



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5318

Introduced 2/8/2012, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Sets a minimum and maximum amount for court fees concerning a judgment of guilty or grant of supervision for certain violations of the Illinois Vehicle Code, for all civil cases in a county with 1,000,000 or fewer inhabitants, and for a judgment of guilty or grant of supervision for a felony, Class A, B, or C misdemeanor, petty offense, and business offense. Effective immediately.

LRB097 17032 KMW 62228 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 Sec. 5-1101. Additional fees to finance court system. A
8 county board may enact by ordinance or resolution the following
9 fees:

10 (a) A ~~\$5~~ fee of at least \$5 but no more than \$20 to be paid
11 by the defendant on a judgment of guilty or a grant of
12 supervision for violation of the Illinois Vehicle Code other
13 than Section 11-501 or violations of similar provisions
14 contained in county or municipal ordinances committed in the
15 county, and ~~up to a \$30~~ fee of at least \$30 but no more than \$50
16 to be paid by the defendant on a judgment of guilty or a grant
17 of supervision for violation of Section 11-501 of the Illinois
18 Vehicle Code or a violation of a similar provision contained in
19 county or municipal ordinances committed in the county.

20 (b) In the case of a county having a population of
21 1,000,000 or less, a ~~\$5~~ fee of at least \$5 but no more than \$20
22 to be collected in all civil cases by the clerk of the circuit
23 court.

1 (c) A fee to be paid by the defendant on a judgment of
2 guilty or a grant of supervision, as follows:

3 (1) for a felony, a minimum of \$50 but no more than
4 \$75;

5 (2) for a class A misdemeanor, a minimum of \$25 but no
6 more than \$50;

7 (3) for a class B or class C misdemeanor, a minimum of
8 \$15 but no more than \$30;

9 (4) for a petty offense, a minimum of \$10 but no more
10 than \$20;

11 (5) for a business offense, a minimum of \$10 but no
12 more than \$20.

13 (d) A ~~\$100~~ fee of at least \$100 but no more than \$200 for
14 the second and subsequent violations of Section 11-501 of the
15 Illinois Vehicle Code or violations of similar provisions
16 contained in county or municipal ordinances committed in the
17 county. The proceeds of this fee shall be placed in the county
18 general fund and used to finance education programs related to
19 driving under the influence of alcohol or drugs.

20 (d-5) A \$10 fee to be paid by the defendant on a judgment
21 of guilty or a grant of supervision under Section 5-9-1 of the
22 Unified Code of Corrections to be placed in the county general
23 fund and used to finance the county mental health court, the
24 county drug court, the Veterans and Servicemembers Court, or
25 any or all of the above.

26 (e) In each county in which a teen court, peer court, peer

1 jury, youth court, or other youth diversion program has been
2 created, a county may adopt a mandatory fee of up to \$5 to be
3 assessed as provided in this subsection. Assessments collected
4 by the clerk of the circuit court pursuant to this subsection
5 must be deposited into an account specifically for the
6 operation and administration of a teen court, peer court, peer
7 jury, youth court, or other youth diversion program. The clerk
8 of the circuit court shall collect the fees established in this
9 subsection and must remit the fees to the teen court, peer
10 court, peer jury, youth court, or other youth diversion program
11 monthly, less 5%, which is to be retained as fee income to the
12 office of the clerk of the circuit court. The fees are to be
13 paid as follows:

14 (1) a fee of up to \$5 paid by the defendant on a
15 judgment of guilty or grant of supervision for violation of
16 the Illinois Vehicle Code or violations of similar
17 provisions contained in county or municipal ordinances
18 committed in the county;

19 (2) a fee of up to \$5 paid by the defendant on a
20 judgment of guilty or grant of supervision under Section
21 5-9-1 of the Unified Code of Corrections for a felony; for
22 a Class A, Class B, or Class C misdemeanor; for a petty
23 offense; and for a business offense.

24 (f) In each county in which a drug court has been created,
25 the county may adopt a mandatory fee of up to \$5 to be assessed
26 as provided in this subsection. Assessments collected by the

1 clerk of the circuit court pursuant to this subsection must be
2 deposited into an account specifically for the operation and
3 administration of the drug court. The clerk of the circuit
4 court shall collect the fees established in this subsection and
5 must remit the fees to the drug court, less 5%, which is to be
6 retained as fee income to the office of the clerk of the
7 circuit court. The fees are to be paid as follows:

8 (1) a fee of up to \$5 paid by the defendant on a
9 judgment of guilty or grant of supervision for a violation
10 of the Illinois Vehicle Code or a violation of a similar
11 provision contained in a county or municipal ordinance
12 committed in the county; or

13 (2) a fee of up to \$5 paid by the defendant on a
14 judgment of guilty or a grant of supervision under Section
15 5-9-1 of the Unified Code of Corrections for a felony; for
16 a Class A, Class B, or Class C misdemeanor; for a petty
17 offense; and for a business offense.

18 The clerk of the circuit court shall deposit the 5%
19 retained under this subsection into the Circuit Court Clerk
20 Operation and Administrative Fund to be used to defray the
21 costs of collection and disbursement of the drug court fee.

22 (f-5) In each county in which a Children's Advocacy Center
23 provides services, the county board may adopt a mandatory fee
24 of between \$5 and \$30 to be paid by the defendant on a judgment
25 of guilty or a grant of supervision under Section 5-9-1 of the
26 Unified Code of Corrections for a felony; for a Class A, Class

1 B, or Class C misdemeanor; for a petty offense; and for a
2 business offense. Assessments shall be collected by the clerk
3 of the circuit court and must be deposited into an account
4 specifically for the operation and administration of the
5 Children's Advocacy Center. The clerk of the circuit court
6 shall collect the fees as provided in this subsection, and must
7 remit the fees to the Children's Advocacy Center.

8 (g) The proceeds of all fees enacted under this Section
9 must, except as provided in subsections (d), (d-5), (e), and
10 (f), be placed in the county general fund and used to finance
11 the court system in the county, unless the fee is subject to
12 disbursement by the circuit clerk as provided under Section
13 27.5 of the Clerks of Courts Act.

14 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;
15 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.