

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 as provided
12 for by subsection (f) of Section 11-501.01 of the Illinois
13 Vehicle Code, payable to the circuit clerk, who shall
14 distribute the money pursuant to subsection (f) of Section
15 11-501.01 of the Illinois Vehicle Code.

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

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

1 (f) of Section 11-605.

2 (e-3.5) When a fine for a violation of subsection (a) of
3 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
4 greater, the additional \$50 which is charged as provided for by
5 subsection (c) of Section 11-1002.5 of the Illinois Vehicle
6 Code shall be disbursed by the circuit clerk to a school
7 district or districts for school safety purposes as provided by
8 subsection (c) of Section 11-1002.5 of the Illinois Vehicle
9 Code.

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

15 (e-5) When a mandatory teen court, peer jury, youth court,
16 or other youth diversion program fee is assessed as provided in
17 subsection (e) of Section 5-1101 of the Counties Code, it shall
18 be disbursed by the circuit clerk as provided in subsection (e)
19 of Section 5-1101 of the Counties Code.

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

24 (e-7) When a victim impact panel fee is assessed pursuant
25 to subsection (b) of Section 11-501.01 of the Vehicle Code, it
26 shall be disbursed by the circuit clerk to the victim impact

1 panel to be attended by the defendant.

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

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

9 (705 ILCS 105/27.6)

10 Sec. 27.6. (a) All fees, fines, costs, additional
11 penalties, bail balances assessed or forfeited, and any other
12 amount paid by a person to the circuit clerk equalling an
13 amount of \$55 or more, except the fine imposed by Section
14 5-9-1.15 of the Unified Code of Corrections, the additional fee
15 required by subsections (b) and (c), restitution under Section
16 5-5-6 of the Unified Code of Corrections, reimbursement for the
17 costs of an emergency response as provided under Section 11-501
18 of the Illinois Vehicle Code, any fees collected for attending
19 a traffic safety program under paragraph (c) of Supreme Court
20 Rule 529, any fee collected on behalf of a State's Attorney
21 under Section 4-2002 of the Counties Code or a sheriff under
22 Section 4-5001 of the Counties Code, or any cost imposed under
23 Section 124A-5 of the Code of Criminal Procedure of 1963, for
24 convictions, orders of supervision, or any other disposition
25 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois

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

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

1 under this Section shall be deposited in the Circuit Court
2 Clerk Operation and Administrative Fund to be used to defray
3 administrative costs incurred by the circuit clerk in
4 performing the duties required to collect and disburse funds.

5 This Section is a denial and limitation of home rule powers and
6 functions under subsection (h) of Section 6 of Article VII of
7 the Illinois Constitution.

8 (b) In addition to any other fines and court costs assessed
9 by the courts, any person convicted or receiving an order of
10 supervision for driving under the influence of alcohol or drugs
11 shall pay an additional fee of \$100 to the clerk of the circuit
12 court. This amount, less 2 1/2% that shall be used to defray
13 administrative costs incurred by the clerk, shall be remitted
14 by the clerk to the Treasurer within 60 days after receipt for
15 deposit into the Trauma Center Fund. This additional fee of
16 \$100 shall not be considered a part of the fine for purposes of
17 any reduction in the fine for time served either before or
18 after sentencing. Not later than March 1 of each year the
19 Circuit Clerk shall submit a report of the amount of funds
20 remitted to the State Treasurer under this subsection during
21 the preceding calendar year.

22 (b-1) In addition to any other fines and court costs
23 assessed by the courts, any person convicted or receiving an
24 order of supervision for driving under the influence of alcohol
25 or drugs shall pay an additional fee of \$5 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

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

10 (c) In addition to any other fines and court costs assessed
11 by the courts, any person convicted for a violation of Sections
12 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
13 person sentenced for a violation of the Cannabis Control Act,
14 the Illinois Controlled Substances Act, or the Methamphetamine
15 Control and Community Protection Act shall pay an additional
16 fee of \$100 to the clerk of the circuit court. This amount,
17 less 2 1/2% that shall be used to defray administrative costs
18 incurred by the clerk, shall be remitted by the clerk to the
19 Treasurer within 60 days after receipt for deposit into the
20 Trauma Center Fund. This additional fee of \$100 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-1) In addition to any other fines and court costs

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

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

17 (1) 50% of the amounts collected for felony offenses
18 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
19 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
20 Animals Act and Section 26-5 of the Criminal Code of 1961;

21 (2) 20% of the amounts collected for Class A and Class
22 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
23 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
24 for Animals Act and Section 26-5 of the Criminal Code of
25 1961; and

26 (3) 50% of the amounts collected for Class C

1 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
2 for Animals Act and Section 26-5 of the Criminal Code of
3 1961.

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

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

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

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

1 (h-1) A person who is found guilty of or pleads guilty to
2 violating subsection (a) of Section 11-501 of the Illinois
3 Vehicle Code, including any person placed on court supervision
4 for violating subsection (a), shall be fined \$500 as provided
5 for by subsection (f) of Section 11-501.01 of the Illinois
6 Vehicle Code, payable to the circuit clerk, who shall
7 distribute the money pursuant to subsection (f) of Section
8 11-501.01 of the Illinois Vehicle Code.

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

14 (h-3) When a fine for a violation of Section 11-605.1 of
15 the Illinois Vehicle Code is \$250 or greater, the person who
16 violated that Section shall be charged an additional \$125 as
17 provided for by subsection (e) of Section 11-605.1 of the
18 Illinois Vehicle Code, which shall be disbursed by the circuit
19 clerk to a State or county Transportation Safety Highway
20 Hire-back Fund as provided by subsection (e) of Section
21 11-605.1 of the Illinois Vehicle Code.

22 (h-4) When a fine for a violation of subsection (a) of
23 Section 11-605 of the Illinois Vehicle Code is \$150 or greater,
24 the additional \$50 which is charged as provided for by
25 subsection (f) of Section 11-605 of the Illinois Vehicle Code
26 shall be disbursed by the circuit clerk to a school district or

1 districts for school safety purposes as provided by subsection
2 (f) of Section 11-605.

3 (h-4.5) When a fine for a violation of subsection (a) of
4 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
5 greater, the additional \$50 which is charged as provided for by
6 subsection (c) of Section 11-1002.5 of the Illinois Vehicle
7 Code shall be disbursed by the circuit clerk to a school
8 district or districts for school safety purposes as provided by
9 subsection (c) of Section 11-1002.5 of the Illinois Vehicle
10 Code.

11 (h-5) When a mandatory drug court fee of up to \$5 is
12 assessed as provided in subsection (f) of Section 5-1101 of the
13 Counties Code, it shall be disbursed by the circuit clerk as
14 provided in subsection (f) of Section 5-1101 of the Counties
15 Code.

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

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

25 (h-8) When a victim impact panel fee is assessed pursuant
26 to subsection (b) of Section 11-501.01 of the Vehicle Code, it

1 shall be disbursed by the circuit clerk to the victim impact
2 panel to be attended by the defendant.

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

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

16 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
17 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
18 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)