



Judiciary II - Criminal Law Committee

Filed: 3/12/2009

09600HB0881ham001

LRB096 04639 AJT 21754 a

1 AMENDMENT TO HOUSE BILL 881

2 AMENDMENT NO. _____. Amend House Bill 881 on page 6, by
3 inserting below line 21 the following:

4 "Section 13. The Clerks of Courts Act is amended by
5 changing 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

1 Section 4-5001 of the Counties Code, or any cost imposed under
2 Section 124A-5 of the Code of Criminal Procedure of 1963, for
3 convictions, orders of supervision, or any other disposition
4 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
5 Vehicle Code, or a similar provision of a local ordinance, and
6 any violation of the Child Passenger Protection Act, or a
7 similar provision of a local ordinance, and except as provided
8 in subsection (b) shall be disbursed within 60 days after
9 receipt by the circuit clerk as follows: 47% shall be disbursed
10 to the entity authorized by law to receive the fine imposed in
11 the case; 12% shall be disbursed to the State Treasurer; and
12 41% shall be disbursed to the county's general corporate fund.
13 Of the 12% disbursed to the State Treasurer, 1/6 shall be
14 deposited by the State Treasurer into the Violent Crime Victims
15 Assistance Fund, 1/2 shall be deposited into the Traffic and
16 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
17 into the Drivers Education Fund. For fiscal years 1992 and
18 1993, amounts deposited into the Violent Crime Victims
19 Assistance Fund, the Traffic and Criminal Conviction Surcharge
20 Fund, or the Drivers Education Fund shall not exceed 110% of
21 the amounts deposited into those funds in fiscal year 1991. Any
22 amount that exceeds the 110% limit shall be distributed as
23 follows: 50% shall be disbursed to the county's general
24 corporate fund and 50% shall be disbursed to the entity
25 authorized by law to receive the fine imposed in the case. Not
26 later than March 1 of each year the circuit clerk shall submit

1 a report of the amount of funds remitted to the State Treasurer
2 under this Section during the preceding year based upon
3 independent verification of fines and fees. All counties shall
4 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) The following amounts must be remitted to the State
19 Treasurer for deposit into the Illinois Animal Abuse Fund:

20 (1) 50% of the amounts collected for felony offenses
21 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
22 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
23 Animals Act and Section 26-5 of the Criminal Code of 1961;

24 (2) 20% of the amounts collected for Class A and Class
25 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
26 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care

1 for Animals Act and Section 26-5 of the Criminal Code of
2 1961; and

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

7 (c) Any person who receives a disposition of court
8 supervision for a violation of the Illinois Vehicle Code or a
9 similar provision of a local ordinance shall, in addition to
10 any other fines, fees, and court costs, pay an additional fee
11 of \$20, to be disbursed as provided in Section 16-104c of the
12 Illinois Vehicle Code. In addition to the fee of \$20, the
13 person shall also pay a fee of \$5, if not waived by the court.
14 If this \$5 fee is collected, \$4.50 of the fee shall be
15 deposited into the Circuit Court Clerk Operation and
16 Administrative Fund created by the Clerk of the Circuit Court
17 and 50 cents of the fee shall be deposited into the Prisoner
18 Review Board Vehicle and Equipment Fund in the State treasury.

19 (d) Any person convicted of or pleading guilty to a serious
20 traffic violation, as defined in Section 1-187.001 of the
21 Illinois Vehicle Code, shall pay an additional fee of \$20, to
22 be disbursed as provided in Section 16-104d of that Code.

23 This subsection (d) becomes inoperative 7 years after the
24 effective date of Public Act 95-154.

25 (e) Any person who receives a disposition of court
26 supervision for a violation of Section 11-501 of the Illinois

1 Vehicle Code shall, in addition to any other fines, fees, and
2 court costs, pay an additional fee of \$50, which shall be
3 collected by the circuit clerk and then remitted to the State
4 Treasurer for deposit into the Roadside Memorial Fund, a
5 special fund in the State treasury. Subject to appropriation,
6 all moneys in the Roadside Memorial Fund shall be used by the
7 Department of Transportation to pay fees imposed under
8 subsection (f) of Section 20 of the Roadside Memorial Act. The
9 fee shall be remitted by the circuit clerk within one month
10 after receipt to the State Treasurer for deposit into the
11 Roadside Memorial Fund.

12 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
13 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

14 (705 ILCS 105/27.6)

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

1 under Section 4-2002 of the Counties Code or a sheriff under
2 Section 4-5001 of the Counties Code, or any cost imposed under
3 Section 124A-5 of the Code of Criminal Procedure of 1963, for
4 convictions, orders of supervision, or any other disposition
5 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, and except as provided
9 in subsections (d) and (g) shall be disbursed within 60 days
10 after receipt by the circuit clerk as follows: 44.5% shall be
11 disbursed to the entity authorized by law to receive the fine
12 imposed in the case; 16.825% shall be disbursed to the State
13 Treasurer; and 38.675% shall be disbursed to the county's
14 general corporate fund. Of the 16.825% disbursed to the State
15 Treasurer, 2/17 shall be deposited by the State Treasurer into
16 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
17 deposited into the Traffic and Criminal Conviction Surcharge
18 Fund, 3/17 shall be deposited into the Drivers Education Fund,
19 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
20 the 6.948/17 deposited into the Trauma Center Fund from the
21 16.825% disbursed to the State Treasurer, 50% shall be
22 disbursed to the Department of Public Health and 50% shall be
23 disbursed to the Department of Healthcare and Family Services.
24 For fiscal year 1993, amounts deposited into the Violent Crime
25 Victims Assistance Fund, the Traffic and Criminal Conviction
26 Surcharge Fund, or the Drivers Education Fund shall not exceed

1 110% of the amounts deposited into those funds in fiscal year
2 1991. Any amount that exceeds the 110% limit shall be
3 distributed as follows: 50% shall be disbursed to the county's
4 general corporate fund and 50% shall be disbursed to the entity
5 authorized by law to receive the fine imposed in the case. 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 Section during the preceding year based upon
9 independent verification of fines and fees. All counties shall
10 be subject to this Section, except that counties with a
11 population under 2,000,000 may, by ordinance, elect not to be
12 subject to this Section. For offenses subject to this Section,
13 judges shall impose one total sum of money payable for
14 violations. The circuit clerk may add on no additional amounts
15 except for amounts that are required by Sections 27.3a and
16 27.3c of this Act, unless those amounts are specifically waived
17 by the judge. With respect to money collected by the circuit
18 clerk as a result of forfeiture of bail, ex parte judgment or
19 guilty plea pursuant to Supreme Court Rule 529, the circuit
20 clerk shall first deduct and pay amounts required by Sections
21 27.3a and 27.3c of this Act. This Section is a denial and
22 limitation of home rule powers and functions under subsection
23 (h) of Section 6 of Article VII of the Illinois Constitution.

24 (b) In addition to any other fines and court costs assessed
25 by the courts, any person convicted or receiving an order of
26 supervision for driving under the influence of alcohol or drugs

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

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

26 (c) In addition to any other fines and court costs assessed

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

16 (c-1) In addition to any other fines and court costs
17 assessed by the courts, any person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
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

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

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

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

11 (2) 20% of the amounts collected for Class A and Class
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
14 for Animals Act and Section 26-5 of the Criminal Code of
15 1961; and

16 (3) 50% of the amounts collected for Class C
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
18 for Animals Act and Section 26-5 of the Criminal Code of
19 1961.

20 (e) Any person who receives a disposition of court
21 supervision for a violation of the Illinois Vehicle Code or a
22 similar provision of a local ordinance shall, in addition to
23 any other fines, fees, and court costs, pay an additional fee
24 of \$20, to be disbursed as provided in Section 16-104c of the
25 Illinois Vehicle Code. In addition to the fee of \$20, the
26 person shall also pay a fee of \$5, if not waived by the court.

1 If this \$5 fee is collected, \$4.50 of the fee shall be
2 deposited into the Circuit Court Clerk Operation and
3 Administrative Fund created by the Clerk of the Circuit Court
4 and 50 cents of the fee shall be deposited into the Prisoner
5 Review Board Vehicle and Equipment Fund in the State treasury.

6 (f) This Section does not apply to the additional child
7 pornography fines assessed and collected under Section
8 5-9-1.14 of the Unified Code of Corrections.

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

18 (h) Any person who receives a disposition of court
19 supervision for a violation of Section 11-501 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance shall,
21 in addition to any other fines, fees, and court costs, pay an
22 additional fee of \$50, which shall be collected by the circuit
23 clerk and then remitted to the State Treasurer for deposit into
24 the Roadside Memorial Fund, a special fund in the State
25 treasury. Subject to appropriation, all moneys in the Roadside
26 Memorial Fund shall be used by the Department of Transportation

1 to pay fees imposed under subsection (f) of Section 20 of the
2 Roadside Memorial Act. The fee shall be remitted by the circuit
3 clerk within one month after receipt to the State Treasurer for
4 deposit into the Roadside Memorial Fund.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
6 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
7 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)".