



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2690

Introduced 2/21/2013, by Rep. Lawrence M. Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Allows the county board to impose an additional fee of \$10 to \$30 on convictions and grants of supervision for felonies, misdemeanors, petty offenses, and business offenses, to be used to support Court Appointed Special Advocate services. Effective immediately.

LRB098 07041 OMW 37100 b

1 AN ACT concerning 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 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 fee of between \$10 and \$30 to be  
5 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 where a court appearance is required. Assessments shall be  
9 collected by the clerk of the circuit court and must be  
10 deposited into an account specifically for the operations of  
11 the Court Appointed Special Advocates. The clerk of the circuit  
12 court shall collect the fees as provided in this subsection and  
13 must remit the fees to the Court Appointed Special Advocates  
14 Fund that the county board shall create for the receipt of  
15 funds collected under this subsection, and from which the  
16 county board shall make grants to support the activities and  
17 services of the Court Appointed Special Advocates within that  
18 county. The term "Court Appointed Special Advocates" is  
19 copyrighted and is used with permission of the holder of the  
20 copyright.

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

1 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;  
2 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

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