



Rep. Steven A. Andersson

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10000HB2591ham002

LRB100 06972 MRW 25276 a

1 AMENDMENT TO HOUSE BILL 2591

2 AMENDMENT NO. _____. Amend House Bill 2591, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 6, line 4, by replacing "conviction" with
5 "violation"; and

6 on page 6, line 6, by replacing "convictions" with "sentenced
7 violations"; and

8 on page 6, line 8, by replacing "conviction" with "violation";
9 and

10 on page 6, line 10, by replacing "conviction" with "sentenced
11 violation"; and

12 on page 6, by inserting immediately below line 22 the
13 following:

14 "(c-3) Excluding any ordered conditional assessment, if

1 the assessment is not paid within the period of probation,
2 conditional discharge, or supervision to which the defendant
3 was originally sentenced, the court may extend the period of
4 probation, conditional discharge, or supervision under Section
5 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
6 applicable, until the assessment is paid or until successful
7 completion of public or community service set forth in
8 subsection (b) of Section 1-25 of this Act or the successful
9 completion of the substance abuse intervention or treatment
10 program set forth in subsection (c-5) of this Section.

11 (c-5) Excluding any ordered conditional assessment, the
12 court may suspend the collection of the assessment; provided,
13 the defendant agrees to enter a substance abuse intervention or
14 treatment program approved by the court; and further provided
15 that the defendant agrees to pay for all or some portion of the
16 costs associated with the intervention or treatment program. In
17 this case, the collection of the assessment shall be suspended
18 during the defendant's participation in the approved
19 intervention or treatment program. Upon successful completion
20 of the program, the defendant may apply to the court to reduce
21 the assessment imposed under this Section by any amount
22 actually paid by the defendant for his or her participation in
23 the program. The court shall not reduce the assessment under
24 this subsection unless the defendant establishes to the
25 satisfaction of the court that he or she has successfully
26 completed the intervention or treatment program. If the

1 defendant's participation is for any reason terminated before
2 his or her successful completion of the intervention or
3 treatment program, collection of the entire assessment imposed
4 under this Act shall be enforced. Nothing in this Section shall
5 be deemed to affect or suspend any other fines, restitution
6 costs, forfeitures, or assessments imposed under this or any
7 other Act."; and

8 on page 7, line 12, by replacing "Credit for time served. Any
9 credit for time" with the following:

10 "Credit; time served; community service.

11 (a) Any credit for time"; and

12 on page 7, by inserting immediately below line 17 the
13 following:

14 "(b) Excluding any ordered conditional assessment, a
15 defendant who has been ordered to pay an assessment may
16 petition the court to convert all or part of the assessment
17 into court-approved public or community service. One hour of
18 public or community service shall be equivalent to \$4 of
19 assessment. The performance of this public or community service
20 shall be a condition of probation, conditional discharge, or
21 supervision and shall be in addition to the performance of any
22 other period of public or community service ordered by the
23 court or required by law."; and

1 on page 8, by deleting lines 9 through 11; and

2 on page 8, line 14, after "(5)", by inserting "and (9)"; and

3 on page 9, line 18, after "costs,", by inserting "and personnel
4 costs related to the foregoing,"; and

5 on page 10, line 6, after "costs,", by inserting "and personnel
6 costs related to the foregoing,"; and

7 on page 11, line 21, after "and", by inserting "those moneys
8 and moneys in the State Police DUI Fund"; and

9 on page 12, by replacing lines 2 through 4 with "Services (EMS)
10 Systems Act."; and

11 on page 12, by replacing lines 7 through 9 with "Probation
12 Officers Act."; and

13 on page 12, line 17, after "shall", by inserting "be"; and

14 on page 12, by replacing lines 23 through 25 with "Assistance
15 Act."; and

16 on page 13, by replacing lines 2 and 3 with "Criminal Justice
17 Information Authority for distribution to fund Department of

1 State Police drug task forces and Metropolitan Enforcement
2 Groups, for the costs associated with making grants from the
3 Prescription Pill and Drug Disposal Fund, for undertaking
4 criminal justice information projects, and for the operating
5 and other expenses of the Authority incidental to those
6 criminal justice information projects. The moneys deposited
7 into the Criminal Justice Information Projects Fund under
8 Sections 2-15 and 2-35 of the Criminal and Traffic Assessment
9 Act shall be appropriated to and administered by the Illinois
10 Criminal Justice Information Authority for distribution to
11 fund Department of State Police drug task forces and
12 Metropolitan Enforcement Groups by dividing the funds equally
13 by the total number of Department of State Police drug task
14 forces and Illinois Metropolitan Enforcement Groups."; and

15 on page 13, by inserting immediately below line 17 the
16 following:

17 "(15) The Prisoner Review Board Vehicle and Equipment
18 Fund is a special fund in the State treasury. The Prisoner
19 Review Board shall, subject to appropriation by the General
20 Assembly and approval by the Secretary, use all moneys in
21 the Prisoner Review Board Vehicle and Equipment Fund for
22 the purchase and operation of vehicles and equipment."; and

23 on page 20, line 25, by replacing "\$440" with "\$417.50"; and

1 on page 21, line 6, by deleting "and"; and

2 on page 21, line 8, by replacing the period with the following:

3 "; and

4 (G) \$22.50 into the Fire Prevention Fund."; and

5 on page 25, line 10, by replacing "\$40" with "\$17.50"; and

6 on page 25, line 12, by deleting "and"; and

7 on page 25, line 14, by replacing the period with the

8 following:

9 "; and

10 (D) \$22.50 into the Fire Prevention Fund."; and

11 on page 29, line 5, by deleting "local ordinance"; and

12 on page 30, line 2, by replacing "\$50" with "\$15"; and

13 on page 30, line 10, by replacing "conviction" with "sentenced

14 violation"; and

15 on page 31, line 23, by replacing "conviction" with "sentenced

16 violation"; and

17 on page 33, by replacing lines 12 and 13 with the following:

1 on page 40, by replacing lines 12 through 14 with "Authority
2 for distribution to fund Department of State Police drug task
3 forces and Metropolitan Enforcement Groups by dividing the
4 funds equally by the total number of Department of State Police
5 drug task forces and Illinois Metropolitan Enforcement
6 Groups."; and

7 on page 48, line 15, by deleting "4-2002, 4-2002.1,"; and

8 by deleting line 14 on page 49 through line 23 on page 60; and

9 on page 64, line 14, after "11-1002.5," by inserting "15-113";
10 and

11 on page 64, by replacing lines 17 and 18 with the following:

12 " (a) Fines ~~Except as provided in subsection (f) of Section~~
13 ~~11-605 and subsection (c) of Section 11-1002.5 of this Code,~~
14 ~~fines and~~"; and

15 on page 77, by replacing lines 8 through 24 with the following:

16 " (g) The Secretary of State Police DUI Fund is created as a
17 special fund in the State treasury. ~~All moneys received by the~~
18 ~~Secretary of State Police under subsection (f) of this Section~~
19 ~~shall be deposited into the Secretary of State Police DUI Fund~~
20 and, subject to appropriation, shall be used for enforcement

1 and prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including but not limited to the purchase of law enforcement
5 equipment and commodities to assist in the prevention of
6 alcohol related criminal violence throughout the State; police
7 officer training and education in areas related to alcohol
8 related crime, including but not limited to DUI training; and
9 police officer salaries, including but not limited to salaries
10 for hire back funding for safety checkpoints, saturation
11 patrols, and liquor store sting operations."; and

12 on page 91, by inserting immediately below line 19 the
13 following:

14 "(625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

15 Sec. 15-113. Violations; Penalties.

16 (a) Whenever any vehicle is operated in violation of the
17 provisions of Section 15-111 or subsection (d) of Section
18 3-401, the owner or driver of such vehicle shall be deemed
19 guilty of such violation and either the owner or the driver of
20 such vehicle may be prosecuted for such violation. Any person
21 charged with a violation of any of these provisions who pleads
22 not guilty shall be present in court for the trial on the
23 charge. Any person, firm or corporation convicted of any
24 violation of Section 15-111 including, but not limited to, a

1 maximum axle or gross limit specified on a regulatory sign
2 posted in accordance with paragraph (e) or (f) of Section
3 15-111, shall be fined according to the following schedule:

4 Up to and including 2000 pounds overweight, the fine is \$100

5 From 2001 through 2500 pounds overweight, the fine is \$270

6 From 2501 through 3000 pounds overweight, the fine is \$330

7 From 3001 through 3500 pounds overweight, the fine is \$520

8 From 3501 through 4000 pounds overweight, the fine is \$600

9 From 4001 through 4500 pounds overweight, the fine is \$850

10 From 4501 through 5000 pounds overweight, the fine is \$950

11 From 5001 or more pounds overweight, the fine shall be computed
12 by assessing \$1500 for the first 5000 pounds overweight and
13 \$150 for each additional increment of 500 pounds overweight or
14 fraction thereof.

15 In addition any person, firm or corporation convicted of 4
16 or more violations of Section 15-111 within any 12 month period
17 shall be fined an additional amount of \$5,000 for the fourth

1 and each subsequent conviction within the 12 month period.
2 Provided, however, that with regard to a firm or corporation, a
3 fourth or subsequent conviction shall mean a fourth or
4 subsequent conviction attributable to any one employee-driver.

5 (b) Whenever any vehicle is operated in violation of the
6 provisions of Sections 15-102, 15-103 or 15-107, the owner or
7 driver of such vehicle shall be deemed guilty of such violation
8 and either may be prosecuted for such violation. Any person,
9 firm or corporation convicted of any violation of Sections
10 15-102, 15-103 or 15-107 shall be fined for the first or second
11 conviction an amount equal to not less than \$50 nor more than
12 \$500, and for the third and subsequent convictions by the same
13 person, firm or corporation within a period of one year after
14 the date of the first offense, not less than \$500 nor more than
15 \$1,000.

16 (c) All proceeds equal to 50% of the ~~additional~~ fines
17 imposed under subsection (a) of this Section ~~by this amendatory~~
18 ~~Act of the 96th General Assembly~~ shall be remitted to the State
19 Treasurer and deposited into the Capital Projects Fund.

20 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201,
21 eff. 1-1-12.)"; and

22 on page 92, line 5, by replacing "Chapters 11 through 16" with
23 "Chapters 3 ~~11~~ through 18 ~~16~~"; and

24 on page 92, line 18, after "treasurer", by inserting ", except

1 that fines and penalties recovered from violations arrested by
2 the State Police shall be remitted to the State Police
3 Operations Assistance Fund"; and

4 on page 93, line 15, by replacing "district; Provided" with
5 "district, except that fines and penalties recovered from
6 violations arrested by the State Police shall be remitted to
7 the State Police Operations Assistance Fund; provided,
8 ~~Provided~~"; and

9 on page 107, by inserting immediately below line 12 the
10 following:

11 "(4) In proceedings to foreclose the lien of delinquent
12 real estate taxes State's Attorneys shall receive a fee of
13 10% of the total amount realized from the sale of real
14 estate sold in the proceedings. The clerk shall collect the
15 fee from the total amount realized from the sale of the
16 real estate sold in the proceedings and remit to the County
17 Treasurer to be credited to the earnings of the Office of
18 State's Attorney."; and

19 on page 112, by deleting lines 9 and 10; and

20 on page 112, line 11, by replacing "(C)" with "(B)"; and

21 on page 112, line 17, by replacing "(D)" with "(C)"; and

1 on page 112, line 21, by replacing "(E)" with "(D)"; and
2 on page 113, line 2, by replacing "(F)" with "(E)"; and
3 by deleting line 7 on page 144 through line 10 on page 147; and
4 by replacing line 13 on page 147 through line 10 on page 152
5 with the following:

6 "(720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

7 Sec. 411.2. Drug Treatment Fund; drug treatment grants.

8 (a) (Blank). ~~Every person convicted of a violation of this~~
9 ~~Act, and every person placed on probation, conditional~~
10 ~~discharge, supervision or probation under Section 410 of this~~
11 ~~Act, shall be assessed for each offense a sum fixed at:~~

12 ~~(1) \$3,000 for a Class X felony;~~

13 ~~(2) \$2,000 for a Class 1 felony;~~

14 ~~(3) \$1,000 for a Class 2 felony;~~

15 ~~(4) \$500 for a Class 3 or Class 4 felony;~~

16 ~~(5) \$300 for a Class A misdemeanor;~~

17 ~~(6) \$200 for a Class B or Class C misdemeanor.~~

18 (b) (Blank). ~~The assessment under this Section is in~~
19 ~~addition to and not in lieu of any fines, restitution costs,~~
20 ~~forfeitures or other assessments authorized or required by law.~~

21 (c) (Blank). ~~As a condition of the assessment, the court~~

1 ~~may require that payment be made in specified installments or~~
2 ~~within a specified period of time. If the assessment is not~~
3 ~~paid within the period of probation, conditional discharge or~~
4 ~~supervision to which the defendant was originally sentenced,~~
5 ~~the court may extend the period of probation, conditional~~
6 ~~discharge or supervision pursuant to Section 5-6-2 or 5-6-3.1~~
7 ~~of the Unified Code of Corrections, as applicable, until the~~
8 ~~assessment is paid or until successful completion of public or~~
9 ~~community service set forth in subsection (c) or the successful~~
10 ~~completion of the substance abuse intervention or treatment~~
11 ~~program set forth in subsection (f). If a term of probation,~~
12 ~~conditional discharge or supervision is not imposed, the~~
13 ~~assessment shall be payable upon judgment or as directed by the~~
14 ~~court.~~

15 (d) (Blank). ~~If an assessment for a violation of this Act~~
16 ~~is imposed on an organization, it is the duty of each~~
17 ~~individual authorized to make disbursements of the assets of~~
18 ~~the organization to pay the assessment from assets of the~~
19 ~~organization.~~

20 (e) (Blank). ~~A defendant who has been ordered to pay an~~
21 ~~assessment may petition the court to convert all or part of the~~
22 ~~assessment into court-approved public or community service.~~
23 ~~One hour of public or community service shall be equivalent to~~
24 ~~\$4 of assessment. The performance of this public or community~~
25 ~~service shall be a condition of the probation, conditional~~
26 ~~discharge or supervision and shall be in addition to the~~

1 ~~performance of any other period of public or community service~~
2 ~~ordered by the court or required by law.~~

3 (f) (Blank). ~~The court may suspend the collection of the~~
4 ~~assessment imposed under this Section; provided the defendant~~
5 ~~agrees to enter a substance abuse intervention or treatment~~
6 ~~program approved by the court; and further provided that the~~
7 ~~defendant agrees to pay for all or some portion of the costs~~
8 ~~associated with the intervention or treatment program. In this~~
9 ~~case, the collection of the assessment imposed under this~~
10 ~~Section shall be suspended during the defendant's~~
11 ~~participation in the approved intervention or treatment~~
12 ~~program. Upon successful completion of the program, the~~
13 ~~defendant may apply to the court to reduce the assessment~~
14 ~~imposed under this Section by any amount actually paid by the~~
15 ~~defendant for his or her participation in the program. The~~
16 ~~court shall not reduce the penalty under this subsection unless~~
17 ~~the defendant establishes to the satisfaction of the court that~~
18 ~~he or she has successfully completed the intervention or~~
19 ~~treatment program. If the defendant's participation is for any~~
20 ~~reason terminated before his or her successful completion of~~
21 ~~the intervention or treatment program, collection of the entire~~
22 ~~assessment imposed under this Section shall be enforced.~~
23 ~~Nothing in this Section shall be deemed to affect or suspend~~
24 ~~any other fines, restitution costs, forfeitures or assessments~~
25 ~~imposed under this or any other Act.~~

26 (g) (Blank). ~~The court shall not impose more than one~~

1 ~~assessment per complaint, indictment or information. If the~~
2 ~~person is convicted of more than one offense in a complaint,~~
3 ~~indictment or information, the assessment shall be based on the~~
4 ~~highest class offense for which the person is convicted.~~

5 (h) ~~The~~ In ~~counties under 3,000,000, all moneys collected~~
6 ~~under this Section shall be forwarded by the clerk of the~~
7 ~~circuit court to the State Treasurer for deposit in the Drug~~
8 ~~Treatment Fund, which~~ is hereby established as a special fund
9 within the State Treasury. The Department of Human Services may
10 make grants to persons licensed under Section 15-10 of the
11 Alcoholism and Other Drug Abuse and Dependency Act or to
12 municipalities or counties from funds appropriated to the
13 Department from the Drug Treatment Fund for the treatment of
14 pregnant women who are addicted to alcohol, cannabis or
15 controlled substances and for the needed care of minor,
16 unemancipated children of women undergoing residential drug
17 treatment. If the Department of Human Services grants funds to
18 a municipality or a county that the Department determines is
19 not experiencing a problem with pregnant women addicted to
20 alcohol, cannabis or controlled substances, or with care for
21 minor, unemancipated children of women undergoing residential
22 drug treatment, or intervention, the funds shall be used for
23 the treatment of any person addicted to alcohol, cannabis or
24 controlled substances. The Department may adopt such rules as
25 it deems appropriate for the administration of such grants.

26 (i) (Blank). ~~In counties over 3,000,000, all moneys~~

1 ~~collected under this Section shall be forwarded to the County~~
2 ~~Treasurer for deposit into the County Health Fund. The County~~
3 ~~Treasurer shall, no later than the 15th day of each month,~~
4 ~~forward to the State Treasurer 30 percent of all moneys~~
5 ~~collected under this Act and received into the County Health~~
6 ~~Fund since the prior remittance to the State Treasurer. Funds~~
7 ~~retained by the County shall be used for community based~~
8 ~~treatment of pregnant women who are addicted to alcohol,~~
9 ~~cannabis, or controlled substances or for the needed care of~~
10 ~~minor, unemancipated children of these women. Funds forwarded~~
11 ~~to the State Treasurer shall be deposited into the State Drug~~
12 ~~Treatment Fund maintained by the State Treasurer from which the~~
13 ~~Department of Human Services may make grants to persons~~
14 ~~licensed under Section 15 10 of the Alcoholism and Other Drug~~
15 ~~Abuse and Dependency Act or to municipalities or counties from~~
16 ~~funds appropriated to the Department from the Drug Treatment~~
17 ~~Fund, provided that the moneys collected from each county be~~
18 ~~returned proportionately to the counties through grants to~~
19 ~~licensees located within the county from which the assessment~~
20 ~~was received and moneys in the State Drug Treatment Fund shall~~
21 ~~not supplant other local, State or federal funds. If the~~
22 ~~Department of Human Services grants funds to a municipality or~~
23 ~~county that the Department determines is not experiencing a~~
24 ~~problem with pregnant women addicted to alcohol, cannabis or~~
25 ~~controlled substances, or with care for minor, unemancipated~~
26 ~~children or women undergoing residential drug treatment, the~~

1 ~~funds shall be used for the treatment of any person addicted to~~
2 ~~alcohol, cannabis or controlled substances. The Department may~~
3 ~~adopt such rules as it deems appropriate for the administration~~
4 ~~of such grants.~~

5 (Source: P.A. 97-334, eff. 1-1-12.)"; and

6 on page 152, line 12, by replacing "Section 80" with "Sections
7 80 and 90"; and

8 by replacing line 13 on page 152 through line 7 on page 157
9 with the following:

10 "(720 ILCS 646/80)

11 Sec. 80. Drug treatment grants ~~Assessment.~~

12 (a) (Blank). ~~Every person convicted of a violation of this~~
13 ~~Act, and every person placed on probation, conditional~~
14 ~~discharge, supervision, or probation under this Act, shall be~~
15 ~~assessed for each offense a sum fixed at:~~

16 ~~(1) \$3,000 for a Class X felony;~~

17 ~~(2) \$2,000 for a Class 1 felony;~~

18 ~~(3) \$1,000 for a Class 2 felony;~~

19 ~~(4) \$500 for a Class 3 or Class 4 felony.~~

20 (b) (Blank). ~~The assessment under this Section is in~~
21 ~~addition to and not in lieu of any fines, restitution, costs,~~
22 ~~forfeitures, or other assessments authorized or required by~~
23 ~~law.~~

1 (c) (Blank). ~~As a condition of the assessment, the court~~
2 ~~may require that payment be made in specified installments or~~
3 ~~within a specified period of time. If the assessment is not~~
4 ~~paid within the period of probation, conditional discharge, or~~
5 ~~supervision to which the defendant was originally sentenced,~~
6 ~~the court may extend the period of probation, conditional~~
7 ~~discharge, or supervision pursuant to Section 5-6-2 or 5-6-3.1~~
8 ~~of the Unified Code of Corrections, as applicable, until the~~
9 ~~assessment is paid or until successful completion of public or~~
10 ~~community service set forth in subsection (c) or the successful~~
11 ~~completion of the substance abuse intervention or treatment~~
12 ~~program set forth in subsection (f). If a term of probation,~~
13 ~~conditional discharge, or supervision is not imposed, the~~
14 ~~assessment shall be payable upon judgment or as directed by the~~
15 ~~court.~~

16 (d) (Blank). ~~If an assessment for a violation of this Act~~
17 ~~is imposed on an organization, it is the duty of each~~
18 ~~individual authorized to make disbursements of the assets of~~
19 ~~the organization to pay the assessment from assets of the~~
20 ~~organization.~~

21 (e) (Blank). ~~A defendant who has been ordered to pay an~~
22 ~~assessment may petition the court to convert all or part of the~~
23 ~~assessment into court-approved public or community service.~~
24 ~~One hour of public or community service shall be equivalent to~~
25 ~~\$4 of assessment. The performance of this public or community~~
26 ~~service shall be a condition of the probation, conditional~~

1 ~~discharge, or supervision and shall be in addition to the~~
2 ~~performance of any other period of public or community service~~
3 ~~ordered by the court or required by law.~~

4 (f) (Blank). ~~The court may suspend the collection of the~~
5 ~~assessment imposed under this Section if the defendant agrees~~
6 ~~to enter a substance abuse intervention or treatment program~~
7 ~~approved by the court and the defendant agrees to pay for all~~
8 ~~or some portion of the costs associated with the intervention~~
9 ~~or treatment program. In this case, the collection of the~~
10 ~~assessment imposed under this Section shall be suspended during~~
11 ~~the defendant's participation in the approved intervention or~~
12 ~~treatment program. Upon successful completion of the program,~~
13 ~~the defendant may apply to the court to reduce the assessment~~
14 ~~imposed under this Section by any amount actually paid by the~~
15 ~~defendant for his or her participation in the program. The~~
16 ~~court shall not reduce the penalty under this subsection unless~~
17 ~~the defendant establishes to the satisfaction of the court that~~
18 ~~he or she has successfully completed the intervention or~~
19 ~~treatment program. If the defendant's participation is for any~~
20 ~~reason terminated before his or her successful completion of~~
21 ~~the intervention or treatment program, collection of the entire~~
22 ~~assessment imposed under this Section shall be enforced.~~
23 ~~Nothing in this Section shall be deemed to affect or suspend~~
24 ~~any other fines, restitution costs, forfeitures, or~~
25 ~~assessments imposed under this or any other Act.~~

26 (g) (Blank). ~~The court shall not impose more than one~~

1 ~~assessment per complaint, indictment, or information. If the~~
2 ~~person is convicted of more than one offense in a complaint,~~
3 ~~indictment, or information, the assessment shall be based on~~
4 ~~the highest class offense for which the person is convicted.~~

5 (h) ~~In counties with a population under 3,000,000, all~~
6 ~~moneys collected under this Section shall be forwarded by the~~
7 ~~clerk of the circuit court to the State Treasurer for deposit~~
8 ~~in the Drug Treatment Fund.~~ The Department of Human Services
9 may make grants to persons licensed under Section 15-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act or to
11 municipalities or counties from funds appropriated to the
12 Department from the Drug Treatment Fund for the treatment of
13 pregnant women who are addicted to alcohol, cannabis or
14 controlled substances and for the needed care of minor,
15 unemancipated children of women undergoing residential drug
16 treatment. If the Department of Human Services grants funds to
17 a municipality or a county that the Department determines is
18 not experiencing a problem with pregnant women addicted to
19 alcohol, cannabis or controlled substances, or with care for
20 minor, unemancipated children of women undergoing residential
21 drug treatment, or intervention, the funds shall be used for
22 the treatment of any person addicted to alcohol, cannabis, or
23 controlled substances. The Department may adopt such rules as
24 it deems appropriate for the administration of such grants.

25 (i) (Blank). ~~In counties with a population of 3,000,000 or~~
26 ~~more, all moneys collected under this Section shall be~~

1 ~~forwarded to the County Treasurer for deposit into the County~~
2 ~~Health Fund. The County Treasurer shall, no later than the 15th~~
3 ~~day of each month, forward to the State Treasurer 30 percent of~~
4 ~~all moneys collected under this Act and received into the~~
5 ~~County Health Fund since the prior remittance to the State~~
6 ~~Treasurer. Funds retained by the County shall be used for~~
7 ~~community based treatment of pregnant women who are addicted to~~
8 ~~alcohol, cannabis, or controlled substances or for the needed~~
9 ~~care of minor, unemancipated children of these women. Funds~~
10 ~~forwarded to the State Treasurer shall be deposited into the~~
11 ~~State Drug Treatment Fund maintained by the State Treasurer~~
12 ~~from which the Department of Human Services may make grants to~~
13 ~~persons licensed under Section 15-10 of the Alcoholism and~~
14 ~~Other Drug Abuse and Dependency Act or to municipalities or~~
15 ~~counties from funds appropriated to the Department from the~~
16 ~~Drug Treatment Fund, provided that the moneys collected from~~
17 ~~each county be returned proportionately to the counties through~~
18 ~~grants to licensees located within the county from which the~~
19 ~~assessment was received and moneys in the State Drug Treatment~~
20 ~~Fund shall not supplant other local, State or federal funds. If~~
21 ~~the Department of Human Services grants funds to a municipality~~
22 ~~or county that the Department determines is not experiencing a~~
23 ~~problem with pregnant women addicted to alcohol, cannabis or~~
24 ~~controlled substances, or with care for minor, unemancipated~~
25 ~~children or women undergoing residential drug treatment, the~~
26 ~~funds shall be used for the treatment of any person addicted to~~

1 ~~alcohol, cannabis or controlled substances. The Department may~~
2 ~~adopt such rules as it deems appropriate for the administration~~
3 ~~of such grants.~~

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

5 (720 ILCS 646/90)

6 Sec. 90. Methamphetamine restitution.

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

17 (b) Any restitution payments made under this Section shall
18 be disbursed equitably by the circuit clerk in the following
19 order:

20 (1) first, to the agency responsible for the mitigation
21 of the incident;

22 (2) second, to the local agencies involved in the
23 emergency response;

24 (3) third, to the State agencies involved in the
25 emergency response; and

1 (4) fourth, to the federal agencies involved in the
2 emergency response.

3 (c) In addition to any other penalties and liabilities, a
4 person who is convicted of violating any Section of this Act,
5 whose violation proximately caused any incident resulting in an
6 appropriate emergency response, shall be assessed a fine of
7 \$2,500, payable to the circuit clerk, who shall distribute the
8 money to the law enforcement agency responsible for the
9 mitigation of the incident. If the person has been previously
10 convicted of violating any Section of this Act, the fine shall
11 be \$5,000 and the circuit clerk shall distribute the money to
12 the law enforcement agency responsible for the mitigation of
13 the incident. In the event that more than one agency is
14 responsible for an arrest which does not require mitigation,
15 the amount payable to law enforcement agencies shall be shared
16 equally. Any moneys received by a law enforcement agency under
17 this Section shall be used for law enforcement expenses.

18 Any moneys collected for the Illinois State Police shall be
19 remitted to the State Treasurer and deposited into the State
20 Police Operations Assistance Fund ~~Traffic and Criminal~~
21 ~~Conviction Surcharge Fund.~~

22 (Source: P.A. 97-434, eff. 1-1-12.)"; and

23 on page 158, by replacing lines 2 through 4 with the following:

24 "(2) His or her available personal income is 200%
25 or less of the current poverty level, unless"; and

1 on page 160, by replacing line 3 with the following:

2 "Court Rule. Factors to consider in evaluating an application
3 shall include:

4 (1) the applicant's receipt of needs based
5 governmental public benefits, including Supplemental
6 Security Income (SSI); Aid to the Aged, Blind and Disabled
7 (ADBID); Temporary Assistance for Needy Families (TANF);
8 Supplemental Nutrition Assistance Program (SNAP or "food
9 stamps"); General Assistance; Transitional Assistance; or
10 State Children and Family Assistance;

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

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

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

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

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

1 family."; and

2 on page 160, by replacing line 5 with "waiver of assessments to
3 any defendant"; and

4 on page 160, by replacing lines 10 and 11 with "advising
5 criminal defendants they may ask the court for a waiver of any
6 court ordered"; and

7 on page 160, by replacing line 14 with "may ask the court to
8 waive payment of"; and

9 by replacing line 21 on page 160 through line 8 on page 161
10 with the following:

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

15 (g) The provisions of this Section are severable under;
16 and

17 on page 163, line 24, by replacing "and 5-9-1.16" with
18 "5-9-1.16, and 5-9-1.21"; and

19 on page 283, lines 7 and 8, by replacing "subsections (b) and"
20 with "subsection ~~subsections (b) and~~"; and

1 on page 289, by replacing lines 7 and 8 with the following:

2 "(3) The State Police DUI Fund is created as a special
3 fund in the State Treasury."; and

4 on page 289, lines 9 and 10, by replacing "subsections (b) and"
5 with "subsection ~~subsections (b) and~~"; and

6 on page 295, by inserting immediately below line 23 the
7 following:

8 "(730 ILCS 5/5-9-1.21)

9 Sec. 5-9-1.21. Specialized Services for Survivors of Human
10 Trafficking Fund.

11 (a) There is created in the State treasury a Specialized
12 Services for Survivors of Human Trafficking Fund. Moneys
13 deposited into the Fund under this Section shall be available
14 for the Department of Human Services for the purposes in this
15 Section.

16 (b) Each plea of guilty, stipulation of facts, or finding
17 of guilt resulting in a judgment of conviction or order of
18 supervision for an offense under Section 10-9, 11-14.1,
19 11-14.3, or 11-18 of the Criminal Code of 2012 that results in
20 the imposition of a fine shall have a portion of that fine
21 deposited into the Specialized Services for Survivors of Human
22 Trafficking Fund.

1 (c) If imposed, the fine shall be collected by the circuit
2 court clerk in addition to any other imposed fee. The circuit
3 court clerk shall retain \$50 to cover the costs in
4 administering and enforcing this Section. The circuit court
5 clerk shall remit the remainder of the fine within one month of
6 its receipt as follows:

7 (1) \$300 to the State Treasurer who shall deposit the
8 portion as follows:

9 (A) if the arresting or investigating agency is the
10 Department of State Police, into the State Police
11 Operations Assistance Fund;

12 (B) if the arresting or investigating agency is the
13 Department of Natural Resources, into the Conservation
14 Police Operations Assistance Fund;

15 (C) if the arresting or investigating agency is the
16 Secretary of State, into the Secretary of State Police
17 Services Fund;

18 (D) if the arresting or investigating agency is the
19 Illinois Commerce Commission, into the Public Utility
20 Fund; or

21 (E) if more than one of the State agencies in this
22 paragraph (1) is the arresting or investigating
23 agency, then equal shares with the shares deposited as
24 provided in the applicable subparagraph (A) through
25 (D) of this paragraph (1) shall be distributed equally
26 between all State law enforcement agencies whose

1 ~~officers or employees conducted the investigation or~~
2 ~~prosecution that resulted in the finding of guilt; and~~

3 (2) the remainder of the fine shall be remitted to the
4 Department of Human Services for deposit into the
5 Specialized Services for Survivors of Human Trafficking
6 Fund.

7 (d) Upon appropriation of moneys from the Specialized
8 Services for Survivors of Human Trafficking Fund, the
9 Department of Human Services shall use these moneys to make
10 grants to non-governmental organizations to provide
11 specialized, trauma-informed services specifically designed to
12 address the priority service needs associated with
13 prostitution and human trafficking. Priority services include,
14 but are not limited to, community based drop-in centers,
15 emergency housing, and long-term safe homes. The Department
16 shall consult with prostitution and human trafficking
17 advocates, survivors, and service providers to identify
18 priority service needs in their respective communities.

19 (e) Grants made under this Section are in addition to, and
20 not substitutes for, other grants authorized and made by the
21 Department.

22 (f) Notwithstanding any other law to the contrary, the
23 Specialized Services for Survivors of Human Trafficking Fund is
24 not subject to sweeps, administrative charge-backs, or any
25 other fiscal maneuver that would in any way transfer any
26 amounts from the Specialized Services for Survivors of Human

1 Trafficking Fund into any other fund of the State.

2 (Source: P.A. 98-1013, eff. 1-1-15.)"; and

3 on page 298, by inserting immediately below line 21 the
4 following:

5 "Section 3-52. The Code of Civil Procedure is amended by
6 changing Section 5-105 as follows:

7 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

8 Sec. 5-105. Waiver of court fees, costs, and charges ~~Leave~~
9 ~~to sue or defend as an indigent person.~~

10 (a) As used in this Section:

11 (1) "Fees, costs, and charges" means payments imposed
12 on a party in connection with the prosecution or defense of
13 a civil action, including, but not limited to: fees set
14 forth in Section 27.1b of the Clerks of Courts Act ~~filing~~
15 ~~fees; appearance fees;~~ fees for service of process and
16 other papers served either within or outside this State,
17 including service by publication pursuant to Section 2-206
18 of this Code and publication of necessary legal notices;
19 motion fees; ~~jury demand fees;~~ charges for participation
20 in, or attendance at, any mandatory process or procedure
21 including, but not limited to, conciliation, mediation,
22 arbitration, counseling, evaluation, "Children First",
23 "Focus on Children" or similar programs; fees for

1 supplementary proceedings; charges for translation
2 services; guardian ad litem fees; ~~charges for certified~~
3 ~~copies of court documents;~~ and all other processes and
4 procedures deemed by the court to be necessary to commence,
5 prosecute, defend, or enforce relief in a civil action.

6 (2) "Indigent person" means any person who meets one or
7 more of the following criteria:

8 (i) He or she is receiving assistance under one or
9 more of the following means based governmental public
10 benefits programs: Supplemental Security Income (SSI),
11 Aid to the Aged, Blind and Disabled (AABD), Temporary
12 Assistance for Needy Families (TANF), Supplemental
13 Nutrition Assistance Program (SNAP) ~~Food Stamps,~~
14 General Assistance, Transitional Assistance, or State
15 Children and Family Assistance.

16 (ii) His or her available personal income is 200%
17 ~~125%~~ or less of the current poverty level ~~as~~
18 ~~established by the United States Department of Health~~
19 ~~and Human Services,~~ unless the applicant's assets that
20 are not exempt under Part 9 or 10 of Article XII of
21 this Code are of a nature and value that the court
22 determines that the applicant is able to pay the fees,
23 costs, and charges.

24 (iii) He or she is, in the discretion of the court,
25 unable to proceed in an action without payment of fees,
26 costs, and charges and whose payment of those fees,

1 costs, and charges would result in substantial
2 hardship to the person or his or her family.

3 (iv) He or she is an indigent person pursuant to
4 Section 5-105.5 of this Code.

5 (3) "Poverty level" means the current poverty level as
6 established by the United States Department of Health and
7 Human Services.

8 (b) On the application of any person, before~~7~~ or after the
9 commencement of an action:~~7-a~~

10 (1) If the court finds,~~on finding~~ that the applicant
11 is an indigent person, the court shall grant the applicant
12 a full fees, costs, and charges waiver entitling him or her
13 leave to sue or defend the action without payment of any of
14 the fees, costs, and charges. ~~of the action~~

15 (2) If the court finds that the applicant satisfies any
16 of the criteria contained in items (i), (ii), or (iii) of
17 this subdivision (b)(2), the court shall grant the
18 applicant a partial fees, costs, and charges waiver
19 entitling him or her to sue or defend the action upon
20 payment of the applicable percentage of the assessments,
21 costs, and charges of the action, as follows:

22 (i) the court shall waive 75% of all fees, costs,
23 and charges if the available income of the applicant is
24 greater than 200% but does not exceed 250% of the
25 poverty level, unless the assets of the applicant that
26 are not exempt under Part 9 or 10 of Article XII of

1 this Code are such that the applicant is able, without
2 undue hardship, to pay a greater portion of the fees,
3 costs, and charges;

4 (ii) the court shall waive 50% of all fees, costs,
5 and charges if the available income is greater than
6 250% but does not exceed 300% of the poverty level,
7 unless the assets of the applicant that are not exempt
8 under Part 9 or 10 of Article XII of this Code are such
9 that the applicant is able, without undue hardship, to
10 pay a greater portion of the fees, costs, and charges;
11 and

12 (iii) the court shall waive 25% of all fees, costs,
13 and charges if the available income of the applicant is
14 greater than 300% but does not exceed 400% of the
15 current poverty level, unless the assets of the
16 applicant that are not exempt under Part 9 or 10 of
17 Article XII of this Code are such that the applicant is
18 able, without undue hardship, to pay a greater portion
19 of the fees, costs, and charges.

20 (c) An application for waiver of court fees, costs, and
21 charges ~~leave to sue or defend an action as an indigent person~~
22 shall be in writing and signed ~~supported~~ by the ~~affidavit of~~
23 ~~the~~ applicant, or, if the applicant is a minor or an
24 incompetent adult, by ~~the affidavit of~~ another person having
25 knowledge of the facts. The contents of the application for
26 waiver of court fees, costs, and charges, and the procedure for

1 the decision of the applications, affidavit shall be
2 established by Supreme Court Rule. Factors to consider in
3 evaluating an application shall include:

4 (1) the applicant's receipt of needs based
5 governmental public benefits, including Supplemental
6 Security Income (SSI); Aid to the Aged, Blind and Disabled
7 (ADB); Temporary Assistance for Needy Families (TANF);
8 Supplemental Nutrition Assistance Program (SNAP or "food
9 stamps"); General Assistance; Transitional Assistance; or
10 State Children and Family Assistance;

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

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

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

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

22 (6) financial affidavits or other similar supporting
23 documentation provided by the applicant showing that
24 payment of the imposed fees, costs, and charges would
25 result in substantial hardship to the applicant or the
26 applicant's family.

1 (c-5) The court shall provide, through the office of the
2 clerk of the court, the application for waiver of court fees,
3 costs, and charges ~~simplified forms consistent with the~~
4 ~~requirements of this Section and applicable Supreme Court Rules~~
5 to any person seeking to sue or defend an action who indicates
6 an inability to pay the fees, costs, and charges of the action.
7 ~~The application and supporting affidavit may be incorporated~~
8 ~~into one simplified form.~~ The clerk of the court shall post in
9 a conspicuous place in the courthouse a notice no smaller than
10 8.5 x 11 inches, using no smaller than 30-point typeface
11 printed in English and in Spanish, advising the public that
12 they may ask the court for permission to sue or defend a civil
13 action without payment of fees, costs, and charges. The notice
14 shall be substantially as follows:

15 "If you are unable to pay the fees, costs, and charges
16 of an action you may ask the court to allow you to proceed
17 without paying them. Ask the clerk of the court for forms."

18 (d) (Blank). ~~The court shall rule on applications under~~
19 ~~this Section in a timely manner based on information contained~~
20 ~~in the application unless the court, in its discretion,~~
21 ~~requires the applicant to personally appear to explain or~~
22 ~~clarify information contained in the application. If the court~~
23 ~~finds that the applicant is an indigent person, the court shall~~
24 ~~enter an order permitting the applicant to sue or defend~~
25 ~~without payment of fees, costs, or charges. If the application~~
26 ~~is denied, the court shall enter an order to that effect~~

1 ~~stating the specific reasons for the denial. The clerk of the~~
2 ~~court shall promptly mail or deliver a copy of the order to the~~
3 ~~applicant.~~

4 (e) The clerk of the court shall not refuse to accept and
5 file any complaint, appearance, or other paper presented by the
6 applicant if accompanied by an application for waiver of court
7 fees, costs, and charges ~~to sue or defend in forma pauperis,~~
8 and those papers shall be considered filed on the date the
9 application is presented. If the application is denied or a
10 partial fees, costs, and charges waiver is granted, the order
11 shall state a date certain by which the necessary fees, costs,
12 and charges must be paid. For ~~The court,~~ ~~for~~ good cause shown,
13 the court may allow an applicant who receives a partial fees,
14 costs, and charges waiver ~~whose application is denied~~ to defer
15 payment of fees, costs, and charges, make installment payments,
16 or make payment upon reasonable terms and conditions stated in
17 the order. The court may dismiss the claims or strike the
18 defenses of any party failing to pay the fees, costs, and ~~or~~
19 charges within the time and in the manner ordered by the court.
20 A judicial ruling on an application for waiver of court
21 assessments does not constitute a decision of a substantial
22 issue in the case under Section 2-1001 of this Code ~~A~~
23 ~~determination concerning an application to sue or defend in~~
24 ~~forma pauperis shall not be construed as a ruling on the~~
25 ~~merits.~~

26 (f) The ~~court may~~ order granting a full or partial fees,

1 costs, and charges waiver shall expire after one year. Upon
2 expiration of the waiver, or a reasonable period of time before
3 expiration, the party whose fees, costs, and charges were
4 waived may file another application for waiver and the court
5 shall consider the application in accordance with the
6 applicable Supreme Court Rule. ~~an indigent person to pay all or~~
7 ~~a portion of the fees, costs, or charges waived pursuant to~~
8 ~~this Section out of moneys recovered by the indigent person~~
9 ~~pursuant to a judgment or settlement resulting from the civil~~
10 ~~action. However, nothing in this Section shall be construed to~~
11 ~~limit the authority of a court to order another party to the~~
12 ~~action to pay the fees, costs, or charges of the action.~~

13 (f-5) If, before or at the time of final disposition of the
14 case, the court obtains information, including information
15 from the court file, suggesting that a person whose fees,
16 costs, and charges were initially waived was not entitled to a
17 full or partial waiver at the time of application, the court
18 may require the person to appear at a court hearing by giving
19 the applicant no less than 10 days' written notice of the
20 hearing and the specific reasons why the initial waiver might
21 be reconsidered. The court may require the applicant to provide
22 reasonably available evidence, including financial
23 information, to support his or her eligibility for the waiver,
24 but the court shall not require submission of information that
25 is unrelated to the criteria for eligibility and application
26 requirements set forth in subdivisions (b) (1) or (b) (2) of this

1 Section. If the court finds that the person was not initially
2 entitled to any waiver, the person shall pay all fees, costs,
3 and charges relating to the civil action, including any
4 previously-waived fees, costs, and charges. The order may state
5 terms of payment in accordance with subsection (e). The court
6 shall not conduct a hearing under this subsection more often
7 than once every 6 months.

8 (f-10) If, before or at the time of final disposition of
9 the case, the court obtains information, including information
10 from the court file, suggesting that a person who received a
11 full or partial waiver has experienced a change in financial
12 condition so that he or she is no longer eligible for that
13 waiver, the court may require the person to appear at a court
14 hearing by giving the applicant no less than 10 days' written
15 notice of the hearing and the specific reasons why the waiver
16 might be reconsidered. The court may require the person to
17 provide reasonably available evidence, including financial
18 information, to support his or her continued eligibility for
19 the waiver, but shall not require submission of information
20 that is unrelated to the criteria for eligibility and
21 application requirements set forth in subsections (b)(1) and
22 (b)(2) of this Section. If the court enters an order finding
23 that the person is no longer entitled to a waiver, or is
24 entitled to a partial waiver different than that which the
25 person had previously received, the person shall pay the
26 requisite fees, costs, and charges from the date of the order

1 going forward. The order may state terms of payment in
2 accordance with subsection (e) of this Section. The court shall
3 not conduct a hearing under this subsection more often than
4 once every 6 months.

5 (g) A court, in its discretion, may appoint counsel to
6 represent an indigent person, and that counsel shall perform
7 his or her duties without fees, charges, or reward.

8 (h) Nothing in this Section shall be construed to affect
9 the right of a party to sue or defend an action in forma
10 pauperis without the payment of fees, costs, and ~~or~~ charges, or
11 the right of a party to court-appointed counsel, as authorized
12 by any other provision of law or by the rules of the Illinois
13 Supreme Court. Nothing in this Section shall be construed to
14 limit the authority of a court to order another party to the
15 action to pay the fees, costs, and charges of the action.

16 (h-5) If a party is represented by a civil legal services
17 provider or an attorney in a court-sponsored pro bono program
18 as defined in Section 5-105.5 of this Code, the attorney
19 representing that party shall file a certification with the
20 court in accordance with Supreme Court Rule 298 and that party
21 shall be allowed to sue or defend without payment of fees,
22 costs, and charges without filing an application under this
23 Section.

24 (h-10) If an attorney files an appearance on behalf of a
25 person whose fees, costs, and charges were initially waived
26 under this Section, the attorney must pay all fees, costs, and

1 charges relating to the civil action, including any previously
2 waived fees, costs, and charges, unless the attorney is either
3 a civil legal services provider, representing his or her client
4 as part of a court-sponsored pro bono program as defined in
5 Section 5-105.1 of this Code, or appearing under a limited
6 scope appearance in accordance with Supreme Court Rule
7 13(c) (6).

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

10 (Source: P.A. 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.);

11 and

12 by deleting line 22 on page 298 through line 1 on page 299; and

13 on page 299, line 11, after "3-4012,", by inserting "4-2002,
14 4-2002.1,"; and

15 on page 300, by inserting immediately below line 10 the
16 following:

17 "(720 ILCS 550/10.3 rep.)

18 Section 3-72. The Cannabis Control Act is amended by
19 repealing Section 10.3."; and

20 on page 301, by inserting immediately below line 5 the
21 following:

1

"Article IX. Effective Date".