



HJ0062

LRB099 11704 MST 33533 r

1

HOUSE JOINT RESOLUTION

2

WHEREAS, The Illinois Compiled Statutes contain numerous provisions, scattered across multiple chapters, creating or imposing a variety of different fines, fees, surcharges, and other miscellaneous financial assessments to be paid by individuals found guilty of criminal offenses; and

3

4

WHEREAS, Because fines are a component of the sentences imposed by criminal courts, the imposition of fines is often the subject of appeals, which commonly result in cases being remanded to the circuit courts to correct the improper application of statutory provisions imposing fines, fees, or costs; and

5

6

7

8

9

10

11

12

WHEREAS, In *People v. Warren*, 2014 IL App (4th) 120721, the Appellate Court for the Fourth District wrote, "A vast amount of judicial resources are expended in the appellate court to resolve issues concerning the ever-expanding morass of fines and fees enacted by the legislature"; and

13

14

15

16

17

18

19

20

21

22

WHEREAS, In *People v. Folks*, 406 Ill. App. 3d 300 (2010), the Appellate Court for the Fourth District called for a "comprehensive legislative revision in the assessment of fines, fees, costs, and the \$5-per-day credit for time spent in custody prior to sentencing; and

1           WHEREAS, In People V. Warren, the court wrote that, "[t]he  
2 legislature continues to enact new fines, fees, and costs-in  
3 this case, leading to the imposition of 33 separate  
4 assessments; this adds more complexity to many cases where the  
5 monetary assessments may not even be collected; perhaps the  
6 legislature will answer our call"; therefore, be it

7           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
8 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
9 SENATE CONCURRING HEREIN, that there is created the Criminal  
10 Fines, Fees, and Assessments Study Committee, consisting of 10  
11 members appointed as follows: (1) one legislative member  
12 appointed by the Speaker of the House of Representatives; (2)  
13 one legislative member appointed by the Minority Leader of the  
14 House of Representatives; (3) one legislative member appointed  
15 by the President of the Senate; (4) one legislative member  
16 appointed by the Minority Leader of the Senate; (5) 2 members  
17 of a Statewide association representing State's Attorneys; (6)  
18 2 members of a Statewide association representing Circuit Court  
19 Clerks; (7) one member representing the Administrative Office  
20 of the Illinois Courts; and (8) one member representing the  
21 Office of the Attorney General; and be it further

22           RESOLVED, That 2 chairpersons, representing different  
23 political parties, shall be selected by the members of the

1 Study Committee; and be it further

2 RESOLVED, That members of the Study Committee shall serve  
3 without compensation; and be it further

4 RESOLVED, That the Study Committee shall undertake a  
5 comprehensive and thorough review of the provisions of the  
6 Illinois Compiled Statutes that create or impose fines, fees,  
7 or other financial assessments upon persons found guilty of  
8 criminal violations; and be it further

9 RESOLVED, That the Study Committee shall undertake a  
10 comprehensive and thorough review of the relevant case law in  
11 which a State or federal appellate court has found error by an  
12 Illinois court, or by an Illinois circuit court clerk, in their  
13 application of the provisions of the Illinois Compiled Statutes  
14 that create or impose fines, fees, or other financial  
15 assessments upon persons found guilty of criminal violations;  
16 and be it further

17 RESOLVED, That the Study Committee shall develop specific  
18 written recommendations for legislation to clarify and bring  
19 consistency and organization to the various provisions of the  
20 Illinois Compiled Statutes that create or impose fines, fees,  
21 or other financial assessments upon persons found guilty of  
22 criminal violations; and be it further

1           RESOLVED, That the Study Committee shall draft one or more  
2 proposed bills to effectuate its recommendations; and be it  
3 further

4           RESOLVED, That the Study Committee shall submit its written  
5 recommendations and proposed legislation to the Governor, the  
6 Speaker of the House of Representatives, the Minority Leader of  
7 the House of Representatives, the President of the Senate, the  
8 Minority Leader of the Senate, and the Attorney General no  
9 later than December 31, 2015.