



Rep. Mary E. Flowers

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10000HB4265ham001

LRB100 16027 RLC 42892 a

1 AMENDMENT TO HOUSE BILL 4265

2 AMENDMENT NO. _____. Amend House Bill 4265 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his appearance or a warrant of arrest. No less than 30 days
12 before the issuance of a warrant under this subsection, a
13 notice shall be mailed to the offender by first class mail to
14 the most recent address which the offender has provided to the
15 court. The notice shall contain the following information:

16 (1) the amount of the fine which is due and owing;

1 (2) the docket number of the case in which the fine was
2 assessed;

3 (3) the due date for payment of the fine;

4 (4) instructions as to how payment of the fine may be
5 made;

6 (5) an explanation that intentional refusal to pay the
7 fine may result in imprisonment; and

8 (6) instructions as to how the offender may request a
9 hearing to present evidence that the offender did not
10 intentionally refuse to pay the fine, and that failure to
11 pay was the result of the offender's inability to pay the
12 fine.

13 (b) Unless the offender shows that his default was not due
14 to his intentional refusal to pay, or not due to a failure on
15 his part to make a good faith effort to pay, the court may
16 order the offender imprisoned for a term not to exceed 6 months
17 if the fine was for a felony, or 30 days if the fine was for a
18 misdemeanor, a petty offense or a business offense. Payment of
19 the fine at any time will entitle the offender to be released,
20 but imprisonment under this Section shall not satisfy the
21 payment of the fine.

22 (c) If it appears that the default in the payment of a fine
23 is not intentional under paragraph (b) of this Section, the
24 court may enter an order allowing the offender additional time
25 for payment, reducing the amount of the fine or of each
26 installment, or revoking the fine or the unpaid portion.

1 (d) When a fine is imposed on a corporation or
2 unincorporated organization or association, it is the duty of
3 the person or persons authorized to make disbursement of
4 assets, and their superiors, to pay the fine from assets of the
5 corporation or unincorporated organization or association. The
6 failure of such persons to do so shall render them subject to
7 proceedings under paragraphs (a) and (b) of this Section.

8 (e) A default in the payment of a fine, fee, cost, order of
9 restitution, judgment of bond forfeiture, judgment order of
10 forfeiture, or any installment thereof may be collected by any
11 and all means authorized for the collection of money judgments.
12 The State's Attorney of the county in which the fine, fee,
13 cost, order of restitution, judgment of bond forfeiture, or
14 judgment order of forfeiture was imposed may retain attorneys
15 and private collection agents for the purpose of collecting any
16 default in payment of any fine, fee, cost, order of
17 restitution, judgment of bond forfeiture, judgment order of
18 forfeiture, or installment thereof. An additional fee of 30% of
19 the delinquent amount and each taxable court cost including,
20 without limitation, costs of service of process, shall be
21 charged to the offender for any amount of the fine, fee, cost,
22 restitution, or judgment of bond forfeiture or installment of
23 the fine, fee, cost, restitution, or judgment of bond
24 forfeiture that remains unpaid after the time fixed for payment
25 of the fine, fee, cost, restitution, or judgment of bond
26 forfeiture by the court. The additional fee shall be payable to

1 the State's Attorney in order to compensate the State's
2 Attorney for costs incurred in collecting the delinquent
3 amount. The State's Attorney may enter into agreements
4 assigning any portion of the fee to the retained attorneys or
5 the private collection agent retained by the State's Attorney.
6 Any agreement between the State's Attorney and the retained
7 attorneys or collection agents shall require the approval of
8 the Circuit Clerk of that county. A default in payment of a
9 fine, fee, cost, restitution, or judgment of bond forfeiture
10 shall draw interest at the rate of 9% per annum.

11 (Source: P.A. 98-373, eff. 1-1-14.)".