30 Counties Code and subsection (c-9) of Section 5-9-1 of the  
31 Unified Code of Corrections. This Section is a denial and  
32 limitation of home rule powers and functions under subsection  
33 (h) of Section 6 of Article VII of the Illinois Constitution.

34 (b) The following amounts must be remitted to the State  
35 Treasurer for deposit into the Illinois Animal Abuse Fund:

36 (1) 50% of the amounts collected for felony offenses

1 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
2 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
3 Animals Act and Section 26-5 of the Criminal Code of 1961;

4 (2) 20% of the amounts collected for Class A and Class  
5 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
6 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
7 for Animals Act and Section 26-5 of the Criminal Code of  
8 1961; and

9 (3) 50% of the amounts collected for Class C  
10 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
11 for Animals Act and Section 26-5 of the Criminal Code of  
12 1961.

13 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02;  
14 93-800, eff. 1-1-05.)

15 (705 ILCS 105/27.6)

16 Sec. 27.6. (a) All fees, fines, costs, additional  
17 penalties, bail balances assessed or forfeited, and any other  
18 amount paid by a person to the circuit clerk equalling an  
19 amount of \$55 or more, except the additional fee required by  
20 subsections (b) and (c), restitution under Section 5-5-6 of the  
21 Unified Code of Corrections, reimbursement for the costs of an  
22 emergency response as provided under Section 11-501 of the  
23 Illinois Vehicle Code, any fees collected for attending a  
24 traffic safety program under paragraph (c) of Supreme Court  
25 Rule 529, any fee collected on behalf of a State's Attorney  
26 under Section 4-2002 of the Counties Code or a sheriff under  
27 Section 4-5001 of the Counties Code, or any cost imposed under  
28 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
29 convictions, orders of supervision, or any other disposition  
30 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
31 Vehicle Code, or a similar provision of a local ordinance, and  
32 any violation of the Child Passenger Protection Act, or a  
33 similar provision of a local ordinance, and except as provided  
34 in subsection (d) shall be disbursed within 60 days after  
35 receipt by the circuit clerk as follows: 44.5% shall be

1 disbursed to the entity authorized by law to receive the fine  
2 imposed in the case; 16.825% shall be disbursed to the State  
3 Treasurer; and 38.675% shall be disbursed to the county's  
4 general corporate fund. Of the 16.825% disbursed to the State  
5 Treasurer, 2/17 shall be deposited by the State Treasurer into  
6 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
7 deposited into the Traffic and Criminal Conviction Surcharge  
8 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
9 and 6.948/17 shall be deposited into the Trauma Center Fund. Of  
10 the 6.948/17 deposited into the Trauma Center Fund from the  
11 16.825% disbursed to the State Treasurer, 50% shall be  
12 disbursed to the Department of Public Health and 50% shall be  
13 disbursed to the Department of Public Aid. For fiscal year  
14 1993, amounts deposited into the Violent Crime Victims  
15 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
16 Fund, or the Drivers Education Fund shall not exceed 110% of  
17 the amounts deposited into those funds in fiscal year 1991. Any  
18 amount that exceeds the 110% limit shall be distributed as  
19 follows: 50% shall be disbursed to the county's general  
20 corporate fund and 50% shall be disbursed to the entity  
21 authorized by law to receive the fine imposed in the case. Not  
22 later than March 1 of each year the circuit clerk shall submit  
23 a report of the amount of funds remitted to the State Treasurer  
24 under this Section during the preceding year based upon  
25 independent verification of fines and fees. All counties shall  
26 be subject to this Section, except that counties with a  
27 population under 2,000,000 may, by ordinance, elect not to be  
28 subject to this Section. For offenses subject to this Section,  
29 judges shall impose one total sum of money payable for  
30 violations. The circuit clerk may add on no additional amounts  
31 except for amounts that are required by Sections 27.3a and  
32 27.3c of this Act, the court service fee under Section 5-1103  
33 of the Counties Code, the court system fee under Section 5-1101  
34 of the Counties Code, and the traffic and criminal surcharge  
35 under subsection (c-9) of Section 5-9-1 of the Unified Code of  
36 Corrections, unless those amounts are specifically waived by

1 the judge. With respect to money collected by the circuit clerk  
2 as a result of forfeiture of bail, ex parte judgment or guilty  
3 plea pursuant to Supreme Court Rule 529, the circuit clerk  
4 shall first deduct and pay amounts required by Sections 27.3a  
5 and 27.3c of this Act, Sections 5-1103 and 5-1101 of the  
6 Counties Code and subsection (c-9) of Section 5-9-1 of the  
7 Unified Code of Corrections. This Section is a denial and  
8 limitation of home rule powers and functions under subsection  
9 (h) of Section 6 of Article VII of the Illinois Constitution.

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

24 (b-1) In addition to any other fines and court costs  
25 assessed by the courts, any person convicted or receiving an  
26 order of supervision for driving under the influence of alcohol  
27 or drugs shall pay an additional fee of \$5 to the clerk of the  
28 circuit court. This amount, less 2 1/2% that shall be used to  
29 defray administrative costs incurred by the clerk, shall be  
30 remitted by the clerk to the Treasurer within 60 days after  
31 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
32 Research Trust Fund. This additional fee of \$5 shall not be  
33 considered a part of the fine for purposes of any reduction in  
34 the fine for time served either before or after sentencing. Not  
35 later than March 1 of each year the Circuit Clerk shall submit  
36 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

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

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

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

33 (1) 50% of the amounts collected for felony offenses  
34 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
35 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
36 Animals Act and Section 26-5 of the Criminal Code of 1961;

1           (2) 20% of the amounts collected for Class A and Class  
2           B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
3           5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
4           for Animals Act and Section 26-5 of the Criminal Code of  
5           1961; and

6           (3) 50% of the amounts collected for Class C  
7           misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
8           for Animals Act and Section 26-5 of the Criminal Code of  
9           1961.

10          (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,  
11          eff. 7-11-02; 92-651, eff. 7-11-02; 93-800, eff. 1-1-05.)

12          Section 99. Effective date. This Act takes effect upon  
13          becoming law.