

HB3950



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3950

Introduced 2/26/2009, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.6

Amends the Clerks of Courts Act. Adds an additional exception to the requirement that fees, fines, costs, and additional penalties paid by a person to the circuit clerk have to be disbursed to other governmental entities within 60 days after receipt: contributions to a local anti-crime program ordered pursuant to the Unified Code of Corrections. Effective immediately.

LRB096 04575 AJO 14630 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 Clerks of Courts Act is amended by changing
5 Section 27.6 as follows:

6 (705 ILCS 105/27.6)

7 Sec. 27.6. (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 equalling an
10 amount of \$55 or more, except the fine imposed by Section
11 5-9-1.15 of the Unified Code of Corrections, the additional fee
12 required by subsections (b) and (c), restitution under Section
13 5-5-6 of the Unified Code of Corrections, contributions to a
14 local anti-crime program ordered pursuant to Section
15 5-6-3(a)(13) or Section 5-6-3.1(a)(13) of the Unified Code of
16 Corrections, reimbursement for the costs of an emergency
17 response as provided under Section 11-501 of the Illinois
18 Vehicle Code, any fees collected for attending a traffic safety
19 program under paragraph (c) of Supreme Court Rule 529, any fee
20 collected on behalf of a State's Attorney under Section 4-2002
21 of the Counties Code or a sheriff under Section 4-5001 of the
22 Counties Code, or any cost imposed under Section 124A-5 of the
23 Code of Criminal Procedure of 1963, for convictions, orders of

1 supervision, or any other disposition for a violation of
2 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
3 similar provision of a local ordinance, and any violation of
4 the Child Passenger Protection Act, or a similar provision of a
5 local ordinance, and except as provided in subsections (d) and
6 (g) shall be disbursed within 60 days after receipt by the
7 circuit clerk as follows: 44.5% shall be disbursed to the
8 entity authorized by law to receive the fine imposed in the
9 case; 16.825% shall be disbursed to the State Treasurer; and
10 38.675% shall be disbursed to the county's general corporate
11 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
12 shall be deposited by the State Treasurer into the Violent
13 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
14 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
15 be deposited into the Drivers Education Fund, and 6.948/17
16 shall be deposited into the Trauma Center Fund. Of the 6.948/17
17 deposited into the Trauma Center Fund from the 16.825%
18 disbursed to the State Treasurer, 50% shall be disbursed to the
19 Department of Public Health and 50% shall be disbursed to the
20 Department of Healthcare and Family Services. For fiscal year
21 1993, amounts deposited into the Violent Crime Victims
22 Assistance Fund, the Traffic and Criminal Conviction Surcharge
23 Fund, or the Drivers Education Fund shall not exceed 110% of
24 the amounts deposited into those funds in fiscal year 1991. Any
25 amount that exceeds the 110% limit shall be distributed as
26 follows: 50% shall be disbursed to the county's general

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

21 (b) In addition to any other fines and court costs assessed
22 by the courts, any person convicted or receiving an order of
23 supervision for driving under the influence of alcohol or drugs
24 shall pay an additional fee of \$100 to the clerk of the circuit
25 court. This amount, less 2 1/2% that shall be used to defray
26 administrative costs incurred by the clerk, shall be remitted

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

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

23 (c) In addition to any other fines and court costs assessed
24 by the courts, any person convicted for a violation of Sections
25 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
26 person sentenced for a violation of the Cannabis Control Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act shall pay an additional
3 fee of \$100 to the clerk of the circuit court. This amount,
4 less 2 1/2% that shall be used to defray administrative costs
5 incurred by the clerk, shall be remitted by the clerk to the
6 Treasurer within 60 days after receipt for deposit into the
7 Trauma Center Fund. This additional fee of \$100 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

13 (c-1) In addition to any other fines and court costs
14 assessed by the courts, any person sentenced for a violation of
15 the Cannabis Control Act, the Illinois Controlled Substances
16 Act, or the Methamphetamine Control and Community Protection
17 Act shall pay an additional fee of \$5 to the clerk of the
18 circuit court. This amount, less 2 1/2% that shall be used to
19 defray administrative costs incurred by the clerk, shall be
20 remitted by the clerk to the Treasurer within 60 days after
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure
22 Research Trust Fund. This additional fee of \$5 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

1 under this subsection during the preceding calendar year.

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

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

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 of the Criminal Code of
12 1961; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 of the Criminal Code of
16 1961.

17 (e) Any person who receives a disposition of court
18 supervision for a violation of the Illinois Vehicle Code or a
19 similar provision of a local ordinance shall, in addition to
20 any other fines, fees, and court costs, pay an additional fee
21 of \$20, to be disbursed as provided in Section 16-104c of the
22 Illinois Vehicle Code. In addition to the fee of \$20, the
23 person shall also pay a fee of \$5, if not waived by the court.
24 If this \$5 fee is collected, \$4.50 of the fee shall be
25 deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

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

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

15 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
16 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
17 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.