



Rep. Keith Farnham

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09700HB1258ham001

LRB097 06291 RLC 52950 a

1 AMENDMENT TO HOUSE BILL 1258

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1258 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Clerks of Courts Act is amended by changing  
5 Section 27.6 as follows:

6 (705 ILCS 105/27.6)

7 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,  
8 96-667, 96-1175, and 96-1342)

9 Sec. 27.6. (a) All fees, fines, costs, additional  
10 penalties, bail balances assessed or forfeited, and any other  
11 amount paid by a person to the circuit clerk equalling an  
12 amount of \$55 or more, except the fine imposed by Section  
13 5-9-1.15 of the Unified Code of Corrections, the additional fee  
14 required by subsections (b) and (c), restitution under Section  
15 5-5-6 of the Unified Code of Corrections, contributions to a  
16 local anti-crime program ordered pursuant to Section

1 5-6-3(b) (13) or Section 5-6-3.1(c) (13) of the Unified Code of  
2 Corrections, reimbursement for the costs of an emergency  
3 response as provided under Section 11-501 of the Illinois  
4 Vehicle Code, any fees collected for attending a traffic safety  
5 program under paragraph (c) of Supreme Court Rule 529, any fee  
6 collected on behalf of a State's Attorney under Section 4-2002  
7 of the Counties Code or a sheriff under Section 4-5001 of the  
8 Counties Code, or any cost imposed under Section 124A-5 of the  
9 Code of Criminal Procedure of 1963, for convictions, orders of  
10 supervision, or any other disposition for a violation of  
11 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
12 similar provision of a local ordinance, and any violation of  
13 the Child Passenger Protection Act, or a similar provision of a  
14 local ordinance, and except as otherwise provided in this  
15 Section shall be disbursed within 60 days after receipt by the  
16 circuit clerk as follows: 44.5% shall be disbursed to the  
17 entity authorized by law to receive the fine imposed in the  
18 case; 16.825% shall be disbursed to the State Treasurer; and  
19 38.675% shall be disbursed to the county's general corporate  
20 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
21 shall be deposited by the State Treasurer into the Violent  
22 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
23 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
24 be deposited into the Drivers Education Fund, and 6.948/17  
25 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
26 deposited into the Trauma Center Fund from the 16.825%

1 disbursed to the State Treasurer, 50% shall be disbursed to the  
2 Department of Public Health and 50% shall be disbursed to the  
3 Department of Healthcare and Family Services. For fiscal year  
4 1993, amounts deposited into the Violent Crime Victims  
5 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
6 Fund, or the Drivers Education Fund shall not exceed 110% of  
7 the amounts deposited into those funds in fiscal year 1991. Any  
8 amount that exceeds the 110% limit shall be distributed as  
9 follows: 50% shall be disbursed to the county's general  
10 corporate fund and 50% shall be disbursed to the entity  
11 authorized by law to receive the fine imposed in the case. Not  
12 later than March 1 of each year the circuit clerk shall submit  
13 a report of the amount of funds remitted to the State Treasurer  
14 under this Section during the preceding year based upon  
15 independent verification of fines and fees. All counties shall  
16 be subject to this Section, except that counties with a  
17 population under 2,000,000 may, by ordinance, elect not to be  
18 subject to this Section. For offenses subject to this Section,  
19 judges shall impose one total sum of money payable for  
20 violations. The circuit clerk may add on no additional amounts  
21 except for amounts that are required by Sections 27.3a and  
22 27.3c of this Act, unless those amounts are specifically waived  
23 by the judge. With respect to money collected by the circuit  
24 clerk as a result of forfeiture of bail, ex parte judgment or  
25 guilty plea pursuant to Supreme Court Rule 529, the circuit  
26 clerk shall first deduct and pay amounts required by Sections

1 27.3a and 27.3c of this Act. This Section is a denial and  
2 limitation of home rule powers and functions under subsection  
3 (h) of Section 6 of Article VII of the Illinois Constitution.

4 (b) In addition to any other fines and court costs assessed  
5 by the courts, any person convicted or receiving an order of  
6 supervision for driving under the influence of alcohol or drugs  
7 shall pay an additional fee of \$100 to the clerk of the circuit  
8 court. This amount, less 2 1/2% that shall be used to defray  
9 administrative costs incurred by the clerk, shall be remitted  
10 by the clerk to the Treasurer within 60 days after receipt for  
11 deposit into the Trauma Center Fund. This additional fee of  
12 \$100 shall not be considered a part of the fine for purposes of  
13 any reduction in the fine for time served either before or  
14 after sentencing. Not later than March 1 of each year the  
15 Circuit Clerk shall submit a report of the amount of funds  
16 remitted to the State Treasurer under this subsection during  
17 the preceding calendar year.

18 (b-1) In addition to any other fines and court costs  
19 assessed by the courts, any person convicted or receiving an  
20 order of supervision for driving under the influence of alcohol  
21 or drugs shall pay an additional fee of \$5 to the clerk of the  
22 circuit court. This amount, less 2 1/2% that shall be used to  
23 defray administrative costs incurred by the clerk, shall be  
24 remitted by the clerk to the Treasurer within 60 days after  
25 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
26 Research Trust Fund. This additional fee of \$5 shall not be

1 considered a part of the fine for purposes of any reduction in  
2 the fine for time served either before or after sentencing. Not  
3 later than March 1 of each year the Circuit Clerk shall submit  
4 a report of the amount of funds remitted to the State Treasurer  
5 under this subsection during the preceding calendar year.

6 (c) In addition to any other fines and court costs assessed  
7 by the courts, any person convicted for a violation of Sections  
8 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
9 person sentenced for a violation of the Cannabis Control Act,  
10 the Illinois Controlled Substances Act, or the Methamphetamine  
11 Control and Community Protection Act shall pay an additional  
12 fee of \$100 to the clerk of the circuit court. This amount,  
13 less 2 1/2% that shall be used to defray administrative costs  
14 incurred by the clerk, shall be remitted by the clerk to the  
15 Treasurer within 60 days after receipt for deposit into the  
16 Trauma Center Fund. This additional fee of \$100 shall not be  
17 considered a part of the fine for purposes of any reduction in  
18 the fine for time served either before or after sentencing. Not  
19 later than March 1 of each year the Circuit Clerk shall submit  
20 a report of the amount of funds remitted to the State Treasurer  
21 under this subsection during the preceding calendar year.

22 (c-1) In addition to any other fines and court costs  
23 assessed by the courts, any person sentenced for a violation of  
24 the Cannabis Control Act, the Illinois Controlled Substances  
25 Act, or the Methamphetamine Control and Community Protection  
26 Act shall pay an additional fee of \$5 to the clerk of the

1 circuit court. This amount, less 2 1/2% that shall be used to  
2 defray administrative costs incurred by the clerk, shall be  
3 remitted by the clerk to the Treasurer within 60 days after  
4 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
5 Research Trust Fund. This additional fee of \$5 shall not be  
6 considered a part of the fine for purposes of any reduction in  
7 the fine for time served either before or after sentencing. Not  
8 later than March 1 of each year the Circuit Clerk shall submit  
9 a report of the amount of funds remitted to the State Treasurer  
10 under this subsection during the preceding calendar year.

11 (d) The following amounts must be remitted to the State  
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses  
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class  
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
20 for Animals Act and Section 26-5 of the Criminal Code of  
21 1961; and

22 (3) 50% of the amounts collected for Class C  
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
24 for Animals Act and Section 26-5 of the Criminal Code of  
25 1961.

26 (e) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance shall, in addition to  
3 any other fines, fees, and court costs, pay an additional fee  
4 of \$29, to be disbursed as provided in Section 16-104c of the  
5 Illinois Vehicle Code. In addition to the fee of \$29, the  
6 person shall also pay a fee of \$6, if not waived by the court.  
7 If this \$6 fee is collected, \$5.50 of the fee shall be  
8 deposited into the Circuit Court Clerk Operation and  
9 Administrative Fund created by the Clerk of the Circuit Court  
10 and 50 cents of the fee shall be deposited into the Prisoner  
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (f) This Section does not apply to the additional child  
13 pornography fines assessed and collected under Section  
14 5-9-1.14 of the Unified Code of Corrections.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Of the amounts collected as fines under subsection (b)  
18 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
19 deposited into the Illinois Military Family Relief Fund and 1%  
20 shall be deposited into the Circuit Court Clerk Operation and  
21 Administrative Fund created by the Clerk of the Circuit Court  
22 to be used to offset the costs incurred by the Circuit Court  
23 Clerk in performing the additional duties required to collect  
24 and disburse funds to entities of State and local government as  
25 provided by law.

26 (j) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in  
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
3 Section 11-501 of the Illinois Vehicle Code, or a violation of  
4 a similar provision of a local ordinance shall pay an  
5 additional fee of \$35, to be disbursed as provided in Section  
6 16-104d of that Code.

7 This subsection (j) ~~(h)~~ becomes inoperative 7 years after  
8 the effective date of Public Act 95-154.

9 (k) For any conviction or disposition of court supervision  
10 for a violation of Section 11-1429 of the Illinois Vehicle  
11 Code, the circuit clerk shall distribute the fines paid by the  
12 person as specified by subsection (h) of Section 11-1429 of the  
13 Illinois Vehicle Code.

14 (l) Any person who receives a disposition of court  
15 supervision for a violation of Section 11-501 of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance shall,  
17 in addition to any other fines, fees, and court costs, pay an  
18 additional fee of \$50, which shall be collected by the circuit  
19 clerk and then remitted to the State Treasurer for deposit into  
20 the Roadside Memorial Fund, a special fund in the State  
21 treasury. However, the court may waive the fee if full  
22 restitution is complied with. Subject to appropriation, all  
23 moneys in the Roadside Memorial Fund shall be used by the  
24 Department of Transportation to pay fees imposed under  
25 subsection (f) of Section 20 of the Roadside Memorial Act. The  
26 fee shall be remitted by the circuit clerk within one month



1 after receipt to the State Treasurer for deposit into the  
2 Roadside Memorial Fund.

3 (m) Of the amounts collected as fines under subsection (c)  
4 of Section 10.4 of the Cannabis Control Act, subsection (c) of  
5 Section 411.4 of the Illinois Controlled Substances Act, or  
6 subsection (c) of Section 90 of Methamphetamine Control and  
7 Community Protection Act, 99% shall be deposited to the law  
8 enforcement agency or fund specified and 1% shall be deposited  
9 into the Circuit Court Clerk Operation and Administrative Fund  
10 to be used to offset the costs incurred by the Circuit Court  
11 Clerk in performing the additional duties required to collect  
12 and disburse funds to entities of State and local government as  
13 provided by law.

14 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
15 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
16 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.  
17 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,  
18 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

19 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,  
20 96-735, 96-1175, and 96-1342)

21 Sec. 27.6. (a) All fees, fines, costs, additional  
22 penalties, bail balances assessed or forfeited, and any other  
23 amount paid by a person to the circuit clerk equalling an  
24 amount of \$55 or more, except the fine imposed by Section  
25 5-9-1.15 of the Unified Code of Corrections, the additional fee

1 required by subsections (b) and (c), restitution under Section  
2 5-5-6 of the Unified Code of Corrections, contributions to a  
3 local anti-crime program ordered pursuant to Section  
4 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
5 Corrections, reimbursement for the costs of an emergency  
6 response as provided under Section 11-501 of the Illinois  
7 Vehicle Code, any fees collected for attending a traffic safety  
8 program under paragraph (c) of Supreme Court Rule 529, any fee  
9 collected on behalf of a State's Attorney under Section 4-2002  
10 of the Counties Code or a sheriff under Section 4-5001 of the  
11 Counties Code, or any cost imposed under Section 124A-5 of the  
12 Code of Criminal Procedure of 1963, for convictions, orders of  
13 supervision, or any other disposition for a violation of  
14 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
15 similar provision of a local ordinance, and any violation of  
16 the Child Passenger Protection Act, or a similar provision of a  
17 local ordinance, and except as otherwise provided in this  
18 Section shall be disbursed within 60 days after receipt by the  
19 circuit clerk as follows: 44.5% shall be disbursed to the  
20 entity authorized by law to receive the fine imposed in the  
21 case; 16.825% shall be disbursed to the State Treasurer; and  
22 38.675% shall be disbursed to the county's general corporate  
23 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
24 shall be deposited by the State Treasurer into the Violent  
25 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
26 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall

1 be deposited into the Drivers Education Fund, and 6.948/17  
2 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
3 deposited into the Trauma Center Fund from the 16.825%  
4 disbursed to the State Treasurer, 50% shall be disbursed to the  
5 Department of Public Health and 50% shall be disbursed to the  
6 Department of Healthcare and Family Services. For fiscal year  
7 1993, amounts deposited into the Violent Crime Victims  
8 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
9 Fund, or the Drivers Education Fund shall not exceed 110% of  
10 the amounts deposited into those funds in fiscal year 1991. Any  
11 amount that exceeds the 110% limit shall be distributed as  
12 follows: 50% shall be disbursed to the county's general  
13 corporate fund and 50% shall be disbursed to the entity  
14 authorized by law to receive the fine imposed in the case. Not  
15 later than March 1 of each year the circuit clerk shall submit  
16 a report of the amount of funds remitted to the State Treasurer  
17 under this Section during the preceding year based upon  
18 independent verification of fines and fees. All counties shall  
19 be subject to this Section, except that counties with a  
20 population under 2,000,000 may, by ordinance, elect not to be  
21 subject to this Section. For offenses subject to this Section,  
22 judges shall impose one total sum of money payable for  
23 violations. The circuit clerk may add on no additional amounts  
24 except for amounts that are required by Sections 27.3a and  
25 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
26 Code, and subsection (a) of Section 5-1101 of the Counties

1 Code, unless those amounts are specifically waived by the  
2 judge. With respect to money collected by the circuit clerk as  
3 a result of forfeiture of bail, ex parte judgment or guilty  
4 plea pursuant to Supreme Court Rule 529, the circuit clerk  
5 shall first deduct and pay amounts required by Sections 27.3a  
6 and 27.3c of this Act. Unless a court ordered payment schedule  
7 is implemented or fee requirements are waived pursuant to court  
8 order, the clerk of the court may add to any unpaid fees and  
9 costs a delinquency amount equal to 5% of the unpaid fees that  
10 remain unpaid after 30 days, 10% of the unpaid fees that remain  
11 unpaid after 60 days, and 15% of the unpaid fees that remain  
12 unpaid after 90 days. Notice to those parties may be made by  
13 signage posting or publication. The additional delinquency  
14 amounts collected under this Section shall be deposited in the  
15 Circuit Court Clerk Operation and Administrative Fund to be  
16 used to defray administrative costs incurred by the circuit  
17 clerk in performing the duties required to collect and disburse  
18 funds. This Section is a denial and limitation of home rule  
19 powers and functions under subsection (h) of Section 6 of  
20 Article VII of the Illinois Constitution.

21 (b) In addition to any other fines and court costs assessed  
22 by the courts, any person convicted or receiving an order of  
23 supervision for driving under the influence of alcohol or drugs  
24 shall pay an additional fee of \$100 to the clerk of the circuit  
25 court. This amount, less 2 1/2% that shall be used to defray  
26 administrative costs incurred by the clerk, shall be remitted

1 by the clerk to the Treasurer within 60 days after receipt for  
2 deposit into the Trauma Center Fund. This additional fee of  
3 \$100 shall not be considered a part of the fine for purposes of  
4 any reduction in the fine for time served either before or  
5 after sentencing. Not later than March 1 of each year the  
6 Circuit Clerk shall submit a report of the amount of funds  
7 remitted to the State Treasurer under this subsection during  
8 the preceding calendar year.

9 (b-1) In addition to any other fines and court costs  
10 assessed by the courts, any person convicted or receiving an  
11 order of supervision for driving under the influence of alcohol  
12 or drugs shall pay an additional fee of \$5 to the clerk of the  
13 circuit court. This amount, less 2 1/2% that shall be used to  
14 defray administrative costs incurred by the clerk, shall be  
15 remitted by the clerk to the Treasurer within 60 days after  
16 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
17 Research Trust Fund. This additional fee of \$5 shall not be  
18 considered a part of the fine for purposes of any reduction in  
19 the fine for time served either before or after sentencing. Not  
20 later than March 1 of each year the Circuit Clerk shall submit  
21 a report of the amount of funds remitted to the State Treasurer  
22 under this subsection during the preceding calendar year.

23 (c) In addition to any other fines and court costs assessed  
24 by the courts, any person convicted for a violation of Sections  
25 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
26 person sentenced for a violation of the Cannabis Control Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine  
2 Control and Community Protection Act shall pay an additional  
3 fee of \$100 to the clerk of the circuit court. This amount,  
4 less 2 1/2% that shall be used to defray administrative costs  
5 incurred by the clerk, shall be remitted by the clerk to the  
6 Treasurer within 60 days after receipt for deposit into the  
7 Trauma Center Fund. This additional fee of \$100 shall not be  
8 considered a part of the fine for purposes of any reduction in  
9 the fine for time served either before or after sentencing. Not  
10 later than March 1 of each year the Circuit Clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this subsection during the preceding calendar year.

13 (c-1) In addition to any other fines and court costs  
14 assessed by the courts, any person sentenced for a violation of  
15 the Cannabis Control Act, the Illinois Controlled Substances  
16 Act, or the Methamphetamine Control and Community Protection  
17 Act shall pay an additional fee of \$5 to the clerk of the  
18 circuit court. This amount, less 2 1/2% that shall be used to  
19 defray administrative costs incurred by the clerk, shall be  
20 remitted by the clerk to the Treasurer within 60 days after  
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
22 Research Trust Fund. This additional fee of \$5 shall not be  
23 considered a part of the fine for purposes of any reduction in  
24 the fine for time served either before or after sentencing. Not  
25 later than March 1 of each year the Circuit Clerk shall submit  
26 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

2 (d) The following amounts must be remitted to the State  
3 Treasurer for deposit into the Illinois Animal Abuse Fund:

4 (1) 50% of the amounts collected for felony offenses  
5 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
6 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
7 Animals Act and Section 26-5 of the Criminal Code of 1961;

8 (2) 20% of the amounts collected for Class A and Class  
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
11 for Animals Act and Section 26-5 of the Criminal Code of  
12 1961; and

13 (3) 50% of the amounts collected for Class C  
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
15 for Animals Act and Section 26-5 of the Criminal Code of  
16 1961.

17 (e) Any person who receives a disposition of court  
18 supervision for a violation of the Illinois Vehicle Code or a  
19 similar provision of a local ordinance shall, in addition to  
20 any other fines, fees, and court costs, pay an additional fee  
21 of \$29, to be disbursed as provided in Section 16-104c of the  
22 Illinois Vehicle Code. In addition to the fee of \$29, the  
23 person shall also pay a fee of \$6, if not waived by the court.  
24 If this \$6 fee is collected, \$5.50 of the fee shall be  
25 deposited into the Circuit Court Clerk Operation and  
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner  
2 Review Board Vehicle and Equipment Fund in the State treasury.

3 (f) This Section does not apply to the additional child  
4 pornography fines assessed and collected under Section  
5 5-9-1.14 of the Unified Code of Corrections.

6 (g) Any person convicted of or pleading guilty to a serious  
7 traffic violation, as defined in Section 1-187.001 of the  
8 Illinois Vehicle Code, shall pay an additional fee of \$35, to  
9 be disbursed as provided in Section 16-104d of that Code. This  
10 subsection (g) becomes inoperative 7 years after the effective  
11 date of Public Act 95-154.

12 (h) In all counties having a population of 3,000,000 or  
13 more inhabitants,

14 (1) A person who is found guilty of or pleads guilty to  
15 violating subsection (a) of Section 11-501 of the Illinois  
16 Vehicle Code, including any person placed on court  
17 supervision for violating subsection (a), shall be fined  
18 \$750 as provided for by subsection (f) of Section 11-501.01  
19 of the Illinois Vehicle Code, payable to the circuit clerk,  
20 who shall distribute the money pursuant to subsection (f)  
21 of Section 11-501.01 of the Illinois Vehicle Code.

22 (2) When a crime laboratory DUI analysis fee of \$150,  
23 provided for by Section 5-9-1.9 of the Unified Code of  
24 Corrections is assessed, it shall be disbursed by the  
25 circuit clerk as provided by subsection (f) of Section  
26 5-9-1.9 of the Unified Code of Corrections.



1           (3) When a fine for a violation of Section 11-605.1 of  
2 the Illinois Vehicle Code is \$250 or greater, the person  
3 who violated that Section shall be charged an additional  
4 \$125 as provided for by subsection (e) of Section 11-605.1  
5 of the Illinois Vehicle Code, which shall be disbursed by  
6 the circuit clerk to a State or county Transportation  
7 Safety Highway Hire-back Fund as provided by subsection (e)  
8 of Section 11-605.1 of the Illinois Vehicle Code.

9           (4) When a fine for a violation of subsection (a) of  
10 Section 11-605 of the Illinois Vehicle Code is \$150 or  
11 greater, the additional \$50 which is charged as provided  
12 for by subsection (f) of Section 11-605 of the Illinois  
13 Vehicle Code shall be disbursed by the circuit clerk to a  
14 school district or districts for school safety purposes as  
15 provided by subsection (f) of Section 11-605.

16           (5) When a fine for a violation of subsection (a) of  
17 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
18 greater, the additional \$50 which is charged as provided  
19 for by subsection (c) of Section 11-1002.5 of the Illinois  
20 Vehicle Code shall be disbursed by the circuit clerk to a  
21 school district or districts for school safety purposes as  
22 provided by subsection (c) of Section 11-1002.5 of the  
23 Illinois Vehicle Code.

24           (6) When a mandatory drug court fee of up to \$5 is  
25 assessed as provided in subsection (f) of Section 5-1101 of  
26 the Counties Code, it shall be disbursed by the circuit

1 clerk as provided in subsection (f) of Section 5-1101 of  
2 the Counties Code.

3 (7) When a mandatory teen court, peer jury, youth  
4 court, or other youth diversion program fee is assessed as  
5 provided in subsection (e) of Section 5-1101 of the  
6 Counties Code, it shall be disbursed by the circuit clerk  
7 as provided in subsection (e) of Section 5-1101 of the  
8 Counties Code.

9 (8) When a Children's Advocacy Center fee is assessed  
10 pursuant to subsection (f-5) of Section 5-1101 of the  
11 Counties Code, it shall be disbursed by the circuit clerk  
12 as provided in subsection (f-5) of Section 5-1101 of the  
13 Counties Code.

14 (9) When a victim impact panel fee is assessed pursuant  
15 to subsection (b) of Section 11-501.01 of the Vehicle Code,  
16 it shall be disbursed by the circuit clerk to the victim  
17 impact panel to be attended by the defendant.

18 (10) When a new fee collected in traffic cases is  
19 enacted after the effective date of this subsection (h), it  
20 shall be excluded from the percentage disbursement  
21 provisions of this Section unless otherwise indicated by  
22 law.

23 (i) Of the amounts collected as fines under subsection (b)  
24 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
25 deposited into the Illinois Military Family Relief Fund and 1%  
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court  
2 to be used to offset the costs incurred by the Circuit Court  
3 Clerk in performing the additional duties required to collect  
4 and disburse funds to entities of State and local government as  
5 provided by law.

6 (j) (Blank).

7 (k) For any conviction or disposition of court supervision  
8 for a violation of Section 11-1429 of the Illinois Vehicle  
9 Code, the circuit clerk shall distribute the fines paid by the  
10 person as specified by subsection (h) of Section 11-1429 of the  
11 Illinois Vehicle Code.

12 (l) Any person who receives a disposition of court  
13 supervision for a violation of Section 11-501 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance shall,  
15 in addition to any other fines, fees, and court costs, pay an  
16 additional fee of \$50, which shall be collected by the circuit  
17 clerk and then remitted to the State Treasurer for deposit into  
18 the Roadside Memorial Fund, a special fund in the State  
19 treasury. However, the court may waive the fee if full  
20 restitution is complied with. Subject to appropriation, all  
21 moneys in the Roadside Memorial Fund shall be used by the  
22 Department of Transportation to pay fees imposed under  
23 subsection (f) of Section 20 of the Roadside Memorial Act. The  
24 fee shall be remitted by the circuit clerk within one month  
25 after receipt to the State Treasurer for deposit into the  
26 Roadside Memorial Fund.

1       (m) Of the amounts collected as fines under subsection (c)  
2 of Section 10.4 of the Cannabis Control Act, subsection (c) of  
3 Section 411.4 of the Illinois Controlled Substances Act, or  
4 subsection (c) of Section 90 of Methamphetamine Control and  
5 Community Protection Act, 99% shall be deposited to the law  
6 enforcement agency or fund specified and 1% shall be deposited  
7 into the Circuit Court Clerk Operation and Administrative Fund  
8 to be used to offset the costs incurred by the Circuit Court  
9 Clerk in performing the additional duties required to collect  
10 and disburse funds to entities of State and local government as  
11 provided by law.

12       (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
13 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
14 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.  
15 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; 96-1175,  
16 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

17       Section 10. The Cannabis Control Act is amended by adding  
18 Section 10.4 as follows:

19       (720 ILCS 550/10.4 new)

20       Sec. 10.4. Reimbursement of unit of government for  
21 emergency response.

22       (a) As used in this Section, "emergency response" means any  
23 incident involving the illegal manufacture or delivery of  
24 cannabis requiring a response by a police officer, a

1 firefighter carried on the rolls of a regularly constituted  
2 fire department, or an ambulance.

3 (b) Every person found guilty of violating Section 5, 5.1,  
4 5.2, or 9 of this Act, including any person placed on court  
5 supervision for violating subsection (a) or (b) of Section 5 of  
6 this Act, whose violation proximately caused any incident  
7 resulting in an appropriate emergency response shall be liable  
8 for the expense of an emergency response.

9 (c) In addition to any other penalties and liabilities, a  
10 person who is found guilty of or pleads guilty to violating  
11 Section 5, 5.1, 5.2, or 9 of this Act, including any person  
12 placed on court supervision for violating subsection (a) or (b)  
13 of Section 5 of this Act, shall be assessed \$750, payable to  
14 the circuit clerk, who shall distribute the money to the law  
15 enforcement agency that made the arrest. If the person has been  
16 previously convicted of violating Section 5, 5.1, 5.2, or 9 of  
17 this Act, the fine shall be \$1,000, and the circuit clerk shall  
18 distribute the money to the law enforcement agency that made  
19 the arrest. In the event that more than one agency is  
20 responsible for the arrest, the amount payable to law  
21 enforcement agencies shall be shared equally. Any moneys  
22 received by a law enforcement agency under this Section shall  
23 be used for law enforcement expenses.

24 Any moneys collected for the Illinois State Police shall be  
25 deposited into the Traffic and Criminal conviction Surcharge  
26 Fund.

1 Section 15. The Illinois Controlled Substances Act is  
2 amended by adding Section 411.4 as follows:

3 (720 ILCS 570/411.4 new)

4 Sec. 411.4. Reimbursement of unit of government for  
5 emergency response.

6 (a) As used in this Section, "emergency response" means any  
7 incident involving the illegal manufacture or delivery of a  
8 controlled substance requiring a response by a police officer,  
9 a firefighter carried on the rolls of a regularly constituted  
10 fire department, or an ambulance.

11 (b) Every person found guilty of violating Section 401,  
12 407, or 407.2 of this Act whose violation proximately caused  
13 any incident resulting in an appropriate emergency response  
14 shall be liable for the expense of an emergency response.

15 (c) In addition to any other penalties and liabilities, a  
16 person who is found guilty of or pleads guilty to violating  
17 Section 401, 407, or 407.2 of this Act shall be assessed \$750,  
18 payable to the circuit clerk, who shall distribute the money to  
19 the law enforcement agency that made the arrest. If the person  
20 has been previously convicted of violating Section 401, 407, or  
21 407.2 of this Act, the fine shall be \$1,000, and the circuit  
22 clerk shall distribute the money to the law enforcement agency  
23 that made the arrest. In the event that more than one agency is  
24 responsible for the arrest, the amount payable to law

1 enforcement agencies shall be shared equally. Any moneys  
2 received by a law enforcement agency under this Section shall  
3 be used for law enforcement expenses.

4 Any moneys collected for the Illinois State Police shall be  
5 deposited into the Traffic and Criminal Conviction Surcharge  
6 Fund.

7 Section 20. The Methamphetamine Control and Community  
8 Protection Act is amended by changing Sections 10 and 90 as  
9 follows:

10 (720 ILCS 646/10)

11 Sec. 10. Definitions. As used in this Act:

12 "Anhydrous ammonia" has the meaning provided in subsection  
13 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

14 "Anhydrous ammonia equipment" means all items used to  
15 store, hold, contain, handle, transfer, transport, or apply  
16 anhydrous ammonia for lawful purposes.

17 "Booby trap" means any device designed to cause physical  
18 injury when triggered by an act of a person approaching,  
19 entering, or moving through a structure, a vehicle, or any  
20 location where methamphetamine has been manufactured, is being  
21 manufactured, or is intended to be manufactured.

22 "Deliver" or "delivery" has the meaning provided in  
23 subsection (h) of Section 102 of the Illinois Controlled  
24 Substances Act.

1 "Director" means the Director of State Police or the  
2 Director's designated agents.

3 "Dispose" or "disposal" means to abandon, discharge,  
4 release, deposit, inject, dump, spill, leak, or place  
5 methamphetamine waste onto or into any land, water, or well of  
6 any type so that the waste has the potential to enter the  
7 environment, be emitted into the air, or be discharged into the  
8 soil or any waters, including groundwater.

9 "Emergency response" means the act of collecting evidence,  
10 securing a methamphetamine laboratory site, methamphetamine  
11 waste site or other methamphetamine-related site requiring  
12 cleanup by clandestine laboratory certified personnel ~~and~~  
13 ~~cleaning up the site~~, whether these actions are performed by  
14 public entities or private contractors paid by public entities.

15 "Emergency response" also means any incident involving the  
16 illegal manufacture or deliver of methamphetamine requiring a  
17 response by a police officer, a firefighter carried on the  
18 rolls of a regularly constituted fire department, or an  
19 ambulance.

20 "Emergency service provider" means a local, State, or  
21 federal peace officer, firefighter, emergency medical  
22 technician-ambulance, emergency medical  
23 technician-intermediate, emergency medical  
24 technician-paramedic, ambulance driver, or other medical or  
25 first aid personnel rendering aid, or any agent or designee of  
26 the foregoing.



1 "Finished methamphetamine" means methamphetamine in a form  
2 commonly used for personal consumption.

3 "Firearm" has the meaning provided in Section 1.1 of the  
4 Firearm Owners Identification Card Act.

5 "Manufacture" means to produce, prepare, compound,  
6 convert, process, synthesize, concentrate, purify, separate,  
7 extract, or package any methamphetamine, methamphetamine  
8 precursor, methamphetamine manufacturing catalyst,  
9 methamphetamine manufacturing reagent, methamphetamine  
10 manufacturing solvent, or any substance containing any of the  
11 foregoing.

12 "Methamphetamine" means the chemical methamphetamine (a  
13 Schedule II controlled substance under the Illinois Controlled  
14 Substances Act) or any salt, optical isomer, salt of optical  
15 isomer, or analog thereof, with the exception of  
16 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
17 scheduled substance with a separate listing under the Illinois  
18 Controlled Substances Act.

19 "Methamphetamine manufacturing catalyst" means any  
20 substance that has been used, is being used, or is intended to  
21 be used to activate, accelerate, extend, or improve a chemical  
22 reaction involved in the manufacture of methamphetamine.

23 "Methamphetamine manufacturing environment" means a  
24 structure or vehicle in which:

- 25 (1) methamphetamine is being or has been manufactured;  
26 (2) chemicals that are being used, have been used, or

1 are intended to be used to manufacture methamphetamine are  
2 stored;

3 (3) methamphetamine manufacturing materials that have  
4 been used to manufacture methamphetamine are stored; or

5 (4) methamphetamine manufacturing waste is stored.

6 "Methamphetamine manufacturing material" means any  
7 methamphetamine precursor, substance containing any  
8 methamphetamine precursor, methamphetamine manufacturing  
9 catalyst, substance containing any methamphetamine  
10 manufacturing catalyst, methamphetamine manufacturing reagent,  
11 substance containing any methamphetamine manufacturing  
12 reagent, methamphetamine manufacturing solvent, substance  
13 containing any methamphetamine manufacturing solvent, or any  
14 other chemical, substance, ingredient, equipment, apparatus,  
15 or item that is being used, has been used, or is intended to be  
16 used in the manufacture of methamphetamine.

17 "Methamphetamine manufacturing reagent" means any  
18 substance other than a methamphetamine manufacturing catalyst  
19 that has been used, is being used, or is intended to be used to  
20 react with and chemically alter any methamphetamine precursor.

21 "Methamphetamine manufacturing solvent" means any  
22 substance that has been used, is being used, or is intended to  
23 be used as a medium in which any methamphetamine precursor,  
24 methamphetamine manufacturing catalyst, methamphetamine  
25 manufacturing reagent, or any substance containing any of the  
26 foregoing is dissolved, diluted, or washed during any part of

1 the methamphetamine manufacturing process.

2 "Methamphetamine manufacturing waste" means any chemical,  
3 substance, ingredient, equipment, apparatus, or item that is  
4 left over from, results from, or is produced by the process of  
5 manufacturing methamphetamine, other than finished  
6 methamphetamine.

7 "Methamphetamine precursor" means ephedrine,  
8 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
9 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
10 isomer, or salt of an optical isomer of any of these chemicals.

11 "Multi-unit dwelling" means a unified structure used or  
12 intended for use as a habitation, home, or residence that  
13 contains 2 or more condominiums, apartments, hotel rooms, motel  
14 rooms, or other living units.

15 "Package" means an item marked for retail sale that is not  
16 designed to be further broken down or subdivided for the  
17 purpose of retail sale.

18 "Participate" or "participation" in the manufacture of  
19 methamphetamine means to produce, prepare, compound, convert,  
20 process, synthesize, concentrate, purify, separate, extract,  
21 or package any methamphetamine, methamphetamine precursor,  
22 methamphetamine manufacturing catalyst, methamphetamine  
23 manufacturing reagent, methamphetamine manufacturing solvent,  
24 or any substance containing any of the foregoing, or to assist  
25 in any of these actions, or to attempt to take any of these  
26 actions, regardless of whether this action or these actions

1 result in the production of finished methamphetamine.

2 "Person with a disability" means a person who suffers from  
3 a permanent physical or mental impairment resulting from  
4 disease, injury, functional disorder, or congenital condition  
5 which renders the person incapable of adequately providing for  
6 his or her own health and personal care.

7 "Procure" means to purchase, steal, gather, or otherwise  
8 obtain, by legal or illegal means, or to cause another to take  
9 such action.

10 "Second or subsequent offense" means an offense under this  
11 Act committed by an offender who previously committed an  
12 offense under this Act, the Illinois Controlled Substances Act,  
13 the Cannabis Control Act, or another Act of this State, another  
14 state, or the United States relating to methamphetamine,  
15 cannabis, or any other controlled substance.

16 "Standard dosage form", as used in relation to any  
17 methamphetamine precursor, means that the methamphetamine  
18 precursor is contained in a pill, tablet, capsule, caplet, gel  
19 cap, or liquid cap that has been manufactured by a lawful  
20 entity and contains a standard quantity of methamphetamine  
21 precursor.

22 "Unauthorized container", as used in relation to anhydrous  
23 ammonia, means any container that is not designed for the  
24 specific and sole purpose of holding, storing, transporting, or  
25 applying anhydrous ammonia. "Unauthorized container" includes,  
26 but is not limited to, any propane tank, fire extinguisher,

1 oxygen cylinder, gasoline can, food or beverage cooler, or  
2 compressed gas cylinder used in dispensing fountain drinks.  
3 "Unauthorized container" does not encompass anhydrous ammonia  
4 manufacturing plants, refrigeration systems where anhydrous  
5 ammonia is used solely as a refrigerant, anhydrous ammonia  
6 transportation pipelines, anhydrous ammonia tankers, or  
7 anhydrous ammonia barges.

8 (Source: P.A. 94-556, eff. 9-11-05.)

9 (720 ILCS 646/90)

10 Sec. 90. Methamphetamine restitution.

11 (a) If a person commits a violation of this Act in a manner  
12 that requires an emergency response, the person shall be  
13 required to make restitution to all public entities involved in  
14 the emergency response, to cover the reasonable cost of their  
15 participation in the emergency response, including but not  
16 limited to regular and overtime costs incurred by local law  
17 enforcement agencies and private contractors paid by the public  
18 agencies in securing the site. The convicted person shall make  
19 this restitution in addition to any other fine or penalty  
20 required by law.

21 (b) Any restitution payments made under this Section shall  
22 be disbursed equitably by the circuit clerk in the following  
23 order:

24 (1) first, to the agency responsible for the mitigation  
25 of the incident ~~local agencies involved in the emergency~~

1 ~~response;~~

2 (2) second, to the local agencies involved in the  
3 emergency response; State agencies involved in the  
4 emergency response; and

5 (3) third, to the State agencies involved in the  
6 emergency response; and federal agencies involved in the  
7 emergency response.

8 (4) fourth, to the federal agencies involved in the  
9 emergency response.

10 (c) In addition to any other penalties and liabilities, a  
11 person who is found guilty of or pleads guilty to violating any  
12 Section of this Act shall be assessed \$2,500, payable to the  
13 circuit clerk, who shall distribute the money to the law  
14 enforcement agency responsible for the mitigation of the  
15 incident. If the person has been previously convicted of  
16 violating any Section of this Act, the fine shall be \$5,000 and  
17 the circuit clerk shall distribute to the law enforcement  
18 agency responsible for the mitigation of the incident. In the  
19 event that more than one agency is responsible for an arrest  
20 which does not require mitigation, the amount payable to law  
21 enforcement agencies shall be shared equally. Any moneys  
22 received by a law enforcement agency under this Section shall  
23 be used for law enforcement expenses.

24 Any moneys collected for the Illinois State Police shall be  
25 deposited into the Traffic and Criminal Conviction Surcharge  
26 Fund.

1 (Source: P.A. 94-556, eff. 9-11-05.)".