



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0176

Introduced 1/18/2011, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Creates the Illinois Department of Corrections Parole Division Violent Offender Supervision Fund in the State treasury. Also creates the Illinois Department of Corrections Operations Assistance Fund in the State treasury. Amends the Clerks of Courts Act. Increases the fee that the county board may authorize the circuit clerk to collect for automated record keeping to not less than \$10 (rather than \$1) and not more than \$20 (rather than \$15). Provides that the additional fee paid by a defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision shall be deposited into the Illinois Department of Corrections Parole Division Violent Offender Supervision Fund rather than the State Police Operations Assistance Fund. Amends the Unified Code of Corrections. Provides that an additional fine of \$25 shall be imposed upon a person convicted of any violation of the Criminal Code of 1961 who was at the time of the commission of the offense in violation of parole orders. Provides that \$5 of the fine shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds as provided by law. Provides that the remainder of each such additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the State Treasurer for deposit into the Illinois Department of Corrections Parole Division Violent Offender Supervision Fund in the State treasury. Effective immediately.

LRB097 03021 RLC 43052 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.786, 5.787, 6z-85, and 8q as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Illinois Department of Corrections Parole
8 Division Violent Offender Supervision Fund.

9 (30 ILCS 105/5.787 new)

10 Sec. 5.787. The Illinois Department of Corrections
11 Operations Assistance Fund.

12 (30 ILCS 105/6z-85 new)

13 Sec. 6z-85. Illinois Department of Corrections Operations
14 Assistance Fund.

15 (a) There is created in the State treasury a special fund
16 known as the Illinois Department of Corrections Operations
17 Assistance Fund. The Fund shall receive revenue pursuant to
18 Section 27.3a of the Clerks of Courts Act. The Fund may also
19 receive revenue from grants, donations, appropriations, and
20 any other legal source.

21 (b) The Department of Corrections may use moneys in the

1 Fund to finance any of its lawful purposes or functions.

2 (c) Expenditures may be made from the Fund only as
3 appropriated by the General Assembly by law.

4 (d) Investment income that is attributable to the
5 investment of moneys in the Fund shall be retained in the Fund
6 for the uses specified in this Section.

7 (e) The Illinois Department of Corrections Operations
8 Assistance Fund shall not be subject to administrative
9 chargebacks.

10 (30 ILCS 105/8q new)

11 Sec. 8q. Illinois Department of Corrections Parole
12 Division Violent Offender Supervision Fund.

13 (a) The Illinois Department of Corrections Parole Division
14 Violent Offender Supervision Fund is created as a special fund
15 in the State treasury.

16 (b) All moneys collected and payable to the Department of
17 Corrections under Section 5-9-1.20 of the Unified Code of
18 Corrections shall be deposited into the Illinois Department of
19 Corrections Parole Division Violent Offender Supervision Fund
20 and shall be appropriated to and administered by the Department
21 of Corrections for operations and initiatives to combat and
22 supervise violent paroled offenders in the community.

23 (c) The Illinois Department of Corrections Parole Division
24 Violent Offender Supervision Fund shall not be subject to
25 administrative chargebacks.

1 Section 10. The Clerks of Courts Act is amended by changing
2 Section 27.3a as follows:

3 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

4 Sec. 27.3a. Fees for automated record keeping and Illinois
5 Department of Corrections ~~State Police~~ operations.

6 1. The expense of establishing and maintaining automated
7 record keeping systems in the offices of the clerks of the
8 circuit court shall be borne by the county. To defray such
9 expense in any county having established such an automated
10 system or which elects to establish such a system, the county
11 board may require the clerk of the circuit court in their
12 county to charge and collect a court automation fee of not less
13 than \$10 ~~\$1~~ nor more than \$20 ~~\$15~~ to be charged and collected
14 by the clerk of the court. Such fee shall be paid at the time of
15 filing the first pleading, paper or other appearance filed by
16 each party in all civil cases or by the defendant in any
17 felony, traffic, misdemeanor, municipal ordinance, or
18 conservation case upon a judgment of guilty or grant of
19 supervision, provided that the record keeping system which
20 processes the case category for which the fee is charged is
21 automated or has been approved for automation by the county
22 board, and provided further that no additional fee shall be
23 required if more than one party is presented in a single
24 pleading, paper or other appearance. Such fee shall be

1 collected in the manner in which all other fees or costs are
2 collected.

3 1.5. Starting on the effective date of this amendatory Act
4 of the 96th General Assembly, a clerk of the circuit court in
5 any county that imposes a fee pursuant to subsection 1 of this
6 Section, shall charge and collect an additional fee in an
7 amount equal to the amount of the fee imposed pursuant to
8 subsection 1 of this Section. This additional fee shall be paid
9 by the defendant in any felony, traffic, misdemeanor, local
10 ordinance, or conservation case upon a judgment of guilty or
11 grant of supervision.

12 2. With respect to the fee imposed under subsection 1 of
13 this Section, each clerk shall commence such charges and
14 collections upon receipt of written notice from the chairman of
15 the county board together with a certified copy of the board's
16 resolution, which the clerk shall file of record in his office.

17 3. With respect to the fee imposed under subsection 1 of
18 this Section, such fees shall be in addition to all other fees
19 and charges of such clerks, and assessable as costs, and may be
20 waived only if the judge specifically provides for the waiver
21 of the court automation fee. The fees shall be remitted monthly
22 by such clerk to the county treasurer, to be retained by him in
23 a special fund designated as the court automation fund. The
24 fund shall be audited by the county auditor, and the board
25 shall make expenditure from the fund in payment of any cost
26 related to the automation of court records, including hardware,

1 software, research and development costs and personnel related
2 thereto, provided that the expenditure is approved by the clerk
3 of the court and by the chief judge of the circuit court or his
4 designate.

5 4. With respect to the fee imposed under subsection 1 of
6 this Section, such fees shall not be charged in any matter
7 coming to any such clerk on change of venue, nor in any
8 proceeding to review the decision of any administrative
9 officer, agency or body.

10 5. With respect to the additional fee imposed under
11 subsection 1.5 of this Section, the fee shall be remitted by
12 the circuit clerk to the State Treasurer within one month after
13 receipt for deposit into the Illinois Department of Corrections
14 Parole Division Violent Offender Supervision Fund ~~State Police~~
15 ~~Operations Assistance Fund~~.

16 (Source: P.A. 96-1029, eff. 7-13-10.)

17 Section 15. The Unified Code of Corrections is amended by
18 adding Section 5-9-1.20 as follows:

19 (730 ILCS 5/5-9-1.20 new)

20 Sec. 5-9-1.20. Additional violation of parole fines. In
21 addition to any other penalty imposed, a fine of \$25 shall be
22 imposed upon a person convicted of any violation of the
23 Criminal Code of 1961 who was, at the time of the commission of
24 the offense in violation of parole orders, as defined in

1 Section 10 of the Illinois Parole Mandatory Supervised Release
2 Agreement. Such additional fine shall be assessed by the court
3 imposing sentence and shall be collected by the circuit clerk.
4 Of this fine, \$5 shall be deposited into the Circuit Court
5 Clerk Operation and Administrative Fund created by the Clerk of
6 the Circuit Court to be used to offset the costs incurred by
7 the Circuit Court Clerk in performing the additional duties
8 required to collect and disburse funds as provided by law. The
9 remainder of each such additional fine shall be remitted by the
10 Circuit Court Clerk within one month after receipt to the State
11 Treasurer for deposit into the Illinois Department of
12 Corrections Parole Division Violent Offender Supervision Fund
13 in the State treasury.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.786 new

4 30 ILCS 105/5.787 new

5 30 ILCS 105/6z-85 new

6 30 ILCS 105/8q new

7 705 ILCS 105/27.3a from Ch. 25, par. 27.3a

8 730 ILCS 5/5-9-1.20 new