



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2024

Introduced 2/20/2009, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.5
705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Clerks of Courts Act. Provides that the fine for speeding in a school zone is increased by \$5 which shall go to the school district or districts in which the offense occurred. Provides that a county with a drug court may adopt a mandatory fee of \$5 to fund the drug court, less a 5% clerk processing charge, assessed against any defendant found guilty in a traffic case or who is ordered to pay a fine under the Unified Code of Corrections. Provides that a person found guilty, including court supervision, of a DUI in addition to any other fine is fined \$500, or \$1,000 for other than a first offense, payable to the clerk to be distributed as follows: \$100 to the law enforcement agency or agencies that made the arrest and \$400 to the General Revenue Fund. Provides that when a person has been adjudged guilty of a DUI and a crime lab DUI analysis was completed, in addition to any other disposition or fine, a crime lab DUI analysis fee of \$150 shall be paid by the defendant. Provides that the court may suspend payment of the fee if the defendant does not have the ability to pay. Provides that if the fine assessed for a first offense of speeding in a construction zone is \$250 or greater, there shall be an additional \$125 fee paid by the defendant, which shall be deposited into the Transportation Safety Highway Hire-back Fund. Provides for other related changes.

LRB096 04535 AJO 14590 b

1 AN ACT concerning civil law.

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

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

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

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

1 in subsection (b) shall be disbursed within 60 days after
2 receipt by the circuit clerk as follows: 47% shall be disbursed
3 to the entity authorized by law to receive the fine imposed in
4 the case; 12% shall be disbursed to the State Treasurer; and
5 41% shall be disbursed to the county's general corporate fund.
6 Of the 12% disbursed to the State Treasurer, 1/6 shall be
7 deposited by the State Treasurer into the Violent Crime Victims
8 Assistance Fund, 1/2 shall be deposited into the Traffic and
9 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
10 into the Drivers Education Fund. For fiscal years 1992 and
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount 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. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 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

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, Section 16-104c of the Illinois Vehicle
4 Code, and subsection (a) of Section 5-1101 of the Counties
5 Code, unless those amounts are specifically waived by the
6 judge. With respect to money collected by the circuit clerk as
7 a result of forfeiture of bail, ex parte judgment or guilty
8 plea pursuant to Supreme Court Rule 529, the circuit clerk
9 shall first deduct and pay amounts required by Sections 27.3a
10 and 27.3c of this Act. Unless a court ordered payment schedule
11 is implemented or fee requirements are waived pursuant to a
12 court order, the circuit clerk may add to any unpaid fees and
13 costs a delinquency amount equal to 5% of the unpaid fees that
14 remain unpaid after 30 days, 10% of the unpaid fees that remain
15 unpaid after 60 days, and 15% of the unpaid fees that remain
16 unpaid after 90 days. Notice to those parties may be made by
17 signage posting or publication. The additional delinquency
18 amounts collected under this Section shall be deposited in the
19 Circuit Court Clerk Operation and Administrative Fund to be
20 used to defray administrative costs incurred by the circuit
21 clerk in performing the duties required to collect and disburse
22 funds. This Section is a denial and limitation of home rule
23 powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

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

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

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

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

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

26 (d) Any person convicted of or pleading guilty to a serious

1 traffic violation, as defined in Section 1-187.001 of the
2 Illinois Vehicle Code, shall pay an additional fee of \$20, to
3 be disbursed as provided in Section 16-104d of that Code.

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

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

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

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

20 (e-3) When a fine for a violation of subsection (a) of
21 Section 11-605 of the Illinois Vehicle Code is \$150 or greater,
22 the additional \$50 which is charged shall be disbursed by the
23 circuit clerk to a school district or districts for school
24 safety purposes as provided by subsection (f) of Section 11-605
25 and subsection (c) of Section 11-1002.5 of the Illinois Vehicle
26 Code.

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

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

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

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

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

24 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
25 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

1 (705 ILCS 105/27.6)

2 Sec. 27.6. (a) All fees, fines, costs, additional
3 penalties, bail balances assessed or forfeited, and any other
4 amount paid by a person to the circuit clerk equalling an
5 amount of \$55 or more, except the fine imposed by Section
6 5-9-1.15 of the Unified Code of Corrections, the additional fee
7 required by subsections (b) and (c), restitution under Section
8 5-5-6 of the Unified Code of Corrections, reimbursement for the
9 costs of an emergency response as provided under Section 11-501
10 of the Illinois Vehicle Code, any fees collected for attending
11 a traffic safety program under paragraph (c) of Supreme Court
12 Rule 529, any fee collected on behalf of a State's Attorney
13 under Section 4-2002 of the Counties Code or a sheriff under
14 Section 4-5001 of the Counties Code, or any cost imposed under
15 Section 124A-5 of the Code of Criminal Procedure of 1963, for
16 convictions, orders of supervision, or any other disposition
17 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, and
19 any violation of the Child Passenger Protection Act, or a
20 similar provision of a local ordinance, and except as provided
21 in subsections (b) through (h) ~~(d) and (g)~~ shall be disbursed
22 within 60 days after receipt by the circuit clerk as follows:
23 44.5% shall be disbursed to the entity authorized by law to
24 receive the fine imposed in the case; 16.825% shall be
25 disbursed to the State Treasurer; and 38.675% shall be
26 disbursed to the county's general corporate fund. Of the

1 16.825% disbursed to the State Treasurer, 2/17 shall be
2 deposited by the State Treasurer into the Violent Crime Victims
3 Assistance Fund, 5.052/17 shall be deposited into the Traffic
4 and Criminal Conviction Surcharge Fund, 3/17 shall be deposited
5 into the Drivers Education Fund, and 6.948/17 shall be
6 deposited into the Trauma Center Fund. Of the 6.948/17
7 deposited into the Trauma Center Fund from the 16.825%
8 disbursed to the State Treasurer, 50% shall be disbursed to the
9 Department of Public Health and 50% shall be disbursed to the
10 Department of Healthcare and Family Services. For fiscal year
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount 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. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 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

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, Section 16-104c of the Vehicle Code, and
4 subsection (a) of Section 5-1101 of the Counties Code, unless
5 those amounts are specifically waived by the judge. With
6 respect to money collected by the circuit clerk as a result of
7 forfeiture of bail, ex parte judgment or guilty plea pursuant
8 to Supreme Court Rule 529, the circuit clerk shall first deduct
9 and pay amounts required by Sections 27.3a and 27.3c of this
10 Act. Unless a court ordered payment schedule is implemented or
11 fee requirements are waived pursuant to court order, the clerk
12 of the court may add to any unpaid fees and costs a delinquency
13 amount equal to 5% of the unpaid fees that remain unpaid after
14 30 days, 10% of the unpaid fees that remain unpaid after 60
15 days, and 15% of the unpaid fees that remain unpaid after 90
16 days. Notice to those parties may made by sugnage posting or
17 publication. The additional delinquency amounts collected
18 under this Section shall be deposited in the Circuit Court
19 Clerk Operation and Administrative Fund to be used to defray
20 administrative costs incurred by the circuit clerk in
21 performing the duties required to collect and disburse funds.
22 This Section is a denial and limitation of home rule powers and
23 functions under subsection (h) of Section 6 of Article VII of
24 the Illinois Constitution.

25 (b) In addition to any other fines and court costs assessed
26 by the courts, any person convicted or receiving an order of

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

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

1 (c) In addition to any other fines and court costs assessed
2 by the courts, any person convicted for a violation of Sections
3 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
4 person sentenced for a violation of the Cannabis Control Act,
5 the Illinois Controlled Substances Act, or the Methamphetamine
6 Control and Community Protection Act shall pay an additional
7 fee of \$100 to the clerk of the circuit court. This amount,
8 less 2 1/2% that shall be used to defray administrative costs
9 incurred by the clerk, shall be remitted by the clerk to the
10 Treasurer within 60 days after receipt for deposit into the
11 Trauma Center Fund. This additional fee of \$100 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 (c-1) In addition to any other fines and court costs
18 assessed by the courts, any person sentenced for a violation of
19 the Cannabis Control Act, the Illinois Controlled Substances
20 Act, or the Methamphetamine Control and Community Protection
21 Act shall pay an additional fee of \$5 to the clerk of the
22 circuit court. This amount, less 2 1/2% that shall be used to
23 defray administrative costs incurred by the clerk, shall be
24 remitted by the clerk to the Treasurer within 60 days after
25 receipt for deposit into the Spinal Cord Injury Paralysis Cure
26 Research Trust Fund. This additional fee of \$5 shall not be

1 considered a part of the fine for purposes of any reduction in
2 the fine for time served either before or after sentencing. 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 subsection during the preceding calendar year.

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

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

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

17 (3) 50% of the amounts collected for Class C
18 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
19 for Animals Act and Section 26-5 of the Criminal Code of
20 1961.

21 (e) Any person who receives a disposition of court
22 supervision for a violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance shall, in addition to
24 any other fines, fees, and court costs, pay an additional fee
25 of \$20, to be disbursed as provided in Section 16-104c of the
26 Illinois Vehicle Code. In addition to the fee of \$20, the

1 person shall also pay a fee of \$5, if not waived by the court.
2 If this \$5 fee is collected, \$4.50 of the fee shall be
3 deposited into the Circuit Court Clerk Operation and
4 Administrative Fund created by the Clerk of the Circuit Court
5 and 50 cents of the fee shall be deposited into the Prisoner
6 Review Board Vehicle and Equipment Fund in the State treasury.

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

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

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

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

25 (h-2) When a crime laboratory DUI analysis fee of \$150,
26 provided for by Section 5-9-1.9 of the Unified Code of

1 Corrections is assessed, it shall be disbursed by the circuit
2 clerk as provided by subsection (f) of Section 5-9-1.9 of the
3 Unified Code of Corrections.

4 (h-3) When a fine for a violation of Section 11-605.1 of
5 the Illinois Vehicle Code is \$250 or greater, the person who
6 violated that Section shall be charged an additional \$125,
7 which shall be disbursed by the circuit clerk to a State or
8 county Transportation Safety Highway Hire-back Fund as
9 provided by subsection (e) of Section 11-605.1 of the Illinois
10 Vehicle Code.

11 (h-4) When a fine for a violation of subsection (a) of
12 Section 11-605 of the Illinois Vehicle Code is \$150 or greater,
13 the additional \$50 which is charged shall be disbursed by the
14 circuit clerk to a school district or districts for school
15 safety purposes as provided by subsection (f) of Section 11-605
16 and subsection (c) of Section 11-1002.5 of the Illinois Vehicle
17 Code.

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

23 (h-6) When a mandatory teen court, peer jury, youth court,
24 or other youth diversion program fee is assessed as provided in
25 subsection (e) of Section 5-1101 of the Counties Code, it shall
26 be disbursed by the circuit clerk as provided in subsection (e)

1 of Section 5-1101 of the Counties Code.

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

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

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

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

23 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
24 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
25 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)