

SB3741



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3741

Introduced 2/10/2012, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Provides that a county may adopt a mandatory fee between \$10 and \$30 to be paid by the defendant upon a judgment of guilty or a grant of supervision for any offense. The assessments shall be collected by the clerk of the circuit court and must be deposited into an account specifically for the operations of Court Appointed Special Advocates. Further provides that the fees shall be remitted to the Court Appointed Special Advocates Fund, and the county board shall make grants from the fund to support the activities and services of Court Appointed Special Advocates within that county. Effective immediately.

LRB097 19825 KMW 65100 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 and fines to finance court
8 system. A county board may enact by ordinance or resolution the
9 following fees:

10 (a) A \$5 fee to be paid by the defendant on a judgment of
11 guilty or a grant of supervision for violation of the Illinois
12 Vehicle Code other than Section 11-501 or violations of similar
13 provisions contained in county or municipal ordinances
14 committed in the county, and up to a \$30 fee to be paid by the
15 defendant on a judgment of guilty or a grant of supervision for
16 violation of Section 11-501 of the Illinois Vehicle Code or a
17 violation of a similar provision contained in county or
18 municipal ordinances committed in the county.

19 (b) In the case of a county having a population of
20 1,000,000 or less, a \$5 fee to be collected in all civil cases
21 by the clerk of the circuit court.

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

- 1 (1) for a felony, \$50;
- 2 (2) for a class A misdemeanor, \$25;
- 3 (3) for a class B or class C misdemeanor, \$15;
- 4 (4) for a petty offense, \$10;
- 5 (5) for a business offense, \$10.

6 (d) A \$100 fee for the second and subsequent violations of
7 Section 11-501 of the Illinois Vehicle Code or violations of
8 similar provisions contained in county or municipal ordinances
9 committed in the county. The proceeds of this fee shall be
10 placed in the county general fund and used to finance education
11 programs related to driving under the influence of alcohol or
12 drugs.

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

19 (e) In each county in which a teen court, peer court, peer
20 jury, youth court, or other youth diversion program has been
21 created, a county may adopt a mandatory fee of up to \$5 to be
22 assessed as provided in this subsection. Assessments collected
23 by the clerk of the circuit court pursuant to this subsection
24 must be deposited into an account specifically for the
25 operation and administration of a teen court, peer court, peer
26 jury, youth court, or other youth diversion program. The clerk

1 of the circuit court shall collect the fees established in this
2 subsection and must remit the fees to the teen court, peer
3 court, peer jury, youth court, or other youth diversion program
4 monthly, less 5%, which is to be retained as fee income to the
5 office of the clerk of the circuit court. The fees are to be
6 paid as follows:

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

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

17 (f) In each county in which a drug court has been created,
18 the county may adopt a mandatory fee of up to \$5 to be assessed
19 as provided in this subsection. Assessments collected by the
20 clerk of the circuit court pursuant to this subsection must be
21 deposited into an account specifically for the operation and
22 administration of the drug court. The clerk of the circuit
23 court shall collect the fees established in this subsection and
24 must remit the fees to the drug court, less 5%, which is to be
25 retained as fee income to the office of the clerk of the
26 circuit court. The fees are to be paid as follows:

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

6 (2) a fee of up to \$5 paid by the defendant on a
7 judgment of guilty or a grant of supervision under Section
8 5-9-1 of the Unified Code of Corrections for a felony; for
9 a Class A, Class B, or Class C misdemeanor; for a petty
10 offense; and for a business offense.

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

15 (f-5) In each county in which a Children's Advocacy Center
16 provides services, the county board may adopt a mandatory fee
17 of between \$5 and \$30 to be paid by the defendant on a judgment
18 of guilty or a grant of supervision under Section 5-9-1 of the
19 Unified Code of Corrections for a felony; for a Class A, Class
20 B, or Class C misdemeanor; for a petty offense; and for a
21 business offense. Assessments shall be collected by the clerk
22 of the circuit court and must be deposited into an account
23 specifically for the operation and administration of the
24 Children's Advocacy Center. The clerk of the circuit court
25 shall collect the fees as provided in this subsection, and must
26 remit the fees to the Children's Advocacy Center.

1 (f-10) In each county in which the Court Appointed Special
2 Advocates provide services, the county board may, in addition
3 to any fine imposed under Section 5-9-1 of the Unified Code of
4 Corrections, adopt a mandatory fine of between \$10 and \$30 to
5 be paid by the defendant on a judgment of guilty or a grant of
6 supervision for a felony; for a Class A, Class B, or Class C
7 misdemeanor; for a petty offense; and for a business offense.
8 Assessments shall be collected by the clerk of the circuit
9 court and must be deposited into an account specifically for
10 the operations of the Court Appointed Special Advocates. The
11 clerk of the circuit court shall collect the fines as provided
12 in this subsection and must remit the fines to the Court
13 Appointed Special Advocates Fund that the county board shall
14 create for the receipt of funds collected under this
15 subsection, and from which the county board shall make grants
16 to support the activities and services of the Court Appointed
17 Special Advocates within that county. The term "Court Appointed
18 Special Advocates" is copyrighted and is used with permission
19 of the holder of the copyright.

20 (g) The proceeds of all fees and fines enacted under this
21 Section must, except as provided in subsections (d), (d-5),
22 (e), ~~and~~ (f), and (f-10) be placed in the county general fund
23 and used to finance the court system in the county, unless the
24 fee is subject to disbursement by the circuit clerk as provided
25 under Section 27.5 of the Clerks of Courts Act.

26 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;

1 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.