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09400HB4307ham001

LRB094 16146 DRH 54467 a

1 AMENDMENT TO HOUSE BILL 4307

2 AMENDMENT NO. _____. Amend House Bill 4307 by replacing
3 the title with the following:

4 "AN ACT concerning driving offenses."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The State Finance Act is amended by changing
8 Section 8h as follows:

9 (30 ILCS 105/8h)

10 Sec. 8h. Transfers to General Revenue Fund.

11 (a) Except as provided in subsection (b), notwithstanding
12 any other State law to the contrary, the Governor may, through
13 June 30, 2007, from time to time direct the State Treasurer and
14 Comptroller to transfer a specified sum from any fund held by
15 the State Treasurer to the General Revenue Fund in order to
16 help defray the State's operating costs for the fiscal year.
17 The total transfer under this Section from any fund in any
18 fiscal year shall not exceed the lesser of (i) 8% of the
19 revenues to be deposited into the fund during that fiscal year
20 or (ii) an amount that leaves a remaining fund balance of 25%
21 of the July 1 fund balance of that fiscal year. In fiscal year
22 2005 only, prior to calculating the July 1, 2004 final

1 balances, the Governor may calculate and direct the State
2 Treasurer with the Comptroller to transfer additional amounts
3 determined by applying the formula authorized in Public Act
4 93-839 to the funds balances on July 1, 2003. No transfer may
5 be made from a fund under this Section that would have the
6 effect of reducing the available balance in the fund to an
7 amount less than the amount remaining unexpended and unreserved
8 from the total appropriation from that fund estimated to be
9 expended for that fiscal year. This Section does not apply to
10 any funds that are restricted by federal law to a specific use,
11 to any funds in the Motor Fuel Tax Fund, the Intercity
12 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
13 Provider Relief Fund, the Teacher Health Insurance Security
14 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
15 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
16 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
17 Federal Projects Fund, the Supreme Court Special State Projects
18 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development
19 and Operation Fund, or the Hospital Basic Services Preservation
20 Fund, or to any funds to which subsection (f) of Section 20-40
21 of the Nursing and Advanced Practice Nursing Act applies. No
22 transfers may be made under this Section from the Pet
23 Population Control Fund. Notwithstanding any other provision
24 of this Section, for fiscal year 2004, the total transfer under
25 this Section from the Road Fund or the State Construction
26 Account Fund shall not exceed the lesser of (i) 5% of the
27 revenues to be deposited into the fund during that fiscal year
28 or (ii) 25% of the beginning balance in the fund. For fiscal
29 year 2005 through fiscal year 2007, no amounts may be
30 transferred under this Section from the Road Fund, the State
31 Construction Account Fund, the Criminal Justice Information
32 Systems Trust Fund, the Wireless Service Emergency Fund, or the
33 Mandatory Arbitration Fund. Through fiscal year 2007, no
34 amounts may be transferred under this Section from the State

1 Police Vehicle Fund.

2 In determining the available balance in a fund, the
3 Governor may include receipts, transfers into the fund, and
4 other resources anticipated to be available in the fund in that
5 fiscal year.

6 The State Treasurer and Comptroller shall transfer the
7 amounts designated under this Section as soon as may be
8 practicable after receiving the direction to transfer from the
9 Governor.

10 (b) This Section does not apply to: (i) the Ticket For The
11 Cure Fund; (ii) ~~or to~~ any fund established under the Community
12 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
13 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
14 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
15 and Day and Temporary Labor Enforcement Fund.

16 (c) This Section does not apply to the Demutualization
17 Trust Fund established under the Uniform Disposition of
18 Unclaimed Property Act.

19 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
20 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
21 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
22 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
23 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
24 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
25 94-691, eff. 11-2-05; revised 11-15-05.)

26 Section 10. The Illinois Vehicle Code is amended by
27 changing Section 6-306.4 as follows:

28 (625 ILCS 5/6-306.4) (from Ch. 95 1/2, par. 6-306.4)

29 Sec. 6-306.4. Promise to comply. ~~Procedures for residents~~
30 ~~of other states.~~

31 (a) Except as provided in paragraph (b) of this Section:7

32 (1) Any ~~any~~ resident of another state which is a member

1 of the Nonresident Violator Compact of 1977, who has a
2 valid driver's license from his or her state of residence
3 and is cited by a police officer for violating a traffic
4 law or ordinance, shall have the option of ~~(1)~~ being taken
5 without unnecessary delay before a court of jurisdiction or
6 ~~(2)~~ executing a written promise to comply with the terms of
7 the citation by signing at least one copy of a Uniform
8 Traffic Ticket prepared by the police officer.

9 (2) Promise to comply pilot program. Beginning 6 months
10 after the effective date of this amendatory Act of the 94th
11 General Assembly, a pilot program is established, under
12 which any Illinois resident who possesses a valid Illinois
13 driver's license and is cited by a police officer for
14 violating a traffic law or ordinance shall have the option
15 of being taken without unnecessary delay before a court of
16 jurisdiction or executing a written promise to comply with
17 the terms of the citation by signing at least one copy of a
18 Uniform Traffic Ticket prepared by the police officer. The
19 Secretary of State shall report on the progress and success
20 of the pilot program to the 95th and 96th General
21 Assemblies. The report shall include, but not be limited
22 to, the progress and success of the pilot program and the
23 office's recommendations for changes or extensions of the
24 pilot program.

25 (3) The police officer may refuse to permit a
26 ~~nonresident~~ violator to execute a written promise to comply
27 with the terms of the citation if the ~~nonresident~~ violator
28 cannot furnish satisfactory evidence of identity or if the
29 officer has probable cause to believe the nonresident
30 violator cited will disregard the written promise to comply
31 with the citation.

32 (4) If the person cited is a resident of another State
33 which is not a member of the Nonresident Violator Compact
34 of 1977, then the rules established by the Supreme Court

1 for bail bond and appearance procedures apply.

2 (b) Any person cited for violating the following provisions
3 of this Code or a similar provision of local ordinances shall
4 be governed by the bail provisions of the Illinois Supreme
5 Court Rules when it is not practical or feasible to take the
6 person before a judge to have bail set or to avoid undue delay
7 because of the hour or circumstances: Section 3-101, Section
8 3-702, Sections 3-707, 3-708 or 3-710, Chapter 4, Chapter 5,
9 Section 6-101, Section 6-104, Section 6-113, Section 6-301,
10 Section 6-303, Section 8-115, Section 11-204, Section 11-310,
11 Section 11-311, Section 11-312, Section 11-401, Section
12 11-402, Section 11-403, Section 11-404, Section 11-409,
13 Section 11-501, Section 11-503, Section 11-504, Section
14 11-601, when more than 30 m.p.h. over the posted limit, Section
15 11-1006, Section 11-1414, Section 15-102, Section 15-103,
16 Section 15-107, Section 15-111, paragraph (f) of Section 15-112
17 or paragraph (j) of Section 15-301.

18 (c) If the person fails to comply with the executed written
19 promise to comply with the original terms of the citation as
20 indicated in paragraph (a) of this Section, the court shall
21 continue the case for a minimum of 30 days and require that a
22 notice of the continued court date be sent to the last known
23 address of such person. If the person does not appear or
24 otherwise satisfy the court on or before the continued court
25 date, the court shall enter an order of failure to appear to
26 answer such charge. The clerk of such court shall notify the
27 Secretary of State of the court's order within 21 days.

28 (d) Suspension of driver's license.

29 (1) If the violator is a resident of another state, the
30 Secretary of State, upon ~~Upon~~ receiving such notice, the
31 ~~Secretary of State~~ shall comply with the provisions of
32 Section 6-803 of this Code.

33 (2) If the violator is a resident of Illinois, the
34 Secretary of State, when notified by the clerk of the court

1 that an order of failure to appear to answer a charge after
2 promising to appear has been entered, shall immediately
3 suspend the driver's license of the licensee without a
4 hearing and shall not remove the suspension, nor issue a
5 hardship license or privilege to the licensee, until
6 notified by the court that the licensee has appeared and
7 answered the charges placed against him or her.

8 (Source: P.A. 86-149.)

9 Section 15. The Clerks of Courts Act is amended by changing
10 Sections 27.5 and 27.6 as follows:

11 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

12 Sec. 27.5. (a) All fees, fines, costs, additional
13 penalties, bail balances assessed or forfeited, and any other
14 amount paid by a person to the circuit clerk that equals an
15 amount less than \$55, except restitution under Section 5-5-6 of
16 the Unified Code of Corrections, reimbursement for the costs of
17 an emergency response as provided under Section 11-501 of the
18 Illinois Vehicle Code, any fees collected for attending a
19 traffic safety program under paragraph (c) of Supreme Court
20 Rule 529, any fee collected on behalf of a State's Attorney
21 under Section 4-2002 of the Counties Code or a sheriff under
22 Section 4-5001 of the Counties Code, or any cost imposed under
23 Section 124A-5 of the Code of Criminal Procedure of 1963, for
24 convictions, orders of supervision, or any other disposition
25 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
26 Vehicle Code, or a similar provision of a local ordinance, and
27 any violation of the Child Passenger Protection Act, or a
28 similar provision of a local ordinance, and except as provided
29 in subsection (b) shall be disbursed within 60 days after
30 receipt by the circuit clerk as follows:

31 (1) Of the fine for any violation of the Illinois
32 Vehicle Code, except for violations of Chapter 15, \$10

1 shall be disbursed as follows:

2 (A) Of the fine for an offense committed upon a
3 highway within the limits of a city, village, or
4 incorporated town or under the jurisdiction of any park
5 district, if the violator was arrested or cited by a
6 peace officer provided by the city, village,
7 incorporated town, or park district, \$10 shall be
8 disbursed to the treasurer of the particular city,
9 village, incorporated town, or park district. The
10 city, village, incorporated town, or park district
11 shall designate that the \$10 shall be used for the
12 purchase of police vehicles and to equip and maintain
13 police vehicles.

14 (B) Of the fine for an offense committed upon any
15 publicly maintained highway or upon land owned by the
16 State, if the violator was arrested or cited by an
17 officer of the Department of State Police, \$10 shall be
18 disbursed to the State Treasurer to be deposited into
19 the State Police Vehicle Fund.

20 (C) Of the fine for a violation of the Illinois
21 Vehicle Code that is not described in subdivision
22 (1) (A) or (1) (B) of this subsection (a), \$10 shall be
23 disbursed to the county's general corporate fund. The
24 county shall designate that the \$10 shall be used for
25 the purchase of police vehicles and to equip and
26 maintain police vehicles.

27 (2) The remainder of the fees, fines, costs, additional
28 penalties, bail balances assessed or forfeited, and any
29 other amount paid by a person to the circuit clerk for a
30 violation of the Illinois Vehicle Code described in
31 paragraph (1) of this subsection (a), and all the fees,
32 fines, costs, additional penalties, bail balances assessed
33 or forfeited, and any other amount paid by a person to the
34 circuit clerk for a violation not described in the Illinois

1 Vehicle Code, shall be disbursed as follows: 47% shall be
2 disbursed to the entity authorized by law to receive the
3 fine imposed in the case; 12% shall be disbursed to the
4 State Treasurer; and 41% shall be disbursed to the county's
5 general corporate fund. Of the 12% disbursed to the State
6 Treasurer, 1/6 shall be deposited by the State Treasurer
7 into the Violent Crime Victims Assistance Fund, 1/2 shall
8 be deposited into the Traffic and Criminal Conviction
9 Surcharge Fund, and 1/3 shall be deposited into the Drivers
10 Education Fund. For fiscal years 1992 and 1993, amounts
11 deposited into the Violent Crime Victims Assistance Fund,
12 the Traffic and Criminal Conviction Surcharge Fund, or the
13 Drivers Education Fund shall not exceed 110% of the amounts
14 deposited into those funds in fiscal year 1991. Any amount
15 that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case.

19 Not later than March 1 of each year the circuit clerk shall
20 submit a report of the amount of funds remitted to the State
21 Treasurer under this Section during the preceding year based
22 upon independent verification of fines and fees. All counties
23 shall be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for
27 violations. The circuit clerk may add on no additional amounts
28 except for amounts that are required by Sections 27.3a and
29 27.3c of this Act, unless those amounts are specifically waived
30 by the judge. With respect to money collected by the circuit
31 clerk as a result of forfeiture of bail, ex parte judgment or
32 guilty plea pursuant to Supreme Court Rule 529, the circuit
33 clerk shall first deduct and pay amounts required by Sections
34 27.3a and 27.3c of this Act. This Section is a denial and

1 limitation of home rule powers and functions under subsection
2 (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

9 (2) 20% of the amounts collected for Class A and Class
10 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
11 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961; and

14 (3) 50% of the amounts collected for Class C
15 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
16 for Animals Act and Section 26-5 of the Criminal Code of
17 1961.

18 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02;
19 93-800, eff. 1-1-05.)

20 (705 ILCS 105/27.6)

21 Sec. 27.6. (a) All fees, fines, costs, additional
22 penalties, bail balances assessed or forfeited, and any other
23 amount paid by a person to the circuit clerk equalling an
24 amount of \$55 or more, except the additional fee required by
25 subsections (b) and (c), restitution under Section 5-5-6 of the
26 Unified Code of Corrections, reimbursement for the costs of an
27 emergency response as provided under Section 11-501 of the
28 Illinois Vehicle Code, any fees collected for attending a
29 traffic safety program under paragraph (c) of Supreme Court
30 Rule 529, any fee collected on behalf of a State's Attorney
31 under Section 4-2002 of the Counties Code or a sheriff under
32 Section 4-5001 of the Counties Code, or any cost imposed under
33 Section 124A-5 of the Code of Criminal Procedure of 1963, for

1 convictions, orders of supervision, or any other disposition
2 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, and except as provided
6 in subsection (d) shall be disbursed within 60 days after
7 receipt by the circuit clerk as follows:

8 (1) Of the fine for any violation of the Illinois
9 Vehicle Code, except for violations of Chapter 15, \$10
10 shall be disbursed as follows:

11 (A) Of the fine for an offense committed upon a
12 highway within the limits of a city, village, or
13 incorporated town or under the jurisdiction of any park
14 district, if the violator was arrested or cited by a
15 peace officer provided by the city, village,
16 incorporated town, or park district, \$10 shall be
17 disbursed to the treasurer of the particular city,
18 village, incorporated town, or park district. The
19 city, village, incorporated town, or park district
20 shall designate that the \$10 shall be used for the
21 purchase of police vehicles and to equip and maintain
22 police vehicles.

23 (B) Of the fine for an offense committed upon any
24 publicly maintained highway or upon land owned by the
25 State, if the violator was arrested or cited by an
26 officer of the Department of State Police, \$10 shall be
27 disbursed to the State Treasurer to be deposited into
28 the State Police Vehicle Fund.

29 (C) Of the fine for a violation of the Illinois
30 Vehicle Code that is not described in subdivision
31 (1)(A) or (1)(B) of this subsection (a), \$10 shall be
32 disbursed to the county's general corporate fund. The
33 county shall designate that the \$10 shall be used for
34 the purchase of police vehicles and to equip and

1 maintain police vehicles.

2 (2) The remainder of the fees, fines, costs, additional
3 penalties, bail balances assessed or forfeited, and any
4 other amount paid by a person to the circuit clerk for a
5 violation of the Illinois Vehicle Code described in
6 paragraph (1) of this subsection (a), and all the fees,
7 fines, costs, additional penalties, bail balances assessed
8 or forfeited, and any other amount paid by a person to the
9 circuit clerk for a violation not described in the Illinois
10 Vehicle Code, shall be disbursed as follows: 44.5% shall be
11 disbursed to the entity authorized by law to receive the
12 fine imposed in the case; 16.825% shall be disbursed to the
13 State Treasurer; and 38.675% shall be disbursed to the
14 county's general corporate fund. Of the 16.825% disbursed
15 to the State Treasurer, 2/17 shall be deposited by the
16 State Treasurer into the Violent Crime Victims Assistance
17 Fund, 5.052/17 shall be deposited into the Traffic and
18 Criminal Conviction Surcharge Fund, 3/17 shall be
19 deposited into the Drivers Education Fund, and 6.948/17
20 shall be deposited into the Trauma Center Fund. Of the
21 6.948/17 deposited into the Trauma Center Fund from the
22 16.825% disbursed to the State Treasurer, 50% shall be
23 disbursed to the Department of Public Health and 50% shall
24 be disbursed to the Department of Healthcare and Family
25 Services ~~Public Aid~~. For fiscal year 1993, amounts
26 deposited into the Violent Crime Victims Assistance Fund,
27 the Traffic and Criminal Conviction Surcharge Fund, or the
28 Drivers Education Fund shall not exceed 110% of the amounts
29 deposited into those funds in fiscal year 1991. Any amount
30 that exceeds the 110% limit shall be distributed as
31 follows: 50% shall be disbursed to the county's general
32 corporate fund and 50% shall be disbursed to the entity
33 authorized by law to receive the fine imposed in the case.
34 Not later than March 1 of each year the circuit clerk shall

1 submit a report of the amount of funds remitted to the State
2 Treasurer under this Section during the preceding year based
3 upon independent verification of fines and fees. All counties
4 shall be subject to this Section, except that counties with a
5 population under 2,000,000 may, by ordinance, elect not to be
6 subject to this Section. For offenses subject to this Section,
7 judges shall impose one total sum of money payable for
8 violations. The circuit clerk may add on no additional amounts
9 except for amounts that are required by Sections 27.3a and
10 27.3c of this Act, unless those amounts are specifically waived
11 by the judge. With respect to money collected by the circuit
12 clerk as a result of forfeiture of bail, ex parte judgment or
13 guilty plea pursuant to Supreme Court Rule 529, the circuit
14 clerk shall first deduct and pay amounts required by Sections
15 27.3a and 27.3c of this Act. This Section is a denial and
16 limitation of home rule powers and functions under subsection
17 (h) of Section 6 of Article VII of the Illinois Constitution.

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

32 (b-1) In addition to any other fines and court costs
33 assessed by the courts, any person convicted or receiving an
34 order of supervision for driving under the influence of alcohol

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

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

28 (c-1) In addition to any other fines and court costs
29 assessed by the courts, any person sentenced for a violation of
30 the Cannabis Control Act, the Illinois Controlled Substances
31 Act, or the Methamphetamine Control and Community Protection
32 Act shall pay an additional fee of \$5 to the clerk of the
33 circuit court. This amount, less 2 1/2% that shall be used to
34 defray administrative costs incurred by the clerk, shall be

1 remitted by the clerk to the Treasurer within 60 days after
2 receipt for deposit into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund. This additional fee of \$5 shall not be
4 considered a part of the fine for purposes of any reduction in
5 the fine for time served either before or after sentencing. Not
6 later than March 1 of each year the Circuit Clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this subsection during the preceding calendar year.

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

11 (1) 50% of the amounts collected for felony offenses
12 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
13 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
14 Animals Act and Section 26-5 of the Criminal Code of 1961;

15 (2) 20% of the amounts collected for Class A and Class
16 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
17 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
18 for Animals Act and Section 26-5 of the Criminal Code of
19 1961; and

20 (3) 50% of the amounts collected for Class C
21 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
22 for Animals Act and Section 26-5 of the Criminal Code of
23 1961.

24 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;
25 revised 12-15-05.)

26 Section 20. The Unified Code of Corrections is amended by
27 changing Section 5-9-1 as follows:

28 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

30 (a) An offender may be sentenced to pay a fine which shall
31 not exceed for each offense:

32 (1) for a felony, \$25,000 or the amount specified in

1 the offense, whichever is greater, or where the offender is
2 a corporation, \$50,000 or the amount specified in the
3 offense, whichever is greater;

4 (2) for a Class A misdemeanor, \$2,500 or the amount
5 specified in the offense, whichever is greater;

6 (3) for a Class B or Class C misdemeanor, \$1,500;

7 (4) for a petty offense, \$1,000 or the amount specified
8 in the offense, whichever is less;

9 (5) for a business offense, the amount specified in the
10 statute defining that offense.

11 (b) A fine may be imposed in addition to a sentence of
12 conditional discharge, probation, periodic imprisonment, or
13 imprisonment.

14 (c) There shall be added to every fine imposed in
15 sentencing for a criminal or traffic offense, except an offense
16 relating to parking or registration, or offense by a
17 pedestrian, an additional penalty of \$9 for each \$40, or
18 fraction thereof, of fine imposed. The additional penalty of \$9
19 for each \$40, or fraction thereof, of fine imposed, if not
20 otherwise assessed, shall also be added to every fine imposed
21 upon a plea of guilty, stipulation of facts or findings of
22 guilty, resulting in a judgment of conviction, or order of
23 supervision in criminal, traffic, local ordinance, county
24 ordinance, and conservation cases (except parking,
25 registration, or pedestrian violations), or upon a sentence of
26 probation without entry of judgment under Section 10 of the
27 Cannabis Control Act, Section 410 of the Illinois Controlled
28 Substances Act, or Section 70 of the Methamphetamine Control
29 and Community Protection Act.

30 Such additional amounts shall be assessed by the court
31 imposing the fine and shall be collected by the Circuit Clerk
32 in addition to the fine and costs in the case. Each such
33 additional penalty shall be remitted by the Circuit Clerk
34 within one month after receipt to the State Treasurer. The

1 State Treasurer shall deposit \$1 for each \$40, or fraction
2 thereof, of fine imposed into the LEADS Maintenance Fund. The
3 remaining surcharge amount shall be deposited into the Traffic
4 and Criminal Conviction Surcharge Fund, unless the fine, costs
5 or additional amounts are subject to disbursement by the
6 circuit clerk under Section 27.5 of the Clerks of Courts Act.
7 Such additional penalty shall not be considered a part of the
8 fine for purposes of any reduction in the fine for time served
9 either before or after sentencing. Not later than March 1 of
10 each year the Circuit Clerk shall submit a report of the amount
11 of funds remitted to the State Treasurer under this subsection
12 (c) during the preceding calendar year. Except as otherwise
13 provided by Supreme Court Rules, if a court in imposing a fine
14 against an offender levies a gross amount for fine, costs, fees
15 and penalties, the amount of the additional penalty provided
16 for herein shall be computed on the amount remaining after
17 deducting from the gross amount levied all fees of the Circuit
18 Clerk, the State's Attorney and the Sheriff. After deducting
19 from the gross amount levied the fees and additional penalty
20 provided for herein, less any other additional penalties
21 provided by law, the clerk shall remit the net balance
22 remaining to the entity authorized by law to receive the fine
23 imposed in the case. For purposes of this Section "fees of the
24 Circuit Clerk" shall include, if applicable, the fee provided
25 for under Section 27.3a of the Clerks of Courts Act and the
26 fee, if applicable, payable to the county in which the
27 violation occurred pursuant to Section 5-1101 of the Counties
28 Code.

29 (c-5) In addition to the fines imposed by subsection (c),
30 any person convicted or receiving an order of supervision for
31 driving under the influence of alcohol or drugs shall pay an
32 additional \$100 fee to the clerk. This additional fee, less 2
33 1/2% that shall be used to defray administrative costs incurred
34 by the clerk, shall be remitted by the clerk to the Treasurer

1 within 60 days after receipt for deposit into the Trauma Center
2 Fund. This additional fee of \$100 shall not be considered a
3 part of the fine for purposes of any reduction in the fine for
4 time served either before or after sentencing. Not later than
5 March 1 of each year the Circuit Clerk shall submit a report of
6 the amount of funds remitted to the State Treasurer under this
7 subsection (c-5) during the preceding calendar year.

8 The Circuit Clerk may accept payment of fines and costs by
9 credit card from an offender who has been convicted of a
10 traffic offense, petty offense or misdemeanor and may charge
11 the service fee permitted where fines and costs are paid by
12 credit card provided for in Section 27.3b of the Clerks of
13 Courts Act.

14 (c-7) In addition to the fines imposed by subsection (c),
15 any person convicted or receiving an order of supervision for
16 driving under the influence of alcohol or drugs shall pay an
17 additional \$5 fee to the clerk. This additional fee, less 2
18 1/2% that shall be used to defray administrative costs incurred
19 by the clerk, shall be remitted by the clerk to the Treasurer
20 within 60 days after receipt for deposit into the Spinal Cord
21 Injury Paralysis Cure Research Trust Fund. This additional fee
22 of \$5 shall not be considered a part of the fine for purposes
23 of any reduction in the fine for time served either before or
24 after sentencing. Not later than March 1 of each year the
25 Circuit Clerk shall submit a report of the amount of funds
26 remitted to the State Treasurer under this subsection (c-7)
27 during the preceding calendar year.

28 (c-9) (Blank). ~~, , or Section 70 of the Methamphetamine~~
29 ~~Control and Community Protection Act~~

30 (d) In determining the amount and method of payment of a
31 fine, except for those fines established for violations of
32 Chapter 15 of the Illinois Vehicle Code, the court shall
33 consider:

34 (1) the financial resources and future ability of the

1 offender to pay the fine; and

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

5 (3) in a case where the accused is a dissolved
6 corporation and the court has appointed counsel to
7 represent the corporation, the costs incurred either by the
8 county or the State for such representation.

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

11 (f) All fines, costs and additional amounts imposed under
12 this Section for any violation of Chapters 3, 4, 6, and 11 of
13 the Illinois Vehicle Code, or a similar provision of a local
14 ordinance, and any violation of the Child Passenger Protection
15 Act, or a similar provision of a local ordinance, shall be
16 collected and disbursed by the circuit clerk as provided under
17 Section 27.5 of the Clerks of Courts Act.

18 (g) For any violation, except a seat safety belt violation
19 under Section 12-603.1 of the Illinois Vehicle Code, the court
20 shall assess a person who satisfies a charge without appearing
21 in court according to Illinois Supreme Court Rules a total
22 amount not less than \$85. For a seat safety belt violation
23 under Section 12-603.1 of the Illinois Vehicle Code, the court
24 shall assess a person who satisfies a charge without appearing
25 in court according to Illinois Supreme Court Rules a total
26 amount not less than \$55.

27 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
28 94-652, eff. 8-22-05; revised 8-29-05.)".