

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 124A-20 as follows:

(725 ILCS 5/124A-20)

Sec. 124A-20. Assessment waiver.

(a) As used in this Section:

"Assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, but does not include violation of the Illinois Vehicle Code assessments except in a county having a population of more than 3,000,000 ~~as provided in subsection (a-5).~~

"Indigent person" means any person who meets one or more of the following criteria:

(1) He or she is receiving assistance under one or more of the following means-based governmental public benefits programs: Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance Program; General Assistance; Transitional Assistance; or State Children and Family Assistance.

(2) His or her available personal income is 200% or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the assessments.

(3) He or she is, in the discretion of the court, unable to proceed in an action with payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family.

"Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

(a-5) (Blank). ~~In a county having a population of more than 3,000,000, "assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, including violation of the Illinois Vehicle Code assessments. This subsection is inoperative on and after July 1, 2025.~~

(b) For criminal offenses reflected in Schedules 1, 3, 4, 5, 7, and 8 of Article 15 of the Criminal and Traffic Assessment Act, upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing:

(1) If the court finds that the applicant is an indigent person, the court shall grant the applicant a

full assessment waiver exempting him or her from the payment of any assessments.

(2) The court shall grant the applicant a partial assessment as follows:

(A) 75% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.

(B) 50% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(C) 25% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion

of the assessments.

(b-5) For traffic and petty offenses reflected in Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and Traffic Assessment Act, upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing, the court shall grant the applicant a partial assessment as follows:

(1) 50% of all assessments shall be waived if the court finds that the applicant is an indigent person or if the applicant's available income is not greater than 200% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.

(2) 37.5% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.

(3) 25% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10

of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(4) 12.5% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(c) An application for a waiver of assessments shall be in writing, signed by the defendant or, if the defendant is a minor, by another person having knowledge of the facts, and filed no later than 30 days after sentencing. The contents of the application for a waiver of assessments, and the procedure for deciding the applications, shall be established by Supreme Court Rule. Factors to consider in evaluating an application shall include:

(1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (AABD); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or

State Children and Family Assistance;

(2) the employment status of the applicant and amount of monthly income, if any;

(3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;

(4) income received by the applicant from other household members;

(5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and

(6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed assessments would result in substantial hardship to the applicant or the applicant's family.

(d) The clerk of court shall provide the application for a waiver of assessments to any defendant who indicates an inability to pay the assessments. The clerk of the court shall post in a conspicuous place in the courthouse a notice, no smaller than 8.5 x 11 inches and using no smaller than 30-point typeface printed in English and in Spanish, advising criminal defendants they may ask the court for a waiver of any court ordered assessments. The notice shall be substantially as follows:

"If you are unable to pay the required assessments, you may ask the court to waive payment of them. Ask the clerk of the court for forms."

(e) For good cause shown, the court may allow an applicant whose application is denied or who receives a partial assessment waiver to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

(f) Nothing in this Section shall be construed to affect the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(g) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 102-558, eff. 8-20-21; 102-620, eff. 8-27-21; 103-1059, eff. 12-20-24.)

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