



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6148

Introduced 2/11/2010, by Rep. Bob Biggins

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.01

705 ILCS 105/27.5

705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Illinois Vehicle Code and Clerks of the Court Act. Increases the amount of an administrative sanction imposed in addition to other penalties and liabilities upon a person who is found guilty of or pleads guilty to violating the DUI provision of the Illinois Vehicle Code from \$500 to \$750. Makes corresponding changes in the Clerks of the Court Act. Makes technical changes in provisions concerning disbursement of money collected by circuit clerks of the court. Effective January 1, 2011.

LRB096 17708 AJT 33072 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-501.01 as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final  
9 sentencing or an order for supervision, for an offense based  
10 upon an arrest for a violation of Section 11-501 or a similar  
11 provision of a local ordinance, individuals shall be required  
12 to undergo a professional evaluation to determine if an  
13 alcohol, drug, or intoxicating compound abuse problem exists  
14 and the extent of the problem, and undergo the imposition of  
15 treatment as appropriate. Programs conducting these  
16 evaluations shall be licensed by the Department of Human  
17 Services. The cost of any professional evaluation shall be paid  
18 for by the individual required to undergo the professional  
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a county State's Attorney's  
2 office, a probation and court services department, Mothers  
3 Against Drunk Driving, or the Alliance Against Intoxicated  
4 Motorists. All costs generated by the victim impact panel shall  
5 be paid from fees collected from the offender or as may be  
6 determined by the court.

7 (c) Every person found guilty of violating Section 11-501,  
8 whose operation of a motor vehicle while in violation of that  
9 Section proximately caused any incident resulting in an  
10 appropriate emergency response, shall be liable for the expense  
11 of an emergency response as provided in subsection (i) of this  
12 Section.

13 (d) The Secretary of State shall revoke the driving  
14 privileges of any person convicted under Section 11-501 or a  
15 similar provision of a local ordinance.

16 (e) The Secretary of State shall require the use of  
17 ignition interlock devices on all vehicles owned by a person  
18 who has been convicted of a second or subsequent offense of  
19 Section 11-501 or a similar provision of a local ordinance. The  
20 person must pay to the Secretary of State DUI Administration  
21 Fund an amount not to exceed \$30 for each month that he or she  
22 uses the device. The Secretary shall establish by rule and  
23 regulation the procedures for certification and use of the  
24 interlock system, the amount of the fee, and the procedures,  
25 terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating  
2 Section 11-501, including any person placed on court  
3 supervision for violating Section 11-501, shall be assessed  
4 \$750 ~~\$500~~, payable to the circuit clerk, who shall distribute  
5 the money as follows: 20% to the law enforcement agency that  
6 made the arrest, and 80% shall be forwarded to the State  
7 Treasurer for deposit into the General Revenue Fund. If the  
8 person has been previously convicted of violating Section  
9 11-501 or a similar provision of a local ordinance, the fine  
10 shall be \$1,000. In the event that more than one agency is  
11 responsible for the arrest, the amount payable to law  
12 enforcement agencies shall be shared equally. Any moneys  
13 received by a law enforcement agency under this subsection (f)  
14 shall be used to purchase law enforcement equipment that will  
15 assist in the prevention of alcohol related criminal violence  
16 throughout the State. This shall include, but is not limited  
17 to, in-car video cameras, radar and laser speed detection  
18 devices, and alcohol breath testers. Any moneys received by the  
19 Department of State Police under this subsection (f) shall be  
20 deposited into the State Police DUI Fund and shall be used to  
21 purchase law enforcement equipment that will assist in the  
22 prevention of alcohol related criminal violence throughout the  
23 State.

24 (g) The Secretary of State Police DUI Fund is created as a  
25 special fund in the State treasury. All moneys received by the  
26 Secretary of State Police under subsection (f) of this Section

1 shall be deposited into the Secretary of State Police DUI Fund  
2 and, subject to appropriation, shall be used to purchase law  
3 enforcement equipment to assist in the prevention of alcohol  
4 related criminal violence throughout the State.

5 (h) Whenever an individual is sentenced for an offense  
6 based upon an arrest for a violation of Section 11-501 or a  
7 similar provision of a local ordinance, and the professional  
8 evaluation recommends remedial or rehabilitative treatment or  
9 education, neither the treatment nor the education shall be the  
10 sole disposition and either or both may be imposed only in  
11 conjunction with another disposition. The court shall monitor  
12 compliance with any remedial education or treatment  
13 recommendations contained in the professional evaluation.  
14 Programs conducting alcohol or other drug evaluation or  
15 remedial education must be licensed by the Department of Human  
16 Services. If the individual is not a resident of Illinois,  
17 however, the court may accept an alcohol or other drug  
18 evaluation or remedial education program in the individual's  
19 state of residence. Programs providing treatment must be  
20 licensed under existing applicable alcoholism and drug  
21 treatment licensure standards.

22 (i) In addition to any other fine or penalty required by  
23 law, an individual convicted of a violation of Section 11-501,  
24 Section 5-7 of the Snowmobile Registration and Safety Act,  
25 Section 5-16 of the Boat Registration and Safety Act, or a  
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of Section 11-501,  
2 Section 5-7 of the Snowmobile Registration and Safety Act,  
3 Section 5-16 of the Boat Registration and Safety Act, or a  
4 similar provision proximately caused an incident resulting in  
5 an appropriate emergency response, shall be required to make  
6 restitution to a public agency for the costs of that emergency  
7 response. The restitution may not exceed \$1,000 per public  
8 agency for each emergency response. As used in this subsection  
9 (i), "emergency response" means any incident requiring a  
10 response by a police officer, a firefighter carried on the  
11 rolls of a regularly constituted fire department, or an  
12 ambulance.

13 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09.)

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

16 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

17 Sec. 27.5. (a) All fees, fines, costs, additional  
18 penalties, bail balances assessed or forfeited, and any other  
19 amount paid by a person to the circuit clerk that equals an  
20 amount less than \$55, except restitution under Section 5-5-6 of  
21 the Unified Code of Corrections, reimbursement for the costs of  
22 an 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

1 Rule 529, any fee collected on behalf of a State's Attorney  
2 under Section 4-2002 of the Counties Code or a sheriff under  
3 Section 4-5001 of the Counties Code, or any cost imposed under  
4 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
5 convictions, orders of supervision, or any other disposition  
6 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
7 Vehicle Code, or a similar provision of a local ordinance, and  
8 any violation of the Child Passenger Protection Act, or a  
9 similar provision of a local ordinance, and except as otherwise  
10 provided in this Section ~~in subsection (b)~~ shall be disbursed  
11 within 60 days after receipt by the circuit clerk as follows:  
12 47% shall be disbursed to the entity authorized by law to  
13 receive the fine imposed in the case; 12% shall be disbursed to  
14 the State Treasurer; and 41% shall be disbursed to the county's  
15 general corporate fund. Of the 12% disbursed to the State  
16 Treasurer, 1/6 shall be deposited by the State Treasurer into  
17 the Violent Crime Victims Assistance Fund, 1/2 shall be  
18 deposited into the Traffic and Criminal Conviction Surcharge  
19 Fund, and 1/3 shall be deposited into the Drivers Education  
20 Fund. For fiscal years 1992 and 1993, amounts deposited into  
21 the Violent Crime Victims Assistance Fund, the Traffic and  
22 Criminal Conviction Surcharge Fund, or the Drivers Education  
23 Fund shall not exceed 110% of the amounts deposited into those  
24 funds in fiscal year 1991. Any amount that exceeds the 110%  
25 limit shall be distributed as follows: 50% shall be disbursed  
26 to the county's general corporate fund and 50% shall be

1 disbursed to the entity authorized by law to receive the fine  
2 imposed in the case. Not later than March 1 of each year the  
3 circuit clerk shall submit a report of the amount of funds  
4 remitted to the State Treasurer under this Section during the  
5 preceding year based upon independent verification of fines and  
6 fees. All counties shall be subject to this Section, except  
7 that counties with a population under 2,000,000 may, by  
8 ordinance, elect not to be subject to this Section. For  
9 offenses subject to this Section, judges shall impose one total  
10 sum of money payable for violations. The circuit clerk may add  
11 on no additional amounts except for amounts that are required  
12 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the  
13 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of  
14 the Counties Code, unless those amounts are specifically waived  
15 by the judge. With respect to money collected by the circuit  
16 clerk as a result of forfeiture of bail, ex parte judgment or  
17 guilty plea pursuant to Supreme Court Rule 529, the circuit  
18 clerk shall first deduct and pay amounts required by Sections  
19 27.3a and 27.3c of this Act. Unless a court ordered payment  
20 schedule is implemented or fee requirements are waived pursuant  
21 to a court order, the circuit clerk may add to any unpaid fees  
22 and costs a delinquency amount equal to 5% of the unpaid fees  
23 that remain unpaid after 30 days, 10% of the unpaid fees that  
24 remain unpaid after 60 days, and 15% of the unpaid fees that  
25 remain unpaid after 90 days. Notice to those parties may be  
26 made by signage posting or publication. The additional



1 delinquency amounts collected under this Section shall be  
2 deposited in the Circuit Court Clerk Operation and  
3 Administrative Fund to be used to defray administrative costs  
4 incurred by the circuit clerk in performing the duties required  
5 to collect and disburse funds. This Section is a denial and  
6 limitation of home rule powers and functions under subsection  
7 (h) of Section 6 of Article VII of the Illinois Constitution.

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

10 (1) 50% of the amounts collected for felony offenses  
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
13 Animals Act and Section 26-5 of the Criminal Code of 1961;

14 (2) 20% of the amounts collected for Class A and Class  
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
17 for Animals Act and Section 26-5 of the Criminal Code of  
18 1961; and

19 (3) 50% of the amounts collected for Class C  
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
21 for Animals Act and Section 26-5 of the Criminal Code of  
22 1961.

23 (c) Any person who receives a disposition of court  
24 supervision for a violation of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance shall, in addition to  
26 any other fines, fees, and court costs, pay an additional fee

1 of \$29, to be disbursed as provided in Section 16-104c of the  
2 Illinois Vehicle Code. In addition to the fee of \$29, the  
3 person shall also pay a fee of \$6, if not waived by the court.  
4 If this \$6 fee is collected, \$5.50 of the fee shall be  
5 deposited into the Circuit Court Clerk Operation and  
6 Administrative Fund created by the Clerk of the Circuit Court  
7 and 50 cents of the fee shall be deposited into the Prisoner  
8 Review Board Vehicle and Equipment Fund in the State treasury.

9 (d) Any person convicted of, pleading guilty to, or placed  
10 on supervision for a serious traffic violation, as defined in  
11 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
12 Section 11-501 of the Illinois Vehicle Code, or a violation of  
13 a similar provision of a local ordinance shall pay an  
14 additional fee of \$20, to be disbursed as provided in Section  
15 16-104d of that Code.

16 This subsection ~~Subsection~~ (d) becomes inoperative 7 years  
17 after the effective date of Public Act 95-154.

18 (e) In all counties having a population of 3,000,000 or  
19 more inhabitants:7

20 (1) ~~(e-1)~~ A person who is found guilty of or pleads  
21 guilty to violating subsection (a) of Section 11-501 of the  
22 Illinois Vehicle Code, including any person placed on court  
23 supervision for violating subsection (a), shall be fined  
24 \$750 ~~\$500~~ as provided for by subsection (f) of Section  
25 11-501.01 of the Illinois Vehicle Code, payable to the  
26 circuit clerk, who shall distribute the money pursuant to

1 subsection (f) of Section 11-501.01 of the Illinois Vehicle  
2 Code.

3 (2) ~~(e-2)~~ When a crime laboratory DUI analysis fee of  
4 \$150, provided for by Section 5-9-1.9 of the Unified Code  
5 of Corrections is assessed, it shall be disbursed by the  
6 circuit clerk as provided by subsection (f) of Section  
7 5-9-1.9 of the Unified Code of Corrections.

8 (3) ~~(e-3)~~ When a fine for a violation of subsection (a)  
9 of Section 11-605 of the Illinois Vehicle Code is \$150 or  
10 greater, the additional \$50 which is charged as provided  
11 for by subsection (f) of Section 11-605 of the Illinois  
12 Vehicle Code shall be disbursed by the circuit clerk to a  
13 school district or districts for school safety purposes as  
14 provided by subsection (f) of Section 11-605.

15 (4) ~~(e-3.5)~~ When a fine for a violation of subsection  
16 (a) of Section 11-1002.5 of the Illinois Vehicle Code is  
17 \$150 or greater, the additional \$50 which is charged as  
18 provided for by subsection (c) of Section 11-1002.5 of the  
19 Illinois Vehicle Code shall be disbursed by the circuit  
20 clerk to a school district or districts for school safety  
21 purposes as provided by subsection (c) of Section 11-1002.5  
22 of the Illinois Vehicle Code.

23 (5) ~~(e-4)~~ When a mandatory drug court fee of up to \$5  
24 is assessed as provided in subsection (f) of Section 5-1101  
25 of the Counties Code, it shall be disbursed by the circuit  
26 clerk as provided in subsection (f) of Section 5-1101 of

1 the Counties Code.

2 (6) ~~(e-5)~~ When a mandatory teen court, peer jury, youth  
3 court, or other youth diversion program fee is assessed as  
4 provided in subsection (e) of Section 5-1101 of the  
5 Counties Code, it shall be disbursed by the circuit clerk  
6 as provided in subsection (e) of Section 5-1101 of the  
7 Counties Code.

8 (7) ~~(e-6)~~ When a Children's Advocacy Center fee is  
9 assessed pursuant to subsection (f-5) of Section 5-1101 of  
10 the Counties Code, it shall be disbursed by the circuit  
11 clerk as provided in subsection (f-5) of Section 5-1101 of  
12 the Counties Code.

13 (8) ~~(e-7)~~ When a victim impact panel fee is assessed  
14 pursuant to subsection (b) of Section 11-501.01 of the  
15 Illinois Vehicle Code, it shall be disbursed by the circuit  
16 clerk to the victim impact panel to be attended by the  
17 defendant.

18 (9) ~~(e-8)~~ When a new fee collected in traffic cases is  
19 enacted after January 1, 2010 (the effective date of Public  
20 Act 96-735) ~~this amendatory Act of the 96th General~~  
21 ~~Assembly~~, it shall be excluded from the percentage  
22 disbursement provisions of this Section unless otherwise  
23 indicated by law.

24 (f) ~~(e)~~ Any person who receives a disposition of court  
25 supervision for a violation of Section 11-501 of the Illinois  
26 Vehicle Code shall, in addition to any other fines, fees, and

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

12 (g) ~~(e)~~ For any conviction or disposition of court  
13 supervision for a violation of Section 11-1429 of the Illinois  
14 Vehicle Code, the circuit clerk shall distribute the fines paid  
15 by the person as specified by subsection (h) of Section 11-1429  
16 of the Illinois Vehicle Code.

17 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;  
18 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.  
19 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,  
20 eff. 1-1-10; revised 11-5-09; revised 12-28-09.)

21 (705 ILCS 105/27.6)

22 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,  
23 and 96-667)

24 Sec. 27.6. (a) All fees, fines, costs, additional  
25 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk equalling an  
2 amount of \$55 or more, except the fine imposed by Section  
3 5-9-1.15 of the Unified Code of Corrections, the additional fee  
4 required by subsections (b) and (c), restitution under Section  
5 5-5-6 of the Unified Code of Corrections, contributions to a  
6 local anti-crime program ordered pursuant to Section  
7 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
8 Corrections, reimbursement for the costs of an emergency  
9 response as provided under Section 11-501 of the Illinois  
10 Vehicle Code, any fees collected for attending a traffic safety  
11 program under paragraph (c) of Supreme Court Rule 529, any fee  
12 collected on behalf of a State's Attorney under Section 4-2002  
13 of the Counties Code or a sheriff under Section 4-5001 of the  
14 Counties Code, or any cost imposed under Section 124A-5 of the  
15 Code of Criminal Procedure of 1963, for convictions, orders of  
16 supervision, or any other disposition for a violation of  
17 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
18 similar provision of a local ordinance, and any violation of  
19 the Child Passenger Protection Act, or a similar provision of a  
20 local ordinance, and except as otherwise provided in this  
21 Section ~~subsections (d) and (g)~~ shall be disbursed within 60  
22 days after receipt by the circuit clerk as follows: 44.5% shall  
23 be disbursed to the entity authorized by law to receive the  
24 fine imposed in the case; 16.825% shall be disbursed to the  
25 State Treasurer; and 38.675% shall be disbursed to the county's  
26 general corporate fund. Of the 16.825% disbursed to the State

1 Treasurer, 2/17 shall be deposited by the State Treasurer into  
2 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
3 deposited into the Traffic and Criminal Conviction Surcharge  
4 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
5 and 6.948/17 shall be deposited into the Trauma Center Fund. Of  
6 the 6.948/17 deposited into the Trauma Center Fund from the  
7 16.825% disbursed to the State Treasurer, 50% shall be  
8 disbursed to the Department of Public Health and 50% shall be  
9 disbursed to the Department of Healthcare and Family Services.  
10 For fiscal year 1993, amounts deposited into the Violent Crime  
11 Victims Assistance Fund, the Traffic and Criminal Conviction  
12 Surcharge Fund, or the Drivers Education Fund shall not exceed  
13 110% of the amounts deposited into those funds in fiscal year  
14 1991. Any amount that exceeds the 110% limit shall be  
15 distributed as follows: 50% shall be disbursed to the county's  
16 general corporate fund and 50% shall be disbursed to the entity  
17 authorized by law to receive the fine imposed in the case. Not  
18 later than March 1 of each year the circuit clerk shall submit  
19 a report of the amount of funds remitted to the State Treasurer  
20 under this Section during the preceding year based upon  
21 independent verification of fines and fees. All counties shall  
22 be subject to this Section, except that counties with a  
23 population under 2,000,000 may, by ordinance, elect not to be  
24 subject to this Section. For offenses subject to this Section,  
25 judges shall impose one total sum of money payable for  
26 violations. The circuit clerk may add on no additional amounts

1     except for amounts that are required by Sections 27.3a and  
2     27.3c of this Act, unless those amounts are specifically waived  
3     by the judge. With respect to money collected by the circuit  
4     clerk as a result of forfeiture of bail, ex parte judgment or  
5     guilty plea pursuant to Supreme Court Rule 529, the circuit  
6     clerk shall first deduct and pay amounts required by Sections  
7     27.3a and 27.3c of this Act. 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



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

1 under this subsection during the preceding calendar year.

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

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

19 (1) 50% of the amounts collected for felony offenses  
20 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
21 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
22 Animals Act and Section 26-5 of the Criminal Code of 1961;

23 (2) 20% of the amounts collected for Class A and Class  
24 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
25 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
26 for Animals Act and Section 26-5 of the Criminal Code of

1 1961; and

2 (3) 50% of the amounts collected for Class C  
3 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
4 for Animals Act and Section 26-5 of the Criminal Code of  
5 1961.

6 (e) Any person who receives a disposition of court  
7 supervision for a violation of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance shall, in addition to  
9 any other fines, fees, and court costs, pay an additional fee  
10 of \$29, to be disbursed as provided in Section 16-104c of the  
11 Illinois Vehicle Code. In addition to the fee of \$29, the  
12 person shall also pay a fee of \$6, if not waived by the court.  
13 If this \$6 fee is collected, \$5.50 of the fee shall be  
14 deposited into the Circuit Court Clerk Operation and  
15 Administrative Fund created by the Clerk of the Circuit Court  
16 and 50 cents of the fee shall be deposited into the Prisoner  
17 Review Board Vehicle and Equipment Fund in the State treasury.

18 (f) This Section does not apply to the additional child  
19 pornography fines assessed and collected under Section  
20 5-9-1.14 of the Unified Code of Corrections.

21 (g) (Blank).

22 (h) (Blank).

23 (i) ~~(g)~~ Of the amounts collected as fines under subsection  
24 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
25 deposited into the Illinois Military Family Relief Fund and 1%  
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court  
2 to be used to offset the costs incurred by the Circuit Court  
3 Clerk in performing the additional duties required to collect  
4 and disburse funds to entities of State and local government as  
5 provided by law.

6 (j) ~~(h)~~ Any person convicted of, pleading guilty to, or  
7 placed on supervision for a serious traffic violation, as  
8 defined in Section 1-187.001 of the Illinois Vehicle Code, a  
9 violation of Section 11-501 of the Illinois Vehicle Code, or a  
10 violation of a similar provision of a local ordinance shall pay  
11 an additional fee of \$20, to be disbursed as provided in  
12 Section 16-104d of that Code.

13 This subsection (h) becomes inoperative 7 years after the  
14 effective date of Public Act 95-154.

15 (k) ~~(h)~~ For any conviction or disposition of court  
16 supervision for a violation of Section 11-1429 of the Illinois  
17 Vehicle Code, the circuit clerk shall distribute the fines paid  
18 by the person as specified by subsection (h) of Section 11-1429  
19 of the Illinois Vehicle Code.

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

1 treasury. However, the court may waive the fee if full  
2 restitution is complied with. Subject to appropriation, all  
3 moneys in the Roadside Memorial Fund shall be used by the  
4 Department of Transportation to pay fees imposed under  
5 subsection (f) of Section 20 of the Roadside Memorial Act. The  
6 fee shall be remitted by the circuit clerk within one month  
7 after receipt to the State Treasurer for deposit into the  
8 Roadside Memorial Fund.

9 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
10 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
11 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.  
12 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised  
13 12-29-09.)

14 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,  
15 and 96-735)

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 fine imposed by Section  
20 5-9-1.15 of the Unified Code of Corrections, the additional fee  
21 required by subsections (b) and (c), restitution under Section  
22 5-5-6 of the Unified Code of Corrections, contributions to a  
23 local anti-crime program ordered pursuant to Section  
24 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
25 Corrections, reimbursement for the costs of an emergency

1 response as provided under Section 11-501 of the Illinois  
2 Vehicle Code, any fees collected for attending a traffic safety  
3 program under paragraph (c) of Supreme Court Rule 529, any fee  
4 collected on behalf of a State's Attorney under Section 4-2002  
5 of the Counties Code or a sheriff under Section 4-5001 of the  
6 Counties Code, or any cost imposed under Section 124A-5 of the  
7 Code of Criminal Procedure of 1963, for convictions, orders of  
8 supervision, or any other disposition for a violation of  
9 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
10 similar provision of a local ordinance, and any violation of  
11 the Child Passenger Protection Act, or a similar provision of a  
12 local ordinance, and except as otherwise provided in this  
13 Section ~~subsections (b) through (h)~~ shall be disbursed within  
14 60 days after receipt by the circuit clerk as follows: 44.5%  
15 shall be disbursed to the entity authorized by law to receive  
16 the fine imposed in the case; 16.825% shall be disbursed to the  
17 State Treasurer; and 38.675% shall be disbursed to the county's  
18 general corporate fund. Of the 16.825% disbursed to the State  
19 Treasurer, 2/17 shall be deposited by the State Treasurer into  
20 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
21 deposited into the Traffic and Criminal Conviction Surcharge  
22 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
23 and 6.948/17 shall be deposited into the Trauma Center Fund. Of  
24 the 6.948/17 deposited into the Trauma Center Fund from the  
25 16.825% disbursed to the State Treasurer, 50% shall be  
26 disbursed to the Department of Public Health and 50% shall be

1 disbursed to the Department of Healthcare and Family Services.  
2 For fiscal year 1993, amounts deposited into the Violent Crime  
3 Victims Assistance Fund, the Traffic and Criminal Conviction  
4 Surcharge Fund, or the Drivers Education Fund shall not exceed  
5 110% of the amounts deposited into those funds in fiscal year  
6 1991. Any amount that exceeds the 110% limit shall be  
7 distributed as follows: 50% shall be disbursed to the county's  
8 general 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, Section 16-104c of the Illinois Vehicle  
21 Code, and subsection (a) of Section 5-1101 of the Counties  
22 Code, unless those amounts are specifically waived by the  
23 judge. With respect to money collected by the circuit clerk as  
24 a result of forfeiture of bail, ex parte judgment or guilty  
25 plea pursuant to Supreme Court Rule 529, the circuit clerk  
26 shall first deduct and pay amounts required by Sections 27.3a

1 and 27.3c of this Act. Unless a court ordered payment schedule  
2 is implemented or fee requirements are waived pursuant to court  
3 order, the clerk of the court may add to any unpaid fees and  
4 costs a delinquency amount equal to 5% of the unpaid fees that  
5 remain unpaid after 30 days, 10% of the unpaid fees that remain  
6 unpaid after 60 days, and 15% of the unpaid fees that remain  
7 unpaid after 90 days. Notice to those parties may be made by  
8 signage posting or publication. The additional delinquency  
9 amounts collected under this Section shall be deposited in the  
10 Circuit Court Clerk Operation and Administrative Fund to be  
11 used to defray administrative costs incurred by the circuit  
12 clerk in performing the duties required to collect and disburse  
13 funds. This Section is a denial and limitation of home rule  
14 powers and functions under subsection (h) of Section 6 of  
15 Article VII of the Illinois Constitution.

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



1 Circuit Clerk shall submit a report of the amount of funds  
2 remitted to the State Treasurer under this subsection during  
3 the preceding calendar year.

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

18 (c) In addition to any other fines and court costs assessed  
19 by the courts, any person convicted for a violation of Sections  
20 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
21 person sentenced for a violation of the Cannabis Control Act,  
22 the Illinois Controlled Substances Act, or the Methamphetamine  
23 Control and Community Protection Act shall pay an additional  
24 fee of \$100 to the clerk of the circuit court. This amount,  
25 less 2 1/2% that shall be used to defray administrative costs  
26 incurred by the clerk, shall be remitted by the clerk to the

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

8 (c-1) In addition to any other fines and court costs  
9 assessed by the courts, any person sentenced for a violation of  
10 the Cannabis Control Act, the Illinois Controlled Substances  
11 Act, or the Methamphetamine Control and Community Protection  
12 Act 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 (d) The following amounts must be remitted to the State  
24 Treasurer for deposit into the Illinois Animal Abuse Fund:

25 (1) 50% of the amounts collected for felony offenses  
26 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,

1 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
2 Animals Act and Section 26-5 of the Criminal Code of 1961;

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

8 (3) 50% of the amounts collected for Class C  
9 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
10 for Animals Act and Section 26-5 of the Criminal Code of  
11 1961.

12 (e) Any person who receives a disposition of court  
13 supervision for a violation of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance shall, in addition to  
15 any other fines, fees, and court costs, pay an additional fee  
16 of \$29, to be disbursed as provided in Section 16-104c of the  
17 Illinois Vehicle Code. In addition to the fee of \$29, the  
18 person shall also pay a fee of \$6, if not waived by the court.  
19 If this \$6 fee is collected, \$5.50 of the fee shall be  
20 deposited into the Circuit Court Clerk Operation and  
21 Administrative Fund created by the Clerk of the Circuit Court  
22 and 50 cents of the fee shall be deposited into the Prisoner  
23 Review Board Vehicle and Equipment Fund in the State treasury.

24 (f) This Section does not apply to the additional child  
25 pornography fines assessed and collected under Section  
26 5-9-1.14 of the Unified Code of Corrections.

1 (g) Any person convicted of or pleading guilty to a serious  
2 traffic violation, as defined in Section 1-187.001 of the  
3 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
4 be disbursed as provided in Section 16-104d of that Code. This  
5 subsection (g) becomes inoperative 7 years after the effective  
6 date of Public Act 95-154.

7 (h) In all counties having a population of 3,000,000 or  
8 more inhabitants,

9 (1) ~~(h-1)~~ A person who is found guilty of or pleads  
10 guilty to violating subsection (a) of Section 11-501 of the  
11 Illinois Vehicle Code, including any person placed on court  
12 supervision for violating subsection (a), shall be fined  
13 \$750 ~~\$500~~ as provided for by subsection (f) of Section  
14 11-501.01 of the Illinois Vehicle Code, payable to the  
15 circuit clerk, who shall distribute the money pursuant to  
16 subsection (f) of Section 11-501.01 of the Illinois Vehicle  
17 Code.

18 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of  
19 \$150, provided for by Section 5-9-1.9 of the Unified Code  
20 of Corrections is assessed, it shall be disbursed by the  
21 circuit clerk as provided by subsection (f) of Section  
22 5-9-1.9 of the Unified Code of Corrections.

23 (3) ~~(h-3)~~ When a fine for a violation of Section  
24 11-605.1 of the Illinois Vehicle Code is \$250 or greater,  
25 the person who violated that Section shall be charged an  
26 additional \$125 as provided for by subsection (e) of

1 Section 11-605.1 of the Illinois Vehicle Code, which shall  
2 be disbursed by the circuit clerk to a State or county  
3 Transportation Safety Highway Hire-back Fund as provided  
4 by subsection (e) of Section 11-605.1 of the Illinois  
5 Vehicle Code.

6 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)  
7 of Section 11-605 of the Illinois Vehicle Code is \$150 or  
8 greater, the additional \$50 which is charged as provided  
9 for by subsection (f) of Section 11-605 of the Illinois  
10 Vehicle Code shall be disbursed by the circuit clerk to a  
11 school district or districts for school safety purposes as  
12 provided by subsection (f) of Section 11-605.

13 (5) ~~(h-4.5)~~ When a fine for a violation of subsection  
14 (a) of Section 11-1002.5 of the Illinois Vehicle Code is  
15 \$150 or greater, the additional \$50 which is charged as  
16 provided for by subsection (c) of Section 11-1002.5 of the  
17 Illinois Vehicle Code shall be disbursed by the circuit  
18 clerk to a school district or districts for school safety  
19 purposes as provided by subsection (c) of Section 11-1002.5  
20 of the Illinois Vehicle Code.

21 (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5  
22 is assessed as provided in subsection (f) of Section 5-1101  
23 of the Counties Code, it shall be disbursed by the circuit  
24 clerk as provided in subsection (f) of Section 5-1101 of  
25 the Counties Code.

26 (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth

1 court, or other youth diversion program fee is assessed as  
2 provided in subsection (e) of Section 5-1101 of the  
3 Counties Code, it shall be disbursed by the circuit clerk  
4 as provided in subsection (e) of Section 5-1101 of the  
5 Counties Code.

6 (8) ~~(h-7)~~ When a Children's Advocacy Center fee is  
7 assessed pursuant to subsection (f-5) of Section 5-1101 of  
8 the Counties Code, it shall be disbursed by the circuit  
9 clerk as provided in subsection (f-5) of Section 5-1101 of  
10 the Counties Code.

11 (9) ~~(h-8)~~ When a victim impact panel fee is assessed  
12 pursuant to subsection (b) of Section 11-501.01 of the  
13 Vehicle Code, it shall be disbursed by the circuit clerk to  
14 the victim impact panel to be attended by the defendant.

15 (10) ~~(h-9)~~ When a new fee collected in traffic cases is  
16 enacted after the effective date of this subsection (h), it  
17 shall be excluded from the percentage disbursement  
18 provisions of this Section unless otherwise indicated by  
19 law.

20 (i) ~~(g)~~ Of the amounts collected as fines under subsection  
21 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
22 deposited into the Illinois Military Family Relief Fund and 1%  
23 shall be deposited into the Circuit Court Clerk Operation and  
24 Administrative Fund created by the Clerk of the Circuit Court  
25 to be used to offset the costs incurred by the Circuit Court  
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as  
2 provided by law.

3 (j) (Blank).

4 (k) ~~(h)~~ For any conviction or disposition of court  
5 supervision for a violation of Section 11-1429 of the Illinois  
6 Vehicle Code, the circuit clerk shall distribute the fines paid  
7 by the person as specified by subsection (h) of Section 11-1429  
8 of the Illinois Vehicle Code.

9 (l) ~~(h)~~ Any person who receives a disposition of court  
10 supervision for a violation of Section 11-501 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance shall,  
12 in addition to any other fines, fees, and court costs, pay an  
13 additional fee of \$50, which shall be collected by the circuit  
14 clerk and then remitted to the State Treasurer for deposit into  
15 the Roadside Memorial Fund, a special fund in the State  
16 treasury. However, the court may waive the fee if full  
17 restitution is complied with. Subject to appropriation, all  
18 moneys in the Roadside Memorial Fund shall be used by the  
19 Department of Transportation to pay fees imposed under  
20 subsection (f) of Section 20 of the Roadside Memorial Act. The  
21 fee shall be remitted by the circuit clerk within one month  
22 after receipt to the State Treasurer for deposit into the  
23 Roadside Memorial Fund.

24 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
25 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
26 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.

1 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised  
2 12-29-09.)

3 Section 99. Effective date. This Act takes effect January  
4 1, 2011.