



Sen. Michael Noland

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09700HB1258sam001

LRB097 06291 RLC 55823 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 411.4 of the Illinois Controlled Substances Act or  
5 subsection (c) of Section 90 of the Methamphetamine Control and  
6 Community Protection Act, 99% shall be deposited to the law  
7 enforcement agency or fund specified and 1% shall be deposited  
8 into the Circuit Court Clerk Operation and Administrative Fund  
9 to be used to offset the costs incurred by the Circuit Court  
10 Clerk in performing the additional duties required to collect  
11 and disburse funds to entities of State and local government as  
12 provided by law.

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

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

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

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

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

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

20 (b) In addition to any other fines and court costs assessed  
21 by the courts, any person convicted or receiving an order of  
22 supervision for driving under the influence of alcohol or drugs  
23 shall pay an additional fee of \$100 to the clerk of the circuit  
24 court. This amount, less 2 1/2% that shall be used to defray  
25 administrative costs incurred by the clerk, shall be remitted  
26 by the clerk to the Treasurer within 60 days after receipt for

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

8 (b-1) In addition to any other fines and court costs  
9 assessed by the courts, any person convicted or receiving an  
10 order of supervision for driving under the influence of alcohol  
11 or drugs shall pay an additional fee of \$5 to the clerk of the  
12 circuit court. This amount, less 2 1/2% that shall be used to  
13 defray administrative costs incurred by the clerk, shall be  
14 remitted by the clerk to the Treasurer within 60 days after  
15 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
16 Research Trust Fund. This additional fee of \$5 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) In addition to any other fines and court costs assessed  
23 by the courts, any person convicted for a violation of Sections  
24 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
25 person sentenced for a violation of the Cannabis Control Act,  
26 the Illinois Controlled Substances Act, or the Methamphetamine

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

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

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

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

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

12 (3) 50% of the amounts collected for Class C  
13 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
14 for Animals Act and Section 26-5 of the Criminal Code of  
15 1961.

16 (e) Any person who receives a disposition of court  
17 supervision for a violation of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance shall, in addition to  
19 any other fines, fees, and court costs, pay an additional fee  
20 of \$29, to be disbursed as provided in Section 16-104c of the  
21 Illinois Vehicle Code. In addition to the fee of \$29, the  
22 person shall also pay a fee of \$6, if not waived by the court.  
23 If this \$6 fee is collected, \$5.50 of the fee shall be  
24 deposited into the Circuit Court Clerk Operation and  
25 Administrative Fund created by the Clerk of the Circuit Court  
26 and 50 cents of the fee shall be deposited into the Prisoner

1 Review Board Vehicle and Equipment Fund in the State treasury.

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

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

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

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

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

26 (3) When a fine for a violation of Section 11-605.1 of



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

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

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

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

1 the Counties Code.

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

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

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

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

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

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

5 (j) (Blank).

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

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

26 (m) Of the amounts collected as fines under subsection (c)

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

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

15 Section 10. The Illinois Controlled Substances Act is  
16 amended by adding Section 411.4 as follows:

17 (720 ILCS 570/411.4 new)

18 Sec. 411.4. Reimbursement of unit of government for  
19 emergency response.

20 (a) As used in this Section, "emergency response" means the  
21 act of collecting evidence from or securing a site where  
22 controlled substances were manufactured, or where by-products  
23 from the manufacture of controlled substances are present, and  
24 cleaning up the site, whether these actions are performed by

1 public entities or private contractors paid by public entities.

2 (b) Every person convicted of violating Section 401, 407,  
3 or 407.2 of this Act whose violation proximately caused any  
4 incident resulting in an appropriate emergency response shall  
5 be liable for the expense of an emergency response and shall be  
6 assessed a fine of \$750, payable to the circuit clerk, who  
7 shall distribute the money to the law enforcement agency that  
8 made the arrest. If the person has been previously convicted of  
9 violating Section 401, 407, or 407.2 of this Act, the fine  
10 shall be \$1,000, and the circuit clerk shall distribute the  
11 money to the law enforcement agency that made the arrest. In  
12 the event that more than one agency is responsible for the  
13 arrest, the amount payable to law enforcement agencies shall be  
14 shared equally. Any moneys received by a law enforcement agency  
15 under this Section shall be used for law enforcement expenses.

16 Any moneys collected for the Illinois State Police shall be  
17 deposited into the Traffic and Criminal Conviction Surcharge  
18 Fund.

19 Section 15. The Methamphetamine Control and Community  
20 Protection Act is amended by changing Sections 10 and 90 as  
21 follows:

22 (720 ILCS 646/10)

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

24 "Anhydrous ammonia" has the meaning provided in subsection

1 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

2 "Anhydrous ammonia equipment" means all items used to  
3 store, hold, contain, handle, transfer, transport, or apply  
4 anhydrous ammonia for lawful purposes.

5 "Booby trap" means any device designed to cause physical  
6 injury when triggered by an act of a person approaching,  
7 entering, or moving through a structure, a vehicle, or any  
8 location where methamphetamine has been manufactured, is being  
9 manufactured, or is intended to be manufactured.

10 "Deliver" or "delivery" has the meaning provided in  
11 subsection (h) of Section 102 of the Illinois Controlled  
12 Substances Act.

13 "Director" means the Director of State Police or the  
14 Director's designated agents.

15 "Dispose" or "disposal" means to abandon, discharge,  
16 release, deposit, inject, dump, spill, leak, or place  
17 methamphetamine waste onto or into any land, water, or well of  
18 any type so that the waste has the potential to enter the  
19 environment, be emitted into the air, or be discharged into the  
20 soil or any waters, including groundwater.

21 "Emergency response" means the act of collecting evidence  
22 from or, securing a methamphetamine laboratory site,  
23 methamphetamine waste site or other methamphetamine-related  
24 site and cleaning up the site, whether these actions are  
25 performed by public entities or private contractors paid by  
26 public entities.

1 "Emergency service provider" means a local, State, or  
2 federal peace officer, firefighter, emergency medical  
3 technician-ambulance, emergency medical  
4 technician-intermediate, emergency medical  
5 technician-paramedic, ambulance driver, or other medical or  
6 first aid personnel rendering aid, or any agent or designee of  
7 the foregoing.

8 "Finished methamphetamine" means methamphetamine in a form  
9 commonly used for personal consumption.

10 "Firearm" has the meaning provided in Section 1.1 of the  
11 Firearm Owners Identification Card Act.

12 "Manufacture" means to produce, prepare, compound,  
13 convert, process, synthesize, concentrate, purify, separate,  
14 extract, or package any methamphetamine, methamphetamine  
15 precursor, methamphetamine manufacturing catalyst,  
16 methamphetamine manufacturing reagent, methamphetamine  
17 manufacturing solvent, or any substance containing any of the  
18 foregoing.

19 "Methamphetamine" means the chemical methamphetamine (a  
20 Schedule II controlled substance under the Illinois Controlled  
21 Substances Act) or any salt, optical isomer, salt of optical  
22 isomer, or analog thereof, with the exception of  
23 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
24 scheduled substance with a separate listing under the Illinois  
25 Controlled Substances Act.

26 "Methamphetamine manufacturing catalyst" means any

1 substance that has been used, is being used, or is intended to  
2 be used to activate, accelerate, extend, or improve a chemical  
3 reaction involved in the manufacture of methamphetamine.

4 "Methamphetamine manufacturing environment" means a  
5 structure or vehicle in which:

6 (1) methamphetamine is being or has been manufactured;

7 (2) chemicals that are being used, have been used, or  
8 are intended to be used to manufacture methamphetamine are  
9 stored;

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

12 (4) methamphetamine manufacturing waste is stored.

13 "Methamphetamine manufacturing material" means any  
14 methamphetamine precursor, substance containing any  
15 methamphetamine precursor, methamphetamine manufacturing  
16 catalyst, substance containing any methamphetamine  
17 manufacturing catalyst, methamphetamine manufacturing reagent,  
18 substance containing any methamphetamine manufacturing  
19 reagent, methamphetamine manufacturing solvent, substance  
20 containing any methamphetamine manufacturing solvent, or any  
21 other chemical, substance, ingredient, equipment, apparatus,  
22 or item that is being used, has been used, or is intended to be  
23 used in the manufacture of methamphetamine.

24 "Methamphetamine manufacturing reagent" means any  
25 substance other than a methamphetamine manufacturing catalyst  
26 that has been used, is being used, or is intended to be used to



1 react with and chemically alter any methamphetamine precursor.

2 "Methamphetamine manufacturing solvent" means any  
3 substance that has been used, is being used, or is intended to  
4 be used as a medium in which any methamphetamine precursor,  
5 methamphetamine manufacturing catalyst, methamphetamine  
6 manufacturing reagent, or any substance containing any of the  
7 foregoing is dissolved, diluted, or washed during any part of  
8 the methamphetamine manufacturing process.

9 "Methamphetamine manufacturing waste" means any chemical,  
10 substance, ingredient, equipment, apparatus, or item that is  
11 left over from, results from, or is produced by the process of  
12 manufacturing methamphetamine, other than finished  
13 methamphetamine.

14 "Methamphetamine precursor" means ephedrine,  
15 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
16 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
17 isomer, or salt of an optical isomer of any of these chemicals.

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

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

25 "Participate" or "participation" in the manufacture of  
26 methamphetamine means to produce, prepare, compound, convert,

1 process, synthesize, concentrate, purify, separate, extract,  
2 or package any methamphetamine, methamphetamine precursor,  
3 methamphetamine manufacturing catalyst, methamphetamine  
4 manufacturing reagent, methamphetamine manufacturing solvent,  
5 or any substance containing any of the foregoing, or to assist  
6 in any of these actions, or to attempt to take any of these  
7 actions, regardless of whether this action or these actions  
8 result in the production of finished methamphetamine.

9 "Person with a disability" means a person who suffers from  
10 a permanent physical or mental impairment resulting from  
11 disease, injury, functional disorder, or congenital condition  
12 which renders the person incapable of adequately providing for  
13 his or her own health and personal care.

14 "Procure" means to purchase, steal, gather, or otherwise  
15 obtain, by legal or illegal means, or to cause another to take  
16 such action.

17 "Second or subsequent offense" means an offense under this  
18 Act committed by an offender who previously committed an  
19 offense under this Act, the Illinois Controlled Substances Act,  
20 the Cannabis Control Act, or another Act of this State, another  
21 state, or the United States relating to methamphetamine,  
22 cannabis, or any other controlled substance.

23 "Standard dosage form", as used in relation to any  
24 methamphetamine precursor, means that the methamphetamine  
25 precursor is contained in a pill, tablet, capsule, caplet, gel  
26 cap, or liquid cap that has been manufactured by a lawful

1 entity and contains a standard quantity of methamphetamine  
2 precursor.

3 "Unauthorized container", as used in relation to anhydrous  
4 ammonia, means any container that is not designed for the  
5 specific and sole purpose of holding, storing, transporting, or  
6 applying anhydrous ammonia. "Unauthorized container" includes,  
7 but is not limited to, any propane tank, fire extinguisher,  
8 oxygen cylinder, gasoline can, food or beverage cooler, or  
9 compressed gas cylinder used in dispensing fountain drinks.  
10 "Unauthorized container" does not encompass anhydrous ammonia  
11 manufacturing plants, refrigeration systems where anhydrous  
12 ammonia is used solely as a refrigerant, anhydrous ammonia  
13 transportation pipelines, anhydrous ammonia tankers, or  
14 anhydrous ammonia barges.

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

16 (720 ILCS 646/90)

17 Sec. 90. Methamphetamine restitution.

18 (a) If a person commits a violation of this Act in a manner  
19 that requires an emergency response, the person shall be  
20 required to make restitution to all public entities involved in  
21 the emergency response, to cover the reasonable cost of their  
22 participation in the emergency response, including but not  
23 limited to regular and overtime costs incurred by local law  
24 enforcement agencies and private contractors paid by the public  
25 agencies in securing the site. The convicted person shall make

1 this restitution in addition to any other fine or penalty  
2 required by law.

3 (b) Any restitution payments made under this Section shall  
4 be disbursed equitably by the circuit clerk in the following  
5 order:

6 (1) first, to the agency responsible for the mitigation  
7 of the incident ~~local agencies involved in the emergency~~  
8 ~~response;~~

9 (2) second, to the local agencies involved in the  
10 emergency response; ~~State agencies involved in the~~  
11 ~~emergency response; and~~

12 (3) third, to the State agencies involved in the  
13 emergency response; and ~~federal agencies involved in the~~  
14 ~~emergency response.~~

15 (4) fourth, to the federal agencies involved in the  
16 emergency response.

17 (c) In addition to any other penalties and liabilities, a  
18 person who is convicted of violating any Section of this Act,  
19 whose violation proximately caused any incident resulting in an  
20 appropriate emergency response, shall be assessed a fine of  
21 \$2,500, payable to the circuit clerk, who shall distribute the  
22 money to the law enforcement agency responsible for the  
23 mitigation of the incident. If the person has been previously  
24 convicted of violating any Section of this Act, the fine shall  
25 be \$5,000 and the circuit clerk shall distribute the money to  
26 the law enforcement agency responsible for the mitigation of

1 the incident. In the event that more than one agency is  
2 responsible for an arrest which does not require mitigation,  
3 the amount payable to law enforcement agencies shall be shared  
4 equally. Any moneys received by a law enforcement agency under  
5 this Section shall be used for law enforcement expenses.

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

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