



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4594**

by Rep. Steven A. Andersson

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Criminal and Traffic Assessment Act. Provides a minimum fine is \$25. Provides when any defendant is convicted, pleads guilty, or placed on court supervision for a violation of a law or local ordinance, the court shall order one schedule of assessments in the case plus any conditional assessment applicable to a conviction in the case, as set forth in the Act, for the defendant to pay in addition to any fine, restitution, or forfeiture ordered by the court. Provides all money collected by the clerk of the court based on the schedules or conditional assessments shall be remitted to the appropriate treasurer as directed in the Act. Provides the treasurers shall deposit the money as indicated in the ordered schedule or conditional assessment. Amends the Code of Criminal Procedure of 1963. Provides that a defendant may petition the court for full or partial waiver of court assessments imposed under the Criminal and Traffic Assessment Act. Provides the court shall grant a full or partial waiver of court assessments if specified conditions are met. Makes corresponding and conforming changes to various Acts and Codes. Repeals various laws. Effective July 1, 2019, except for certain provisions that are effective July 1, 2018.

LRB100 17151 MRW 32305 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning fees, fines, and assessments.

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

4 Article 1. General Provisions

5 Section 1-1. Short title. This Act may be cited as the  
6 Criminal and Traffic Assessment Act.

7 Section 1-5. Definitions. In this Act:

8 "Assessment" means any costs imposed on a defendant under  
9 this Act.

10 "Business offense" means a petty offense for which the fine  
11 is in excess of \$1,000.

12 "Case" means all charges and counts filed against a single  
13 defendant which are being prosecuted as a single proceeding  
14 before the court.

15 "Count" means each separate offense charged in the same  
16 indictment, information, or complaint when the indictment,  
17 information, or complaint alleges the commission of more than  
18 one offense.

19 "Conservation offense" means any violation of the  
20 following Acts, Codes, or ordinances, except any offense  
21 punishable upon conviction by imprisonment in the  
22 penitentiary:

- 1 (1) Fish and Aquatic Life Code;
- 2 (2) Wildlife Code;
- 3 (3) Boat Registration and Safety Act;
- 4 (4) Park District Code;
- 5 (5) Chicago Park District Act;
- 6 (6) State Parks Act;
- 7 (7) State Forest Act;
- 8 (8) Forest Fire Protection District Act;
- 9 (9) Snowmobile Registration and Safety Act;
- 10 (10) Endangered Species Protection Act;
- 11 (11) Forest Products Transportation Act;
- 12 (12) Timber Buyers Licensing Act;
- 13 (13) Downstate Forest Preserve District Act;
- 14 (14) Exotic Weed Act;
- 15 (15) Ginseng Harvesting Act;
- 16 (16) Cave Protection Act;
- 17 (17) ordinances adopted under the Counties Code for the
- 18 acquisition of property for parks or recreational areas;
- 19 (18) Recreational Trails of Illinois Act;
- 20 (19) Herptiles-Herps Act; or
- 21 (20) any rule, regulation, proclamation, or ordinance
- 22 adopted under any Code or Act named in paragraphs (1)
- 23 through (19) of this definition.
- 24 "Conviction" means a judgment of conviction or sentence
- 25 entered upon a plea of guilty or upon a verdict or finding of
- 26 guilty of an offense, rendered by a legally constituted jury or

1 by a court of competent jurisdiction authorized to try the case  
2 without a jury.

3 "Drug offense" means any violation of the Cannabis Control  
4 Act, the Illinois Controlled Substances Act, the  
5 Methamphetamine Control and Community Protection Act, or any  
6 similar local ordinance which involves the possession or  
7 delivery of a drug.

8 "Drug-related emergency response" means the act of  
9 collecting evidence from or securing a site where controlled  
10 substances were manufactured, or where by-products from the  
11 manufacture of controlled substances are present, and cleaning  
12 up the site, whether these actions are performed by public  
13 entities or private contractors paid by public entities.

14 "Electronic citation" means the process of transmitting  
15 traffic, misdemeanor, municipal ordinance, conservation, or  
16 other citations and law enforcement data via electronic means  
17 to a circuit court clerk.

18 "Emergency response" means any incident requiring a  
19 response by a police officer, an ambulance, a firefighter  
20 carried on the rolls of a regularly constituted fire department  
21 or fire protection district, a firefighter of a volunteer fire  
22 department, or a member of a recognized not-for-profit rescue  
23 or emergency medical service provider. "Emergency response"  
24 does not include a drug-related emergency response.

25 "Felony offense" means an offense for which a sentence to a  
26 term of imprisonment in a penitentiary for one year or more is

1 provided.

2 "Highest classified offense" means the offense in the case  
3 which carries the most severe potential disposition under  
4 Article 4.5 of the Unified Code of Corrections.

5 "Major traffic offense" means a traffic offense under the  
6 Illinois Vehicle Code or a similar provision of a local  
7 ordinance other than a petty offense or business offense.

8 "Minor traffic offense" means a petty offense or business  
9 offense under the Illinois Vehicle Code or a similar provision  
10 of a local ordinance.

11 "Misdemeanor offense" means any offense for which a  
12 sentence to a term of imprisonment in other than a penitentiary  
13 for less than one year may be imposed.

14 "Petty offense" means any offense for which a sentence of  
15 imprisonment is not an authorized disposition.

16 "Service provider costs" means costs incurred as a result  
17 of services provided by an entity including, but not limited  
18 to, traffic safety programs, laboratories, ambulance  
19 companies, and fire departments. "Service provider costs"  
20 includes conditional amounts under this Act that are  
21 reimbursements for services provided.

22 "Street value" means the amount determined by the court on  
23 the basis of testimony of law enforcement personnel and the  
24 defendant as to the amount of drug or materials seized and any  
25 testimony as may be required by the court as to the current  
26 street value of the cannabis, controlled substance,

1 methamphetamine or salt of an optical isomer of  
2 methamphetamine, or methamphetamine manufacturing materials  
3 seized.

4 "Supervision" means a disposition of conditional and  
5 revocable release without probationary supervision, but under  
6 the conditions and reporting requirements as are imposed by the  
7 court, at the successful conclusion of which disposition the  
8 defendant is discharged and a judgment dismissing the charges  
9 is entered.

10 Article 5. Assessment Procedures

11 Section 5-5. Minimum fine. Unless otherwise specified by  
12 law, the minimum fine for a conviction is \$25. If the court  
13 finds that the fine would impose an undue burden on the victim,  
14 the court may reduce or waive the fine.

15 Section 5-10. Schedules; payment.

16 (a) In each case, the court shall order an assessment, as  
17 set forth in this Act, for a defendant to pay in addition to  
18 any fine, restitution, or forfeiture ordered by the court when  
19 the defendant is convicted of, pleads guilty to, or is placed  
20 on court supervision for a violation of a statute of this State  
21 or a similar local ordinance. The court may order a fine,  
22 restitution, or forfeiture on any violation that is being  
23 sentenced but shall order only one assessment from the Schedule

1 of Assessments 1 through 13 of this Act for all sentenced  
2 violations in a case, that being the schedule applicable to the  
3 highest classified offense violation that is being sentenced,  
4 plus any conditional assessments under Section 15-70 of this  
5 Act applicable to any sentenced violation in the case.

6 (b) If the court finds that the schedule of assessments  
7 will cause an undue burden on any victim in a case or if the  
8 court orders community service or some other punishment in  
9 place of the applicable schedule of assessments, the court may  
10 reduce the amount set forth in the applicable schedule of  
11 assessments or not order the applicable schedule of  
12 assessments. If the court reduces the amount set forth in the  
13 applicable schedule of assessments, then all recipients of the  
14 funds collected will receive a prorated amount to reflect the  
15 reduction.

16 (c) The court may order the assessments to be paid  
17 forthwith or within a specified period of time or in  
18 installments.

19 (c-3) Excluding any ordered conditional assessment, if the  
20 assessment is not paid within the period of probation,  
21 conditional discharge, or supervision to which the defendant  
22 was originally sentenced, the court may extend the period of  
23 probation, conditional discharge, or supervision under Section  
24 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as  
25 applicable, until the assessment is paid or until successful  
26 completion of public or community service set forth in

1 subsection (b) of Section 5-20 of this Act or the successful  
2 completion of the substance abuse intervention or treatment  
3 program set forth in subsection (c-5) of this Section.

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



1           (d) Except as provided in Section 5-15 of this Act, the  
2 defendant shall pay to the clerk of the court and the clerk  
3 shall remit the assessment to the appropriate entity as set  
4 forth in the ordered schedule of assessments within one month  
5 of its receipt.

6           Section 5-15. Service provider costs. Unless otherwise  
7 provided in Article 15 of this Act, the defendant shall pay  
8 service provider costs to the entity that provided the service.  
9 Service provider costs are not eligible for credit for time  
10 served, substitution of community service, or waiver. The  
11 circuit court may, through administrative order or local rule,  
12 appoint the clerk of the court as the receiver and remitter of  
13 certain service provider costs, which may include, but are not  
14 limited to, probation fees, traffic school fees, or drug or  
15 alcohol testing fees.

16           Section 5-20. Credit; time served; community service.

17           (a) Any credit for time served prior to sentencing that  
18 reduces the amount a defendant is required to pay shall be  
19 deducted first from the fine, if any, ordered by the court. Any  
20 remainder of the credit shall be equally divided between the  
21 assessments indicated in the ordered schedule and conditional  
22 assessments.

23           (b) Excluding any ordered conditional assessment, a  
24 defendant who has been ordered to pay an assessment may

1 petition the court to convert all or part of the assessment  
2 into court-approved public or community service. One hour of  
3 public or community service shall be equivalent to \$4 of  
4 assessment. The performance of this public or community service  
5 shall be a condition of probation, conditional discharge, or  
6 supervision and shall be in addition to the performance of any  
7 other period of public or community service ordered by the  
8 court or required by law.

9 Article 10. Funds

10 Section 10-5. Funds.

11 (a) All money collected by the Clerk of the Circuit Court  
12 under Article 15 of this Act shall be remitted as directed in  
13 Article 15 of this Act to the county treasurer, to the State  
14 Treasurer, and to the treasurers of the units of local  
15 government. If an amount payable to any of the treasurers is  
16 less than \$10, the clerk may postpone remitting the money until  
17 \$10 has accrued or by the end of fiscal year. The treasurers  
18 shall deposit the money as indicated in the schedules, except  
19 in a county with a population of over 3,000,000 monies remitted  
20 to the county treasurer shall be subject to appropriation by  
21 the county board. Any amount retained by the Clerk of the  
22 Circuit Court in a county with population of over 3,000,000  
23 shall be subject to appropriation by the county board. For  
24 Schedule of Assessments 5 through 11, \$15 shall be deducted

1 from the money paid to the county treasurer for the county  
2 General Fund and remitted to the treasurer of the unit of local  
3 government if the violation was prosecuted by the prosecuting  
4 attorney for that unit of local government.

5 (b) The county treasurer or the treasurer of the unit of  
6 local government may create the funds indicated in paragraphs  
7 (1) through (5), (9), and (16) of subsection (d) of this  
8 Section, if not already in existence. If a county or unit of  
9 local government has not instituted, and does not plan to  
10 institute a program that uses a particular fund, the treasurer  
11 need not create the fund and may instead deposit the money  
12 intended for the fund into the general fund of the county or  
13 unit of local government for use in financing the court system.

14 (c) If the arresting agency is a State agency, the  
15 arresting agency portion shall be remitted by the clerk of  
16 court to the State Treasurer who shall deposit the portion as  
17 follows:

18 (1) if the arresting agency is the Department of State  
19 Police, into the State Police Operations Assistance Fund;

20 (2) if the arresting agency is the Department of  
21 Natural Resources, into the Conservation Police Operations  
22 Assistance Fund;

23 (3) if the arresting agency is the Secretary of State,  
24 into the Secretary of State Police Services Fund; and

25 (4) if the arresting agency is the Illinois Commerce  
26 Commission, into the Public Utility Fund.

1 (d) Fund descriptions and provisions:

2 (1) The Court Automation Fund is to defray the expense,  
3 borne by the county, of establishing and maintaining  
4 automated record keeping systems in the Office of the Clerk  
5 of the Circuit Court. The money shall be remitted monthly  
6 by the clerk to the county treasurer and identified as  
7 funds for the Circuit Court Clerk. The fund shall be  
8 audited by the county auditor, and the board shall make  
9 expenditures from the fund in payment of any costs related  
10 to the automation of court records including hardware,  
11 software, research and development costs, and personnel  
12 costs related to the foregoing, provided that the  
13 expenditure is approved by the clerk of the court and by  
14 the chief judge of the circuit court or his or her  
15 designee.

16 (2) The Document Storage Fund is to defray the expense,  
17 borne by the county, of establishing and maintaining a  
18 document storage system and convert the records of the  
19 circuit court clerk to electronic or micrographic storage.  
20 The money shall be remitted monthly by the clerk to the  
21 county treasurer and identified as funds for the circuit  
22 court clerk. The fund shall be audited by the county  
23 auditor, and the board shall make expenditure from the fund  
24 in payment of any cost related to the storage of court  
25 records, including hardware, software, research and  
26 development costs, and personnel costs related to the

1           foregoing, provided that the expenditure is approved by the  
2           clerk of the court.

3           (3) The Circuit Clerk Operations and Administration  
4           Fund is to defray the expenses incurred for collection and  
5           disbursement of the various assessment schedules. The  
6           money shall be remitted monthly by the clerk to the county  
7           treasurer and identified as funds for the circuit court  
8           clerk.

9           (4) The State's Attorney Records Automation Fund is to  
10          defray the expense of establishing and maintaining  
11          automated record keeping systems in the offices of the  
12          State's Attorney. The money shall be remitted monthly by  
13          the clerk to the county treasurer for deposit into the  
14          State's Attorney Records Automation Fund. Expenditures  
15          from this fund may be made by the State's Attorney for  
16          hardware, software, and research and development related  
17          to automated record keeping systems.

18          (5) The Public Defender Records Automation Fund is to  
19          defray the expense of establishing and maintaining  
20          automated record keeping systems in the offices of the  
21          Public Defender. The money shall be remitted monthly by the  
22          clerk to the county treasurer for deposit into the Public  
23          Defender Records Automation Fund. Expenditures from this  
24          fund may be made by the Public Defender for hardware,  
25          software, and research and development related to  
26          automated record keeping systems.

1           (6) The DUI Fund shall be used for enforcement and  
2 prevention of driving while under the influence of alcohol,  
3 other drug or drugs, intoxicating compound or compounds or  
4 any combination thereof, as defined by Section 11-501 of  
5 the Illinois Vehicle Code, including, but not limited to,  
6 the purchase of law enforcement equipment and commodities  
7 that will assist in the prevention of alcohol-related  
8 criminal violence throughout the State; police officer  
9 training and education in areas related to alcohol related  
10 crime, including, but not limited to, DUI training; and  
11 police officer salaries, including, but not limited to,  
12 salaries for hire back funding for safety checkpoints,  
13 saturation patrols, and liquor store sting operations. Any  
14 moneys received by the Department of State Police shall be  
15 deposited into the State Police Operations Assistance Fund  
16 and those moneys and moneys in the State Police DUI Fund  
17 shall be used to purchase law enforcement equipment that  
18 will assist in the prevention of alcohol related criminal  
19 violence throughout the State. The money shall be remitted  
20 monthly by the clerk to the State or local treasurer for  
21 deposit as provided by law.

22           (7) The Trauma Center Fund shall be distributed as  
23 provided under Section 3.225 of the Emergency Medical  
24 Services (EMS) Systems Act.

25           (8) The Probation and Court Services Fund is to be  
26 expended as described in Section 15.1 of the Probation and

1 Probation Officers Act.

2 (9) The Circuit Court Clerk Electronic Citation Fund  
3 shall have the Circuit Court Clerk as the custodian, ex  
4 officio, of the Fund and shall be used to perform the  
5 duties required by the office for establishing and  
6 maintaining electronic citations. The Fund shall be  
7 audited by the county's auditor.

8 (10) The Drug Treatment Fund is a special fund in the  
9 State treasury. Moneys in the Fund shall be expended as  
10 provided in Section 411.2 of the Illinois Controlled  
11 Substances Act.

12 (11) The Violent Crime Victims Assistance Fund is a  
13 special fund in the State treasury to provide moneys for  
14 the grants to be awarded under the Violent Crime Victims  
15 Assistance Act.

16 (12) The Criminal Justice Information Projects Fund  
17 shall be appropriated to and administered by the Illinois  
18 Criminal Justice Information Authority for distribution to  
19 fund Department of State Police drug task forces and  
20 Metropolitan Enforcement Groups, for the costs associated  
21 with making grants from the Prescription Pill and Drug  
22 Disposal Fund, for undertaking criminal justice  
23 information projects, and for the operating and other  
24 expenses of the Authority incidental to those criminal  
25 justice information projects. The moneys deposited into  
26 the Criminal Justice Information Projects Fund under

1 Sections 15-15 and 15-35 of this Act shall be appropriated  
2 to and administered by the Illinois Criminal Justice  
3 Information Authority for distribution to fund Department  
4 of State Police drug task forces and Metropolitan  
5 Enforcement Groups by dividing the funds equally by the  
6 total number of Department of State Police drug task forces  
7 and Illinois Metropolitan Enforcement Groups.

8 (13) The Sexual Assault Services Fund shall be  
9 appropriated to the Department of Public Health. Upon  
10 appropriation of moneys from the Sexual Assault Services  
11 Fund, the Department of Public Health shall make grants of  
12 these moneys to sexual assault organizations with whom the  
13 Department has contracts for the purpose of providing  
14 community-based services to victims of sexual assault.  
15 Grants are in addition to, and are not substitutes for,  
16 other grants authorized and made by the Department.

17 (14) The County Jail Medical Costs Fund is to help  
18 defray the costs outlined in Section 17 of the County Jail  
19 Act. Moneys in the Fund shall be used solely for  
20 reimbursement to the county of costs for medical expenses  
21 and administration of the Fund.

22 (15) The Prisoner Review Board Vehicle and Equipment  
23 Fund is a special fund in the State treasury. The Prisoner  
24 Review Board shall, subject to appropriation by the General  
25 Assembly and approval by the Secretary, use all moneys in  
26 the Prisoner Review Board Vehicle and Equipment Fund for



1 the purchase and operation of vehicles and equipment.

2 (16) In each county in which Court Appointed Special  
3 Advocates provide services, a Child Advocacy Center Fund,  
4 specifically for the operations of the Court Appointed  
5 Special Advocates, from which the county board shall make  
6 grants to support the activities and services of the Court  
7 Appointed Special Advocates within that county. The term  
8 "Court Appointed Special Advocates" is copyrighted and is  
9 used with permission of the holder of the copyright.

10 Article 15. Assessment Schedules

11 Section 15-5. SCHEDULE 1; generic felony offenses.  
12 SCHEDULE 1: Unless assessments are imposed by the court under  
13 another schedule of this Act, for a felony offense, the Clerk  
14 of the Circuit Court shall collect \$464 and remit as follows:

15 (1) As the county's portion, \$304 to the county treasurer,  
16 who shall deposit the money as follows:

17 (A) \$20 into the Court Automation Fund;

18 (B) \$20 into the Court Document Storage Fund;

19 (C) \$5 into the Circuit Court Clerk Operation and  
20 Administrative Fund;

21 (D) \$225 into the county's General Fund;

22 (E) \$10 into the Child Advocacy Center Fund;

23 (F) \$2 into the State's Attorney Records Automation  
24 Fund;

1 (G) \$2 into the Public Defender Records Automation  
2 Fund;

3 (H) \$10 into the County Jail Medical Costs Fund; and

4 (I) \$10 into the Probation and Court Services Fund.

5 (2) As the State's portion, \$160 to the State Treasurer,  
6 who shall deposit the money as follows:

7 (A) \$40 into the State Police Operations Assistance  
8 Fund;

9 (B) \$100 into the Violent Crime Victims Assistance  
10 Fund;

11 (C) \$5 into the State Police Merit Board Public Safety  
12 Fund; and

13 (D) \$15 into the Traffic and Criminal Conviction  
14 Surcharge Fund.

15 Section 15-10. SCHEDULE 2; felony DUI offenses. SCHEDULE 2:  
16 For a felony under Section 11-501 of the Illinois Vehicle Code,  
17 Section 5-7 of the Snowmobile Registration and Safety Act,  
18 Section 5-16 of the Boat Registration and Safety Act, or a  
19 similar provision of a local ordinance, the Clerk of the  
20 Circuit Court shall collect \$1,609 and remit as follows:

21 (1) As the county's portion, \$304 to the county treasurer,  
22 who shall deposit the money as follows:

23 (A) \$20 into the Court Automation Fund;

24 (B) \$20 into the Court Document Storage Fund;

25 (C) \$5 into the Circuit Court Clerk Operation and

1 Administrative Fund;

2 (D) \$225 into the county's General Fund;

3 (E) \$10 into the Child Advocacy Center Fund;

4 (F) \$2 into the State's Attorney Records Automation  
5 Fund;

6 (G) \$2 into the Public Defender Records Automation  
7 Fund;

8 (H) \$10 into the County Jail Medical Costs Fund; and

9 (I) \$10 into the Probation and Court Services Fund.

10 (2) As the State's portion, \$1,105 to the State Treasurer,  
11 who shall deposit the money as follows:

12 (A) \$730 into the State Police Operations Assistance  
13 Fund;

14 (B) \$100 into the Violent Crime Victims Assistance  
15 Fund;

16 (C) \$5 into the Drivers Education Fund;

17 (D) \$100 into the Trauma Center Fund;

18 (E) \$5 into the Spinal Cord Injury Paralysis Cure  
19 Research Trust Fund;

20 (F) \$5 into the State Police Merit Board Public Safety  
21 Fund;

22 (G) \$155 into the Traffic and Criminal Conviction  
23 Surcharge Fund; and

24 (H) \$5 into the Law Enforcement Camera Grant Fund.

25 (3) As the arresting agency's portion, \$200 to the  
26 treasurer of the unit of local government of the arresting

1 agency, who shall deposit the money into the DUI Fund of that  
2 unit of local government or as provided in subsection (c) of  
3 Section 10-5 of this Act if the arresting agency is a State  
4 agency, unless more than one agency is responsible for the  
5 arrest in which case the amount shall be remitted to each unit  
6 of government equally.

7 Section 15-15. SCHEDULE 3; felony drug offenses. SCHEDULE  
8 3: For a felony under the Illinois Controlled Substances Act,  
9 the Cannabis Control Act, or the Methamphetamine Control and  
10 Community Protection Act, the Clerk of the Circuit Court shall  
11 collect \$2,135 and remit as follows:

12 (1) As the county's portion, \$304 to the county treasurer,  
13 who shall deposit the money as follows:

14 (A) \$20 into the Court Automation Fund;

15 (B) \$20 into the Court Document Storage Fund;

16 (C) \$5 into the Circuit Court Clerk Operation and  
17 Administrative Fund;

18 (D) \$225 into the county's General Fund;

19 (E) \$10 into the Child Advocacy Center Fund;

20 (F) \$2 into the State's Attorney Records Automation  
21 Fund;

22 (G) \$2 into the Public Defender Records Automation  
23 Fund;

24 (H) \$10 into the County Jail Medical Costs Fund; and

25 (I) \$10 into the Probation and Court Services Fund.

1           (2) As the State's portion, \$1,831 to the State Treasurer,  
2 who shall deposit the money as follows:

3           (A) \$40 into the State Police Operations Assistance  
4 Fund;

5           (B) \$100 into the Violent Crime Victims Assistance  
6 Fund;

7           (C) \$100 into the Trauma Center Fund; and

8           (D) \$5 into the Spinal Cord Injury Paralysis Cure  
9 Research Trust Fund;

10          (E) \$1,500 into the Drug Treatment Fund;

11          (F) \$5 into the State Police Merit Board Public Safety  
12 Fund;

13          (G) \$38 into the Prescription Pill and Drug Disposal  
14 Fund;

15          (H) \$28 into the Criminal Justice Information Projects  
16 Fund; and

17          (I) \$15 into the Traffic and Criminal Conviction  
18 Surcharge Fund.

19           Section 15-20. SCHEDULE 4; felony sex offenses. SCHEDULE 4:  
20 For a felony or attempted felony under Article 11 or Section  
21 12-33 of the Criminal Code of 2012, the Clerk of the Circuit  
22 Court shall collect \$1,244 and remit as follows:

23           (1) As the county's portion, \$304 to the county treasurer,  
24 who shall deposit the money as follows:

25           (A) \$20 into the Court Automation Fund;

- 1 (B) \$20 into the Court Document Storage Fund;
- 2 (C) \$5 into the Circuit Court Clerk Operation and  
3 Administrative Fund;
- 4 (D) \$225 into the county's General Fund;
- 5 (E) \$10 into the Child Advocacy Center Fund;
- 6 (F) \$2 into the State's Attorney Records Automation  
7 Fund;
- 8 (G) \$2 into the Public Defender Records Automation  
9 Fund;
- 10 (H) \$10 into the County Jail Medical Costs Fund; and
- 11 (I) \$10 into the Probation and Court Services Fund.
- 12 (2) As the State's portion, \$940 to the State Treasurer,  
13 who shall deposit the money as follows:
- 14 (A) \$520 into the State Police Operations Assistance  
15 Fund;
- 16 (B) \$100 into the Violent Crime Victims Assistance  
17 Fund;
- 18 (C) \$200 into the Sexual Assault Services Fund;
- 19 (D) \$100 into the Domestic Violence Shelter and  
20 Services Fund;
- 21 (E) \$5 into the State Police Merit Board Public Safety  
22 Fund; and
- 23 (F) \$15 into the Traffic and Criminal Conviction  
24 Surcharge Fund.

25 Section 15-25. SCHEDULE 5; generic misdemeanor offenses.

1 SCHEDULE 5: Unless assessments are imposed under another  
2 schedule of this Act, for a misdemeanor offense, the Clerk of  
3 the Circuit Court shall collect \$405 and remit as follows:

4 (1) As the county's portion, \$243 to the county treasurer,  
5 who shall deposit the money as follows:

6 (A) \$20 into the Court Automation Fund;

7 (B) \$20 into the Court Document Storage Fund;

8 (C) \$5 into the Circuit Court Clerk Operation and  
9 Administrative Fund;

10 (D) \$8 into the Circuit Court Clerk Electronic Citation  
11 Fund;

12 (E) \$160 into the county's General Fund;

13 (F) \$10 into the Child Advocacy Center Fund;

14 (G) \$10 into the County Jail Medical Costs Fund; and

15 (H) \$10 into the Probation and Court Services Fund.

16 (2) As the State's portion, \$160 to the State Treasurer,  
17 who shall deposit the money as follows:

18 (A) \$40 into the State Police Operations Assistance  
19 Fund;

20 (B) \$5 into the State Police Merit Board Public Safety  
21 Fund;

22 (C) \$100 into the Violent Crime Victims Assistance  
23 Fund; and

24 (D) \$15 into the Traffic and Criminal Conviction  
25 Surcharge Fund.

26 (3) As the arresting agency's portion, \$2, to the treasurer

1 of the unit of local government of the arresting agency, who  
2 shall deposit the money into the E-citation Fund of that unit  
3 of local government or as provided in subsection (c) of Section  
4 10-5 of this Act if the arresting agency is a State agency,  
5 unless more than one agency is responsible for the arrest in  
6 which case the amount shall be remitted to each unit of  
7 government equally.

8 Section 15-30. SCHEDULE 6; misdemeanor DUI offenses.

9 SCHEDULE 6: For a misdemeanor under Section 11-501 of the  
10 Illinois Vehicle Code, Section 5-7 of the Snowmobile  
11 Registration and Safety Act, Section 5-16 of the Boat  
12 Registration and Safety Act, or a similar provision of a local  
13 ordinance, the Clerk of the Circuit Court shall collect \$1,306  
14 and remit as follows:

15 (1) As the county's portion, \$243 to the county treasurer,  
16 who shall deposit the money as follows:

17 (A) \$20 into the Court Automation Fund;

18 (B) \$20 into the Court Document Storage Fund;

19 (C) \$5 into the Circuit Court Clerk Operation and  
20 Administrative Fund;

21 (D) \$8 into the Circuit Court Clerk Electronic Citation  
22 Fund;

23 (E) \$160 into the county's General Fund;

24 (F) \$10 into the Child Advocacy Center Fund;

25 (G) \$10 into the County Jail Medical Costs Fund; and



1 (H) \$10 into the Probation and Court Services Fund.

2 (2) As the State's portion, \$711 to the State Treasurer,  
3 who shall deposit the money as follows:

4 (A) \$315 into the State Police Operations Assistance  
5 Fund;

6 (B) \$100 into the Violent Crime Victims Assistance  
7 Fund;

8 (C) \$5 into the Drivers Education Fund;

9 (D) \$5 into the State Police Merit Board Public Safety  
10 Fund;

11 (E) \$100 into the Trauma Center Fund;

12 (F) \$5 into the Spinal Cord Injury Paralysis Cure  
13 Research Trust Fund;

14 (G) \$21 into the Fire Prevention Fund;

15 (H) \$155 into the Traffic and Criminal Conviction  
16 Surcharge Fund; and

17 (I) \$5 into the Law Enforcement Camera Grant Fund.

18 (3) As the arresting agency's portion, \$352 as follows,  
19 unless more than one agency is responsible for the arrest in  
20 which case the amount shall be remitted to each unit of  
21 government equally:

22 (A) if the arresting agency is a local agency to the  
23 treasurer of the unit of local government of the arresting  
24 agency, who shall deposit the money as follows:

25 (i) \$2 into the E-citation Fund of the unit of  
26 local government; and

1           (ii) \$350 into the DUI Fund of the unit of local  
2           government; or

3           (B) as provided in subsection (c) of Section 10-5 of  
4           this Act if the arresting agency is a State agency.

5           Section 15-35. SCHEDULE 7; misdemeanor drug offenses.  
6           SCHEDULE 7: For a misdemeanor under the Illinois Controlled  
7           Substances Act, the Cannabis Control Act, or the  
8           Methamphetamine Control and Community Protection Act, the  
9           Clerk of the Circuit Court shall collect \$876 and remit as  
10          follows:

11          (1) As the county's portion, \$243 to the county treasurer,  
12          who shall deposit the money as follows:

13                (A) \$20 into the Court Automation Fund;

14                (B) \$20 into the Court Document Storage Fund;

15                (C) \$5 into the Circuit Court Clerk Operation and  
16                Administrative Fund;

17                (D) \$8 into the Circuit Court Clerk Electronic Citation  
18                Fund;

19                (E) \$160 into the county's General Fund;

20                (F) \$10 into the Child Advocacy Center Fund;

21                (G) \$10 into the County Jail Medical Costs Fund; and

22                (H) \$10 into the Probation and Court Services Fund.

23          (2) As the State's portion, \$631 to the State Treasurer,  
24          who shall deposit the money as follows:

25                (A) \$40 into the State Police Operations Assistance

1 Fund;

2 (B) \$100 into the Violent Crime Victims Assistance  
3 Fund;

4 (C) \$100 into the Trauma Center Fund;

5 (D) \$5 into the Spinal Cord Injury Paralysis Cure  
6 Research Trust Fund;

7 (E) \$300 into the Drug Treatment Fund;

8 (F) \$38 into the Prescription Pill and Drug Disposal  
9 Fund;

10 (G) \$28 into the Criminal Justice Information Projects  
11 Fund;

12 (H) \$5 into the State Police Merit Board Public Safety  
13 Fund; and

14 (I) \$15 into the Traffic and Criminal Conviction  
15 Surcharge Fund.

16 (3) As the arresting agency's portion, \$2, to the treasurer  
17 of the unit of local government of the arresting agency, who  
18 shall deposit the money into the E-citation Fund of that unit  
19 of local government or as provided in subsection (c) of Section  
20 10-5 of this Act if the arresting agency is a State agency,  
21 unless more than one agency is responsible for the arrest in  
22 which case the amount shall be remitted to each unit of  
23 government equally.

24 Section 15-40. SCHEDULE 8; misdemeanor sex offenses.

25 SCHEDULE 8: For a misdemeanor or attempted misdemeanor under

1 Article 11 of the Criminal Code of 2012, the Clerk of the  
2 Circuit Court shall collect \$1,165 and remit as follows:

3 (1) As the county's portion, \$243 to the county treasurer,  
4 who shall deposit the money as follows:

5 (A) \$20 into the Court Automation Fund;

6 (B) \$20 into the Court Document Storage Fund;

7 (C) \$5 into the Circuit Court Clerk Operation and  
8 Administrative Fund;

9 (D) \$8 into the Circuit Court Clerk Electronic Citation  
10 Fund;

11 (E) \$160 into the county's General Fund;

12 (F) \$10 into the Child Advocacy Center Fund;

13 (G) \$10 into the County Jail Medical Costs Fund; and

14 (H) \$10 into the Probation and Court Services Fund.

15 (2) As the State's portion, \$920 to the State Treasurer,  
16 who shall deposit the money as follows:

17 (A) \$500 into the State Police Operations Assistance  
18 Fund;

19 (B) \$100 into the Violent Crime Victims Assistance  
20 Fund;

21 (C) \$200 into the Sexual Assault Services Fund;

22 (D) \$100 into the Domestic Violence Shelter and Service  
23 Fund;

24 (E) \$5 into the State Police Merit Board Public Safety  
25 Fund; and

26 (F) \$15 into the Traffic and Criminal Conviction

1           Surcharge Fund.

2           (3) As the arresting agency's portion, \$2, to the treasurer  
3 of the unit of local government of the arresting agency, who  
4 shall deposit the money into the E-citation Fund of that unit  
5 of local government or as provided in subsection (c) of Section  
6 10-5 of this Act if the arresting agency is a State agency,  
7 unless more than one agency is responsible for the arrest in  
8 which case the amount shall be remitted to each unit of  
9 government equally.

10           Section 15-45. SCHEDULE 9; major traffic offenses.  
11 SCHEDULE 9: For a major traffic offense, the Clerk of the  
12 Circuit Court shall collect \$311 plus, if applicable, the  
13 amount established under paragraph (1.5) of this Section and  
14 remit as follows:

15           (1) As the county's portion, \$198 to the county treasurer,  
16 who shall deposit the money as follows:

17                   (A) \$20 into the Court Automation Fund;

18                   (B) \$20 into the Court Document Storage Fund;

19                   (C) \$5 into the Circuit Court Clerk Operation and  
20 Administrative Fund;

21                   (D) \$8 into the Circuit Court Clerk Electronic Citation  
22 Fund; and

23                   (E) \$145 into the county's General Fund.

24           (1.5) In a county with a population of 3,000,000 or more,  
25 the county board may by ordinance or resolution establish an

1 additional assessment not to exceed \$14 to be remitted to the  
2 county treasurer of which \$5 shall be deposited into the Court  
3 Automation Fund, \$5 shall be deposited into the Court Document  
4 Storage Fund, and the remainder shall be used for purposes  
5 related to the operation of the court system.

6 (2) As the State's portion, \$111 to the State Treasurer,  
7 who shall deposit the money as follows:

8 (A) \$20 into the State Police Operations Assistance  
9 Fund;

10 (B) \$5 into the Drivers Education Fund;

11 (C) \$5 into the State Police Merit Board Public Safety  
12 Fund;

13 (D) \$21 into the Fire Prevention Fund;

14 (E) \$10 into the Violent Crime Victims Assistance Fund;

15 and

16 (F) \$50 into the Traffic and Criminal Conviction  
17 Surcharge Fund.

18 (3) As the arresting agency's portion, \$2, to the treasurer  
19 of the unit of local government of the arresting agency, who  
20 shall deposit the money into the E-citation Fund of that unit  
21 of local government or as provided in subsection (c) of Section  
22 10-5 of this Act if the arresting agency is a State agency,  
23 unless more than one agency is responsible for the arrest in  
24 which case the amount shall be remitted to each unit of  
25 government equally.

1 Section 15-50. SCHEDULE 10; minor traffic offenses.  
2 SCHEDULE 10: For a minor traffic offense, the Clerk of the  
3 Circuit Court shall collect \$171 plus, if applicable, the  
4 amount established under paragraph (1.5) of this Section and  
5 remit as follows:

6 (1) As the county's portion, \$123 to the county treasurer,  
7 who shall deposit the money as follows:

8 (A) \$20 into the Court Automation Fund;

9 (B) \$20 into the Court Document Storage Fund;

10 (C) \$5 into the Circuit Court Clerk Operation and  
11 Administrative Fund;

12 (D) \$8 into the Circuit Court Clerk Electronic Citation  
13 Fund; and

14 (E) \$70 into the county's General Fund.

15 (1.5) In a county with a population of 3,000,000 or more,  
16 the county board may by ordinance or resolution establish an  
17 additional assessment not to exceed \$14 to be remitted to the  
18 county treasurer of which \$5 shall be deposited into the Court  
19 Automation Fund, \$5 shall be deposited into the Court Document  
20 Storage Fund, and the remainder shall be used for purposes  
21 related to the operation of the court system.

22 (2) As the State's portion, \$46 to the State Treasurer, who  
23 shall deposit the money as follows:

24 (A) \$10 into the State Police Operations Assistance  
25 Fund;

26 (B) \$5 into the State Police Merit Board Public Safety

1 Fund;

2 (C) \$5 into the Drivers Education Fund;

3 (D) \$1 into the Fire Prevention Fund;

4 (E) \$15 into the Traffic and Criminal Conviction  
5 Surcharge Fund;

6 (F) \$5 into the Violent Crime Victims Assistance Fund;

7 and

8 (G) \$5 into the Law Enforcement Camera Grant Fund.

9 (3) As the arresting agency's portion, \$2, to the treasurer  
10 of the unit of local government of the arresting agency, who  
11 shall deposit the money into the E-citation Fund of that unit  
12 of local government or as provided in subsection (c) of Section  
13 10-5 of this Act if the arresting agency is a State agency,  
14 unless more than one agency is responsible for the arrest in  
15 which case the amount shall be remitted to each unit of  
16 government equally.

17 Section 15-55. SCHEDULE 11; conservation offenses.

18 SCHEDULE 11: For a conservation offense, the Clerk of the  
19 Circuit Court shall collect \$140 and remit as follows:

20 (1) As the county's portion, \$123, to the county treasurer,  
21 who shall deposit the money as follows:

22 (A) \$20 into the Court Automation Fund;

23 (B) \$20 into the Court Document Storage Fund;

24 (C) \$5 into the Circuit Court Clerk Operation and  
25 Administrative Fund;



1 (D) \$8 into the Circuit Court Clerk Electronic Citation  
2 Fund; and

3 (E) \$70 into the county's General Fund.

4 (2) As the State's portion, \$15, to the State Treasurer,  
5 who shall deposit the money into the Conservation Police  
6 Operations Assistance Fund.

7 (3) As the arresting agency's portion, \$2, to the treasurer  
8 of the unit of local government of the arresting agency, who  
9 shall deposit the money into the E-citation Fund of that unit  
10 of local government or as provided in subsection (c) of Section  
11 10-5 of this Act if the arresting agency is a State agency,  
12 unless more than one agency is responsible for the arrest in  
13 which case the amount shall be remitted to each unit of  
14 government equally.

15 Section 15-60. SCHEDULE 12; dispositions under Supreme  
16 Court Rule 529. SCHEDULE 12: For a disposition under Supreme  
17 Court Rule 529, the Clerk of the Circuit Court shall collect  
18 \$160 and remit as follows:

19 (1) As the county's portion, \$83, to the county treasurer,  
20 who shall deposit the money as follows:

21 (A) \$20 into the Court Automation Fund;

22 (B) \$20 into the Court Document Storage Fund;

23 (C) \$5 into the Circuit Court Clerk Operation and  
24 Administrative Fund;

25 (D) \$8 into the Circuit Court Clerk Electronic Citation

1 Fund; and

2 (E) \$30 into the county's General Fund.

3 (2) As the State's portion, \$56 to the State Treasurer, who  
4 shall deposit the money as follows:

5 (A) \$10 into the State Police Operations Assistance  
6 Fund;

7 (B) \$5 into the Drivers Education Fund;

8 (C) \$8 into the State Police Merit Board Public Safety  
9 Fund;

10 (D) \$21 into the Traffic and Criminal Conviction  
11 Surcharge Fund;

12 (E) \$7 into the Violent Crime Victims Assistance Fund;

13 and

14 (F) \$5 into the Law Enforcement Camera Grant Fund.

15 (3) As the arresting agency's portion, \$21 as follows,  
16 unless more than one agency is responsible for the arrest in  
17 which case the amount shall be remitted to each unit of  
18 government equally:

19 (A) if the arresting agency is a local agency to the  
20 treasurer of the unit of local government of the arresting  
21 agency, who shall deposit the money as follows:

22 (i) \$2 into the E-citation Fund of the unit of  
23 local government; and

24 (ii) \$19 into the General Fund of the unit of local  
25 government; or

26 (B) as provided in subsection (c) of Section 10-5 of

1           this Act if the arresting agency is a State agency.

2           Section 15-65. SCHEDULE 13; non-traffic violations.  
3           SCHEDULE 13: For a petty offense, business offense, or  
4           non-traffic ordinance violation, the Clerk of the Circuit Court  
5           shall collect \$90 and remit as follows:

6           (1) As the county's portion, \$73, to the county treasurer,  
7           who shall deposit the money as follows:

8                   (A) \$20 into the Court Automation Fund;

9                   (B) \$20 into the Court Document Storage Fund;

10                   (C) \$5 into the Circuit Court Clerk Operation and  
11           Administrative Fund;

12                   (D) \$8 into the Circuit Court Clerk Electronic Citation  
13           Fund; and

14                   (E) \$20 into the county's General Fund.

15           (2) As the arresting agency's portion, \$17 as follows,  
16           unless more than one agency is responsible for the arrest in  
17           which case the amount shall be remitted to each unit of  
18           government equally:

19                   (A) if the arresting agency is a local agency to the  
20           treasurer of the unit of local government of the arresting  
21           agency, who shall deposit the money as follows:

22                           (i) \$2 into the E-citation Fund of the unit of  
23           local government; and

24                           (ii) \$15 into the General Fund of the unit of local  
25           government; or

1 (B) as provided in subsection (c) of Section 10-5 of  
2 this Act if the arresting agency is a State agency.

3 Section 15-70. Conditional Assessments.

4 In addition to payments under one of the Schedule of  
5 Assessments 1 through 13 of this Act, the court shall also  
6 order payment of any of the following conditional assessment  
7 amounts for each sentenced violation in the case to which a  
8 conditional assessment is applicable, which shall be collected  
9 and remitted by the Clerk of the Circuit Court as provided in  
10 this Section:

11 (1) arson, residential arson, or aggravated arson,  
12 \$500 per conviction to the State Treasurer for deposit into  
13 the Fire Prevention Fund;

14 (2) child pornography under Section 11-20.1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, \$500  
16 per conviction with \$5 to the county treasurer for deposit  
17 into the Circuit Court Clerk Operation and Administrative  
18 Fund and the remainder as follows, unless more than one  
19 agency is responsible for the arrest in which case the  
20 amount shall be remitted to each unit of government  
21 equally:

22 (A) if the arresting agency is an agency of a unit  
23 of local government \$495 to the treasurer of the unit  
24 of local government for deposit into the unit of local  
25 government's General Fund, except that if the

1 Department of State Police provides digital or  
2 electronic forensic examination assistance, or both,  
3 to the arresting agency then \$100 to the State  
4 Treasurer for deposit into the State Crime Laboratory  
5 Fund; or

6 (B) if the arresting agency is the Department of  
7 State Police remitted to the State Treasurer for  
8 deposit into the State Crime Laboratory Fund;

9 (3) crime laboratory drug analysis for a drug-related  
10 offense involving possession or delivery of cannabis or  
11 possession or delivery of a controlled substance as defined  
12 in the Cannabis Control Act, the Illinois Controlled  
13 Substances Act, or the Methamphetamine Control and  
14 Community Protection Act, \$100 reimbursement for  
15 laboratory analysis, as set forth in subsection (f) of  
16 Section 5-9-1.4 of the Unified Code of Corrections;

17 (4) DNA analysis, \$250 on each conviction in which it  
18 was used to the State Treasurer for deposit into the State  
19 Offender DNA Identification System Fund;

20 (5) DUI analysis, \$150 on each sentenced violation in  
21 which it was used as set forth in subsection (f) of Section  
22 5-9-1.9 of the Unified Code of Corrections;

23 (6) drug-related offense involving possession or  
24 delivery of cannabis or possession or delivery of a  
25 controlled substance, other than methamphetamine, as  
26 defined in the Cannabis Control Act or the Illinois

1           Controlled Substances Act, an amount not less than the full  
2           street value of the cannabis or controlled substance seized  
3           for each conviction to the State Treasurer for deposit into  
4           the General Revenue Fund;

5           (6.5) Kane County or Will County, in felony,  
6           misdemeanor, local or county ordinance, traffic, or  
7           conservation cases, up to \$30 as set by the county board  
8           under Section 5-1101.3 of the Counties Code upon the entry  
9           of a judgment of conviction, an order of supervision, or a  
10          sentence of probation without entry of judgment under  
11          Section 10 of the Cannabis Control Act, Section 410 of the  
12          Illinois Controlled Substances Act, Section 70 of the  
13          Methamphetamine Control and Community Protection Act,  
14          Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
15          the Criminal Code of 1961 or the Criminal Code of 2012,  
16          Section 10-102 of the Illinois Alcoholism and Other Drug  
17          Dependency Act, or Section 10 of the Steroid Control Act;  
18          except in local or county ordinance, traffic, and  
19          conservation cases, if fines are paid in full without a  
20          court appearance, then the assessment shall not be imposed  
21          or collected. Distribution of assessments collected under  
22          this paragraph (6.5) shall be as provided in Section  
23          5-1101.3 of the Counties Code;

24          (7) methamphetamine-related offense involving  
25          possession or delivery of methamphetamine or any salt of an  
26          optical isomer of methamphetamine or possession of a

1 methamphetamine manufacturing material as set forth in  
2 Section 10 of the Methamphetamine Control and Community  
3 Protection Act with the intent to manufacture a substance  
4 containing methamphetamine or salt of an optical isomer of  
5 methamphetamine, an amount not less than the full street  
6 value of the methamphetamine or salt of an optical isomer  
7 of methamphetamine or methamphetamine manufacturing  
8 materials seized for each conviction to the State Treasurer  
9 for deposit into the General Revenue Fund;

10 (8) order of protection violation under Section 12-3.4  
11 of the Criminal Code of 2012, \$200 for each conviction to  
12 the county treasurer for deposit into the Probation and  
13 Court Services Fund for implementation of a domestic  
14 violence surveillance program and any other assessments or  
15 fees imposed under Section 5-9-1.16 of the Unified Code of  
16 Corrections;

17 (9) order of protection violation, \$25 for each  
18 violation to the State Treasurer, for deposit into the  
19 Domestic Violence Abuser Services Fund;

20 (10) prosecution by the State's Attorney of a:

21 (A) misdemeanor, petty, or business offense, \$4 to  
22 the county treasurer of which \$2 deposited into the  
23 State's Attorney Records Automation Fund and \$2 into  
24 the Public Defender Records Automation Fund;

25 (B) conservation or traffic offense, \$2 to the  
26 county treasurer for deposit into the State's Attorney

1           Records Automation Fund;

2           (11) speeding in a construction zone violation, \$250 to  
3           the State Treasurer for deposit into the Transportation  
4           Safety Highway Hire-back Fund, unless (i) the violation  
5           occurred on a highway other than an interstate highway and  
6           (ii) a county police officer wrote the ticket for the  
7           violation, in which case to the county treasurer for  
8           deposit into that county's Transportation Safety Highway  
9           Hire-back Fund;

10          (12) supervision disposition on an offense under the  
11          Illinois Vehicle Code or similar provision of a local  
12          ordinance, 50 cents, unless waived by the court, into the  
13          Prisoner Review Board Vehicle and Equipment Fund;

14          (13) victim and offender are family or household  
15          members as defined in Section 103 of the Illinois Domestic  
16          Violence Act of 1986 and offender pleads guilty or no  
17          contest to or is convicted of murder, voluntary  
18          manslaughter, involuntary manslaughter, burglary,  
19          residential burglary, criminal trespass to residence,  
20          criminal trespass to vehicle, criminal trespass to land,  
21          criminal damage to property, telephone harassment,  
22          kidnapping, aggravated kidnaping, unlawful restraint,  
23          forcible detention, child abduction, indecent solicitation  
24          of a child, sexual relations between siblings,  
25          exploitation of a child, child pornography, assault,  
26          aggravated assault, battery, aggravated battery, heinous



1 battery, aggravated battery of a child, domestic battery,  
2 reckless conduct, intimidation, criminal sexual assault,  
3 predatory criminal sexual assault of a child, aggravated  
4 criminal sexual assault, criminal sexual abuse, aggravated  
5 criminal sexual abuse, violation of an order of protection,  
6 disorderly conduct, endangering the life or health of a  
7 child, child abandonment, contributing to dependency or  
8 neglect of child, or cruelty to children and others, \$200  
9 for each sentenced violation to the State Treasurer for  
10 deposit as follows: (i) for sexual assault, as defined in  
11 Section 5-9-1.7 of the Unified Code of Corrections, when  
12 the offender and victim are family members, one-half to the  
13 Domestic Violence Shelter and Service Fund, and one-half to  
14 the Sexual Assault Services Fund; (ii) for the remaining  
15 offenses to the Domestic Violence Shelter and Service Fund;

16 (14) violation of Section 11-501 of the Illinois  
17 Vehicle Code, Section 5-7 of the Snowmobile Registration  
18 and Safety Act, Section 5-16 of the Boat Registration and  
19 Safety Act, or a similar provision, whose operation of a  
20 motor vehicle, snowmobile, or watercraft while in  
21 violation of Section 11-501, Section 5-7 of the Snowmobile  
22 Registration and Safety Act, Section 5-16 of the Boat  
23 Registration and Safety Act, or a similar provision  
24 proximately caused an incident resulting in an appropriate  
25 emergency response, \$1,000 maximum to the public agency  
26 that provided an emergency response related to the person's

1 violation, and if more than one agency responded, the  
2 amount payable to public agencies shall be shared equally;

3 (15) violation of Section 401, 407, or 407.2 of the  
4 Illinois Controlled Substances Act that proximately caused  
5 any incident resulting in an appropriate drug-related  
6 emergency response, \$1,000 as reimbursement for the  
7 emergency response to the law enforcement agency that made  
8 the arrest, and if more than one agency is responsible for  
9 the arrest, the amount payable to law enforcement agencies  
10 shall be shared equally;

11 (16) violation of reckless driving, aggravated  
12 reckless driving, or driving 26 miles per hour or more in  
13 excess of the speed limit that triggered an emergency  
14 response, \$1,000 maximum reimbursement for the emergency  
15 response to be distributed in its entirety to a public  
16 agency that provided an emergency response related to the  
17 person's violation, and if more than one agency responded,  
18 the amount payable to public agencies shall be shared  
19 equally;

20 (17) violation based upon each plea of guilty,  
21 stipulation of facts, or finding of guilt resulting in a  
22 judgment of conviction or order of supervision for an  
23 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of  
24 the Criminal Code of 2012 that results in the imposition of  
25 a fine, to be distributed as follows:

26 (A) \$50 to the county treasurer for deposit into

1 the Circuit Court Clerk Operation and Administrative  
2 Fund to cover the costs in administering this paragraph  
3 (17);

4 (B) \$300 to the State Treasurer who shall deposit  
5 the portion as follows:

6 (i) if the arresting or investigating agency  
7 is the Department of State Police, into the State  
8 Police Operations Assistance Fund;

9 (ii) if the arresting or investigating agency  
10 is the Department of Natural Resources, into the  
11 Conservation Police Operations Assistance Fund;

12 (iii) if the arresting or investigating agency  
13 is the Secretary of State, into the Secretary of  
14 State Police Services Fund;

15 (iv) if the arresting or investigating agency  
16 is the Illinois Commerce Commission, into the  
17 Public Utility Fund; or

18 (v) if more than one of the State agencies in  
19 this subparagraph (B) is the arresting or  
20 investigating agency, then equal shares with the  
21 shares deposited as provided in the applicable  
22 items (i) through (iv) of this subparagraph (B);  
23 and

24 (C) the remainder for deposit into the Specialized  
25 Services for Survivors of Human Trafficking Fund; and  
26 (18) weapons violation under Section 24-1.1, 24-1.2,

1 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012, \$100 for each conviction to the State Treasurer  
3 for deposit into the Trauma Center Fund.

4 Article 20. Repeal

5 Section 20-5. Repeal. This Act is repealed on January 1,  
6 2021.

7 Article 900. Amendatory Provisions effective July 1, 2018

8 Section 900-5. The Unified Code of Corrections is amended  
9 by changing Sections 5-9-1.1 and 5-9-1.1-5 as follows:

10 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

11 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,  
12 97-545, 98-537, and 99-480)

13 Sec. 5-9-1.1. Drug related offenses.

14 (a) When a person has been adjudged guilty of a drug  
15 related offense involving possession or delivery of cannabis or  
16 possession or delivery of a controlled substance, other than  
17 methamphetamine, as defined in the Cannabis Control Act, as  
18 amended, or the Illinois Controlled Substances Act, as amended,  
19 in addition to any other penalty imposed, a fine shall be  
20 levied by the court at not less than the full street value of  
21 the cannabis or controlled substances seized.

1 "Street value" shall be determined by the court on the  
2 basis of testimony of law enforcement personnel and the  
3 defendant as to the amount seized and such testimony as may be  
4 required by the court as to the current street value of the  
5 cannabis or controlled substance seized.

6 (b) In addition to any penalty imposed under subsection (a)  
7 of this Section, a fine of \$100 shall be levied by the court,  
8 the proceeds of which shall be collected by the Circuit Clerk  
9 and remitted to the State Treasurer under Section 27.6 of the  
10 Clerks of Courts Act for deposit into the Trauma Center Fund  
11 for distribution as provided under Section 3.225 of the  
12 Emergency Medical Services (EMS) Systems Act.

13 (c) In addition to any penalty imposed under subsection (a)  
14 of this Section, a fee of \$5 shall be assessed by the court,  
15 the proceeds of which shall be collected by the Circuit Clerk  
16 and remitted to the State Treasurer under Section 27.6 of the  
17 Clerks of Courts Act for deposit into the Spinal Cord Injury  
18 Paralysis Cure Research Trust Fund. This additional fee of \$5  
19 shall not be considered a part of the fine for purposes of any  
20 reduction in the fine for time served either before or after  
21 sentencing.

22 (d) In addition to any penalty imposed under subsection (a)  
23 of this Section for a drug related offense involving possession  
24 or delivery of cannabis or possession or delivery of a  
25 controlled substance as defined in the Cannabis Control Act,  
26 the Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act, a fee of \$50 shall be  
2 assessed by the court, the proceeds of which shall be collected  
3 by the Circuit Clerk and remitted to the State Treasurer under  
4 Section 27.6 of the Clerks of Courts Act for deposit into the  
5 Performance-enhancing Substance Testing Fund. This additional  
6 fee of \$50 shall not be considered a part of the fine for  
7 purposes of any reduction in the fine for time served either  
8 before or after sentencing. The provisions of this subsection  
9 (d), other than this sentence, are inoperative after June 30,  
10 2011.

11 (e) In addition to any penalty imposed under subsection (a)  
12 of this Section, a \$25 assessment shall be assessed by the  
13 court, the proceeds of which shall be collected by the Circuit  
14 Clerk and remitted to the State Treasurer for deposit into the  
15 Criminal Justice Information Projects Fund. The moneys  
16 deposited into the Criminal Justice Information Projects Fund  
17 under this Section shall be appropriated to and administered by  
18 the Illinois Criminal Justice Information Authority for  
19 distribution to fund Department of State Police ~~funding of drug~~  
20 task forces and Metropolitan Enforcement Groups by dividing the  
21 funds equally by the total number of Department of State Police  
22 drug task forces and Illinois Metropolitan Enforcement Groups.

23 (f) In addition to any penalty imposed under subsection (a)  
24 of this Section, a \$40 assessment shall be assessed by the  
25 court, the proceeds of which shall be collected by the Circuit  
26 Clerk. Of the collected proceeds, (i) 90% shall be remitted to

1 the State Treasurer for deposit into the Prescription Pill and  
2 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
3 the Criminal Justice Information Projects Fund, for use by the  
4 Illinois Criminal Justice Information Authority for the costs  
5 associated with making grants from the Prescription Pill and  
6 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
7 for deposit into the Circuit Court Clerk Operation and  
8 Administrative Fund for the costs associated with  
9 administering this subsection.

10 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

11 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,  
12 97-545, 98-537, and 99-480)

13 Sec. 5-9-1.1. Drug related offenses.

14 (a) When a person has been adjudged guilty of a drug  
15 related offense involving possession or delivery of cannabis or  
16 possession or delivery of a controlled substance as defined in  
17 the Cannabis Control Act, the Illinois Controlled Substances  
18 Act, or the Methamphetamine Control and Community Protection  
19 Act, in addition to any other penalty imposed, a fine shall be  
20 levied by the court at not less than the full street value of  
21 the cannabis or controlled substances seized.

22 "Street value" shall be determined by the court on the  
23 basis of testimony of law enforcement personnel and the  
24 defendant as to the amount seized and such testimony as may be  
25 required by the court as to the current street value of the

1 cannabis or controlled substance seized.

2 (b) In addition to any penalty imposed under subsection (a)  
3 of this Section, a fine of \$100 shall be levied by the court,  
4 the proceeds of which shall be collected by the Circuit Clerk  
5 and remitted to the State Treasurer under Section 27.6 of the  
6 Clerks of Courts Act for deposit into the Trauma Center Fund  
7 for distribution as provided under Section 3.225 of the  
8 Emergency Medical Services (EMS) Systems Act.

9 (c) In addition to any penalty imposed under subsection (a)  
10 of this Section, a fee of \$5 shall be assessed by the court,  
11 the proceeds of which shall be collected by the Circuit Clerk  
12 and remitted to the State Treasurer under Section 27.6 of the  
13 Clerks of Courts Act for deposit into the Spinal Cord Injury  
14 Paralysis Cure Research Trust Fund. This additional fee of \$5  
15 shall not be considered a part of the fine for purposes of any  
16 reduction in the fine for time served either before or after  
17 sentencing.

18 (d) In addition to any penalty imposed under subsection (a)  
19 of this Section for a drug related offense involving possession  
20 or delivery of cannabis or possession or delivery of a  
21 controlled substance as defined in the Cannabis Control Act,  
22 the Illinois Controlled Substances Act, or the Methamphetamine  
23 Control and Community Protection Act, a fee of \$50 shall be  
24 assessed by the court, the proceeds of which shall be collected  
25 by the Circuit Clerk and remitted to the State Treasurer under  
26 Section 27.6 of the Clerks of Courts Act for deposit into the



1 Performance-enhancing Substance Testing Fund. This additional  
2 fee of \$50 shall not be considered a part of the fine for  
3 purposes of any reduction in the fine for time served either  
4 before or after sentencing. The provisions of this subsection  
5 (d), other than this sentence, are inoperative after June 30,  
6 2011.

7 (e) In addition to any penalty imposed under subsection (a)  
8 of this Section, a \$25 assessment shall be assessed by the  
9 court, the proceeds of which shall be collected by the Circuit  
10 Clerk and remitted to the State Treasurer for deposit into the  
11 Criminal Justice Information Projects Fund. The moneys  
12 deposited into the Criminal Justice Information Projects Fund  
13 under this Section shall be appropriated to and administered by  
14 the Illinois Criminal Justice Information Authority for  
15 distribution to fund Department of State Police ~~funding of~~ drug  
16 task forces and Metropolitan Enforcement Groups by dividing the  
17 funds equally by the total number of Department of State Police  
18 drug task forces and Illinois Metropolitan Enforcement Groups.

19 (f) In addition to any penalty imposed under subsection (a)  
20 of this Section, a \$40 assessment shall be assessed by the  
21 court, the proceeds of which shall be collected by the Circuit  
22 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
23 the State Treasurer for deposit into the Prescription Pill and  
24 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
25 the Criminal Justice Information Projects Fund, for use by the  
26 Illinois Criminal Justice Information Authority for the costs

1 associated with making grants from the Prescription Pill and  
2 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
3 for deposit into the Circuit Court Clerk Operation and  
4 Administrative Fund for the costs associated with  
5 administering this subsection.

6 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

7 (730 ILCS 5/5-9-1.1-5)

8 Sec. 5-9-1.1-5. Methamphetamine related offenses.

9 (a) When a person has been adjudged guilty of a  
10 methamphetamine related offense involving possession or  
11 delivery of methamphetamine or any salt of an optical isomer of  
12 methamphetamine or possession of a methamphetamine  
13 manufacturing material as set forth in Section 10 of the  
14 Methamphetamine Control and Community Protection Act with the  
15 intent to manufacture a substance containing methamphetamine  
16 or salt of an optical isomer of methamphetamine, in addition to  
17 any other penalty imposed, a fine shall be levied by the court  
18 at not less than the full street value of the methamphetamine  
19 or salt of an optical isomer of methamphetamine or  
20 methamphetamine manufacturing materials seized.

21 "Street value" shall be determined by the court on the  
22 basis of testimony of law enforcement personnel and the  
23 defendant as to the amount seized and such testimony as may be  
24 required by the court as to the current street value of the  
25 methamphetamine or salt of an optical isomer of methamphetamine

1 or methamphetamine manufacturing materials seized.

2 (b) In addition to any penalty imposed under subsection (a)  
3 of this Section, a fine of \$100 shall be levied by the court,  
4 the proceeds of which shall be collected by the Circuit Clerk  
5 and remitted to the State Treasurer under Section 27.6 of the  
6 Clerks of Courts Act for deposit into the Methamphetamine Law  
7 Enforcement Fund and allocated as provided in subsection (d) of  
8 Section 5-9-1.2.

9 (c) In addition to any penalty imposed under subsection (a)  
10 of this Section, a \$25 assessment shall be assessed by the  
11 court, the proceeds of which shall be collected by the Circuit  
12 Clerk and remitted to the State Treasurer for deposit into the  
13 Criminal Justice Information Projects Fund. The moneys  
14 deposited into the Criminal Justice Information Projects Fund  
15 under this Section shall be appropriated to and administered by  
16 the Illinois Criminal Justice Information Authority for  
17 distribution to fund the Department of State Police ~~funding of~~  
18 drug task forces and Metropolitan Enforcement Groups by  
19 dividing the funds equally by the total number of Department of  
20 State Police drug task forces and Metropolitan Enforcement  
21 Groups.

22 (d) In addition to any penalty imposed under subsection (a)  
23 of this Section, a \$40 assessment shall be assessed by the  
24 court, the proceeds of which shall be collected by the Circuit  
25 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
26 the State Treasurer for deposit into the Prescription Pill and

1 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
2 the Criminal Justice Information Projects Fund, for use by the  
3 Illinois Criminal Justice Information Authority for the costs  
4 associated with making grants from the Prescription Pill and  
5 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
6 for deposit into the Circuit Court Clerk Operation and  
7 Administrative Fund for the costs associated with  
8 administering this subsection.

9 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

10 Article 905. Amendatory Provisions effective July 1, 2019

11 Section 905-5. The Domestic Violence Shelters Act is  
12 amended by changing Section 3.2 as follows:

13 (20 ILCS 1310/3.2) (from Ch. 40, par. 2403.2)

14 Sec. 3.2. All funds collected pursuant to P.A. 82-645,  
15 which are held in escrow for refund and for which a refund is  
16 not approved by September 1, 1988, shall be forwarded to the  
17 State Treasurer for deposit into the Domestic Violence Shelter  
18 and Service Fund. The Domestic Violence Shelter and Service  
19 Fund shall also include assessments ~~finer~~ received by the State  
20 Treasurer from circuit clerks under the Criminal and Traffic  
21 Assessment Act ~~in accordance with Section 5-9-1.5 of the~~  
22 ~~Unified Code of Corrections~~. Monies deposited in the Fund  
23 pursuant to this Section and the income tax check-off for the

1 Domestic Violence Shelter and Service Fund authorized by  
2 Section 507F of the Illinois Income Tax Act shall be  
3 appropriated to the Department of Human Services for the  
4 purpose of providing services specified by this Act; however,  
5 the Department may waive the matching funds requirement of this  
6 Act with respect to such monies. Any such waiver shall be  
7 uniform throughout the State. This amendatory Act of 1987  
8 applies to all funds collected pursuant to PA 82-645, held in  
9 escrow and for which no refund is approved by September 1,  
10 1988, whether those funds are administered by the State, a  
11 county, a court, or any other unit or agency of government.  
12 (Source: P.A. 89-507, eff. 7-1-97.)

13 Section 905-10. The Burn Victims Relief Act is amended by  
14 changing Section 10 as follows:

15 (20 ILCS 1410/10)

16 Sec. 10. Payments to the George Bailey Memorial Fund. The  
17 George Bailey Memorial Fund is created as a special fund in the  
18 State treasury. ~~The George Bailey Memorial Fund shall be funded~~  
19 ~~pursuant to subsection (p) of Section 27.6 of the Clerks of~~  
20 ~~Courts Act and Section 16-104d of the Illinois Vehicle Code.~~  
21 Funds received under Section 16-104d of the Illinois Vehicle  
22 Code shall be repaid in full to the Fire Truck Revolving Loan  
23 Fund, without the deduction of the 20% administrative fee  
24 authorized in subsection (b) of Section 5, upon receipt by the

1 George Bailey Memorial Fund from the person or his or her  
2 estate, trust, or heirs of any moneys from a settlement for the  
3 injury that is the proximate cause of the person's disability  
4 under this Act or moneys received from Social Security  
5 disability benefits. Moneys in the George Bailey Memorial Fund  
6 may only be used for the purposes set forth in this Act.

7 (Source: P.A. 99-455, eff. 1-1-16.)

8 Section 905-15. The State Police Act is amended by changing  
9 Section 7.2 as follows:

10 (20 ILCS 2610/7.2)

11 Sec. 7.2. State Police Merit Board Public Safety Fund.

12 (a) A special fund in the State treasury is hereby created  
13 which shall be known as the State Police Merit Board Public  
14 Safety Fund. The Fund shall be used by the State Police Merit  
15 Board to provide a cadet program for State Police personnel and  
16 to meet all costs associated with the functions of the State  
17 Police Merit Board. Notwithstanding any other law to the  
18 contrary, the State Police Merit Board Public Safety Fund is  
19 not subject to sweeps, administrative charge-backs, or any  
20 other fiscal or budgetary maneuver that would in any way  
21 transfer any amounts from the State Police Merit Board Public  
22 Safety Fund into any other fund of the State.

23 (b) The Fund may receive State appropriations, gifts,  
24 grants, and federal funds and shall include earnings from the

1 investment of moneys in the Fund.

2 (c) The administration of this Fund shall be the  
3 responsibility of the State Police Merit Board. The Board shall  
4 establish terms and conditions for the operation of the Fund.  
5 The Board shall establish and implement fiscal controls and  
6 accounting periods for programs operated using the Fund. All  
7 fees or moneys received by the State Treasurer under the  
8 Criminal and Traffic Assessment Act ~~subsection (n) of Section~~  
9 ~~27.6 of the Clerks of Courts Act~~ shall be deposited into the  
10 Fund. The moneys deposited in the State Police Merit Board  
11 Public Safety Fund shall be appropriated to the State Police  
12 Merit Board for expenses of the Board for the administration  
13 and conduct of all its programs for State Police personnel.

14 (Source: P.A. 97-1051, eff. 1-1-13.)

15 Section 905-20. The Illinois Criminal Justice Information  
16 Act is amended by changing Section 9.1 as follows:

17 (20 ILCS 3930/9.1)

18 Sec. 9.1. Criminal Justice Information Projects Fund. The  
19 Criminal Justice Information Projects Fund is hereby created as  
20 a special fund in the State Treasury. Grants and other moneys  
21 obtained by the Authority from governmental entities (other  
22 than the federal government), private sources, and  
23 not-for-profit organizations for use in investigating criminal  
24 justice issues or undertaking other criminal justice

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

15 (Source: P.A. 88-538.)

16 Section 905-25. The State Finance Act is amended by  
17 changing Sections 6b-4, 6z-82, 6z-87, 8p, and 8q as follows:

18 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

19 Sec. 6b-4. On the second Monday of every month, the  
20 Director of Public Health shall certify to the State  
21 Comptroller and the State Treasurer the amount generated by the  
22 issuance of commemorative birth certificates under subsection  
23 (14) of Section 25 of the Vital Records Act in excess of the  
24 costs incurred in issuing the documents. Within 15 days of



1 receipt of the certification required by this Section, the  
2 State Comptroller and the State Treasurer shall transfer from  
3 the General Revenue Fund, one-half of the amount certified as  
4 being received from the issuance of commemorative birth  
5 certificates to the Child Abuse Prevention Fund and one-half of  
6 the amount to the Domestic Violence Shelter and Service Fund.

7 The State Treasurer shall deposit into the Domestic  
8 Violence Shelter and Service Fund each assessment received  
9 under the Criminal and Traffic Assessment Act ~~fine received~~  
10 ~~from circuit clerks under Section 5-9-1.5 of the Unified Code~~  
11 ~~of Corrections.~~

12 The State Treasurer shall deposit into the Sexual Assault  
13 Services Fund and the Domestic Violence Shelter and Service  
14 Fund each of those fines received from circuit clerks under  
15 Section 5-9-1.7 of the Unified Code of Corrections in  
16 accordance with the provisions of that Section.

17 (Source: P.A. 87-791; 87-1072.)

18 (30 ILCS 105/6z-82)

19 Sec. 6z-82. State Police Operations Assistance Fund.

20 (a) There is created in the State treasury a special fund  
21 known as the State Police Operations Assistance Fund. The Fund  
22 shall receive revenue under the Criminal and Traffic Assessment  
23 Act ~~pursuant to Section 27.3a of the Clerks of Courts Act.~~ The  
24 Fund may also receive revenue from grants, donations,  
25 appropriations, and any other legal source.

1 (b) The Department of State Police may use moneys in the  
2 Fund to finance any of its lawful purposes or functions.

3 (c) Expenditures may be made from the Fund only as  
4 appropriated by the General Assembly by law.

5 (d) Investment income that is attributable to the  
6 investment of moneys in the Fund shall be retained in the Fund  
7 for the uses specified in this Section.

8 (e) The State Police Operations Assistance Fund shall not  
9 be subject to administrative chargebacks.

10 (f) Notwithstanding any other provision of State law to the  
11 contrary, on or after July 1, 2012, and until June 30, 2013, in  
12 addition to any other transfers that may be provided for by  
13 law, at the direction of and upon notification from the  
14 Director of State Police, the State Comptroller shall direct  
15 and the State Treasurer shall transfer amounts into the State  
16 Police Operations Assistance Fund from the designated funds not  
17 exceeding the following totals:

18	State Police Vehicle Fund .....	\$2,250,000
19	State Police Wireless Service	
20	Emergency Fund .....	\$2,500,000
21	State Police Services Fund .....	\$3,500,000

22 (Source: P.A. 96-1029, eff. 7-13-10; 97-333, eff. 8-12-11;  
23 97-732, eff. 6-30-12.)

24 (30 ILCS 105/6z-87)

25 Sec. 6z-87. Conservation Police Operations Assistance

1 Fund.

2 (a) There is created in the State treasury a special fund  
3 known as the Conservation Police Operations Assistance Fund.  
4 The Fund shall receive revenue under the Criminal and Traffic  
5 Assessment Act ~~pursuant to Section 27.3a of the Clerks of~~  
6 ~~Courts Act~~. The Fund may also receive revenue from grants,  
7 donations, appropriations, and any other legal source.

8 (b) The Department of Natural Resources may use moneys in  
9 the Fund to support any lawful operations of the Illinois  
10 Conservation Police.

11 (c) Expenditures may be made from the Fund only as  
12 appropriated by the General Assembly by law.

13 (d) Investment income that is attributable to the  
14 investment of moneys in the Fund shall be retained in the Fund  
15 for the uses specified in this Section.

16 (e) The Conservation Police Operations Assistance Fund  
17 shall not be subject to administrative chargebacks.

18 (Source: P.A. 97-46, eff. 7-1-12; 97-813, eff. 7-13-12.)

19 (30 ILCS 105/8p)

20 Sec. 8p. State Police Streetgang-Related Crime Fund.

21 (a) The State Police Streetgang-Related Crime Fund is  
22 created as a special fund in the State treasury.

23 (b) All moneys collected and payable to the Department of  
24 State Police from the State Police Streetgang-Related Crime  
25 Fund ~~under Section 5-9-1.19 of the Unified Code of Corrections~~

1 ~~shall be deposited into the State Police Streetgang-Related~~  
2 ~~Crime Fund and~~ shall be appropriated to and administered by the  
3 Department of State Police for operations and initiatives to  
4 combat and prevent streetgang-related crime.

5 (c) The State Police Streetgang-Related Crime Fund shall  
6 not be subject to administrative chargebacks.

7 (Source: P.A. 96-1029, eff. 7-13-10.)

8 (30 ILCS 105/8q)

9 Sec. 8q. Illinois Department of Corrections Parole  
10 Division Offender Supervision Fund.

11 (a) The Illinois Department of Corrections Parole Division  
12 Offender Supervision Fund is created as a special fund in the  
13 State treasury.

14 (b) All moneys collected and payable to the Department of  
15 Corrections and ~~under Section 5-9-1.20 of the Unified Code of~~  
16 ~~Corrections shall be~~ deposited into the Illinois Department of  
17 Corrections Parole Division Offender Supervision Fund ~~and~~  
18 shall be appropriated to and administered by the Department of  
19 Corrections for operations and initiatives to combat and  
20 supervise paroled offenders in the community.

21 (c) The Illinois Department of Corrections Parole Division  
22 Offender Supervision Fund shall not be subject to  
23 administrative chargebacks.

24 (Source: P.A. 97-262, eff. 8-5-11.)

1 Section 905-30. The State Property Control Act is amended  
2 by changing Section 7c as follows:

3 (30 ILCS 605/7c)

4 Sec. 7c. Acquisition of State Police vehicles. The State  
5 Police Vehicle Fund is created as a special fund in the State  
6 treasury. ~~The Fund shall consist of fees received pursuant to~~  
7 ~~Section 16-104c of the Illinois Vehicle Code.~~ All moneys in the  
8 Fund, subject to appropriation, shall be used by the Department  
9 of State Police:

10 (1) for the acquisition of vehicles for that  
11 Department; or

12 (2) for debt service on bonds issued to finance the  
13 acquisition of vehicles for that Department.

14 (Source: P.A. 94-839, eff. 6-6-06.)

15 Section 905-35. Illinois Police Training Act is amended by  
16 changing Section 9 as follows:

17 (50 ILCS 705/9) (from Ch. 85, par. 509)

18 Sec. 9. A special fund is hereby established in the State  
19 Treasury to be known as the Traffic and Criminal Conviction  
20 Surcharge Fund ~~and shall be financed as provided in Section 9.1~~  
21 ~~of this Act and Section 5-9-1 of the Unified Code of~~  
22 ~~Corrections, unless the fines, costs, or additional amounts~~  
23 ~~imposed are subject to disbursement by the circuit clerk under~~

1 ~~Section 27.5 of the Clerks of Courts Act.~~ Moneys in this Fund  
2 shall be expended as follows:

3 (1) a portion of the total amount deposited in the Fund  
4 may be used, as appropriated by the General Assembly, for  
5 the ordinary and contingent expenses of the Illinois Law  
6 Enforcement Training Standards Board;

7 (2) a portion of the total amount deposited in the Fund  
8 shall be appropriated for the reimbursement of local  
9 governmental agencies participating in training programs  
10 certified by the Board, in an amount equaling 1/2 of the  
11 total sum paid by such agencies during the State's previous  
12 fiscal year for mandated training for probationary police  
13 officers or probationary county corrections officers and  
14 for optional advanced and specialized law enforcement or  
15 county corrections training; these reimbursements may  
16 include the costs for tuition at training schools, the  
17 salaries of trainees while in schools, and the necessary  
18 travel and room and board expenses for each trainee; if the  
19 appropriations under this paragraph (2) are not sufficient  
20 to fully reimburse the participating local governmental  
21 agencies, the available funds shall be apportioned among  
22 such agencies, with priority first given to repayment of  
23 the costs of mandatory training given to law enforcement  
24 officer or county corrections officer recruits, then to  
25 repayment of costs of advanced or specialized training for  
26 permanent police officers or permanent county corrections

1 officers;

2 (3) a portion of the total amount deposited in the Fund  
3 may be used to fund the Intergovernmental Law Enforcement  
4 Officer's In-Service Training Act, veto overridden October  
5 29, 1981, as now or hereafter amended, at a rate and method  
6 to be determined by the board;

7 (4) a portion of the Fund also may be used by the  
8 Illinois Department of State Police for expenses incurred  
9 in the training of employees from any State, county or  
10 municipal agency whose function includes enforcement of  
11 criminal or traffic law;

12 (5) a portion of the Fund may be used by the Board to  
13 fund grant-in-aid programs and services for the training of  
14 employees from any county or municipal agency whose  
15 functions include corrections or the enforcement of  
16 criminal or traffic law;

17 (6) for fiscal years 2013 through 2017 only, a portion  
18 of the Fund also may be used by the Department of State  
19 Police to finance any of its lawful purposes or functions;  
20 and

21 (7) a portion of the Fund may be used by the Board,  
22 subject to appropriation, to administer grants to local law  
23 enforcement agencies for the purpose of purchasing  
24 bulletproof vests under the Law Enforcement Officer  
25 Bulletproof Vest Act.

26 All payments from the Traffic and Criminal Conviction

1 Surcharge Fund shall be made each year from moneys appropriated  
2 for the purposes specified in this Section. No more than 50% of  
3 any appropriation under this Act shall be spent in any city  
4 having a population of more than 500,000. The State Comptroller  
5 and the State Treasurer shall from time to time, at the  
6 direction of the Governor, transfer from the Traffic and  
7 Criminal Conviction Surcharge Fund to the General Revenue Fund  
8 in the State Treasury such amounts as the Governor determines  
9 are in excess of the amounts required to meet the obligations  
10 of the Traffic and Criminal Conviction Surcharge Fund.

11 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14;  
12 98-743, eff. 1-1-15; 99-78, eff. 7-20-15; 99-523, eff.  
13 6-30-16.)

14 (50 ILCS 705/9.1 rep.)

15 Section 905-37. Illinois Police Training Act is amended by  
16 repealing Section 9.1.

17 Section 905-40. The Counties Code is amended by changing  
18 Sections 3-6023, 4-2004, 4-2005, and 4-2006 as follows:

19 (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

20 Sec. 3-6023. Attendance at courts. Each sheriff shall, in  
21 person or by deputy, county corrections officer, or court  
22 security officer, attend upon all courts held in his or her  
23 county when in session, and obey the lawful orders and



1 directions of the court, and shall maintain the security of the  
2 courthouse. Court services customarily performed by sheriffs  
3 shall be provided by the sheriff or his or her deputies, county  
4 corrections officers, or court security officers, rather than  
5 by employees of the court, unless there are no deputies, county  
6 corrections officers, or court security officers available to  
7 perform such services. The expenses of the sheriff in carrying  
8 out his or her duties under this Section, including the  
9 compensation of deputies, county corrections officers, or  
10 court security officers assigned to such services, shall be  
11 paid to the county from fees collected pursuant to court order  
12 for services of the sheriff and from any court services fees  
13 collected by the county under the Criminal and Traffic  
14 Assessment Act ~~pursuant to Section 5-1103, as now or hereafter~~  
15 ~~amended.~~

16 (Source: P.A. 89-685, eff. 6-1-97; 89-707, eff. 6-1-97.)

17 (55 ILCS 5/4-2004) (from Ch. 34, par. 4-2004)

18 Sec. 4-2004. Collection and disposition of fines and  
19 forfeitures. It shall be the duty of State's attorneys to  
20 attend to the collection of all fines and forfeitures in  
21 criminal cases, and they shall, without delay, pay over all  
22 fines and forfeitures collected by them to the county treasurer  
23 to be deposited into the general corporate fund of the county,  
24 except as otherwise specifically provided by law ~~and except for~~  
25 ~~such portion as is required by Section 9.1 of "The Illinois~~

1 ~~Police Training Act" and Section 5-9-1 of the "Unified Code of~~  
2 ~~Corrections" to be paid into The Traffic and Criminal~~  
3 ~~Conviction Surcharge Fund in the State Treasury, unless the~~  
4 ~~finances and forfeitures are subject to disbursement by the~~  
5 ~~circuit clerk under Section 27.5 of the Clerks of Courts Act.~~

6 (Source: P.A. 86-962; 87-670.)

7 (55 ILCS 5/4-2005) (from Ch. 34, par. 4-2005)

8 Sec. 4-2005. Payment of salaries; disposition of fees. The  
9 salaries of the State's attorneys, excepting that part which is  
10 to be paid out of the State treasury as now provided for by  
11 law, and the salaries of all Assistant State's attorneys shall  
12 be paid out of the general corporate fund of the county  
13 treasury of the county in which the State's attorney resides,  
14 on the order of the county board by the treasurer of the  
15 county: The fees which are now, or may hereafter, be provided  
16 by law to be paid by the defendant or defendants, as State's  
17 attorney's fees, shall be taxed as costs and all fees, fines,  
18 forfeitures and penalties shall be collected by the State's  
19 attorney, except as otherwise specifically provided by law ~~for~~  
20 ~~those amounts required by Section 9.1 of the "Illinois Police~~  
21 ~~Training Act" and Section 5-9-1 of the "Unified Code of~~  
22 ~~Corrections" to be paid into The Traffic and Criminal~~  
23 ~~Conviction Surcharge Fund and those amounts subject to~~  
24 ~~disbursement by the circuit clerk under Section 27.5 of the~~  
25 ~~Clerks of Courts Act, and shall be paid by him directly into~~

1 the county treasury to be deposited into the general corporate  
2 fund of the county. The county treasurer shall receipt  
3 therefor.

4 (Source: P.A. 86-962; 87-670.)

5 (55 ILCS 5/4-2006) (from Ch. 34, par. 4-2006)

6 Sec. 4-2006. Report of fees.

7 (a) It is hereby made the duty of all State's attorneys to  
8 report to the circuit court at such times as the court shall  
9 determine by rule, the payment and collection of all fees,  
10 fines, forfeitures and penalties and to satisfy the court by  
11 voucher or otherwise, that all fees, fines, forfeitures and  
12 penalties by them collected, except as otherwise specifically  
13 provided by law ~~for those amounts required by Section 9.1 of~~  
14 ~~the Illinois Police Training Act and Section 5-9-1 of the~~  
15 ~~Unified Code of Corrections to be paid into the Traffic and~~  
16 ~~Criminal Conviction Surcharge Fund,~~ have been duly paid over to  
17 the county treasurer, as required by Section 4-2005, and the  
18 State's attorney shall have no further interest in conviction  
19 fees, fines, forfeitures and penalties or moneys collected by  
20 virtue of such office. The court shall note the filing of the  
21 report and fix a day certain not less than 30 days thereafter,  
22 when objections in writing may be filed to such report by any  
23 one or more taxpayers of the county, and when objections are  
24 filed to such report a hearing may be had upon such report and  
25 objections at such time and in such manner as the court may

1 direct and after such hearing the court may approve or  
2 disapprove of such report as justice may require, and make all  
3 proper orders in reference thereto, and if no objections have  
4 been filed, the court shall inspect such report and require the  
5 State's attorney to produce evidence in proof of his having  
6 paid over as required by law all fines and forfeitures  
7 collected by him; and if it appears to the court that any  
8 State's attorney has failed or refused to turn over the fines  
9 and forfeitures collected by him as required by law the court  
10 shall at once suspend him and appoint a State's attorney pro  
11 tempore to perform the duties of the office until such State's  
12 attorney shall have complied with the provisions of this  
13 Division or the orders of the court in regard thereto. The  
14 court, for the purpose of carrying out the provisions of this  
15 Section shall have the power to examine books and papers and to  
16 issue subpoenas to compel the appearance of persons and the  
17 production of books and records: Provided, however, no order  
18 entered under this Section shall be a bar to any proper  
19 proceedings against such State's attorney and his bondsman to  
20 require him to account for moneys collected and not paid over  
21 by him as required by law.

22 (b) Waiver of report of fees. The filing of the report of  
23 fees as provided by subsection (a) of this Section may be  
24 waived by written administrative order of the chief judge of  
25 the circuit upon written request and affidavit of the State's  
26 attorney of a county within the circuit that all fines, fees,

1 forfeitures, and restitution are collected by the clerk of the  
2 circuit court and that none of those funds pass through the  
3 office of the State's attorney.

4 (Source: P.A. 86-962; 87-1201.)

5 55 ILCS 5/3-4012 rep.

6 55 ILCS 5/4-2002 rep.

7 55 ILCS 5/4-2002.1 rep.

8 55 ILCS 5/5-1101 rep.

9 55 ILCS 5/5-1101.5 rep.

10 55 ILCS 5/5-1103 rep.

11 Section 905-43. The Counties Code is amended by repealing  
12 Sections 3-4012, 4-2002, 4-2002.1, 5-1101, 5-1101.5, and  
13 5-1103.

14 Section 905-45. The Illinois Vehicle Code is amended by  
15 changing Sections 2-120, 6-118, 11-501.01, 11-605, 11-605.1,  
16 11-605.3, 11-1002.5, 15-113, and 16-105 as follows:

17 (625 ILCS 5/2-120) (from Ch. 95 1/2, par. 2-120)

18 Sec. 2-120. Disposition of fines and forfeitures.

19 (a) Fines ~~Except as provided in subsection (f) of Section~~  
20 ~~11-605 and subsection (c) of Section 11-1002.5 of this Code,~~  
21 ~~fines~~ and penalties recovered under the provisions of this Act  
22 administered by the Secretary of State, except those fines,  
23 assessments, and penalties subject to disbursement by the

1 circuit clerk under the Criminal and Traffic Assessment Act  
2 ~~Section 27.5 of the Clerks of Courts Act~~, shall be paid over  
3 and used as follows:

4 1. For violations of this Act committed within the  
5 limits of an incorporated city or village, to the treasurer  
6 of the particular city or village, if arrested by the  
7 authorities of the city or village and reasonably  
8 prosecuted for all fines and penalties under this Act by  
9 the police officers and officials of the city or village.

10 2. For violations of this Act committed outside the  
11 limits of an incorporated city or village to the county  
12 treasurer of the court where the offense was committed.

13 3. For the purposes of this Act an offense for  
14 violation of any provision of this Act not committed upon  
15 the highway shall be deemed to be committed where the  
16 violator resides or where he has a place of business  
17 requiring some registration, permit or license to operate  
18 such business under this Act.

19 (b) Failure, refusal or neglect on the part of any judicial  
20 or other officer or employee receiving or having custody of any  
21 such fine or forfeiture either before or after a deposit with  
22 the proper official as defined in paragraph (a) of this  
23 Section, shall constitute misconduct in office and shall be  
24 grounds for removal therefrom.

25 (Source: P.A. 95-302, eff. 1-1-08.)

1 (625 ILCS 5/6-118)

2 Sec. 6-118. Fees.

3 (a) The fee for licenses and permits under this Article is  
4 as follows:

5 Original driver's license ..... \$30

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds ..... 5

8 All driver's licenses for persons

9 age 69 through age 80 ..... 5

10 All driver's licenses for persons

11 age 81 through age 86 ..... 2

12 All driver's licenses for persons

13 age 87 or older ..... 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) ..... 30

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license ..... 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal ..... 5

26 Any instruction permit issued to a person

1           age 69 and older ..... 5

2           Instruction permit issued to any person,

3           under age 69, not currently holding a

4           valid Illinois driver's license or

5           instruction permit but who has

6           previously been issued either document

7           in Illinois ..... 10

8           Restricted driving permit ..... 8

9           Monitoring device driving permit ..... 8

10          Duplicate or corrected driver's license

11          or permit ..... 5

12          Duplicate or corrected restricted

13          driving permit ..... 5

14          Duplicate or corrected monitoring

15          device driving permit ..... 5

16          Duplicate driver's license or permit issued to

17          an active-duty member of the

18          United States Armed Forces,

19          the member's spouse, or

20          the dependent children living

21          with the member ..... 0

22          Original or renewal M or L endorsement..... 5

23          SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

24                 The fees for commercial driver licenses and permits

25                 under Article V shall be as follows:

26                 Commercial driver's license:



1           \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund  
2           (Commercial Driver's License Information  
3           System/American Association of Motor Vehicle  
4           Administrators network/National Motor Vehicle  
5           Title Information Service Trust Fund);  
6           \$20 for the Motor Carrier Safety Inspection Fund;  
7           \$10 for the driver's license;  
8           and \$24 for the CDL: ..... \$60

9           Renewal commercial driver's license:

10           \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
11           \$20 for the Motor Carrier Safety Inspection Fund;  
12           \$10 for the driver's license; and  
13           \$24 for the CDL: ..... \$60

14           Commercial learner's permit

15           issued to any person holding a valid  
16           Illinois driver's license for the  
17           purpose of changing to a  
18           CDL classification: \$6 for the  
19           CDLIS/AAMVAnet/NMVTIS Trust Fund;  
20           \$20 for the Motor Carrier  
21           Safety Inspection Fund; and  
22           \$24 for the CDL classification ..... \$50

23           Commercial learner's permit

24           issued to any person holding a valid  
25           Illinois CDL for the purpose of  
26           making a change in a classification,

1 endorsement or restriction ..... \$5

2 CDL duplicate or corrected license ..... \$5

3 In order to ensure the proper implementation of the Uniform  
4 Commercial Driver License Act, Article V of this Chapter, the  
5 Secretary of State is empowered to pro-rate the \$24 fee for the  
6 commercial driver's license proportionate to the expiration  
7 date of the applicant's Illinois driver's license.

8 The fee for any duplicate license or permit shall be waived  
9 for any person who presents the Secretary of State's office  
10 with a police report showing that his license or permit was  
11 stolen.

12 The fee for any duplicate license or permit shall be waived  
13 for any person age 60 or older whose driver's license or permit  
14 has been lost or stolen.

15 No additional fee shall be charged for a driver's license,  
16 or for a commercial driver's license, when issued to the holder  
17 of an instruction permit for the same classification or type of  
18 license who becomes eligible for such license.

19 (b) Any person whose license or privilege to operate a  
20 motor vehicle in this State has been suspended or revoked under  
21 Section 3-707, any provision of Chapter 6, Chapter 11, or  
22 Section 7-205, 7-303, or 7-702 of the Family Financial  
23 Responsibility Law of this Code, shall in addition to any other  
24 fees required by this Code, pay a reinstatement fee as follows:

25 Suspension under Section 3-707 ..... \$100

26 Suspension under Section 11-1431 ..... \$100

1	Summary suspension under Section 11-501.1 .....	\$250
2	Suspension under Section 11-501.9 .....	\$250
3	Summary revocation under Section 11-501.1 .....	\$500
4	Other suspension .....	\$70
5	Revocation .....	\$500

6 However, any person whose license or privilege to operate a  
7 motor vehicle in this State has been suspended or revoked for a  
8 second or subsequent time for a violation of Section 11-501,  
9 11-501.1, or 11-501.9 of this Code or a similar provision of a  
10 local ordinance or a similar out-of-state offense or Section  
11 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012  
12 and each suspension or revocation was for a violation of  
13 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar  
14 provision of a local ordinance or a similar out-of-state  
15 offense or Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 shall pay, in addition to any other fees  
17 required by this Code, a reinstatement fee as follows:

18	Summary suspension under Section 11-501.1 .....	\$500
19	Suspension under Section 11-501.9 .....	\$500
20	Summary revocation under Section 11-501.1 .....	\$500
21	Revocation .....	\$500

22 However, the Secretary shall collect only one fee equal to  
23 the highest amount due for any one sanction in satisfaction of  
24 all fees due for multiple sanctions for violation of Section  
25 11-501, 11-501.1, or 11-501.9 of this Code or a similar  
26 provision of a local ordinance or a similar out-of-state

1 offense or Section 9-3 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012.

3 (c) All fees collected under the provisions of this Chapter  
4 6 shall be disbursed under subsection (g) of Section 2-119 of  
5 this Code, except as follows:

6 1. The following amounts shall be paid into the Drivers  
7 Education Fund:

8 (A) \$16 of the \$20 fee for an original driver's  
9 instruction permit;

10 (B) \$5 of the \$30 fee for an original driver's  
11 license;

12 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
13 license;

14 (D) \$4 of the \$8 fee for a restricted driving  
15 permit; and

16 (E) \$4 of the \$8 fee for a monitoring device  
17 driving permit.

18 2. \$30 of the \$250 fee for reinstatement of a license  
19 summarily suspended under Section 11-501.1 or suspended  
20 under Section 11-501.9 shall be deposited into the Drunk  
21 and Drugged Driving Prevention Fund. However, for a person  
22 whose license or privilege to operate a motor vehicle in  
23 this State has been suspended or revoked for a second or  
24 subsequent time for a violation of Section 11-501,  
25 11-501.1, or 11-501.9 of this Code or Section 9-3 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of

1 the \$500 fee for reinstatement of a license summarily  
2 suspended under Section 11-501.1 or suspended under  
3 Section 11-501.9, and \$190 of the \$500 fee for  
4 reinstatement of a revoked license shall be deposited into  
5 the Drunk and Drugged Driving Prevention Fund. \$190 of the  
6 \$500 fee for reinstatement of a license summarily revoked  
7 pursuant to Section 11-501.1 shall be deposited into the  
8 Drunk and Drugged Driving Prevention Fund.

9 3. \$6 of the original or renewal fee for a commercial  
10 driver's license and \$6 of the commercial learner's permit  
11 fee when the permit is issued to any person holding a valid  
12 Illinois driver's license, shall be paid into the  
13 CDLIS/AAMVAnet/NMVTIS Trust Fund.

14 4. \$30 of the \$70 fee for reinstatement of a license  
15 suspended under the Family Financial Responsibility Law  
16 shall be paid into the Family Responsibility Fund.

17 5. The \$5 fee for each original or renewal M or L  
18 endorsement shall be deposited into the Cycle Rider Safety  
19 Training Fund.

20 6. \$20 of any original or renewal fee for a commercial  
21 driver's license or commercial learner's permit shall be  
22 paid into the Motor Carrier Safety Inspection Fund.

23 7. The following amounts shall be paid into the General  
24 Revenue Fund:

25 (A) \$190 of the \$250 reinstatement fee for a  
26 summary suspension under Section 11-501.1 or a

1 suspension under Section 11-501.9;

2 (B) \$40 of the \$70 reinstatement fee for any other  
3 suspension provided in subsection (b) of this Section;  
4 and

5 (C) \$440 of the \$500 reinstatement fee for a first  
6 offense revocation and \$310 of the \$500 reinstatement  
7 fee for a second or subsequent revocation.

8 8. Fees collected under paragraph (4) of subsection (d)  
9 and subsection (h) of Section 6-205 of this Code;  
10 subparagraph (C) of paragraph 3 of subsection (c) of  
11 Section 6-206 of this Code; and paragraph (4) of subsection  
12 (a) of Section 6-206.1 of this Code, shall be paid into the  
13 funds set forth in those Sections.

14 (d) All of the proceeds of the additional fees imposed by  
15 this amendatory Act of the 96th General Assembly shall be  
16 deposited into the Capital Projects Fund.

17 (e) The additional fees imposed by this amendatory Act of  
18 the 96th General Assembly shall become effective 90 days after  
19 becoming law.

20 (f) As used in this Section, "active-duty member of the  
21 United States Armed Forces" means a member of the Armed  
22 Services or Reserve Forces of the United States or a member of  
23 the Illinois National Guard who is called to active duty  
24 pursuant to an executive order of the President of the United  
25 States, an act of the Congress of the United States, or an  
26 order of the Governor.

1 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section  
2 10 of P.A. 99-414 for the effective date of changes made by  
3 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
4 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.  
5 1-1-16; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17.)

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final  
9 sentencing or an order for supervision, for an offense based  
10 upon an arrest for a violation of Section 11-501 or a similar  
11 provision of a local ordinance, individuals shall be required  
12 to undergo a professional evaluation to determine if an  
13 alcohol, drug, or intoxicating compound abuse problem exists  
14 and the extent of the problem, and undergo the imposition of  
15 treatment as appropriate. Programs conducting these  
16 evaluations shall be licensed by the Department of Human  
17 Services. The cost of any professional evaluation shall be paid  
18 for by the individual required to undergo the professional  
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 may be required by the Court to attend a victim impact panel  
24 offered by, or under contract with, a county State's Attorney's  
25 office, a probation and court services department, Mothers

1 Against Drunk Driving, or the Alliance Against Intoxicated  
2 Motorists. All costs generated by the victim impact panel shall  
3 be paid from fees collected from the offender or as may be  
4 determined by the court.

5 (c) (Blank). ~~Every person found guilty of violating Section~~  
6 ~~11-501, whose operation of a motor vehicle while in violation~~  
7 ~~of that Section proximately caused any incident resulting in an~~  
8 ~~appropriate emergency response, shall be liable for the expense~~  
9 ~~of an emergency response as provided in subsection (i) of this~~  
10 ~~Section.~~

11 (d) The Secretary of State shall revoke the driving  
12 privileges of any person convicted under Section 11-501 or a  
13 similar provision of a local ordinance.

14 (e) The Secretary of State shall require the use of  
15 ignition interlock devices for a period not less than 5 years  
16 on all vehicles owned by a person who has been convicted of a  
17 second or subsequent offense of Section 11-501 or a similar  
18 provision of a local ordinance. The person must pay to the  
19 Secretary of State DUI Administration Fund an amount not to  
20 exceed \$30 for each month that he or she uses the device. The  
21 Secretary shall establish by rule and regulation the procedures  
22 for certification and use of the interlock system, the amount  
23 of the fee, and the procedures, terms, and conditions relating  
24 to these fees. During the time period in which a person is  
25 required to install an ignition interlock device under this  
26 subsection (e), that person shall only operate vehicles in



1 which ignition interlock devices have been installed, except as  
2 allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of  
3 this Code.

4 (f) (Blank). ~~In addition to any other penalties and~~  
5 ~~liabilities, a person who is found guilty of or pleads guilty~~  
6 ~~to violating Section 11-501, including any person placed on~~  
7 ~~court supervision for violating Section 11-501, shall be~~  
8 ~~assessed \$750, payable to the circuit clerk, who shall~~  
9 ~~distribute the money as follows: \$350 to the law enforcement~~  
10 ~~agency that made the arrest, and \$400 shall be forwarded to the~~  
11 ~~State Treasurer for deposit into the General Revenue Fund. If~~  
12 ~~the person has been previously convicted of violating Section~~  
13 ~~11-501 or a similar provision of a local ordinance, the fine~~  
14 ~~shall be \$1,000, and the circuit clerk shall distribute \$200 to~~  
15 ~~the law enforcement agency that made the arrest and \$800 to the~~  
16 ~~State Treasurer for deposit into the General Revenue Fund. In~~  
17 ~~the event that more than one agency is responsible for the~~  
18 ~~arrest, the amount payable to law enforcement agencies shall be~~  
19 ~~shared equally. Any moneys received by a law enforcement agency~~  
20 ~~under this subsection (f) shall be used for enforcement and~~  
21 ~~prevention of driving while under the influence of alcohol,~~  
22 ~~other drug or drugs, intoxicating compound or compounds or any~~  
23 ~~combination thereof, as defined by Section 11-501 of this Code,~~  
24 ~~including but not limited to the purchase of law enforcement~~  
25 ~~equipment and commodities that will assist in the prevention of~~  
26 ~~alcohol related criminal violence throughout the State; police~~

1 ~~officer training and education in areas related to alcohol~~  
2 ~~related crime, including but not limited to DUI training; and~~  
3 ~~police officer salaries, including but not limited to salaries~~  
4 ~~for hire back funding for safety checkpoints, saturation~~  
5 ~~patrols, and liquor store sting operations. Any moneys received~~  
6 ~~by the Department of State Police under this subsection (f)~~  
7 ~~shall be deposited into the State Police DUI Fund and shall be~~  
8 ~~used to purchase law enforcement equipment that will assist in~~  
9 ~~the prevention of alcohol related criminal violence throughout~~  
10 ~~the State.~~

11 (g) The Secretary of State Police DUI Fund is created as a  
12 special fund in the State treasury. ~~All moneys received by the~~  
13 ~~Secretary of State Police under subsection (f) of this Section~~  
14 ~~shall be deposited into the Secretary of State Police DUI Fund~~  
15 and, subject to appropriation, shall be used for enforcement  
16 and prevention of driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof, as defined by Section 11-501 of this Code,  
19 including but not limited to the purchase of law enforcement  
20 equipment and commodities to assist in the prevention of  
21 alcohol related criminal violence throughout the State; police  
22 officer training and education in areas related to alcohol  
23 related crime, including but not limited to DUI training; and  
24 police officer salaries, including but not limited to salaries  
25 for hire back funding for safety checkpoints, saturation  
26 patrols, and liquor store sting operations.

1 (h) Whenever an individual is sentenced for an offense  
2 based upon an arrest for a violation of Section 11-501 or a  
3 similar provision of a local ordinance, and the professional  
4 evaluation recommends remedial or rehabilitative treatment or  
5 education, neither the treatment nor the education shall be the  
6 sole disposition and either or both may be imposed only in  
7 conjunction with another disposition. The court shall monitor  
8 compliance with any remedial education or treatment  
9 recommendations contained in the professional evaluation.  
10 Programs conducting alcohol or other drug evaluation or  
11 remedial education must be licensed by the Department of Human  
12 Services. If the individual is not a resident of Illinois,  
13 however, the court may accept an alcohol or other drug  
14 evaluation or remedial education program in the individual's  
15 state of residence. Programs providing treatment must be  
16 licensed under existing applicable alcoholism and drug  
17 treatment licensure standards.

18 (i) (Blank). ~~In addition to any other fine or penalty~~  
19 ~~required by law, an individual convicted of a violation of~~  
20 ~~Section 11-501, Section 5-7 of the Snowmobile Registration and~~  
21 ~~Safety Act, Section 5-16 of the Boat Registration and Safety~~  
22 ~~Act, or a similar provision, whose operation of a motor~~  
23 ~~vehicle, snowmobile, or watercraft while in violation of~~  
24 ~~Section 11-501, Section 5-7 of the Snowmobile Registration and~~  
25 ~~Safety Act, Section 5-16 of the Boat Registration and Safety~~  
26 ~~Act, or a similar provision proximately caused an incident~~

1 ~~resulting in an appropriate emergency response, shall be~~  
2 ~~required to make restitution to a public agency for the costs~~  
3 ~~of that emergency response. The restitution may not exceed~~  
4 ~~\$1,000 per public agency for each emergency response. As used~~  
5 ~~in this subsection (i), "emergency response" means any incident~~  
6 ~~requiring a response by a police officer, a firefighter carried~~  
7 ~~on the rolls of a regularly constituted fire department, or an~~  
8 ~~ambulance. With respect to funds designated for the Department~~  
9 ~~of State Police, the moneys shall be remitted by the circuit~~  
10 ~~court clerk to the State Police within one month after receipt~~  
11 ~~for deposit into the State Police DUI Fund. With respect to~~  
12 ~~funds designated for the Department of Natural Resources, the~~  
13 ~~Department of Natural Resources shall deposit the moneys into~~  
14 ~~the Conservation Police Operations Assistance Fund.~~

15 (j) A person that is subject to a chemical test or tests of  
16 blood under subsection (a) of Section 11-501.1 or subdivision  
17 (c)(2) of Section 11-501.2 of this Code, whether or not that  
18 person consents to testing, shall be liable for the expense up  
19 to \$500 for blood withdrawal by a physician authorized to  
20 practice medicine, a licensed physician assistant, a licensed  
21 advanced practice registered nurse, a registered nurse, a  
22 trained phlebotomist, a licensed paramedic, or a qualified  
23 person other than a police officer approved by the Department  
24 of State Police to withdraw blood, who responds, whether at a  
25 law enforcement facility or a health care facility, to a police  
26 department request for the drawing of blood based upon refusal

1 of the person to submit to a lawfully requested breath test or  
2 probable cause exists to believe the test would disclose the  
3 ingestion, consumption, or use of drugs or intoxicating  
4 compounds if:

5 (1) the person is found guilty of violating Section  
6 11-501 of this Code or a similar provision of a local  
7 ordinance; or

8 (2) the person pleads guilty to or stipulates to facts  
9 supporting a violation of Section 11-503 of this Code or a  
10 similar provision of a local ordinance when the plea or  
11 stipulation was the result of a plea agreement in which the  
12 person was originally charged with violating Section  
13 11-501 of this Code or a similar local ordinance.

14 (Source: P.A. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642,  
15 eff. 7-28-16; 100-513, eff. 1-1-18.)

16 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

17 Sec. 11-605. Special speed limit while passing schools.

18 (a) For the purpose of this Section, "school" means the  
19 following entities:

20 (1) A public or private primary or secondary school.

21 (2) A primary or secondary school operated by a  
22 religious institution.

23 (3) A public, private, or religious nursery school.

24 On a school day when school children are present and so  
25 close thereto that a potential hazard exists because of the

1 close proximity of the motorized traffic, no person shall drive  
2 a motor vehicle at a speed in excess of 20 miles per hour while  
3 passing a school zone or while traveling on a roadway on public  
4 school property or upon any public thoroughfare where children  
5 pass going to and from school.

6 For the purpose of this Section a school day shall begin at  
7 seven ante meridian and shall conclude at four post meridian.

8 This Section shall not be applicable unless appropriate  
9 signs are posted upon streets and highways under their  
10 respective jurisdiction and maintained by the Department,  
11 township, county, park district, city, village or incorporated  
12 town wherein the school zone is located. With regard to the  
13 special speed limit while passing schools, such signs shall  
14 give proper due warning that a school zone is being approached  
15 and shall indicate the school zone and the maximum speed limit  
16 in effect during school days when school children are present.

17 (b) (Blank).

18 (c) Nothing in this Chapter shall prohibit the use of  
19 electronic speed-detecting devices within 500 feet of signs  
20 within a special school speed zone indicating such zone, as  
21 defined in this Section, nor shall evidence obtained thereby be  
22 inadmissible in any prosecution for speeding provided the use  
23 of such device shall apply only to the enforcement of the speed  
24 limit in such special school speed zone.

25 (d) (Blank).

26 (e) Except as provided in subsection (e-5), a person who

1 violates this Section is guilty of a petty offense. Violations  
2 of this Section are punishable with a minimum fine of \$150 for  
3 the first violation and a minimum fine of \$300 for the second  
4 or subsequent violation.

5 (e-5) A person committing a violation of this Section is  
6 guilty of aggravated special speed limit while passing schools  
7 when he or she drives a motor vehicle at a speed that is:

8 (1) 26 miles per hour or more but less than 35 miles  
9 per hour in excess of the applicable special speed limit  
10 established under this Section or a similar provision of a  
11 local ordinance and is guilty of a Class B misdemeanor; or

12 (2) 35 miles per hour or more in excess of the  
13 applicable special speed limit established under this  
14 Section or a similar provision of a local ordinance and is  
15 guilty of a Class A misdemeanor.

16 (f) (Blank). ~~When a fine for a violation of subsection (a)~~  
17 ~~is \$150 or greater, the person who violates subsection (a)~~  
18 ~~shall be charged an additional \$50 to be paid to the unit~~  
19 ~~school district where the violation occurred for school safety~~  
20 ~~purposes. If the violation occurred in a dual school district,~~  
21 ~~\$25 of the surcharge shall be paid to the elementary school~~  
22 ~~district for school safety purposes and \$25 of the surcharge~~  
23 ~~shall be paid to the high school district for school safety~~  
24 ~~purposes. Notwithstanding any other provision of law, the~~  
25 ~~entire \$50 surcharge shall be paid to the appropriate school~~  
26 ~~district or districts.~~

1       ~~For purposes of this subsection (f), "school safety~~  
2 ~~purposes" includes the costs associated with school zone safety~~  
3 ~~education, the Safe Routes to School Program under Section~~  
4 ~~2705-317 of the Department of Transportation Law of the Civil~~  
5 ~~Administrative Code of Illinois, safety programs within the~~  
6 ~~School Safety and Educational Improvement Block Grant Program~~  
7 ~~under Section 2-3.51.5 of the School Code, and the purchase,~~  
8 ~~installation, and maintenance of caution lights which are~~  
9 ~~mounted on school speed zone signs.~~

10       (g) (Blank).

11       (h) (Blank).

12       (Source: P.A. 99-212, eff. 1-1-16.)

13       (625 ILCS 5/11-605.1)

14       Sec. 11-605.1. Special limit while traveling through a  
15 highway construction or maintenance speed zone.

16       (a) A person may not operate a motor vehicle in a  
17 construction or maintenance speed zone at a speed in excess of  
18 the posted speed limit when workers are present.

19       (a-5) A person may not operate a motor vehicle in a  
20 construction or maintenance speed zone at a speed in excess of  
21 the posted speed limit when workers are not present.

22       (b) Nothing in this Chapter prohibits the use of electronic  
23 speed-detecting devices within 500 feet of signs within a  
24 construction or maintenance speed zone indicating the zone, as  
25 defined in this Section, nor shall evidence obtained by use of



1 those devices be inadmissible in any prosecution for speeding,  
2 provided the use of the device shall apply only to the  
3 enforcement of the speed limit in the construction or  
4 maintenance speed zone.

5 (c) As used in this Section, a "construction or maintenance  
6 speed zone" is an area in which the Department, Toll Highway  
7 Authority, or local agency has posted signage advising drivers  
8 that a construction or maintenance speed zone is being  
9 approached, or in which the Department, Authority, or local  
10 agency has posted a lower speed limit with a highway  
11 construction or maintenance speed zone special speed limit sign  
12 after determining that the preexisting established speed limit  
13 through a highway construction or maintenance project is  
14 greater than is reasonable or safe with respect to the  
15 conditions expected to exist in the construction or maintenance  
16 speed zone.

17 If it is determined that the preexisting established speed  
18 limit is safe with respect to the conditions expected to exist  
19 in the construction or maintenance speed zone, additional speed  
20 limit signs which conform to the requirements of this  
21 subsection (c) shall be posted.

22 Highway construction or maintenance speed zone special  
23 speed limit signs shall be of a design approved by the  
24 Department. The signs must give proper due warning that a  
25 construction or maintenance speed zone is being approached and  
26 must indicate the maximum speed limit in effect. The signs also

1 must state the amount of the minimum fine for a violation.

2 (d) Except as provided under subsection (d-5), a person who  
3 violates this Section is guilty of a petty offense. Violations  
4 of this Section are punishable with a minimum fine of \$250 for  
5 the first violation and a minimum fine of \$750 for the second  
6 or subsequent violation.

7 (d-5) A person committing a violation of this Section is  
8 guilty of aggravated special speed limit while traveling  
9 through a highway construction or maintenance speed zone when  
10 he or she drives a motor vehicle at a speed that is:

11 (1) 26 miles per hour or more but less than 35 miles  
12 per hour in excess of the applicable special speed limit  
13 established under this Section or a similar provision of a  
14 local ordinance and is guilty of a Class B misdemeanor; or

15 (2) 35 miles per hour or more in excess of the  
16 applicable special speed limit established under this  
17 Section or a similar provision of a local ordinance and is  
18 guilty of a Class A misdemeanor.

19 (e) (Blank). ~~If a fine for a violation of this Section is~~  
20 ~~\$250 or greater, the person who violated this Section shall be~~  
21 ~~charged an additional \$125, which shall be deposited into the~~  
22 ~~Transportation Safety Highway Hire back Fund in the State~~  
23 ~~treasury, unless (i) the violation occurred on a highway other~~  
24 ~~than an interstate highway and (ii) a county police officer~~  
25 ~~wrote the ticket for the violation, in which case the \$125~~  
26 ~~shall be deposited into that county's Transportation Safety~~

1 ~~Highway Hire-back Fund. In the case of a second or subsequent~~  
2 ~~violation of this Section, if the fine is \$750 or greater, the~~  
3 ~~person who violated this Section shall be charged an additional~~  
4 ~~\$250, which shall be deposited into the Transportation Safety~~  
5 ~~Highway Hire-back Fund in the State treasury, unless (i) the~~  
6 ~~violation occurred on a highway other than an interstate~~  
7 ~~highway and (ii) a county police officer wrote the ticket for~~  
8 ~~the violation, in which case the \$250 shall be deposited into~~  
9 ~~that county's Transportation Safety Highway Hire-back Fund.~~

10 (e-5) The Department of State Police and the local county  
11 police department have concurrent jurisdiction over any  
12 violation of this Section that occurs on an interstate highway.

13 (f) The Transportation Safety Highway Hire-back Fund,  
14 which was created by Public Act 92-619, shall continue to be a  
15 special fund in the State treasury. Subject to appropriation by  
16 the General Assembly and approval by the Secretary, the  
17 Secretary of Transportation shall use all moneys in the  
18 Transportation Safety Highway Hire-back Fund to hire off-duty  
19 Department of State Police officers to monitor construction or  
20 maintenance zones.

21 (f-5) Each county shall create a Transportation Safety  
22 Highway Hire-back Fund. The county shall use the moneys in its  
23 Transportation Safety Highway Hire-back Fund to hire off-duty  
24 county police officers to monitor construction or maintenance  
25 zones in that county on highways other than interstate  
26 highways. The county, in its discretion, may also use a portion

1 of the moneys in its Transportation Safety Highway Hire-back  
2 Fund to purchase equipment for county law enforcement and fund  
3 the production of materials to educate drivers on construction  
4 zone safe driving habits.

5 (g) For a second or subsequent violation of this Section  
6 within 2 years of the date of the previous violation, the  
7 Secretary of State shall suspend the driver's license of the  
8 violator for a period of 90 days. This suspension shall only be  
9 imposed if the current violation of this Section and at least  
10 one prior violation of this Section occurred during a period  
11 when workers were present in the construction or maintenance  
12 zone.

13 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,  
14 eff. 1-1-16; 99-642, eff. 7-28-16.)

15 (625 ILCS 5/11-605.3)

16 Sec. 11-605.3. Special traffic protections while passing  
17 parks and recreation facilities and areas.

18 (a) As used in this Section:

19 (1) "Park district" means the following entities:

20 (A) any park district organized under the Park  
21 District Code;

22 (B) any park district organized under the Chicago  
23 Park District Act; and

24 (C) any municipality, county, forest district,  
25 school district, township, or other unit of local

1 government that operates a public recreation  
2 department or public recreation facilities that has  
3 recreation facilities that are not on land owned by any  
4 park district listed in subparagraphs (A) and (B) of  
5 this subdivision (a) (1).

6 (2) "Park zone" means the recreation facilities and  
7 areas on any land owned or operated by a park district that  
8 are used for recreational purposes, including but not  
9 limited to: parks; playgrounds; swimming pools; hiking  
10 trails; bicycle paths; picnic areas; roads and streets; and  
11 parking lots.

12 (3) "Park zone street" means that portion of any street  
13 or intersection under the control of a local unit of  
14 government, adjacent to a park zone, where the local unit  
15 of government has, by ordinance or resolution, designated  
16 and approved the street or intersection as a park zone  
17 street. If, before the effective date of this amendatory  
18 Act of the 94th General Assembly, a street already had a  
19 posted speed limit lower than 20 miles per hour, then the  
20 lower limit may be used for that park zone street.

21 (4) "Safety purposes" means the costs associated with:  
22 park zone safety education; the purchase, installation,  
23 and maintenance of signs, roadway painting, and caution  
24 lights mounted on park zone signs; and any other expense  
25 associated with park zones and park zone streets.

26 (b) On any day when children are present and within 50 feet

1 of motorized traffic, a person may not drive a motor vehicle at  
2 a speed in excess of 20 miles per hour or any lower posted  
3 speed while traveling on a park zone street that has been  
4 designated for the posted reduced speed.

5 (c) On any day when children are present and within 50 feet  
6 of motorized traffic, any driver traveling on a park zone  
7 street who fails to come to a complete stop at a stop sign or  
8 red light, including a driver who fails to come to a complete  
9 stop at a red light before turning right onto a park zone  
10 street, is in violation of this Section.

11 (d) This Section does not apply unless appropriate signs  
12 are posted upon park zone streets maintained by the Department  
13 or by the unit of local government in which the park zone is  
14 located. With regard to the special speed limit on park zone  
15 streets, the signs must give proper due warning that a park  
16 zone is being approached and must indicate the maximum speed  
17 limit on the park zone street.

18 (e) A first violation of this Section is a petty offense  
19 with a minimum fine of \$250. A second or subsequent violation  
20 of this Section is a petty offense with a minimum fine of \$500.

21 (f) (Blank). ~~When a fine for a violation of this Section is~~  
22 ~~imposed, the person who violates this Section shall be charged~~  
23 ~~an additional \$50, to be paid to the park district for safety~~  
24 ~~purposes.~~

25 (g) The Department shall, within 6 months of the effective  
26 date of this amendatory Act of the 94th General Assembly,

1 design a set of standardized traffic signs for park zones and  
2 park zone streets, including but not limited to: "park zone",  
3 "park zone speed limit", and "warning: approaching a park  
4 zone". The design of these signs shall be made available to all  
5 units of local government or manufacturers at no charge, except  
6 for reproduction and postage.

7 (Source: P.A. 94-808, eff. 5-26-06.)

8 (625 ILCS 5/11-1002.5)

9 Sec. 11-1002.5. Pedestrians' right-of-way at crosswalks;  
10 school zones.

11 (a) For the purpose of this Section, "school" has the  
12 meaning ascribed to that term in Section 11-605.

13 On a school day when school children are present and so  
14 close thereto that a potential hazard exists because of the  
15 close proximity of the motorized traffic and when traffic  
16 control signals are not in place or not in operation, the  
17 driver of a vehicle shall stop and yield the right-of-way to a  
18 pedestrian crossing the roadway within a crosswalk when the  
19 pedestrian is upon the half of the roadway upon which the  
20 vehicle is traveling, or when the pedestrian is approaching so  
21 closely from the opposite half of the roadway as to be in  
22 danger.

23 For the purpose of this Section, a school day shall begin  
24 at seven ante meridian and shall conclude at four post  
25 meridian.

1 This Section shall not be applicable unless appropriate  
2 signs are posted in accordance with Section 11-605.

3 (b) A first violation of this Section is a petty offense  
4 with a minimum fine of \$150. A second or subsequent violation  
5 of this Section is a petty offense with a minimum fine of \$300.

6 (c) (Blank). ~~When a fine for a violation of subsection (a)~~  
7 ~~is \$150 or greater, the person who violates subsection (a)~~  
8 ~~shall be charged an additional \$50 to be paid to the unit~~  
9 ~~school district where the violation occurred for school safety~~  
10 ~~purposes. If the violation occurred in a dual school district,~~  
11 ~~\$25 of the surcharge shall be paid to the elementary school~~  
12 ~~district for school safety purposes and \$25 of the surcharge~~  
13 ~~shall be paid to the high school district for school safety~~  
14 ~~purposes. Notwithstanding any other provision of law, the~~  
15 ~~entire \$50 surcharge shall be paid to the appropriate school~~  
16 ~~district or districts.~~

17 ~~For purposes of this subsection (c), "school safety~~  
18 ~~purposes" has the meaning ascribed to that term in Section~~  
19 ~~11-605.~~

20 (Source: P.A. 95-302, eff. 1-1-08; 96-1165, eff. 7-22-10.)

21 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

22 Sec. 15-113. Violations; Penalties.

23 (a) Whenever any vehicle is operated in violation of the  
24 provisions of Section 15-111 or subsection (d) of Section  
25 3-401, the owner or driver of such vehicle shall be deemed



1 guilty of such violation and either the owner or the driver of  
2 such vehicle may be prosecuted for such violation. Any person  
3 charged with a violation of any of these provisions who pleads  
4 not guilty shall be present in court for the trial on the  
5 charge. Any person, firm or corporation convicted of any  
6 violation of Section 15-111 including, but not limited to, a  
7 maximum axle or gross limit specified on a regulatory sign  
8 posted in accordance with paragraph (e) or (f) of Section  
9 15-111, shall be fined according to the following schedule:

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

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

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

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

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

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

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

17 From 5001 or more pounds overweight, the fine shall be computed  
18 by assessing \$1500 for the first 5000 pounds overweight and

1 \$150 for each additional increment of 500 pounds overweight or  
2 fraction thereof.

3 In addition any person, firm or corporation convicted of 4  
4 or more violations of Section 15-111 within any 12 month period  
5 shall be fined an additional amount of \$5,000 for the fourth  
6 and each subsequent conviction within the 12 month period.  
7 Provided, however, that with regard to a firm or corporation, a  
8 fourth or subsequent conviction shall mean a fourth or  
9 subsequent conviction attributable to any one employee-driver.

10 (b) Whenever any vehicle is operated in violation of the  
11 provisions of Sections 15-102, 15-103 or 15-107, the owner or  
12 driver of such vehicle shall be deemed guilty of such violation  
13 and either may be prosecuted for such violation. Any person,  
14 firm or corporation convicted of any violation of Sections  
15 15-102, 15-103 or 15-107 shall be fined for the first or second  
16 conviction an amount equal to not less than \$50 nor more than  
17 \$500, and for the third and subsequent convictions by the same  
18 person, firm or corporation within a period of one year after  
19 the date of the first offense, not less than \$500 nor more than  
20 \$1,000.

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

25 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201,

1 eff. 1-1-12.)

2 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

3 Sec. 16-105. Disposition of fines and forfeitures.

4 (a) Except as provided in Section 15-113 ~~and Section~~  
5 ~~16-104a~~ of this Act ~~and except for those amounts required to be~~  
6 ~~paid into the Traffic and Criminal Conviction Surcharge Fund in~~  
7 ~~the State Treasury pursuant to Section 9.1 of the Illinois~~  
8 ~~Police Training Act and Section 5-9-1 of the Unified Code of~~  
9 ~~Corrections~~ and except those amounts subject to disbursement by  
10 the circuit clerk under the Criminal and Traffic Assessment Act  
11 ~~Section 27.5 of the Clerks of Courts Act~~, fines and penalties  
12 recovered under the provisions of Chapters 3 ~~4~~ through 17 and  
13 18b ~~16~~ inclusive of this Code shall be paid and used as  
14 follows:

15 1. For offenses committed upon a highway within the  
16 limits of a city, village, or incorporated town or under  
17 the jurisdiction of any park district, to the treasurer of  
18 the particular city, village, incorporated town or park  
19 district, if the violator was arrested by the authorities  
20 of the city, village, incorporated town or park district,  
21 provided the police officers and officials of cities,  
22 villages, incorporated towns and park districts shall  
23 seasonably prosecute for all fines and penalties under this  
24 Code. If the violation is prosecuted by the authorities of  
25 the county, any fines or penalties recovered shall be paid

1 to the county treasurer, except that fines and penalties  
2 recovered from violations arrested by the State Police  
3 shall be remitted to the State Police Operations Assistance  
4 Fund. Provided further that if the violator was arrested by  
5 the State Police, fines and penalties recovered under the  
6 provisions of paragraph (a) of Section 15-113 of this Code  
7 or paragraph (e) of Section 15-316 of this Code shall be  
8 paid over to the Department of State Police which shall  
9 thereupon remit the amount of the fines and penalties so  
10 received to the State Treasurer who shall deposit the  
11 amount so remitted in the special fund in the State  
12 treasury known as the Road Fund except that if the  
13 violation is prosecuted by the State's Attorney, 10% of the  
14 fine or penalty recovered shall be paid to the State's  
15 Attorney as a fee of his office and the balance shall be  
16 paid over to the Department of State Police for remittance  
17 to and deposit by the State Treasurer as hereinabove  
18 provided.

19 2. Except as provided in paragraph 4, for offenses  
20 committed upon any highway outside the limits of a city,  
21 village, incorporated town or park district, to the county  
22 treasurer of the county where the offense was committed  
23 except if such offense was committed on a highway  
24 maintained by or under the supervision of a township,  
25 township district, or a road district to the Treasurer  
26 thereof for deposit in the road and bridge fund of such

1 township or other district, except that fines and penalties  
2 recovered from violations arrested by the State Police  
3 shall be remitted to the State Police Operations Assistance  
4 Fund; provided;—Provided, that fines and penalties  
5 recovered under the provisions of paragraph (a) of Section  
6 15-113, paragraph (d) of Section 3-401, or paragraph (e) of  
7 Section 15-316 of this Code shall be paid over to the  
8 Department of State Police which shall thereupon remit the  
9 amount of the fines and penalties so received to the State  
10 Treasurer who shall deposit the amount so remitted in the  
11 special fund in the State treasury known as the Road Fund  
12 except that if the violation is prosecuted by the State's  
13 Attorney, 10% of the fine or penalty recovered shall be  
14 paid to the State's Attorney as a fee of his office and the  
15 balance shall be paid over to the Department of State  
16 Police for remittance to and deposit by the State Treasurer  
17 as hereinabove provided.

18 3. Notwithstanding subsections 1 and 2 of this  
19 paragraph, for violations of overweight and overload  
20 limits found in Sections 15-101 through 15-203 of this  
21 Code, which are committed upon the highways belonging to  
22 the Illinois State Toll Highway Authority, fines and  
23 penalties shall be paid over to the Illinois State Toll  
24 Highway Authority for deposit with the State Treasurer into  
25 that special fund known as the Illinois State Toll Highway  
26 Authority Fund, except that if the violation is prosecuted

1 by the State's Attorney, 10% of the fine or penalty  
2 recovered shall be paid to the State's Attorney as a fee of  
3 his office and the balance shall be paid over to the  
4 Illinois State Toll Highway Authority for remittance to and  
5 deposit by the State Treasurer as hereinabove provided.

6 4. With regard to violations of overweight and overload  
7 limits found in Sections 15-101 through 15-203 of this Code  
8 committed by operators of vehicles registered as Special  
9 Hauling Vehicles, for offenses committed upon a highway  
10 within the limits of a city, village, or incorporated town  
11 or under the jurisdiction of any park district, all fines  
12 and penalties shall be paid over or retained as required in  
13 paragraph 1. However, with regard to the above offenses  
14 committed by operators of vehicles registered as Special  
15 Hauling Vehicles upon any highway outside the limits of a  
16 city, village, incorporated town or park district, fines  
17 and penalties shall be paid over or retained by the entity  
18 having jurisdiction over the road or highway upon which the  
19 offense occurred, except that if the violation is  
20 prosecuted by the State's Attorney, 10% of the fine or  
21 penalty recovered shall be paid to the State's Attorney as  
22 a fee of his office.

23 (b) Failure, refusal or neglect on the part of any judicial  
24 or other officer or employee receiving or having custody of any  
25 such fine or forfeiture either before or after a deposit with  
26 the proper official as defined in paragraph (a) of this

1 Section, shall constitute misconduct in office and shall be  
2 grounds for removal therefrom.

3 (Source: P.A. 96-34, eff. 1-1-10.)

4 (625 ILCS 5/16-104a rep.)

5 (625 ILCS 5/16-104b rep.)

6 (625 ILCS 5/16-104c rep.)

7 (625 ILCS 5/16-104d rep.)

8 (625 ILCS 5/16-104d-1 rep.)

9 Section 905-47. The Illinois Vehicle Code is amended by  
10 repealing Sections 16-104a, 16-104b, 16-104c, 16-104d, and  
11 16-104d-1.

12 Section 905-50. The Access to Justice Act is amended by  
13 changing Section 15 as follows:

14 (705 ILCS 95/15)

15 Sec. 15. Access to Justice Fund.

16 (a) The Access to Justice Fund is created as a special fund  
17 in the State treasury. ~~The Fund shall consist of fees collected~~  
18 ~~under Section 27.3g of the Clerks of Courts Act.~~ Moneys in the  
19 Access to Justice Fund shall be appropriated to the Attorney  
20 General for disbursements to the Foundation. The Foundation  
21 shall use the moneys to make grants and distributions for the  
22 administration of the pilot programs created under this Act.  
23 Grants or distributions made under this Act to the Foundation

1 are subject to the requirements of the Illinois Grant Funds  
2 Recovery Act.

3 (b) In accordance with the requirements of the Illinois  
4 Equal Justice Act, the Foundation may make grants, enter into  
5 contracts, and take other actions recommended by the Council to  
6 effectuate the pilot programs and comply with the other  
7 requirements of this Act.

8 (c) The governing board of the Foundation must prepare and  
9 submit an annual report to the Governor, the President of the  
10 Senate, the Minority Leader of the Senate, the Speaker of the  
11 House of Representatives, the Minority Leader of the House of  
12 Representatives, and the Justices of the Illinois Supreme  
13 Court. The report must include: (i) a statement of the total  
14 receipts and a breakdown by source during each of the previous  
15 2 calendar years; (ii) a list of the names and addresses of the  
16 recipients that are currently receiving grants or  
17 distributions and that received grants or distributions in the  
18 previous year and the amounts committed to recipients for the  
19 current year and paid in the previous year; (iii) a breakdown  
20 of the amounts of grants or distributions paid during the  
21 previous year to recipients and the amounts committed to each  
22 recipient for the current year; (iv) a breakdown of the  
23 Foundation's costs in administering the Fund; (v) a statement  
24 of the Fund balance at the start and at the close of the  
25 previous year and the interest earned during the previous year;  
26 and (vi) any notices the Foundation issued denying applications



1 for grants or distributions under this Act. The report, in its  
2 entirety, is a public record, and the Foundation and the  
3 Governor shall make the report available for inspection upon  
4 request.

5 (d) The Foundation may annually retain a portion of the  
6 disbursements it receives under this Section to reimburse the  
7 Foundation for the actual cost of administering the Council and  
8 for making the grants and distributions pursuant to this Act  
9 during that year.

10 (e) No moneys distributed by the Foundation from the Access  
11 to Justice Fund may be directly or indirectly used for lobbying  
12 activities, as defined in Section 2 of the Lobbyist  
13 Registration Act or as defined in any ordinance or resolution  
14 of a municipality, county, or other unit of local government in  
15 Illinois.

16 (f) The Foundation may make, enter into, and execute  
17 contracts, agreements, leases, and other instruments with any  
18 person, including without limitation any federal, State, or  
19 local governmental agency, and may take other actions that may  
20 be necessary or convenient to accomplish any purpose authorized  
21 by this Act.

22 (g) The Foundation has the authority to receive and accept  
23 any and all grants, loans, subsidies, matching funds,  
24 reimbursements, federal grant moneys, fees for services, and  
25 other things of value from the federal or State government or  
26 any agency of any other state or from any institution, person,

1 firm, or corporation, public or private, to be used to carry  
2 out the purposes of this Act.

3 (Source: P.A. 98-351, eff. 8-15-13; 99-281, eff. 8-5-15.)

4 Section 905-55. The Clerks of Courts Act is amended by  
5 changing Sections 27.2b and 27.3 and by adding Section 27.1b as  
6 follows:

7 (705 ILCS 105/27.1b new)

8 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any  
9 other provision of law, all fees charged by the clerks of the  
10 circuit court for the services described in this Section shall  
11 be established, collected, and disbursed in accordance with  
12 this Section. All fees under this Section shall be paid in  
13 advance and disbursed by each clerk on a monthly basis. Unless  
14 otherwise specified in this Section, the amount of a fee shall  
15 be determined by ordinance or resolution of the county board  
16 and remitted to the county treasurer to be used for purposes  
17 related to the operation of the court system in the county. In  
18 a county with population of over 3,000,000, any amount retained  
19 by the clerk of the circuit court or remitted to the county  
20 treasurer shall be subject to appropriation by the county  
21 board.

22 (a) Civil cases. The fee for filing a complaint, petition,  
23 or other pleading initiating a civil action shall be as set  
24 forth in the applicable schedule under this subsection in

1 accordance with case categories established by the Supreme  
2 Court in schedules.

3 (1) SCHEDULE 1: not to exceed a total of \$358 in a  
4 county with a population of 3,000,000 or more and \$289 in  
5 any other county, except as applied to units of local  
6 government and school districts in counties with more than  
7 3,000,000 inhabitants an amount not to exceed \$190 through  
8 December 31, 2021 and \$184 on and after January 1, 2022.  
9 The fees collected under this schedule shall be disbursed  
10 as follows:

11 (A) The clerk shall retain a sum, in an amount not  
12 to exceed \$55 in a county with a population of  
13 3,000,000 or more and \$45 in any other county  
14 determined by the clerk with the approval of the  
15 Supreme Court, to be used for court automation, court  
16 document storage, and administrative purposes.

17 (B) The clerk shall remit up to \$21 to the State  
18 Treasurer. The State Treasurer shall deposit the  
19 appropriate amounts, in accordance with the clerk's  
20 instructions, as follows:

21 (i) up to \$10, as specified by the Supreme  
22 Court in accordance with Part 10A of Article II of  
23 the Code of Civil Procedure, into the Mandatory  
24 Arbitration Fund;

25 (ii) \$2 into the Access to Justice Fund; and

26 (iii) \$9 into the Supreme Court Special

1           Purposes Fund.

2           (C) The clerk shall remit a sum to the County  
3           Treasurer, in an amount not to exceed \$282 in a county  
4           with a population of 3,000,000 or more and \$223 in any  
5           other county, as specified by ordinance or resolution  
6           passed by the county board, for purposes related to the  
7           operation of the court system in the county.

8           (2) SCHEDULE 2: not to exceed a total of \$357 in a  
9           county with a population of 3,000,000 or more and \$189 in  
10           any other county, except as applied to units of local  
11           government and school districts in counties with more than  
12           3,000,000 inhabitants an amount not to exceed \$190 through  
13           December 31, 2021 and \$184 on and after January 1, 2022.  
14           The fees collected under this schedule shall be disbursed  
15           as follows:

16           (A) The clerk shall retain a sum, in an amount not  
17           to exceed \$55 in a county with a population of  
18           3,000,000 or more and \$45 in any other county  
19           determined by the clerk with the approval of the  
20           Supreme Court, to be used for court automation, court  
21           document storage, and administrative purposes.

22           (B) The clerk shall remit up to \$21 to the State  
23           Treasurer. The State Treasurer shall deposit the  
24           appropriate amounts, in accordance with the clerk's  
25           instructions, as follows:

26           (i) up to \$10, as specified by the Supreme

1 Court in accordance with Part 10A of Article II of  
2 the Code of Civil Procedure, into the Mandatory  
3 Arbitration Fund;

4 (ii) \$2 into the Access to Justice Fund: and

5 (iii) \$9 into the Supreme Court Special  
6 Purposes Fund.

7 (C) The clerk shall remit a sum to the County  
8 Treasurer, in an amount not to exceed \$281 in a county  
9 with a population of 3,000,000 or more and \$123 in any  
10 other county, as specified by ordinance or resolution  
11 passed by the county board, for purposes related to the  
12 operation of the court system in the county.

13 (3) SCHEDULE 3: not to exceed a total of \$265 in a  
14 county with a population of 3,000,000 or more and \$89 in  
15 any other county, except as applied to units of local  
16 government and school districts in counties with more than  
17 3,000,000 inhabitants an amount not to exceed \$190 through  
18 December 31, 2021 and \$184 on and after January 1, 2022.  
19 The fees collected under this schedule shall be disbursed  
20 as follows:

21 (A) The clerk shall retain a sum, in an amount not  
22 to exceed \$55 in a county with a population of  
23 3,000,000 or more and \$22 in any other county  
24 determined by the clerk with the approval of the  
25 Supreme Court, to be used for court automation, court  
26 document storage, and administrative purposes.

1           (B) The clerk shall remit \$11 to the State  
2           Treasurer. The State Treasurer shall deposit the  
3           appropriate amounts in accordance with the clerk's  
4           instructions, as follows:

5                   (i) \$2 into the Access to Justice Fund; and

6                   (ii) \$9 into the Supreme Court Special  
7           Purposes Fund.

8           (C) The clerk shall remit a sum to the County  
9           Treasurer, in an amount not to exceed \$199 in a county  
10           with a population of 3,000,000 or more and \$56 in any  
11           other county, as specified by ordinance or resolution  
12           passed by the county board, for purposes related to the  
13           operation of the court system in the county.

14           (4) SCHEDULE 4: \$0.

15           (b) Appearance. The fee for filing an appearance in a civil  
16           action, including a cannabis civil law action under the  
17           Cannabis Control Act, shall be as set forth in the applicable  
18           schedule under this subsection in accordance with case  
19           categories established by the Supreme Court in schedules.

20                   (1) SCHEDULE 1: not to exceed a total of \$230 in a  
21           county with a population of 3,000,000 or more and \$149 in  
22           any other county, except as applied to units of local  
23           government and school districts in counties with more than  
24           3,000,000 inhabitants an amount not to exceed \$75. The fees  
25           collected under this schedule shall be disbursed as  
26           follows:

1           (A) The clerk shall retain a sum, in an amount not  
2           to exceed \$50 in a county with a population of  
3           3,000,000 or more and \$28 in any other county  
4           determined by the clerk with the approval of the  
5           Supreme Court, to be used for court automation, court  
6           document storage, and administrative purposes.

7           (B) The clerk shall remit up to \$21 to the State  
8           Treasurer. The State Treasurer shall deposit the  
9           appropriate amounts, in accordance with the clerk's  
10          instructions, as follows:

11                   (i) up to \$10, as specified by the Supreme  
12                   Court in accordance with Part 10A of Article II of  
13                   the Code of Civil Procedure, into the Mandatory  
14                   Arbitration Fund;

15                   (ii) \$2 into the Access to Justice Fund; and

16                   (iii) \$9 into the Supreme Court Special  
17                   Purposes Fund.

18          (C) The clerk shall remit a sum to the County  
19          Treasurer, in an amount not to exceed \$159 in a county  
20          with a population of 3,000,000 or more and \$100 in any  
21          other county, as specified by ordinance or resolution  
22          passed by the county board, for purposes related to the  
23          operation of the court system in the county.

24          (2) SCHEDULE 2: not to exceed a total of \$130 in a  
25          county with a population of 3,000,000 or more and \$49 in  
26          any other county, except as applied to units of local

1 government and school districts in counties with more than  
2 3,000,000 inhabitants an amount not to exceed \$75. The fees  
3 collected under this schedule shall be disbursed as  
4 follows:

5 (A) The clerk shall retain a sum, in an amount not  
6 to exceed \$50 in a county with a population of  
7 3,000,000 or more and \$10 in any other county  
8 determined by the clerk with the approval of the  
9 Supreme Court, to be used for court automation, court  
10 document storage, and administrative purposes.

11 (B) The clerk shall remit \$9 to the State  
12 Treasurer, which the State Treasurer shall deposit  
13 into the Supreme Court Special Purpose Fund.

14 (C) The clerk shall remit a sum to the County  
15 Treasurer, in an amount not to exceed \$71 in a county  
16 with a population of 3,000,000 or more and \$30 in any  
17 other county, as specified by ordinance or resolution  
18 passed by the county board, for purposes related to the  
19 operation of the court system in the county.

20 (3) SCHEDULE 3: \$0.

21 (b-5) Kane County and Will County. In Kane County and Will  
22 County civil cases, there is an additional fee of up to \$30 as  
23 set by the county board under Section 5-1101.3 of the Counties  
24 Code to be paid by each party at the time of filing the first  
25 pleading, paper, or other appearance; provided that no  
26 additional fee shall be required if more than one party is



1 represented in a single pleading, paper, or other appearance.  
2 Distribution of fees collected under this subsection (b-5)  
3 shall be as provided in Section 5-1101.3 of the Counties Code.

4 (c) Counterclaim or third party complaint. When any  
5 defendant files a counterclaim or third party complaint, as  
6 part of the defendant's answer or otherwise, the defendant  
7 shall pay a filing fee for each counterclaim or third party  
8 complaint in an amount equal to the filing fee the defendant  
9 would have had to pay had the defendant brought a separate  
10 action for the relief sought in the counterclaim or third party  
11 complaint, less the amount of the appearance fee, if any, that  
12 the defendant has already paid in the action in which the  
13 counterclaim or third party complaint is filed.

14 (d) Alias summons. The clerk shall collect a fee not to  
15 exceed \$6 in a county with a population of 3,000,000 or more  
16 and \$5 in any other county for each alias summons or citation  
17 issued by the clerk, except as applied to units of local  
18 government and school districts in counties with more than  
19 3,000,000 inhabitants an amount not to exceed \$5 for each alias  
20 summons or citation issued by the clerk.

21 (e) Jury services. The clerk shall collect, in addition to  
22 other fees allowed by law, a sum not to exceed \$212.50, as a  
23 fee for the services of a jury in every civil action not  
24 quasi-criminal in its nature and not a proceeding for the  
25 exercise of the right of eminent domain and in every other  
26 action wherein the right of trial by jury is or may be given by

1 law. The jury fee shall be paid by the party demanding a jury  
2 at the time of filing the jury demand. If the fee is not paid by  
3 either party, no jury shall be called in the action or  
4 proceeding, and the action or proceeding shall be tried by the  
5 court without a jury.

6 (f) Change of venue. In connection with a change of venue:

7 (1) The clerk of the jurisdiction from which the case  
8 is transferred may charge a fee, not to exceed \$40, for the  
9 preparation and certification of the record; and

10 (2) The clerk of the jurisdiction to which the case is  
11 transferred may charge the same filing fee as if it were  
12 the commencement of a new suit.

13 (g) Petition to vacate or modify.

14 (1) In a proceeding involving a petition to vacate or  
15 modify any final judgment or order filed within 30 days  
16 after the judgment or order was entered, except for a  
17 forcible entry and detainer case, small claims case,  
18 petition to reopen an estate, petition to modify,  
19 terminate, or enforce a judgment or order for child or  
20 spousal support, or petition to modify, suspend, or  
21 terminate an order for withholding, the fee shall not  
22 exceed \$60 in a county with a population of 3,000,000 or  
23 more and \$50 in any other county, except as applied to  
24 units of local government and school districts in counties  
25 with more than 3,000,000 inhabitants an amount not to  
26 exceed \$50.

1           (2) In a proceeding involving a petition to vacate or  
2           modify any final judgment or order filed more than 30 days  
3           after the judgment or order was entered, except for a  
4           petition to modify, terminate, or enforce a judgment or  
5           order for child or spousal support, or petition to modify,  
6           suspend, or terminate an order for withholding, the fee  
7           shall not exceed \$75.

8           (3) In a proceeding involving a motion to vacate or  
9           amend a final order, motion to vacate an ex parte judgment,  
10           judgment of forfeiture, or "failure to appear" or "failure  
11           to comply" notices sent to the Secretary of State, the fee  
12           shall equal \$40.

13           (h) Appeals preparation. The fee for preparation of a  
14           record on appeal shall be based on the number of pages, as  
15           follows:

16           (1) if the record contains no more than 100 pages, the  
17           fee shall not exceed \$70 in a county with a population of  
18           3,000,000 or more and \$50 in any other county;

19           (2) if the record contains between 100 and 200 pages,  
20           the fee shall not exceed \$100; and

21           (3) if the record contains 200 or more pages, the clerk  
22           may collect an additional fee not to exceed 25 cents per  
23           page.

24           (i) Remands. In any cases remanded to the circuit court  
25           from the Supreme Court or the appellate court for a new trial,  
26           the clerk shall reinstate the case with either its original

1 number or a new number. The clerk shall not charge any new or  
2 additional fee for the reinstatement. Upon reinstatement, the  
3 clerk shall advise the parties of the reinstatement. Parties  
4 shall have the same right to a jury trial on remand and  
5 reinstatement that they had before the appeal, and no  
6 additional or new fee or charge shall be made for a jury trial  
7 after remand.

8 (j) Garnishment, wage deduction, and citation. In  
9 garnishment affidavit, wage deduction affidavit, and citation  
10 petition proceedings:

11 (1) if the amount in controversy in the proceeding is  
12 not more than \$1,000, the fee may not exceed \$35 in a  
13 county with a population of 3,000,000 or more and \$15 in  
14 any other county, except as applied to units of local  
15 government and school districts in counties with more than  
16 3,000,000 inhabitants an amount not to exceed \$15;

17 (2) if the amount in controversy in the proceeding is  
18 greater than \$1,000 and not more than \$5,000, the fee may  
19 not exceed \$45 in a county with a population of 3,000,000  
20 or more and \$30 in any other county, except as applied to  
21 units of local government and school districts in counties  
22 with more than 3,000,000 inhabitants an amount not to  
23 exceed \$30; and

24 (3) if the amount in controversy in the proceeding is  
25 greater than \$5,000, the fee may not exceed \$65 in a county  
26 with a population of 3,000,000 or more and \$50 in any other

1 county, except as applied to units of local government and  
2 school districts in counties with more than 3,000,000  
3 inhabitants an amount not to exceed \$50.

4 (k) Collections.

5 (1) For all collections made of others, except the  
6 State and county and except in maintenance or child support  
7 cases, the clerk may collect a fee of up to 2.5% of the  
8 amount collected and turned over.

9 (2) In child support and maintenance cases, the clerk  
10 may collect an annual fee of up to \$36 from the person  
11 making payment for maintaining child support records and  
12 the processing of support orders to the State of Illinois  
13 KIDS system and the recording of payments issued by the  
14 State Disbursement Unit for the official record of the  
15 Court. This fee is in addition to and separate from amounts  
16 ordered to be paid as maintenance or child support and  
17 shall be deposited into a Separate Maintenance and Child  
18 Support Collection Fund, of which the clerk shall be the  
19 custodian, ex officio, to be used by the clerk to maintain  
20 child support orders and record all payments issued by the  
21 State Disbursement Unit for the official record of the  
22 Court. The clerk may recover from the person making the  
23 maintenance or child support payment any additional cost  
24 incurred in the collection of this annual fee.

25 (3) The clerk may collect a fee of \$5 for  
26 certifications made to the Secretary of State as provided

1 in Section 7-703 of the Family Financial Responsibility Law  
2 and these fees shall be deposited into the Separate  
3 Maintenance and Child Support Collection Fund.

4 (4) In proceedings to foreclose the lien of delinquent  
5 real estate taxes State's Attorneys shall receive a fee of  
6 10% of the total amount realized from the sale of real  
7 estate sold in the proceedings. The clerk shall collect the  
8 fee from the total amount realized from the sale of the  
9 real estate sold in the proceedings and remit to the County  
10 Treasurer to be credited to the earnings of the Office of  
11 State's Attorney.

12 (l) Mailing. The fee for the clerk mailing documents shall  
13 not exceed \$10 plus the cost of postage.

14 (m) Certified copies. The fee for each certified copy of a  
15 judgment, after the first copy, shall not exceed \$10.

16 (n) Certification, authentication, and reproduction.

17 (1) The fee for each certification or authentication  
18 for taking the acknowledgment of a deed or other instrument  
19 in writing with the seal of office shall not exceed \$6.

20 (2) The fee for reproduction of any document contained  
21 in the clerk's files shall not exceed:

22 (A) \$2 for the first page;

23 (B) 50 cents per page for the next 19 pages; and

24 (C) 25 cents per page for all additional pages.

25 (o) Record search. For each record search, within a  
26 division or municipal district, the clerk may collect a search

1 fee not to exceed \$6 for each year searched.

2 (p) Hard copy. For each page of hard copy print output,  
3 when case records are maintained on an automated medium, the  
4 clerk may collect a fee not to exceed \$10 in a county with a  
5 population of 3,000,000 or more and \$6 in any other county,  
6 except as applied to units of local government and school  
7 districts in counties with more than 3,000,000 inhabitants an  
8 amount not to exceed \$6.

9 (q) Index inquiry and other records. No fee shall be  
10 charged for a single plaintiff and defendant index inquiry or  
11 single case record inquiry when this request is made in person  
12 and the records are maintained in a current automated medium,  
13 and when no hard copy print output is requested. The fees to be  
14 charged for management records, multiple case records, and  
15 multiple journal records may be specified by the Chief Judge  
16 pursuant to the guidelines for access and dissemination of  
17 information approved by the Supreme Court.

18 (r) Performing a marriage. There shall be a \$10 fee for  
19 performing a marriage in court.

20 (s) Voluntary assignment. For filing each deed of voluntary  
21 assignment, the clerk shall collect a fee not to exceed \$20.  
22 For recording a deed of voluntary assignment, the clerk shall  
23 collect a fee not to exceed 50 cents for each 100 words.  
24 Exceptions filed to claims presented to an assignee of a debtor  
25 who has made a voluntary assignment for the benefit of  
26 creditors shall be considered and treated, for the purpose of

1 taxing costs therein, as actions in which the party or parties  
2 filing the exceptions shall be considered as party or parties  
3 plaintiff, and the claimant or claimants as party or parties  
4 defendant, and those parties respectively shall pay to the  
5 clerk the same fees as provided by this Section to be paid in  
6 other actions.

7 (t) Expungement petition. The clerk may collect a fee not  
8 to exceed \$60 for each expungement petition filed and an  
9 additional fee not to exceed \$4 for each certified copy of an  
10 order to expunge arrest records.

11 (u) Transcripts of judgment. For the filing of a transcript  
12 of judgment, the clerk may collect the same fee as if it were  
13 the commencement of a new suit.

14 (v) Probate filings.

15 (1) For each account (other than one final account)  
16 filed in the estate of a decedent, or ward, the fee shall  
17 not exceed \$25.

18 (2) For filing a claim in an estate when the amount  
19 claimed is greater than \$150 and not more than \$500, the  
20 fee shall not exceed \$40 in a county with a population of  
21 3,000,000 or more and \$25 in any other county; when the  
22 amount claimed is greater than \$500 and not more than  
23 \$10,000, the fee shall not exceed \$55 in a county with a  
24 population of 3,000,000 or more and \$40 in any other  
25 county; and when the amount claimed is more than \$10,000,  
26 the fee shall not exceed \$75 in a county with a population



1 of 3,000,000 or more and \$60 in any other county; except  
2 the court in allowing a claim may add to the amount allowed  
3 the filing fee paid by the claimant.

4 (3) For filing in an estate a claim, petition, or  
5 supplemental proceeding based upon an action seeking  
6 equitable relief including the construction or contest of a  
7 will, enforcement of a contract to make a will, and  
8 proceedings involving testamentary trusts or the  
9 appointment of testamentary trustees, the fee shall not  
10 exceed \$60.

11 (4) There shall be no fee for filing in an estate: (i)  
12 the appearance of any person for the purpose of consent; or  
13 (ii) the appearance of an executor, administrator,  
14 administrator to collect, guardian, guardian ad litem, or  
15 special administrator.

16 (5) For each jury demand, the fee shall not exceed  
17 \$137.50.

18 (6) For each certified copy of letters of office, of  
19 court order, or other certification, the fee shall not  
20 exceed \$2 per page.

21 (7) For each exemplification, the fee shall not exceed  
22 \$2, plus the fee for certification.

23 (8) The executor, administrator, guardian, petitioner,  
24 or other interested person or his or her attorney shall pay  
25 the cost of publication by the clerk directly to the  
26 newspaper.

1           (9) The person on whose behalf a charge is incurred for  
2           witness, court reporter, appraiser, or other miscellaneous  
3           fees shall pay the same directly to the person entitled  
4           thereto.

5           (10) The executor, administrator, guardian,  
6           petitioner, or other interested person or his or her  
7           attorney shall pay to the clerk all postage charges  
8           incurred by the clerk in mailing petitions, orders,  
9           notices, or other documents pursuant to the provisions of  
10           the Probate Act of 1975.

11           (w) Corrections of numbers. For correction of the case  
12           number, case title, or attorney computer identification  
13           number, if required by rule of court, on any document filed in  
14           the clerk's office, to be charged against the party that filed  
15           the document, the fee shall not exceed \$25.

16           (x) Miscellaneous.

17           (1) Interest earned on any fees collected by the clerk  
18           shall be turned over to the county general fund as an  
19           earning of the office.

20           (2) For any check, draft, or other bank instrument  
21           returned to the clerk for non-sufficient funds, account  
22           closed, or payment stopped, the clerk shall collect a fee  
23           of \$25.

24           (y) Other fees. The clerk of the circuit court may provide  
25           services in connection with the operation of the clerk's  
26           office, other than those services mentioned in this Section, as

1 may be requested by the public and agreed to by the clerk and  
2 approved by the Chief Judge. Any charges for additional  
3 services shall be as agreed to between the clerk and the party  
4 making the request and approved by the Chief Judge. Nothing in  
5 this subsection shall be construed to require any clerk to  
6 provide any service not otherwise required by law.

7 (z) Exceptions.

8 (1) No fee authorized by this Section shall apply to:

9 (A) police departments or other law enforcement  
10 agencies. In this Section, "law enforcement agency"  
11 means: an agency of the State or a unit of local  
12 government which is vested by law or ordinance with the  
13 duty to maintain public order and to enforce criminal  
14 laws or ordinances; the Attorney General; or any  
15 State's Attorney;

16 (A-5) any unit of local government or school  
17 district in counties having a population of 500,000 or  
18 less and the county board in counties having a  
19 population exceeding 500,000 may by resolution set  
20 reduced fees for units of local government or school  
21 districts;

22 (B) any action instituted by the corporate  
23 authority of a municipality with more than 1,000,000  
24 inhabitants under Section 11-31-1 of the Illinois  
25 Municipal Code and any action instituted under  
26 subsection (b) of Section 11-31-1 of the Illinois

1 Municipal Code by a private owner or tenant of real  
2 property within 1,200 feet of a dangerous or unsafe  
3 building seeking an order compelling the owner or  
4 owners of the building to take any of the actions  
5 authorized under that subsection;

6 (C) any commitment petition or petition for an  
7 order authorizing the administration of psychotropic  
8 medication or electroconvulsive therapy under the  
9 Mental Health and Developmental Disabilities Code;

10 (D) a petitioner in any order of protection  
11 proceeding, including, but not limited to, fees for  
12 filing, modifying, withdrawing, certifying, or  
13 photocopying petitions for orders of protection,  
14 issuing alias summons, any related filing service, or  
15 certifying, modifying, vacating, or photocopying any  
16 orders of protection; or

17 (E) proceedings for the appointment of a  
18 confidential intermediary under the Adoption Act.

19 (2) No fee other than the filing fee contained in the  
20 applicable schedule in subsection (a) shall be charged to  
21 any person in connection with an adoption proceeding.

22 (3) Upon good cause shown, the court may waive any fees  
23 associated with a special needs adoption. The term "special  
24 needs adoption" has the meaning provided by the Illinois  
25 Department of Children and Family Services.

26 (aa) This Section is repealed on December 31, 2019.

1 (705 ILCS 105/27.2b)

2 Sec. 27.2b. State income tax refund intercept. The Clerk  
3 of the Circuit Court may enter into an agreement with the  
4 Illinois Department of Revenue to establish a pilot program for  
5 the purpose of collecting certain fees. The purpose shall be to  
6 intercept, in whole or in part, State income tax refunds due  
7 the persons who owe past due fees to the Clerk of the Circuit  
8 Court in order to satisfy unpaid assessments under the Criminal  
9 and Traffic Assessment Act ~~fees pursuant to the fee~~  
10 ~~requirements of Sections 27.1a, 27.2, and 27.2a of this Act.~~  
11 The agreement shall include, but may not be limited to, a  
12 certification by the Clerk of the Circuit Court that the debt  
13 claims forwarded to the Department of Revenue are valid and  
14 that reasonable efforts have been made to notify persons of the  
15 delinquency of the debt. The agreement shall include provisions  
16 for payment of the intercept by the Department of Revenue to  
17 the Clerk of the Circuit Court and procedures for an  
18 appeal/protest by the debtor when an intercept occurs. The  
19 agreement may also include provisions to allow the Department  
20 of Revenue to recover its cost for administering the program.

21 Intercepts made pursuant to this Section shall not  
22 interfere with the collection of debts related to child  
23 support. During the collection of debts under this Section,  
24 when there are 2 or more debt claims certified to the  
25 Department at the same time, priority of collection shall be as

1 provided in Section 911.3 of the Illinois Income Tax Act.

2 (Source: P.A. 93-836, eff. 1-1-05.)

3 (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

4 Sec. 27.3. Compensation.

5 (a) The county board shall provide the compensation of  
6 Clerks of the Circuit Court, and the amount necessary for clerk  
7 hire, stationery, fuel and other expenses. Beginning December  
8 1, 1989, the compensation per annum for Clerks of the Circuit  
9 Court shall be as follows:

10 In counties where the population is:

11	Less than 14,000 .....	at least \$13,500
12	14,001-30,000.....	at least \$14,500
13	30,001-60,000.....	at least \$15,000
14	60,001-100,000 .....	at least \$15,000
15	100,001-200,000.....	at least \$16,500
16	200,001-300,000.....	at least \$18,000
17	300,001- 3,000,000 .....	at least \$20,000
18	Over 3,000,000 .....	at least \$55,000

19 (b) In counties in which the population is 3,000,000 or  
20 less, "base salary" is the compensation paid for each Clerk of  
21 the Circuit Court, respectively, before July 1, 1989.

22 (c) The Clerks of the Circuit Court, in counties in which  
23 the population is 3,000,000 or less, shall be compensated as  
24 follows:

25 (1) Beginning December 1, 1989, base salary plus at

1 least 3% of base salary.

2 (2) Beginning December 1, 1990, base salary plus at  
3 least 6% of base salary.

4 (3) Beginning December 1, 1991, base salary plus at  
5 least 9% of base salary.

6 (4) Beginning December 1, 1992, base salary plus at  
7 least 12% of base salary.

8 (d) In addition to the compensation provided by the county  
9 board, each Clerk of the Circuit Court shall receive an award  
10 from the State for the additional duties imposed by Sections  
11 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section  
12 10 of the Violent Crime Victims Assistance Act, ~~Section 16-104a~~  
13 ~~of the Illinois Vehicle Code~~, and other laws, in the following  
14 amount:

15 (1) \$3,500 per year before January 1, 1997.

16 (2) \$4,500 per year beginning January 1, 1997.

17 (3) \$5,500 per year beginning January 1, 1998.

18 (4) \$6,500 per year beginning January 1, 1999.

19 The total amount required for such awards shall be appropriated  
20 each year by the General Assembly to the Supreme Court, which  
21 shall distribute such awards in annual lump sum payments to the  
22 Clerks of the Circuit Court in all counties. This annual award,  
23 and any other award or stipend paid out of State funds to the  
24 Clerks of the Circuit Court, shall not affect any other  
25 compensation provided by law to be paid to Clerks of the  
26 Circuit Court.

1 (e) (Blank).

2 (f) No county board may reduce or otherwise impair the  
3 compensation payable from county funds to a Clerk of the  
4 Circuit Court if the reduction or impairment is the result of  
5 the Clerk of the Circuit Court receiving an award or stipend  
6 payable from State funds.

7 (Source: P.A. 98-24, eff. 6-19-13.)

8 (705 ILCS 105/27.1a rep.)

9 (705 ILCS 105/27.2 rep.)

10 (705 ILCS 105/27.2a rep.)

11 (705 ILCS 105/27.3a rep.)

12 (705 ILCS 105/27.3c rep.)

13 (705 ILCS 105/27.3e rep.)

14 (705 ILCS 105/27.3g rep.)

15 (705 ILCS 105/27.4 rep.)

16 (705 ILCS 105/27.5 rep.)

17 (705 ILCS 105/27.6 rep.)

18 Section 905-57. The Clerks of Courts Act is amended by  
19 repealing Sections 27.1a, 27.2, 27.2a, 27.3a, 27.3c, 27.3e,  
20 27.3g, 27.4, 27.5, and 27.6.

21 Section 905-60. The Juvenile Court Act of 1987 is amended  
22 by changing Section 5-915 as follows:

23 (705 ILCS 405/5-915)



1           Sec. 5-915. Expungement of juvenile law enforcement and  
2 court records.

3           (0.05) For purposes of this Section:

4           "Dissemination" or "disseminate" means to publish,  
5 produce, print, manufacture, distribute, sell, lease,  
6 exhibit, broadcast, display, transmit, or otherwise share  
7 information in any format so as to make the information  
8 accessible to others.

9           "Expunge" means to physically destroy the records and  
10 to obliterate the minor's name and juvenile court records  
11 from any official index, public record, or electronic  
12 database. No evidence of the juvenile court records may be  
13 retained by any law enforcement agency, the juvenile court,  
14 or by any municipal, county, or State agency or department.  
15 Nothing in this Act shall require the physical destruction  
16 of the internal office records, files, or databases  
17 maintained by a State's Attorney's Office or other  
18 prosecutor or by the Office of the Secretary of State.

19           "Juvenile court record" includes, but is not limited  
20 to:

21           (a) all documents filed in or maintained by the  
22 juvenile court pertaining to a specific incident,  
23 proceeding, or individual;

24           (b) all documents relating to a specific incident,  
25 proceeding, or individual made available to or maintained  
26 by probation officers;

1 (c) all documents, video or audio tapes,  
2 photographs, and exhibits admitted into evidence at  
3 juvenile court hearings; or

4 (d) all documents, transcripts, records, reports  
5 or other evidence prepared by, maintained by, or released  
6 by any municipal, county, or State ~~state~~ agency or  
7 department, in any format, if indicating involvement with  
8 the juvenile court relating to a specific incident,  
9 proceeding, or individual.

10 "Law enforcement record" includes, but is not limited  
11 to, records of arrest, station adjustments, fingerprints,  
12 probation adjustments, the issuance of a notice to appear,  
13 or any other records or documents maintained by any law  
14 enforcement agency relating to a minor suspected of  
15 committing an offense or evidence of interaction with law  
16 enforcement.

17 (0.1) (a) The Department of State Police and all law  
18 enforcement agencies within the State shall automatically  
19 expunge, on or before January 1 of each year, all law  
20 enforcement records relating to events occurring before an  
21 individual's 18th birthday if:

22 (1) one year or more has elapsed since the date of the  
23 arrest or law enforcement interaction documented in the  
24 records;

25 (2) no petition for delinquency or criminal charges  
26 were filed with the clerk of the circuit court relating to

1 the arrest or law enforcement interaction documented in the  
2 records; and

3 (3) 6 months have elapsed without an additional  
4 subsequent arrest or filing of a petition for delinquency  
5 or criminal charges whether related or not to the arrest or  
6 law enforcement interaction documented in the records.

7 (b) If the law enforcement agency is unable to verify  
8 satisfaction of conditions (2) and (3) of this subsection  
9 (0.1), records that satisfy condition (1) of this subsection  
10 (0.1) shall be automatically expunged if the records relate to  
11 an offense that if committed by an adult would not be an  
12 offense classified as Class 2 felony or higher, an offense  
13 under Article 11 of the Criminal Code of 1961 or Criminal Code  
14 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
15 12-15, or 12-16 of the Criminal Code of 1961.

16 (0.2) (a) Upon dismissal of a petition alleging delinquency  
17 or upon a finding of not delinquent, the successful termination  
18 of an order of supervision, or an adjudication for an offense  
19 which would be a Class B misdemeanor, Class C misdemeanor, or a  
20 petty or business offense if committed by an adult, the court  
21 shall automatically order the expungement of the juvenile court  
22 and law enforcement records within 60 business days.

23 (b) If the chief law enforcement officer of the agency, or  
24 his or her designee, certifies in writing that certain  
25 information is needed for a pending investigation involving the  
26 commission of a felony, that information, and information

1 identifying the juvenile, may be retained in an intelligence  
2 file until the investigation is terminated or for one  
3 additional year, whichever is sooner. Retention of a portion of  
4 a juvenile's law enforcement record does not disqualify the  
5 remainder of his or her record from immediate automatic  
6 expungement.

7 (0.3) (a) Upon an adjudication of delinquency based on any  
8 offense except a disqualified offense, the juvenile court shall  
9 automatically order the expungement of the juvenile records 2  
10 years after the juvenile's case was closed if no delinquency or  
11 criminal proceeding is pending and the person has had no  
12 subsequent delinquency adjudication or criminal conviction.  
13 The court shall automatically order the expungement of the  
14 juvenile court and law enforcement records within 60 business  
15 days. For the purposes of this subsection (0.3), "disqualified  
16 offense" means any of the following offenses: Section 8-1.2,  
17 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,  
18 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
19 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,  
20 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,  
21 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,  
22 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,  
23 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal  
24 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)  
25 of subsection (a) of Section 11-14.4, subsection (a-5) of  
26 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of

1 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
2 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
3 subparagraph (i) of paragraph (1) of subsection (a) of Section  
4 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
5 Section 24-1.6, paragraph (1) of subsection (a) of Section  
6 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
7 of 2012.

8 (b) If the chief law enforcement officer of the agency, or  
9 his or her designee, certifies in writing that certain  
10 information is needed for a pending investigation involving the  
11 commission of a felony, that information, and information  
12 identifying the juvenile, may be retained in an intelligence  
13 file until the investigation is terminated or for one  
14 additional year, whichever is sooner. Retention of a portion of  
15 a juvenile's law enforcement record does not disqualify the  
16 remainder of his or her record from immediate automatic  
17 expungement.

18 (1) Nothing in this subsection (1) precludes an eligible  
19 minor from obtaining expungement under subsection ~~subsections~~  
20 (0.1), (0.2), or (0.3). Whenever a person has been arrested,  
21 charged, or adjudicated delinquent for an incident occurring  
22 before his or her 18th birthday that if committed by an adult  
23 would be an offense, and that person's records are not eligible  
24 for automatic expungement under subsection ~~subsections~~ (0.1),  
25 (0.2), or (0.3), the person may petition the court at any time  
26 for expungement of law enforcement records and juvenile court

1 records relating to the incident and, upon termination of all  
2 juvenile court proceedings relating to that incident, the court  
3 shall order the expungement of all records in the possession of  
4 the Department of State Police, the clerk of the circuit court,  
5 and law enforcement agencies relating to the incident, but only  
6 in any of the following circumstances:

7 (a) the minor was arrested and no petition for  
8 delinquency was filed with the clerk of the circuit court;

9 (a-5) the minor was charged with an offense and the  
10 petition or petitions were dismissed without a finding of  
11 delinquency;

12 (b) the minor was charged with an offense and was found  
13 not delinquent of that offense;

14 (c) the minor was placed under supervision pursuant to  
15 Section 5-615, and the order of supervision has since been  
16 successfully terminated; or

17 (d) the minor was adjudicated for an offense which  
18 would be a Class B misdemeanor, Class C misdemeanor, or a  
19 petty or business offense if committed by an adult.

20 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of  
21 State Police shall allow a person to use the Access and Review  
22 process, established in the Department of State Police, for  
23 verifying that his or her law enforcement records relating to  
24 incidents occurring before his or her 18th birthday eligible  
25 under this Act have been expunged.

26 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637)~~ January

1 ~~1, 2015 (Public Act 98-637)~~

2 (1.7) (Blank).

3 (1.8) (Blank).

4 (2) Any person whose delinquency adjudications are not  
5 eligible for automatic expungement under subsection (0.3) of  
6 this Section may petition the court to expunge all law  
7 enforcement records relating to any incidents occurring before  
8 his or her 18th birthday which did not result in proceedings in  
9 criminal court and all juvenile court records with respect to  
10 any adjudications except those based upon first degree murder  
11 or an offense under Article 11 of the Criminal Code of 2012 if  
12 the person is required to register under the Sex Offender  
13 Registration Act; provided that:

14 (a) (blank); or

15 (b) 2 years have elapsed since all juvenile court  
16 proceedings relating to him or her have been terminated and  
17 his or her commitment to the Department of Juvenile Justice  
18 under this Act has been terminated.

19 (2.5) If a minor is arrested and no petition for  
20 delinquency is filed with the clerk of the circuit court at the  
21 time the minor is released from custody, the youth officer, if  
22 applicable, or other designated person from the arresting  
23 agency, shall notify verbally and in writing to the minor or  
24 the minor's parents or guardians that the minor shall have an  
25 arrest record and shall provide the minor and the minor's  
26 parents or guardians with an expungement information packet,

1 information regarding this State's expungement laws including  
2 a petition to expunge juvenile records obtained from the clerk  
3 of the circuit court.

4 (2.6) If a minor is referred to court then at the time of  
5 sentencing or dismissal of the case, or successful completion  
6 of supervision, the judge shall inform the delinquent minor of  
7 his or her rights regarding expungement and the clerk of the  
8 circuit court shall provide an expungement information packet  
9 to the minor, written in plain language, including information  
10 regarding this State's expungement laws and a petition for  
11 expungement, a sample of a completed petition, expungement  
12 instructions that shall include information informing the  
13 minor that (i) once the case is expunged, it shall be treated  
14 as if it never occurred, (ii) he or she may apply to have  
15 petition fees waived, (iii) once he or she obtains an  
16 expungement, he or she may not be required to disclose that he  
17 or she had a juvenile record, and (iv) if petitioning he or she  
18 may file the petition on his or her own or with the assistance  
19 of an attorney. The failure of the judge to inform the  
20 delinquent minor of his or her right to petition for  
21 expungement as provided by law does not create a substantive  
22 right, nor is that failure grounds for: (i) a reversal of an  
23 adjudication of delinquency, (ii) a new trial; or (iii) an  
24 appeal.

25 (2.7) (Blank).

26 (2.8) The petition for expungement for subsection (1) and



1 (2) may include multiple offenses on the same petition and  
2 shall be substantially in the following form:

3 IN THE CIRCUIT COURT OF ....., ILLINOIS  
4 ..... JUDICIAL CIRCUIT

5 IN THE INTEREST OF ) NO.  
6 )  
7 )  
8 .....)  
9 (Name of Petitioner)

10 PETITION TO EXPUNGE JUVENILE RECORDS  
11 (705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

12 Now comes ....., petitioner, and respectfully requests  
13 that this Honorable Court enter an order expunging all juvenile  
14 law enforcement and court records of petitioner and in support  
15 thereof states that: Petitioner was arrested on ..... by the  
16 ..... Police Department for the offense or offenses of  
17 ....., and:

18 (Check All That Apply:)

19 ( ) a. no petition or petitions were filed with the Clerk of  
20 the Circuit Court.

21 ( ) b. was charged with ..... and was found not delinquent of  
22 the offense or offenses.

23 ( ) c. a petition or petitions were filed and the petition or  
24 petitions were dismissed without a finding of delinquency on

1 .....  
2

3 ( ) d. on ..... placed under supervision pursuant to Section  
4 5-615 of the Juvenile Court Act of 1987 and such order of  
5 supervision successfully terminated on .....

6 ( ) e. was adjudicated for the offense or offenses, which would  
7 have been a Class B misdemeanor, a Class C misdemeanor, or a  
8 petty offense or business offense if committed by an adult.

9 ( ) f. was adjudicated for a Class A misdemeanor or felony,  
10 except first degree murder or an offense under Article 11 of  
11 the Criminal Code of 2012 if the person is required to register  
12 under the Sex Offender Registration Act, and 2 years have  
13 passed since the case was closed.

14 Petitioner .... has .... has not been arrested on charges in  
15 this or any county other than the charges listed above. If  
16 petitioner has been arrested on additional charges, please list  
17 the charges below:

18 Charge(s): .....

19 Arresting Agency or Agencies: .....

20 Disposition/Result: (choose from a. through f., above): .....

21 WHEREFORE, the petitioner respectfully requests this Honorable  
22 Court to (1) order all law enforcement agencies to expunge all  
23 records of petitioner to this incident or incidents, and (2) to  
24 order the Clerk of the Court to expunge all records concerning  
25 the petitioner regarding this incident or incidents.

.....

1 Petitioner (Signature)

2 .....

3 Petitioner's Street Address

4 .....

5 City, State, Zip Code

6 .....

7 Petitioner's Telephone Number

8 Pursuant to the penalties of perjury under the Code of Civil  
9 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
10 statements in this petition are true and correct, or on  
11 information and belief I believe the same to be true.

12 .....

13 Petitioner (Signature)

14 ~~first degree~~

15 (3) The chief judge of the circuit in which an arrest was  
16 made or a charge was brought or any judge of that circuit  
17 designated by the chief judge may, upon verified petition of a  
18 person who is the subject of an arrest or a juvenile court  
19 proceeding under subsection (1) or (2) of this Section, order  
20 the law enforcement records or official court file, or both, to  
21 be expunged from the official records of the arresting

1 authority, the clerk of the circuit court and the Department of  
2 State Police. The person whose records are to be expunged shall  
3 petition the court using the appropriate form containing his or  
4 her current address and shall promptly notify the clerk of the  
5 circuit court of any change of address. Notice of the petition  
6 shall be served upon the State's Attorney or prosecutor charged  
7 with the duty of prosecuting the offense, the Department of  
8 State Police, and the arresting agency or agencies by the clerk  
9 of the circuit court. If an objection is filed within 45 days  
10 of the notice of the petition, the clerk of the circuit court  
11 shall set a date for hearing after the 45-day objection period.  
12 At the hearing the court shall hear evidence on whether the  
13 expungement should or should not be granted. Unless the State's  
14 Attorney or prosecutor, the Department of State Police, or an  
15 arresting agency objects to the expungement within 45 days of  
16 the notice, the court may enter an order granting expungement.  
17 The clerk shall forward a certified copy of the order to the  
18 Department of State Police and deliver a certified copy of the  
19 order to the arresting agency.

20 (3.1) The Notice of Expungement shall be in substantially  
21 the following form:

22 IN THE CIRCUIT COURT OF ....., ILLINOIS

23 ..... JUDICIAL CIRCUIT

24 IN THE INTEREST OF ) NO.

25 )

1 )  
 2 .....)  
 3 (Name of Petitioner)

NOTICE

4  
 5 TO: State's Attorney  
 6 TO: Arresting Agency

7  
 8 .....  
 9 .....

10  
 11 .....  
 12 .....

13 TO: Illinois State Police

14  
 15 .....  
 16  
 17 .....

ATTENTION: Expungement

19 You are hereby notified that on ....., at ....., in courtroom  
 20 ..., located at ..., before the Honorable ..., Judge, or any  
 21 judge sitting in his/her stead, I shall then and there present  
 22 a Petition to Expunge Juvenile records in the above-entitled  
 23 matter, at which time and place you may appear.

24 .....  
 25 Petitioner's Signature

1 .....  
.....

2 Petitioner's Street Address

3 .....  
.....

4 City, State, Zip Code

5 .....  
.....

6 Petitioner's Telephone Number

7 PROOF OF SERVICE

8 On the ..... day of ....., 20..., I on oath state that I  
9 served this notice and true and correct copies of the  
10 above-checked documents by:

11 (Check One:)

12 delivering copies personally to each entity to whom they are  
13 directed;

14 or

15 by mailing copies to each entity to whom they are directed by  
16 depositing the same in the U.S. Mail, proper postage fully  
17 prepaid, before the hour of 5:00 p.m., at the United States  
18 Postal Depository located at .....

19 .....  
.....

20

21 Signature

22 Clerk of the Circuit Court or Deputy Clerk

23 Printed Name of Delinquent Minor/Petitioner: ....

24 Address: .....

25 Telephone Number: .....

26 (3.2) The Order of Expungement shall be in substantially

1 the following form:

2 IN THE CIRCUIT COURT OF ....., ILLINOIS

3 ..... JUDICIAL CIRCUIT

4 IN THE INTEREST OF ) NO.

5 )

6 )

7 .....)

8 (Name of Petitioner)

9 DOB .....

10 Arresting Agency/Agencies .....

11 ORDER OF EXPUNGEMENT

12 (705 ILCS 405/5-915 (SUBSECTION 3))

13 This matter having been heard on the petitioner's motion and  
14 the court being fully advised in the premises does find that  
15 the petitioner is indigent or has presented reasonable cause to  
16 waive all costs in this matter, IT IS HEREBY ORDERED that:

17 ( ) 1. Clerk of Court and Department of State Police costs  
18 are hereby waived in this matter.

19 ( ) 2. The Illinois State Police Bureau of Identification  
20 and the following law enforcement agencies expunge all records  
21 of petitioner relating to an arrest dated ..... for the  
22 offense of .....

23 Law Enforcement Agencies:

24 .....

1 .....  
2

3 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
4 Court expunge all records regarding the above-captioned case.

5 ENTER: .....

6 JUDGE

7 DATED: .....

8 Name:

9 Attorney for:

10 Address: City/State/Zip:

11 Attorney Number:

12 (3.3) The Notice of Objection shall be in substantially the  
13 following form:

14 IN THE CIRCUIT COURT OF ....., ILLINOIS  
15 ..... JUDICIAL CIRCUIT

16 IN THE INTEREST OF ) NO.

17 )

18 )

19 .....)

20 (Name of Petitioner)

21 NOTICE OF OBJECTION

22 TO: (Attorney, Public Defender, Minor)

23 .....

24 .....



1 TO: (Illinois State Police)  
 2 .....  
 3 .....

4 TO: (Clerk of the Court)  
 5 .....  
 6 .....

7 TO: (Judge)  
 8 .....  
 9 .....

10 TO: (Arresting Agency/Agencies)  
 11 .....  
 12 .....

13 ATTENTION: You are hereby notified that an objection has been  
 14 filed by the following entity regarding the above-named minor's  
 15 petition for expungement of juvenile records:

- 16 ( ) State's Attorney's Office;
- 17 ( ) Prosecutor (other than State's Attorney's Office) charged
- 18 with the duty of prosecuting the offense sought to be expunged;
- 19 ( ) Department of Illinois State Police; or
- 20 ( ) Arresting Agency or Agencies.

21 The agency checked above respectfully requests that this case  
 22 be continued and set for hearing on whether the expungement  
 23 should or should not be granted.

24 DATED: .....

25 Name:

26 Attorney For:

1 Address:  
2 City/State/Zip:  
3 Telephone:  
4 Attorney No.:

5 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

6 This matter has been set for hearing on the foregoing  
7 objection, on ..... in room ....., located at ....., before the  
8 Honorable ....., Judge, or any judge sitting in his/her stead.  
9 (Only one hearing shall be set, regardless of the number of  
10 Notices of Objection received on the same case).

11 A copy of this completed Notice of Objection containing the  
12 court date, time, and location, has been sent via regular U.S.  
13 Mail to the following entities. (If more than one Notice of  
14 Objection is received on the same case, each one must be  
15 completed with the court date, time and location and mailed to  
16 the following entities):

17 ( ) Attorney, Public Defender or Minor;  
18 ( ) State's Attorney's Office;  
19 ( ) Prosecutor (other than State's Attorney's Office) charged  
20 with the duty of prosecuting the offense sought to be expunged;  
21 ( ) Department of Illinois State Police; and  
22 ( ) Arresting agency or agencies.

23 Date: .....

24 Initials of Clerk completing this section: .....

25 (4) (a) Upon entry of an order expunging records or files,  
26 the offense, which the records or files concern shall be

1 treated as if it never occurred. Law enforcement officers and  
2 other public offices and agencies shall properly reply on  
3 inquiry that no record or file exists with respect to the  
4 person.

5 (a-5) Local law enforcement agencies shall send written  
6 notice to the minor of the expungement of any records within 60  
7 days of automatic expungement or the date of service of an  
8 expungement order, whichever applies. If a minor's court file  
9 has been expunged, the clerk of the circuit court shall send  
10 written notice to the minor of the expungement of any records  
11 within 60 days of automatic expungement or the date of service  
12 of an expungement order, whichever applies.

13 (b) Except with respect to authorized military personnel,  
14 an expunged juvenile record may not be considered by any  
15 private or public entity in employment matters, certification,  
16 licensing, revocation of certification or licensure, or  
17 registration. Applications for employment within the State  
18 must contain specific language that states that the applicant  
19 is not obligated to disclose expunged juvenile records of  
20 adjudication or arrest. Employers may not ask, in any format or  
21 context, if an applicant has had a juvenile record expunged.  
22 Information about an expunged record obtained by a potential  
23 employer, even inadvertently, from an employment application  
24 that does not contain specific language that states that the  
25 applicant is not obligated to disclose expunged juvenile  
26 records of adjudication or arrest, shall be treated as

1 dissemination of an expunged record by the employer.

2 (c) A person whose juvenile records have been expunged is  
3 not entitled to remission of any fines, costs, or other money  
4 paid as a consequence of expungement.

5 (5) (Blank).7

6 (5.5) Whether or not expunged, records eligible for  
7 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
8 (0.3) (a) may be treated as expunged by the individual subject  
9 to the records.

10 (6) Nothing in this Section shall be construed to prohibit  
11 the maintenance of information relating to an offense after  
12 records or files concerning the offense have been expunged if  
13 the information is kept in a manner that does not enable  
14 identification of the individual. This information may only be  
15 used for anonymous statistical and bona fide research purposes.

16 (6.5) The Department of State Police or any employee of the  
17 Department shall be immune from civil or criminal liability for  
18 failure to expunge any records of arrest that are subject to  
19 expungement under this Section because of inability to verify a  
20 record. Nothing in this Section shall create Department of  
21 State Police liability or responsibility for the expungement of  
22 law enforcement records it does not possess.

23 (7) (a) The State Appellate Defender shall establish,  
24 maintain, and carry out, by December 31, 2004, a juvenile  
25 expungement program to provide information and assistance to  
26 minors eligible to have their juvenile records expunged.

1 (b) The State Appellate Defender shall develop brochures,  
2 pamphlets, and other materials in printed form and through the  
3 agency's World Wide Web site. The pamphlets and other materials  
4 shall include at a minimum the following information:

5 (i) An explanation of the State's juvenile expungement  
6 laws, including both automatic expungement and expungement  
7 by petition;

8 (ii) The circumstances under which juvenile  
9 expungement may occur;

10 (iii) The juvenile offenses that may be expunged;

11 (iv) The steps necessary to initiate and complete the  
12 juvenile expungement process; and

13 (v) Directions on how to contact the State Appellate  
14 Defender.

15 (c) The State Appellate Defender shall establish and  
16 maintain a statewide toll-free telephone number that a person  
17 may use to receive information or assistance concerning the  
18 expungement of juvenile records. The State Appellate Defender  
19 shall advertise the toll-free telephone number statewide. The  
20 State Appellate Defender shall develop an expungement  
21 information packet that may be sent to eligible persons seeking  
22 expungement of their juvenile records, which may include, but  
23 is not limited to, a pre-printed expungement petition with  
24 instructions on how to complete the petition and a pamphlet  
25 containing information that would assist individuals through  
26 the juvenile expungement process.

1           (d) The State Appellate Defender shall compile a statewide  
2 list of volunteer attorneys willing to assist eligible  
3 individuals through the juvenile expungement process.

4           (e) This Section shall be implemented from funds  
5 appropriated by the General Assembly to the State Appellate  
6 Defender for this purpose. The State Appellate Defender shall  
7 employ the necessary staff and adopt the necessary rules for  
8 implementation of this Section.

9           (7.5) (a) Willful dissemination of any information  
10 contained in an expunged record shall be treated as a Class C  
11 misdemeanor and punishable by a fine of \$1,000 per violation.

12           (b) Willful dissemination for financial gain of any  
13 information contained in an expunged record shall be treated as  
14 a Class 4 felony. Dissemination for financial gain by an  
15 employee of any municipal, county, or State agency, including  
16 law enforcement, shall result in immediate termination.

17           (c) The person whose record was expunged has a right of  
18 action against any person who intentionally disseminates an  
19 expunged record. In the proceeding, punitive damages up to an  
20 amount of \$1,000 may be sought in addition to any actual  
21 damages. The prevailing party shall be entitled to costs and  
22 reasonable attorney fees.

23           (d) The punishments for dissemination of an expunged record  
24 shall never apply to the person whose record was expunged.

25           (8) (a) An expunged juvenile record may not be considered by  
26 any private or public entity in employment matters,

1 certification, licensing, revocation of certification or  
2 licensure, or registration. Applications for employment must  
3 contain specific language that states that the applicant is not  
4 obligated to disclose expunged juvenile records of  
5 adjudication, conviction, or arrest. Employers may not ask if  
6 an applicant has had a juvenile record expunged. Effective  
7 January 1, 2005, the Department of Labor shall develop a link  
8 on the Department's website to inform employers that employers  
9 may not ask if an applicant had a juvenile record expunged and  
10 that application for employment must contain specific language  
11 that states that the applicant is not obligated to disclose  
12 expunged juvenile records of adjudication, arrest, or  
13 conviction.

14 (b) (Blank). ~~Public Act 93-912~~

15 (c) The expungement of juvenile records under subsection  
16 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by  
17 appropriation by the General Assembly for that purpose ~~the~~  
18 ~~additional fine imposed under Section 5-9-1.17 of the Unified~~  
19 ~~Code of Corrections.~~

20 (9) (Blank).

21 (10) (Blank). ~~Public Act 98-637~~ ~~Public Act 98-637~~

22 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;  
23 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised  
24 10-10-17.)

25 Section 905-65. The Criminal Code of 2012 is amended by

1 changing Section 12-3.4 as follows:

2 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

3 Sec. 12-3.4. Violation of an order of protection.

4 (a) A person commits violation of an order of protection  
5 if:

6 (1) He or she knowingly commits an act which was  
7 prohibited by a court or fails to commit an act which was  
8 ordered by a court in violation of:

9 (i) a remedy in a valid order of protection  
10 authorized under paragraphs (1), (2), (3), (14), or  
11 (14.5) of subsection (b) of Section 214 of the Illinois  
12 Domestic Violence Act of 1986,

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraphs (1), (2),  
15 (3), (14) or (14.5) of subsection (b) of Section 214 of  
16 the Illinois Domestic Violence Act of 1986, in a valid  
17 order of protection, which is authorized under the laws  
18 of another state, tribe or United States territory,

19 (iii) any other remedy when the act constitutes a  
20 crime against the protected parties as the term  
21 protected parties is defined in Section 112A-4 of the  
22 Code of Criminal Procedure of 1963; and

23 (2) Such violation occurs after the offender has been  
24 served notice of the contents of the order, pursuant to the  
25 Illinois Domestic Violence Act of 1986 or any substantially



1 similar statute of another state, tribe or United States  
2 territory, or otherwise has acquired actual knowledge of  
3 the contents of the order.

4 An order of protection issued by a state, tribal or  
5 territorial court related to domestic or family violence shall  
6 be deemed valid if the issuing court had jurisdiction over the  
7 parties and matter under the law of the state, tribe or  
8 territory. There shall be a presumption of validity where an  
9 order is certified and appears authentic on its face. For  
10 purposes of this Section, an "order of protection" may have  
11 been issued in a criminal or civil proceeding.

12 (a-5) Failure to provide reasonable notice and opportunity  
13 to be heard shall be an affirmative defense to any charge or  
14 process filed seeking enforcement of a foreign order of  
15 protection.

16 (b) Nothing in this Section shall be construed to diminish  
17 the inherent authority of the courts to enforce their lawful  
18 orders through civil or criminal contempt proceedings.

19 (c) The limitations placed on law enforcement liability by  
20 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
21 to actions taken under this Section.

22 (d) Violation of an order of protection is a Class A  
23 misdemeanor. Violation of an order of protection is a Class 4  
24 felony if the defendant has any prior conviction under this  
25 Code for domestic battery (Section 12-3.2) or violation of an  
26 order of protection (Section 12-3.4 or 12-30) or any prior

1 conviction under the law of another jurisdiction for an offense  
2 that could be charged in this State as a domestic battery or  
3 violation of an order of protection. Violation of an order of  
4 protection is a Class 4 felony if the defendant has any prior  
5 conviction under this Code for first degree murder (Section  
6 9-1), attempt to commit first degree murder (Section 8-4),  
7 aggravated domestic battery (Section 12-3.3), aggravated  
8 battery (Section 12-3.05 or 12-4), heinous battery (Section  
9 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
10 aggravated battery with a machine gun or a firearm equipped  
11 with a silencer (Section 12-4.2-5), aggravated battery of a  
12 child (Section 12-4.3), aggravated battery of an unborn child  
13 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
14 aggravated battery of a senior citizen (Section 12-4.6),  
15 stalking (Section 12-7.3), aggravated stalking (Section  
16 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),  
17 aggravated criminal sexual assault (Section 11-1.30 or 12-14),  
18 kidnapping (Section 10-1), aggravated kidnapping (Section  
19 10-2), predatory criminal sexual assault of a child (Section  
20 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section  
21 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
22 aggravated unlawful restraint (Section 10-3.1), aggravated  
23 arson (Section 20-1.1), aggravated discharge of a firearm  
24 (Section 24-1.2), or a violation of any former law of this  
25 State that is substantially similar to any listed offense, or  
26 any prior conviction under the law of another jurisdiction for

1 an offense that could be charged in this State as one of the  
2 offenses listed in this Section, when any of these offenses  
3 have been committed against a family or household member as  
4 defined in Section 112A-3 of the Code of Criminal Procedure of  
5 1963. The court shall impose a minimum penalty of 24 hours  
6 imprisonment for defendant's second or subsequent violation of  
7 any order of protection; unless the court explicitly finds that  
8 an increased penalty or such period of imprisonment would be  
9 manifestly unjust. In addition to any other penalties, the  
10 court may order the defendant to pay a fine as authorized under  
11 Section 5-9-1 of the Unified Code of Corrections or to make  
12 restitution to the victim under Section 5-5-6 of the Unified  
13 Code of Corrections. ~~In addition to any other penalties,  
14 including those imposed by Section 5-9-1.5 of the Unified Code  
15 of Corrections, the court shall impose an additional fine of  
16 \$20 as authorized by Section 5-9-1.11 of the Unified Code of  
17 Corrections upon any person convicted of or placed on  
18 supervision for a violation of this Section. The additional  
19 fine shall be imposed for each violation of this Section.~~

20 (e) (Blank).

21 (f) A defendant who directed the actions of a third party  
22 to violate this Section, under the principles of accountability  
23 set forth in Article 5 of this Code, is guilty of violating  
24 this Section as if the same had been personally done by the  
25 defendant, without regard to the mental state of the third  
26 party acting at the direction of the defendant.

1 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;  
2 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates  
3 97-311, eff. 8-11-11; 97-919, eff. 8-10-12; 97-1109, eff.  
4 1-1-13.)

5 (720 ILCS 550/10.3 rep.)

6 Section 905-67. The Cannabis Control Act is amended by  
7 repealing Section 10.3.

8 Section 905-70. The Illinois Controlled Substances Act is  
9 amended by changing Section 411.2 as follows:

10 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

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

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 Section 410 of this~~  
15 ~~Act, shall be 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 ~~(5) \$300 for a Class A misdemeanor;~~

21 ~~(6) \$200 for a Class B or Class C misdemeanor.~~

22 (b) (Blank). ~~The assessment under this Section is in~~  
23 ~~addition to and not in lieu of any fines, restitution costs,~~

1 ~~forfeitures or other assessments authorized or required by law.~~

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

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

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

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

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

1 ~~imposed under this or any other Act.~~

2 (g) (Blank). ~~The court shall not impose more than one~~  
3 ~~assessment per complaint, indictment or information. If the~~  
4 ~~person is convicted of more than one offense in a complaint,~~  
5 ~~indictment or information, the assessment shall be based on the~~  
6 ~~highest class offense for which the person is convicted.~~

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

1 it deems appropriate for the administration of such grants.

2 (i) (Blank). ~~In counties over 3,000,000, all moneys~~  
3 ~~collected under this Section shall be forwarded to the County~~  
4 ~~Treasurer for deposit into the County Health Fund. The County~~  
5 ~~Treasurer shall, no later than the 15th day of each month,~~  
6 ~~forward to the State Treasurer 30 percent of all moneys~~  
7 ~~collected under this Act and received into the County Health~~  
8 ~~Fund since the prior remittance to the State Treasurer. Funds~~  
9 ~~retained by the County shall be used for community based~~  
10 ~~treatment of pregnant women who are addicted to alcohol,~~  
11 ~~cannabis, or controlled substances or for the needed care of~~  
12 ~~minor, unemancipated children of these women. Funds forwarded~~  
13 ~~to the State Treasurer shall be deposited into the State Drug~~  
14 ~~Treatment Fund maintained by the State Treasurer from which the~~  
15 ~~Department of Human Services may make grants to persons~~  
16 ~~licensed under Section 15-10 of the Alcoholism and Other Drug~~  
17 ~~Abuse and Dependency Act or to municipalities or counties from~~  
18 ~~funds appropriated to the Department from the Drug Treatment~~  
19 ~~Fund, provided that the moneys collected from each county be~~  
20 ~~returned proportionately to the counties through grants to~~  
21 ~~licensees located within the county from which the assessment~~  
22 ~~was received and moneys in the State Drug Treatment Fund shall~~  
23 ~~not supplant other local, State or federal funds. If the~~  
24 ~~Department of Human Services grants funds to a municipality or~~  
25 ~~county that the Department determines is not experiencing a~~  
26 ~~problem with pregnant women addicted to alcohol, cannabis or~~



1 ~~controlled substances, or with care for minor, unemancipated~~  
2 ~~children or women undergoing residential drug treatment, the~~  
3 ~~funds shall be used for the treatment of any person addicted to~~  
4 ~~alcohol, cannabis or controlled substances. The Department may~~  
5 ~~adopt such rules as it deems appropriate for the administration~~  
6 ~~of such grants.~~

7 (Source: P.A. 97-334, eff. 1-1-12.)

8 (720 ILCS 570/411.4 rep.)

9 Section 905-73. The Illinois Controlled Substances Act is  
10 amended by repealing Section 411.4.

11 Section 905-75. The Methamphetamine Control and Community  
12 Protection Act is amended by changing Sections 80 and 90 as  
13 follows:

14 (720 ILCS 646/80)

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

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

20 ~~(1) \$3,000 for a Class X felony;~~

21 ~~(2) \$2,000 for a Class 1 felony;~~

22 ~~(3) \$1,000 for a Class 2 felony;~~

23 ~~(4) \$500 for a Class 3 or Class 4 felony.~~

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

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

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

25           (e) (Blank). ~~A defendant who has been ordered to pay an~~  
26 ~~assessment may petition the court to convert all or part of the~~

1 ~~assessment into court approved public or community service.~~  
2 ~~One hour of public or community service shall be equivalent to~~  
3 ~~\$4 of assessment. The performance of this public or community~~  
4 ~~service shall be a condition of the probation, conditional~~  
5 ~~discharge, or supervision and shall be in addition to the~~  
6 ~~performance of any other period of public or community service~~  
7 ~~ordered by the court or required by law.~~

8 (f) (Blank). ~~The court may suspend the collection of the~~  
9 ~~assessment imposed under this Section if the defendant agrees~~  
10 ~~to enter a substance abuse intervention or treatment program~~  
11 ~~approved by the court and the defendant agrees to pay for all~~  
12 ~~or some portion of the costs associated with the intervention~~  
13 ~~or treatment program. In this case, the collection of the~~  
14 ~~assessment imposed under this Section shall be suspended during~~  
15 ~~the defendant's participation in the approved intervention or~~  
16 ~~treatment program. Upon successful completion of the program,~~  
17 ~~the defendant may apply to the court to reduce the assessment~~  
18 ~~imposed under this Section by any amount actually paid by the~~  
19 ~~defendant for his or her participation in the program. The~~  
20 ~~court shall not reduce the penalty under this subsection unless~~  
21 ~~the defendant establishes to the satisfaction of the court that~~  
22 ~~he or she has successfully completed the intervention or~~  
23 ~~treatment program. If the defendant's participation is for any~~  
24 ~~reason terminated before his or her successful completion of~~  
25 ~~the intervention or treatment program, collection of the entire~~  
26 ~~assessment imposed under this Section shall be enforced.~~

1 ~~Nothing in this Section shall be deemed to affect or suspend~~  
2 ~~any other fines, restitution costs, forfeitures, or~~  
3 ~~assessments imposed under this or any other Act.~~

4 (g) (Blank). ~~The court shall not impose more than one~~  
5 ~~assessment per complaint, indictment, or information. If the~~  
6 ~~person is convicted of more than one offense in a complaint,~~  
7 ~~indictment, or information, the assessment shall be based on~~  
8 ~~the highest class offense for which the person is convicted.~~

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

1 controlled substances. The Department may adopt such rules as  
2 it deems appropriate for the administration of such grants.

3 (i) (Blank). ~~In counties with a population of 3,000,000 or~~  
4 ~~more, all moneys collected under this Section shall be~~  
5 ~~forwarded to the County Treasurer for deposit into the County~~  
6 ~~Health Fund. The County Treasurer shall, no later than the 15th~~  
7 ~~day of each month, forward to the State Treasurer 30 percent of~~  
8 ~~all moneys collected under this Act and received into the~~  
9 ~~County Health Fund since the prior remittance to the State~~  
10 ~~Treasurer. Funds retained by the County shall be used for~~  
11 ~~community based treatment of pregnant women who are addicted to~~  
12 ~~alcohol, cannabis, or controlled substances or for the needed~~  
13 ~~care of minor, unemancipated children of these women. Funds~~  
14 ~~forwarded to the State Treasurer shall be deposited into the~~  
15 ~~State Drug Treatment Fund maintained by the State Treasurer~~  
16 ~~from which the Department of Human Services may make grants to~~  
17 ~~persons licensed under Section 15-10 of the Alcoholism and~~  
18 ~~Other Drug Abuse and Dependency Act or to municipalities or~~  
19 ~~counties from funds appropriated to the Department from the~~  
20 ~~Drug Treatment Fund, provided that the moneys collected from~~  
21 ~~each county be returned proportionately to the counties through~~  
22 ~~grants to licensees located within the county from which the~~  
23 ~~assessment was received and moneys in the State Drug Treatment~~  
24 ~~Fund shall not supplant other local, State or federal funds. If~~  
25 ~~the Department of Human Services grants funds to a municipality~~  
26 ~~or county that the Department determines is not experiencing a~~

1 ~~problem with pregnant women addicted to alcohol, cannabis or~~  
2 ~~controlled substances, or with care for minor, unemancipated~~  
3 ~~children or women undergoing residential drug treatment, the~~  
4 ~~funds shall be used for the treatment of any person addicted to~~  
5 ~~alcohol, cannabis or controlled substances. The Department may~~  
6 ~~adopt such rules as it deems appropriate for the administration~~  
7 ~~of such grants.~~

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

9 (720 ILCS 646/90)

10 Sec. 90. Methamphetamine restitution.

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

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

24 (1) first, to the agency responsible for the mitigation  
25 of the incident;

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

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

5           (4) fourth, to the federal agencies involved in the  
6 emergency response.

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

22           Any moneys collected for the Illinois State Police shall be  
23 remitted to the State Treasurer and deposited into the State  
24 Police Operations Assistance Fund ~~Traffic and Criminal~~  
25 ~~Conviction Surcharge Fund~~.

26           (Source: P.A. 97-434, eff. 1-1-12.)

1 Section 905-80. The Code of Criminal Procedure of 1963 is  
2 amended by adding Section 124A-20 as follows:

3 (725 ILCS 5/124A-20 new)

4 Sec. 124A-20. Assessment waiver.

5 (a) As used in this Section:

6 "Assessments" means any costs imposed on a criminal  
7 defendant under Article 15 of the Criminal and Traffic  
8 Assessment Act, but does not include traffic violation  
9 assessments.

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

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

19 (2) His or her available personal income is 200% or  
20 less of the current poverty level, unless the  
21 applicant's assets that are not exempt under Part 9 or  
22 10 of Article XII of the Code of Civil Procedure are of  
23 a nature and value that the court determines that the  
24 applicant is able to pay the assessments.



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

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

9           (b) Upon the application of any defendant, after the  
10          commencement of an action, but no later than 30 days after  
11          sentencing:

12           (1) If the court finds that the applicant is an  
13           indigent person, the court shall grant the applicant a full  
14           assessment waiver exempting him or her from the payment of  
15           any assessments.

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

18           (A) 75% of all assessments shall be waived if the  
19           applicant's available income is greater than 200% but  
20           no more than 250% of the poverty level, unless the  
21           applicant's assets that are not exempt under Part 9 or  
22           10 of Article XII of the Code of Civil Procedure are  
23           such that the applicant is able, without undue  
24           hardship, to pay the total assessments.

25           (B) 50% of all assessments shall be waived if the  
26           applicant's available income is greater than 250% but

1           no more than 300% of the poverty level, unless the  
2           applicant's assets that are not exempt under Part 9 or  
3           10 of Article XII of the Code of Civil Procedure are  
4           such that the court determines that the applicant is  
5           able, without undue hardship, to pay a greater portion  
6           of the assessments.

7           (C) 25% of all assessments shall be waived if the  
8           applicant's available income is greater than 300% but  
9           no more than 400% of the poverty level, unless the  
10           applicant's assets that are not exempt under Part 9 or  
11           10 of Article XII of the Code of Civil Procedure are  
12           such that the court determines that the applicant is  
13           able, without undue hardship, to pay a greater portion  
14           of the assessments.

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

23           (1) the applicant's receipt of needs based  
24           governmental public benefits, including Supplemental  
25           Security Income (SSI); Aid to the Aged, Blind and Disabled  
26           (AABD); Temporary Assistance for Needy Families (TANF);

1 Supplemental Nutrition Assistance Program (SNAP or "food  
2 stamps"); General Assistance; Transitional Assistance; or  
3 State Children and Family Assistance;

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

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

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

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

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

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

1 ordered assessments. The notice shall be substantially as  
2 follows:

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

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

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 Section 1.31 of the Statute on Statutes.

17 Section 905-85. The Violent Crime Victims Assistance Act is  
18 amended by changing Section 10 as follows:

19 (725 ILCS 240/10) (from Ch. 70, par. 510)

20 Sec. 10. Violent Crime Victims Assistance Fund.

21 (a) The "Violent Crime Victims Assistance Fund" is created  
22 as a special fund in the State Treasury to provide monies for  
23 the grants to be awarded under this Act.

24 (b) (Blank). ~~When any person is convicted in Illinois of an~~

1 ~~offense listed below, or placed on supervision for that offense~~  
2 ~~on or after July 1, 2012, the court shall impose the following~~  
3 ~~finer:~~

4 ~~(1) \$100 for any felony;~~

5 ~~(2) \$50 for any offense under the Illinois Vehicle~~  
6 ~~Code, exclusive of offenses enumerated in paragraph (a) (2)~~  
7 ~~of Section 6-204 of that Code, and exclusive of any offense~~  
8 ~~enumerated in Article VI of Chapter 11 of that Code~~  
9 ~~relating to restrictions, regulations, and limitations on~~  
10 ~~the speed at which a motor vehicle is driven or operated;~~  
11 ~~and~~

12 ~~(3) \$75 for any misdemeanor, excluding a conservation~~  
13 ~~offense.~~

14 ~~Notwithstanding any other provision of this Section, the~~  
15 ~~penalty established in this Section shall be assessed for any~~  
16 ~~violation of Section 11-601.5, 11-605.2, or 11-605.3 of the~~  
17 ~~Illinois Vehicle Code.~~

18 ~~The Clerk of the Circuit Court shall remit moneys collected~~  
19 ~~under this subsection (b) within one month after receipt to the~~  
20 ~~State Treasurer for deposit into the Violent Crime Victims~~  
21 ~~Assistance Fund, except as provided in subsection (g) of this~~  
22 ~~Section. Such additional penalty shall not be considered a part~~  
23 ~~of the fine for purposes of any reduction made in the fine for~~  
24 ~~time served either before or after sentencing. Not later than~~  
25 ~~March 1 of each year the Clerk of the Circuit Court shall~~  
26 ~~submit to the State Comptroller a report of the amount of funds~~

1 ~~remitted by him to the State Treasurer under this Section~~  
2 ~~during the preceding calendar year.~~

3 (c) (Blank). ~~The charge imposed by subsection (b) shall not~~  
4 ~~be subject to the provisions of Section 110-14 of the Code of~~  
5 ~~Criminal Procedure of 1963.~~

6 (d) Monies forfeited, and proceeds from the sale of  
7 property forfeited and seized, under the forfeiture provisions  
8 set forth in Part 500 of Article 124B of the Code of Criminal  
9 Procedure of 1963 shall be accepted for the Violent Crime  
10 Victims Assistance Fund.

11 (e) Investment income which is attributable to the  
12 investment of monies in the Violent Crime Victims Assistance  
13 Fund shall be credited to that fund for uses specified in this  
14 Act. The Treasurer shall provide the Attorney General a monthly  
15 status report on the amount of money in the Fund.

16 (f) Monies from the fund may be granted on and after July  
17 1, 1984.

18 (g) (Blank). ~~All amounts and charges imposed under this~~  
19 ~~Section for any violation of Chapters 3, 4, 6, and 11 of the~~  
20 ~~Illinois Vehicle Code, or a similar provision of a local~~  
21 ~~ordinance, or any violation of the Child Passenger Protection~~  
22 ~~Act, or a similar provision of a local ordinance, shall be~~  
23 ~~collected and disbursed by the circuit clerk as provided under~~  
24 ~~Section 27.5 of the Clerks of Courts Act.~~

25 (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11;  
26 97-816, eff. 7-16-12.)

1 Section 905-90. The Unified Code of Corrections is amended  
2 by changing Sections 5-4-3, 5-4.5-50, 5-4.5-55, 5-4.5-60,  
3 5-4.5-65, 5-4.5-75, 5-4.5-80, 5-5-3, 5-5-6, 5-6-1, 5-6-3,  
4 5-6-3.1, 5-7-1, 5-9-1, 5-9-1.4, 5-9-1.7, 5-9-1.9, 5-9-1.11,  
5 5-9-1.16, and 5-9-1.21 as follows:

6 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

7 Sec. 5-4-3. Specimens; genetic marker groups.

8 (a) Any person convicted of, found guilty under the  
9 Juvenile Court Act of 1987 for, or who received a disposition  
10 of court supervision for, a qualifying offense or attempt of a  
11 qualifying offense, convicted or found guilty of any offense  
12 classified as a felony under Illinois law, convicted or found  
13 guilty of any offense requiring registration under the Sex  
14 Offender Registration Act, found guilty or given supervision  
15 for any offense classified as a felony under the Juvenile Court  
16 Act of 1987, convicted or found guilty of, under the Juvenile  
17 Court Act of 1987, any offense requiring registration under the  
18 Sex Offender Registration Act, or institutionalized as a  
19 sexually dangerous person under the Sexually Dangerous Persons  
20 Act, or committed as a sexually violent person under the  
21 Sexually Violent Persons Commitment Act shall, regardless of  
22 the sentence or disposition imposed, be required to submit  
23 specimens of blood, saliva, or tissue to the Illinois  
24 Department of State Police in accordance with the provisions of

1 this Section, provided such person is:

2 (1) convicted of a qualifying offense or attempt of a  
3 qualifying offense on or after July 1, 1990 and sentenced  
4 to a term of imprisonment, periodic imprisonment, fine,  
5 probation, conditional discharge or any other form of  
6 sentence, or given a disposition of court supervision for  
7 the offense;

8 (1.5) found guilty or given supervision under the  
9 Juvenile Court Act of 1987 for a qualifying offense or  
10 attempt of a qualifying offense on or after January 1,  
11 1997;

12 (2) ordered institutionalized as a sexually dangerous  
13 person on or after July 1, 1990;

14 (3) convicted of a qualifying offense or attempt of a  
15 qualifying offense before July 1, 1990 and is presently  
16 confined as a result of such conviction in any State  
17 correctional facility or county jail or is presently  
18 serving a sentence of probation, conditional discharge or  
19 periodic imprisonment as a result of such conviction;

20 (3.5) convicted or found guilty of any offense  
21 classified as a felony under Illinois law or found guilty  
22 or given supervision for such an offense under the Juvenile  
23 Court Act of 1987 on or after August 22, 2002;

24 (4) presently institutionalized as a sexually  
25 dangerous person or presently institutionalized as a  
26 person found guilty but mentally ill of a sexual offense or



1 attempt to commit a sexual offense; or

2 (4.5) ordered committed as a sexually violent person on  
3 or after the effective date of the Sexually Violent Persons  
4 Commitment Act.

5 (a-1) Any person incarcerated in a facility of the Illinois  
6 Department of Corrections or the Illinois Department of  
7 Juvenile Justice on or after August 22, 2002, whether for a  
8 term of years, natural life, or a sentence of death, who has  
9 not yet submitted a specimen of blood, saliva, or tissue shall  
10 be required to submit a specimen of blood, saliva, or tissue  
11 prior to his or her final discharge, or release on parole,  
12 aftercare release, or mandatory supervised release, as a  
13 condition of his or her parole, aftercare release, or mandatory  
14 supervised release, or within 6 months from August 13, 2009  
15 (the effective date of Public Act 96-426), whichever is sooner.  
16 A person incarcerated on or after August 13, 2009 (the  
17 effective date of Public Act 96-426) shall be required to  
18 submit a specimen within 45 days of incarceration, or prior to  
19 his or her final discharge, or release on parole, aftercare  
20 release, or mandatory supervised release, as a condition of his  
21 or her parole, aftercare release, or mandatory supervised  
22 release, whichever is sooner. These specimens shall be placed  
23 into the State or national DNA database, to be used in  
24 accordance with other provisions of this Section, by the  
25 Illinois State Police.

26 (a-2) Any person sentenced to life imprisonment in a

1 facility of the Illinois Department of Corrections after the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly or sentenced to death after the effective date of this  
4 amendatory Act of the 94th General Assembly shall be required  
5 to provide a specimen of blood, saliva, or tissue within 45  
6 days after sentencing or disposition at a collection site  
7 designated by the Illinois Department of State Police. Any  
8 person serving a sentence of life imprisonment in a facility of  
9 the Illinois Department of Corrections on the effective date of  
10 this amendatory Act of the 94th General Assembly or any person  
11 who is under a sentence of death on the effective date of this  
12 amendatory Act of the 94th General Assembly shall be required  
13 to provide a specimen of blood, saliva, or tissue upon request  
14 at a collection site designated by the Illinois Department of  
15 State Police.

16 (a-3) Any person seeking transfer to or residency in  
17 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
18 Code, the Interstate Compact for Adult Offender Supervision, or  
19 the Interstate Agreements on Sexually Dangerous Persons Act  
20 shall be required to provide a specimen of blood, saliva, or  
21 tissue within 45 days after transfer to or residency in  
22 Illinois at a collection site designated by the Illinois  
23 Department of State Police.

24 (a-3.1) Any person required by an order of the court to  
25 submit a DNA specimen shall be required to provide a specimen  
26 of blood, saliva, or tissue within 45 days after the court

1 order at a collection site designated by the Illinois  
2 Department of State Police.

3 (a-3.2) On or after January 1, 2012 (the effective date of  
4 Public Act 97-383), any person arrested for any of the  
5 following offenses, after an indictment has been returned by a  
6 grand jury, or following a hearing pursuant to Section 109-3 of  
7 the Code of Criminal Procedure of 1963 and a judge finds there  
8 is probable cause to believe the arrestee has committed one of  
9 the designated offenses, or an arrestee has waived a  
10 preliminary hearing shall be required to provide a specimen of  
11 blood, saliva, or tissue within 14 days after such indictment  
12 or hearing at a collection site designated by the Illinois  
13 Department of State Police:

- 14 (A) first degree murder;  
15 (B) home invasion;  
16 (C) predatory criminal sexual assault of a child;  
17 (D) aggravated criminal sexual assault; or  
18 (E) criminal sexual assault.

19 (a-3.3) Any person required to register as a sex offender  
20 under the Sex Offender Registration Act, regardless of the date  
21 of conviction as set forth in subsection (c-5.2) shall be  
22 required to provide a specimen of blood, saliva, or tissue  
23 within the time period prescribed in subsection (c-5.2) at a  
24 collection site designated by the Illinois Department of State  
25 Police.

26 (a-5) Any person who was otherwise convicted of or received

1 a disposition of court supervision for any other offense under  
2 the Criminal Code of 1961 or the Criminal Code of 2012 or who  
3 was found guilty or given supervision for such a violation  
4 under the Juvenile Court Act of 1987, may, regardless of the  
5 sentence imposed, be required by an order of the court to  
6 submit specimens of blood, saliva, or tissue to the Illinois  
7 Department of State Police in accordance with the provisions of  
8 this Section.

9 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
10 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
11 saliva, or tissue shall provide specimens of blood, saliva, or  
12 tissue within 45 days after sentencing or disposition at a  
13 collection site designated by the Illinois Department of State  
14 Police.

15 (c) Any person required by paragraphs (a)(3), (a)(4), and  
16 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
17 be required to provide such specimens prior to final discharge  
18 or within 6 months from August 13, 2009 (the effective date of  
19 Public Act 96-426), whichever is sooner. These specimens shall  
20 be placed into the State or national DNA database, to be used  
21 in accordance with other provisions of this Act, by the  
22 Illinois State Police.

23 (c-5) Any person required by paragraph (a-3) to provide  
24 specimens of blood, saliva, or tissue shall, where feasible, be  
25 required to provide the specimens before being accepted for  
26 conditioned residency in Illinois under the interstate compact

1 or agreement, but no later than 45 days after arrival in this  
2 State.

3 (c-5.2) Unless it is determined that a registered sex  
4 offender has previously submitted a specimen of blood, saliva,  
5 or tissue that has been placed into the State DNA database, a  
6 person registering as a sex offender shall be required to  
7 submit a specimen at the time of his or her initial  
8 registration pursuant to the Sex Offender Registration Act or,  
9 for a person registered as a sex offender on or prior to  
10 January 1, 2012 (the effective date of Public Act 97-383),  
11 within one year of January 1, 2012 (the effective date of  
12 Public Act 97-383) or at the time of his or her next required  
13 registration.

14 (c-6) The Illinois Department of State Police may determine  
15 which type of specimen or specimens, blood, saliva, or tissue,  
16 is acceptable for submission to the Division of Forensic  
17 Services for analysis. The Illinois Department of State Police  
18 may require the submission of fingerprints from anyone required  
19 to give a specimen under this Act.

20 (d) The Illinois Department of State Police shall provide  
21 all equipment and instructions necessary for the collection of  
22 blood specimens. The collection of specimens shall be performed  
23 in a medically approved manner. Only a physician authorized to  
24 practice medicine, a registered nurse or other qualified person  
25 trained in venipuncture may withdraw blood for the purposes of  
26 this Act. The specimens shall thereafter be forwarded to the

1 Illinois Department of State Police, Division of Forensic  
2 Services, for analysis and categorizing into genetic marker  
3 groupings.

4 (d-1) The Illinois Department of State Police shall provide  
5 all equipment and instructions necessary for the collection of  
6 saliva specimens. The collection of saliva specimens shall be  
7 performed in a medically approved manner. Only a person trained  
8 in the instructions promulgated by the Illinois State Police on  
9 collecting saliva may collect saliva for the purposes of this  
10 Section. The specimens shall thereafter be forwarded to the  
11 Illinois Department of State Police, Division of Forensic  
12 Services, for analysis and categorizing into genetic marker  
13 groupings.

14 (d-2) The Illinois Department of State Police shall provide  
15 all equipment and instructions necessary for the collection of  
16 tissue specimens. The collection of tissue specimens shall be  
17 performed in a medically approved manner. Only a person trained  
18 in the instructions promulgated by the Illinois State Police on  
19 collecting tissue may collect tissue for the purposes of this  
20 Section. The specimens shall thereafter be forwarded to the  
21 Illinois Department of State Police, Division of Forensic  
22 Services, for analysis and categorizing into genetic marker  
23 groupings.

24 (d-5) To the extent that funds are available, the Illinois  
25 Department of State Police shall contract with qualified  
26 personnel and certified laboratories for the collection,

1 analysis, and categorization of known specimens, except as  
2 provided in subsection (n) of this Section.

3 (d-6) Agencies designated by the Illinois Department of  
4 State Police and the Illinois Department of State Police may  
5 contract with third parties to provide for the collection or  
6 analysis of DNA, or both, of an offender's blood, saliva, and  
7 tissue specimens, except as provided in subsection (n) of this  
8 Section.

9 (e) The genetic marker groupings shall be maintained by the  
10 Illinois Department of State Police, Division of Forensic  
11 Services.

12 (f) The genetic marker grouping analysis information  
13 obtained pursuant to this Act shall be confidential and shall  
14 be released only to peace officers of the United States, of  
15 other states or territories, of the insular possessions of the  
16 United States, of foreign countries duly authorized to receive  
17 the same, to all peace officers of the State of Illinois and to  
18 all prosecutorial agencies, and to defense counsel as provided  
19 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
20 genetic marker grouping analysis information obtained pursuant  
21 to this Act shall be used only for (i) valid law enforcement  
22 identification purposes and as required by the Federal Bureau  
23 of Investigation for participation in the National DNA  
24 database, (ii) technology validation purposes, (iii) a  
25 population statistics database, (iv) quality assurance  
26 purposes if personally identifying information is removed, (v)

1 assisting in the defense of the criminally accused pursuant to  
2 Section 116-5 of the Code of Criminal Procedure of 1963, or  
3 (vi) identifying and assisting in the prosecution of a person  
4 who is suspected of committing a sexual assault as defined in  
5 Section 1a of the Sexual Assault Survivors Emergency Treatment  
6 Act. Notwithstanding any other statutory provision to the  
7 contrary, all information obtained under this Section shall be  
8 maintained in a single State data base, which may be uploaded  
9 into a national database, and which information may be subject  
10 to expungement only as set forth in subsection (f-1).

11 (f-1) Upon receipt of notification of a reversal of a  
12 conviction based on actual innocence, or of the granting of a  
13 pardon pursuant to Section 12 of Article V of the Illinois  
14 Constitution, if that pardon document specifically states that  
15 the reason for the pardon is the actual innocence of an  
16 individual whose DNA record has been stored in the State or  
17 national DNA identification index in accordance with this  
18 Section by the Illinois Department of State Police, the DNA  
19 record shall be expunged from the DNA identification index, and  
20 the Department shall by rule prescribe procedures to ensure  
21 that the record and any specimens, analyses, or other documents  
22 relating to such record, whether in the possession of the  
23 Department or any law enforcement or police agency, or any  
24 forensic DNA laboratory, including any duplicates or copies  
25 thereof, are destroyed and a letter is sent to the court  
26 verifying the expungement is completed. For specimens required



1 to be collected prior to conviction, unless the individual has  
2 other charges or convictions that require submission of a  
3 specimen, the DNA record for an individual shall be expunged  
4 from the DNA identification databases and the specimen  
5 destroyed upon receipt of a certified copy of a final court  
6 order for each charge against an individual in which the charge  
7 has been dismissed, resulted in acquittal, or that the charge  
8 was not filed within the applicable time period. The Department  
9 shall by rule prescribe procedures to ensure that the record  
10 and any specimens in the possession or control of the  
11 Department are destroyed and a letter is sent to the court  
12 verifying the expungement is completed.

13 (f-5) Any person who intentionally uses genetic marker  
14 grouping analysis information, or any other information  
15 derived from a DNA specimen, beyond the authorized uses as  
16 provided under this Section, or any other Illinois law, is  
17 guilty of a Class 4 felony, and shall be subject to a fine of  
18 not less than \$5,000.

19 (f-6) The Illinois Department of State Police may contract  
20 with third parties for the purposes of implementing this  
21 amendatory Act of the 93rd General Assembly, except as provided  
22 in subsection (n) of this Section. Any other party contracting  
23 to carry out the functions of this Section shall be subject to  
24 the same restrictions and requirements of this Section insofar  
25 as applicable, as the Illinois Department of State Police, and  
26 to any additional restrictions imposed by the Illinois

1 Department of State Police.

2 (g) For the purposes of this Section, "qualifying offense"  
3 means any of the following:

4 (1) any violation or inchoate violation of Section  
5 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of  
7 2012;

8 (1.1) any violation or inchoate violation of Section  
9 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
10 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 for which persons are  
12 convicted on or after July 1, 2001;

13 (2) any former statute of this State which defined a  
14 felony sexual offense;

15 (3) (blank);

16 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
17 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
18 the Criminal Code of 2012; or

19 (5) any violation or inchoate violation of Article 29D  
20 of the Criminal Code of 1961 or the Criminal Code of 2012.

21 (g-5) (Blank).

22 (h) The Illinois Department of State Police shall be the  
23 State central repository for all genetic marker grouping  
24 analysis information obtained pursuant to this Act. The  
25 Illinois Department of State Police may promulgate rules for  
26 the form and manner of the collection of blood, saliva, or

1 tissue specimens and other procedures for the operation of this  
2 Act. The provisions of the Administrative Review Law shall  
3 apply to all actions taken under the rules so promulgated.

4 (i) (1) A person required to provide a blood, saliva, or  
5 tissue specimen shall cooperate with the collection of the  
6 specimen and any deliberate act by that person intended to  
7 impede, delay or stop the collection of the blood, saliva,  
8 or tissue specimen is a Class 4 felony.

9 (2) In the event that a person's DNA specimen is not  
10 adequate for any reason, the person shall provide another  
11 DNA specimen for analysis. Duly authorized law enforcement  
12 and corrections personnel may employ reasonable force in  
13 cases in which an individual refuses to provide a DNA  
14 specimen required under this Act.

15 (j) (Blank). ~~Any person required by subsection (a), or any~~  
16 ~~person who was previously required by subsection (a 3.2), to~~  
17 ~~submit specimens of blood, saliva, or tissue to the Illinois~~  
18 ~~Department of State Police for analysis and categorization into~~  
19 ~~genetic marker grouping, in addition to any other disposition,~~  
20 ~~penalty, or fine imposed, shall pay an analysis fee of \$250. If~~  
21 ~~the analysis fee is not paid at the time of sentencing, the~~  
22 ~~court shall establish a fee schedule by which the entire amount~~  
23 ~~of the analysis fee shall be paid in full, such schedule not to~~  
24 ~~exceed 24 months from the time of conviction. The inability to~~  
25 ~~pay this analysis fee shall not be the sole ground to~~  
26 ~~incarcerate the person.~~

1           (k) All analysis and categorization assessments ~~fees~~  
2 provided under the Criminal and Traffic Assessments Act to the  
3 State Offender DNA Identification System Fund ~~for by subsection~~  
4 ~~(j)~~ shall be regulated as follows:

5           (1) The State Offender DNA Identification System Fund  
6 is hereby created as a special fund in the State Treasury.

7           (2) (Blank). ~~All fees shall be collected by the clerk~~  
8 ~~of the court and forwarded to the State Offender DNA~~  
9 ~~Identification System Fund for deposit. The clerk of the~~  
10 ~~circuit court may retain the amount of \$10 from each~~  
11 ~~collected analysis fee to offset administrative costs~~  
12 ~~incurred in carrying out the clerk's responsibilities~~  
13 ~~under this Section.~~

14           (3) Moneys ~~Fees~~ deposited into the State Offender DNA  
15 Identification System Fund shall be used by Illinois State  
16 Police crime laboratories as designated by the Director of  
17 State Police. These funds shall be in addition to any  
18 allocations made pursuant to existing laws and shall be  
19 designated for the exclusive use of State crime  
20 laboratories. These uses may include, but are not limited  
21 to, the following:

22           (A) Costs incurred in providing analysis and  
23 genetic marker categorization as required by  
24 subsection (d).

25           (B) Costs incurred in maintaining genetic marker  
26 groupings as required by subsection (e).

1 (C) Costs incurred in the purchase and maintenance  
2 of equipment for use in performing analyses.

3 (D) Costs incurred in continuing research and  
4 development of new techniques for analysis and genetic  
5 marker categorization.

6 (E) Costs incurred in continuing education,  
7 training, and professional development of forensic  
8 scientists regularly employed by these laboratories.

9 (1) The failure of a person to provide a specimen, or of  
10 any person or agency to collect a specimen, shall in no way  
11 alter the obligation of the person to submit such specimen, or  
12 the authority of the Illinois Department of State Police or  
13 persons designated by the Department to collect the specimen,  
14 or the authority of the Illinois Department of State Police to  
15 accept, analyze and maintain the specimen or to maintain or  
16 upload results of genetic marker grouping analysis information  
17 into a State or national database.

18 (m) If any provision of this amendatory Act of the 93rd  
19 General Assembly is held unconstitutional or otherwise  
20 invalid, the remainder of this amendatory Act of the 93rd  
21 General Assembly is not affected.

22 (n) Neither the Department of State Police, the Division of  
23 Forensic Services, nor any laboratory of the Division of  
24 Forensic Services may contract out forensic testing for the  
25 purpose of an active investigation or a matter pending before a  
26 court of competent jurisdiction without the written consent of

1 the prosecuting agency. For the purposes of this subsection  
2 (n), "forensic testing" includes the analysis of physical  
3 evidence in an investigation or other proceeding for the  
4 prosecution of a violation of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 or for matters adjudicated under the  
6 Juvenile Court Act of 1987, and includes the use of forensic  
7 databases and databanks, including DNA, firearm, and  
8 fingerprint databases, and expert testimony.

9 (o) Mistake does not invalidate a database match. The  
10 detention, arrest, or conviction of a person based upon a  
11 database match or database information is not invalidated if it  
12 is determined that the specimen was obtained or placed in the  
13 database by mistake.

14 (p) This Section may be referred to as the Illinois DNA  
15 Database Law of 2011.

16 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;  
17 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

18 (730 ILCS 5/5-4.5-50)

19 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
20 as otherwise provided, for all felonies:

21 (a) NO SUPERVISION. The court, upon a plea of guilty or a  
22 stipulation by the defendant of the facts supporting the charge  
23 or a finding of guilt, may not defer further proceedings and  
24 the imposition of a sentence and may not enter an order for  
25 supervision of the defendant.

1 (b) FELONY FINES. Unless otherwise specified by law, the  
2 minimum fine is \$25. An offender may be sentenced to pay a fine  
3 not to exceed, for each offense, \$25,000 or the amount  
4 specified in the offense, whichever is greater, or if the  
5 offender is a corporation, \$50,000 or the amount specified in  
6 the offense, whichever is greater. A fine may be imposed in  
7 addition to a sentence of conditional discharge, probation,  
8 periodic imprisonment, or imprisonment. See Article 9 of  
9 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of  
10 additional amounts and determination of amounts and payment. If  
11 the court finds that the fine would impose an undue burden on  
12 the victim, the court may reduce or waive the fine.

13 (c) REASONS FOR SENTENCE STATED. The sentencing judge in  
14 each felony conviction shall set forth his or her reasons for  
15 imposing the particular sentence entered in the case, as  
16 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may  
17 include any mitigating or aggravating factors specified in this  
18 Code, or the lack of any such factors, as well as any other  
19 mitigating or aggravating factors that the judge sets forth on  
20 the record that are consistent with the purposes and principles  
21 of sentencing set out in this Code.

22 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a  
23 sentence may be made, or the court may reduce a sentence  
24 without motion, within 30 days after the sentence is imposed. A  
25 defendant's challenge to the correctness of a sentence or to  
26 any aspect of the sentencing hearing shall be made by a written

1 motion filed with the circuit court clerk within 30 days  
2 following the imposition of sentence. A motion not filed within  
3 that 30-day period is not timely. The court may not increase a  
4 sentence once it is imposed. A notice of motion must be filed  
5 with the motion. The notice of motion shall set the motion on  
6 the court's calendar on a date certain within a reasonable time  
7 after the date of filing.

8 If a motion filed pursuant to this subsection is timely  
9 filed, the proponent of the motion shall exercise due diligence  
10 in seeking a determination on the motion and the court shall  
11 thereafter decide the motion within a reasonable time.

12 If a motion filed pursuant to this subsection is timely  
13 filed, then for purposes of perfecting an appeal, a final  
14 judgment is not considered to have been entered until the  
15 motion to reduce the sentence has been decided by order entered  
16 by the trial court.

17 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
18 OTHER-STATE SENTENCE. A defendant who has a previous and  
19 unexpired sentence of imprisonment imposed by another state or  
20 by any district court of the United States and who, after  
21 sentence for a crime in Illinois, must return to serve the  
22 unexpired prior sentence may have his or her sentence by the  
23 Illinois court ordered to be concurrent with the prior  
24 other-state or federal sentence. The court may order that any  
25 time served on the unexpired portion of the other-state or  
26 federal sentence, prior to his or her return to Illinois, shall



1 be credited on his or her Illinois sentence. The appropriate  
2 official of the other state or the United States shall be  
3 furnished with a copy of the order imposing sentence, which  
4 shall provide that, when the offender is released from  
5 other-state or federal confinement, whether by parole or by  
6 termination of sentence, the offender shall be transferred by  
7 the Sheriff of the committing Illinois county to the Illinois  
8 Department of Corrections. The court shall cause the Department  
9 of Corrections to be notified of the sentence at the time of  
10 commitment and to be provided with copies of all records  
11 regarding the sentence.

12 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A  
13 defendant who has a previous and unexpired sentence of  
14 imprisonment imposed by an Illinois circuit court for a crime  
15 in this State and who is subsequently sentenced to a term of  
16 imprisonment by another state or by any district court of the  
17 United States and who has served a term of imprisonment imposed  
18 by the other state or district court of the United States, and  
19 must return to serve the unexpired prior sentence imposed by  
20 the Illinois circuit court, may apply to the Illinois circuit  
21 court that imposed sentence to have his or her sentence  
22 reduced.

23 The circuit court may order that any time served on the  
24 sentence imposed by the other state or district court of the  
25 United States be credited on his or her Illinois sentence. The  
26 application for reduction of a sentence under this subsection

1 shall be made within 30 days after the defendant has completed  
2 the sentence imposed by the other state or district court of  
3 the United States.

4 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a  
5 sentence or disposition that requires the defendant to be  
6 implanted or injected with or to use any form of birth control.  
7 (Source: P.A. 95-1052, eff. 7-1-09.)

8 (730 ILCS 5/5-4.5-55)

9 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class  
10 A misdemeanor:

11 (a) TERM. The sentence of imprisonment shall be a  
12 determinate sentence of less than one year.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
14 imprisonment shall be for a definite term of less than one  
15 year, except as otherwise provided in Section 5-5-3 or 5-7-1  
16 (730 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
18 5/5-8-1.2) concerning eligibility for the county impact  
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
22 period of probation or conditional discharge shall not exceed 2  
23 years. The court shall specify the conditions of probation or  
24 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
25 5/5-6-3).

1 (e) FINE. Unless otherwise specified by law, the minimum  
2 fine is \$25. A fine not to exceed \$2,500 for each offense or  
3 the amount specified in the offense, whichever is greater, may  
4 be imposed. A fine may be imposed in addition to a sentence of  
5 conditional discharge, probation, periodic imprisonment, or  
6 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
7 Art. 9) for imposition of additional amounts and determination  
8 of amounts and payment. If the court finds that the fine would  
9 impose an undue burden on the victim, the court may reduce or  
10 waive the fine.

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
14 be concurrent or consecutive as provided in Section 5-8-4 (730  
15 ILCS 5/5-8-4).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
17 Act (730 ILCS 166/20) concerning eligibility for a drug court  
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
20 ILCS 5/5-4.5-100) concerning credit for time spent in home  
21 detention prior to judgment.

22 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
23 Behavior Allowance Act (730 ILCS 130/) for rules and  
24 regulations for good behavior allowance.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (Source: P.A. 100-431, eff. 8-25-17.)

3 (730 ILCS 5/5-4.5-60)

4 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class  
5 B misdemeanor:

6 (a) TERM. The sentence of imprisonment shall be a  
7 determinate sentence of not more than 6 months.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
9 imprisonment shall be for a definite term of up to 6 months or  
10 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
12 5/5-8-1.2) concerning eligibility for the county impact  
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
15 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or  
16 conditional discharge shall not exceed 2 years. The court shall  
17 specify the conditions of probation or conditional discharge as  
18 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

19 (e) FINE. Unless otherwise specified by law, the minimum  
20 fine is \$25. A fine not to exceed \$1,500 for each offense or  
21 the amount specified in the offense, whichever is greater, may  
22 be imposed. A fine may be imposed in addition to a sentence of  
23 conditional discharge, probation, periodic imprisonment, or  
24 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
25 Art. 9) for imposition of additional amounts and determination

1 of amounts and payment. If the court finds that the fine would  
2 impose an undue burden on the victim, the court may reduce or  
3 waive the fine.

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
7 be concurrent or consecutive as provided in Section 5-8-4 (730  
8 ILCS 5/5-8-4).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
10 Act (730 ILCS 166/20) concerning eligibility for a drug court  
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
13 ILCS 5/5-4.5-100) concerning credit for time spent in home  
14 detention prior to judgment.

15 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
16 Behavior Allowance Act (730 ILCS 130/) for rules and  
17 regulations for good behavior allowance.

18 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
19 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
20 electronic monitoring and home detention.

21 (Source: P.A. 100-431, eff. 8-25-17.)

22 (730 ILCS 5/5-4.5-65)

23 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class  
24 C misdemeanor:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not more than 30 days.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
3 imprisonment shall be for a definite term of up to 30 days or  
4 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
6 5/5-8-1.2) concerning eligibility for the county impact  
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
9 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or  
10 conditional discharge shall not exceed 2 years. The court shall  
11 specify the conditions of probation or conditional discharge as  
12 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

13 (e) FINE. Unless otherwise specified by law, the minimum  
14 fine is \$25. A fine not to exceed \$1,500 for each offense or  
15 the amount specified in the offense, whichever is greater, may  
16 be imposed. A fine may be imposed in addition to a sentence of  
17 conditional discharge, probation, periodic imprisonment, or  
18 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
19 Art. 9) for imposition of additional amounts and determination  
20 of amounts and payment. If the court finds that the fine would  
21 impose an undue burden on the victim, the court may reduce or  
22 waive the fine.

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
3 Act (730 ILCS 166/20) concerning eligibility for a drug court  
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
6 ILCS 5/5-4.5-100) concerning credit for time spent in home  
7 detention prior to judgment.

8 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
9 Behavior Allowance Act (730 ILCS 130/) for rules and  
10 regulations for good behavior allowance.

11 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
12 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
13 electronic monitoring and home detention.

14 (Source: P.A. 100-431, eff. 8-25-17.)

15 (730 ILCS 5/5-4.5-75)

16 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as  
17 otherwise provided, for a petty offense:

18 (a) FINE. Unless otherwise specified by law, the minimum  
19 fine is \$25. A defendant may be sentenced to pay a fine not to  
20 exceed \$1,000 for each offense or the amount specified in the  
21 offense, whichever is less. A fine may be imposed in addition  
22 to a sentence of conditional discharge or probation. See  
23 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for  
24 imposition of additional amounts and determination of amounts  
25 and payment. If the court finds that the fine would impose an

1 undue burden on the victim, the court may reduce or waive the  
2 fine.

3 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
4 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be  
5 sentenced to a period of probation or conditional discharge not  
6 to exceed 6 months. The court shall specify the conditions of  
7 probation or conditional discharge as set forth in Section  
8 5-6-3 (730 ILCS 5/5-6-3).

9 (c) RESTITUTION. A defendant may be sentenced to make  
10 restitution to the victim under Section 5-5-6 (730 ILCS  
11 5/5-5-6).

12 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or  
13 a stipulation by the defendant of the facts supporting the  
14 charge or a finding of guilt, may defer further proceedings and  
15 the imposition of a sentence and may enter an order for  
16 supervision of the defendant. If the defendant is not barred  
17 from receiving an order for supervision under Section 5-6-1  
18 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order  
19 for supervision after considering the circumstances of the  
20 offense, and the history, character, and condition of the  
21 offender, if the court is of the opinion that:

22 (1) the defendant is not likely to commit further  
23 crimes;

24 (2) the defendant and the public would be best served  
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice, an order of



1 supervision is more appropriate than a sentence otherwise  
2 permitted under this Code.

3 (e) SUPERVISION; PERIOD. When a defendant is placed on  
4 supervision, the court shall enter an order for supervision  
5 specifying the period of supervision, and shall defer further  
6 proceedings in the case until the conclusion of the period. The  
7 period of supervision shall be reasonable under all of the  
8 circumstances of the case, and except as otherwise provided,  
9 may not be longer than 2 years. The court shall specify the  
10 conditions of supervision as set forth in Section 5-6-3.1 (730  
11 ILCS 5/5-6-3.1).

12 (Source: P.A. 95-1052, eff. 7-1-09.)

13 (730 ILCS 5/5-4.5-80)

14 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as  
15 otherwise provided, for a business offense:

16 (a) FINE. Unless otherwise specified by law, the minimum  
17 fine is \$25. A defendant may be sentenced to pay a fine not to  
18 exceed for each offense the amount specified in the statute  
19 defining that offense. A fine may be imposed in addition to a  
20 sentence of conditional discharge. See Article 9 of Chapter V  
21 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts  
22 and determination of amounts and payment. If the court finds  
23 that the fine would impose an undue burden on the victim, the  
24 court may reduce or waive the fine.

25 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to

1 a period of conditional discharge. The court shall specify the  
2 conditions of conditional discharge as set forth in Section  
3 5-6-3 (730 ILCS 5/5-6-3).

4 (c) RESTITUTION. A defendant may be sentenced to make  
5 restitution to the victim under Section 5-5-6 (730 ILCS  
6 5/5-5-6).

7 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or  
8 a stipulation by the defendant of the facts supporting the  
9 charge or a finding of guilt, may defer further proceedings and  
10 the imposition of a sentence and may enter an order for  
11 supervision of the defendant. If the defendant is not barred  
12 from receiving an order for supervision under Section 5-6-1  
13 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order  
14 for supervision after considering the circumstances of the  
15 offense, and the history, character, and condition of the  
16 offender, if the court is of the opinion that:

17 (1) the defendant is not likely to commit further  
18 crimes;

19 (2) the defendant and the public would be best served  
20 if the defendant were not to receive a criminal record; and

21 (3) in the best interests of justice, an order of  
22 supervision is more appropriate than a sentence otherwise  
23 permitted under this Code.

24 (e) SUPERVISION; PERIOD. When a defendant is placed on  
25 supervision, the court shall enter an order for supervision  
26 specifying the period of supervision, and shall defer further

1 proceedings in the case until the conclusion of the period. The  
2 period of supervision shall be reasonable under all of the  
3 circumstances of the case, and except as otherwise provided,  
4 may not be longer than 2 years. The court shall specify the  
5 conditions of supervision as set forth in Section 5-6-3.1 (730  
6 ILCS 5/5-6-3.1).

7 (Source: P.A. 95-1052, eff. 7-1-09.)

8 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

9 Sec. 5-5-3. Disposition.

10 (a) (Blank).

11 (b) (Blank).

12 (c) (1) (Blank).

13 (2) A period of probation, a term of periodic imprisonment  
14 or conditional discharge shall not be imposed for the following  
15 offenses. The court shall sentence the offender to not less  
16 than the minimum term of imprisonment set forth in this Code  
17 for the following offenses, and may order a fine or restitution  
18 or both in conjunction with such term of imprisonment:

19 (A) First degree murder where the death penalty is not  
20 imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the Illinois  
24 Controlled Substances Act, or a violation of subdivision  
25 (c)(1.5) of Section 401 of that Act which relates to more

1 than 5 grams of a substance containing fentanyl or an  
2 analog thereof.

3 (D-5) A violation of subdivision (c) (1) of Section 401  
4 of the Illinois Controlled Substances Act which relates to  
5 3 or more grams of a substance containing heroin or an  
6 analog thereof.

7 (E) (Blank).

8 (F) A Class 1 or greater felony if the offender had  
9 been convicted of a Class 1 or greater felony, including  
10 any state or federal conviction for an offense that  
11 contained, at the time it was committed, the same elements  
12 as an offense now (the date of the offense committed after  
13 the prior Class 1 or greater felony) classified as a Class  
14 1 or greater felony, within 10 years of the date on which  
15 the offender committed the offense for which he or she is  
16 being sentenced, except as otherwise provided in Section  
17 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
18 Act.

19 (F-3) A Class 2 or greater felony sex offense or felony  
20 firearm offense if the offender had been convicted of a  
21 Class 2 or greater felony, including any state or federal  
22 conviction for an offense that contained, at the time it  
23 was committed, the same elements as an offense now (the  
24 date of the offense committed after the prior Class 2 or  
25 greater felony) classified as a Class 2 or greater felony,  
26 within 10 years of the date on which the offender committed

1 the offense for which he or she is being sentenced, except  
2 as otherwise provided in Section 40-10 of the Alcoholism  
3 and Other Drug Abuse and Dependency Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
5 the Criminal Code of 1961 or the Criminal Code of 2012 for  
6 which imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise provided  
8 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
9 Dependency Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen as described  
12 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
13 of the Criminal Code of 1961 or the Criminal Code of 2012.

14 (J) A forcible felony if the offense was related to the  
15 activities of an organized gang.

16 Before July 1, 1994, for the purposes of this  
17 paragraph, "organized gang" means an association of 5 or  
18 more persons, with an established hierarchy, that  
19 encourages members of the association to perpetrate crimes  
20 or provides support to the members of the association who  
21 do commit crimes.

22 Beginning July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" has the meaning ascribed to it  
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 (K) Vehicular hijacking.

1           (L) A second or subsequent conviction for the offense  
2           of hate crime when the underlying offense upon which the  
3           hate crime is based is felony aggravated assault or felony  
4           mob action.

5           (M) A second or subsequent conviction for the offense  
6           of institutional vandalism if the damage to the property  
7           exceeds \$300.

8           (N) A Class 3 felony violation of paragraph (1) of  
9           subsection (a) of Section 2 of the Firearm Owners  
10          Identification Card Act.

11          (O) A violation of Section 12-6.1 or 12-6.5 of the  
12          Criminal Code of 1961 or the Criminal Code of 2012.

13          (P) A violation of paragraph (1), (2), (3), (4), (5),  
14          or (7) of subsection (a) of Section 11-20.1 of the Criminal  
15          Code of 1961 or the Criminal Code of 2012.

16          (Q) A violation of subsection (b) or (b-5) of Section  
17          20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
18          Code of 1961 or the Criminal Code of 2012.

19          (R) A violation of Section 24-3A of the Criminal Code  
20          of 1961 or the Criminal Code of 2012.

21          (S) (Blank).

22          (T) (Blank).

23          (U) A second or subsequent violation of Section 6-303  
24          of the Illinois Vehicle Code committed while his or her  
25          driver's license, permit, or privilege was revoked because  
26          of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar provision of a law of  
3 another state.

4 (V) A violation of paragraph (4) of subsection (c) of  
5 Section 11-20.1B or paragraph (4) of subsection (c) of  
6 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
7 (6) of subsection (a) of Section 11-20.1 of the Criminal  
8 Code of 2012 when the victim is under 13 years of age and  
9 the defendant has previously been convicted under the laws  
10 of this State or any other state of the offense of child  
11 pornography, aggravated child pornography, aggravated  
12 criminal sexual abuse, aggravated criminal sexual assault,  
13 predatory criminal sexual assault of a child, or any of the  
14 offenses formerly known as rape, deviate sexual assault,  
15 indecent liberties with a child, or aggravated indecent  
16 liberties with a child where the victim was under the age  
17 of 18 years or an offense that is substantially equivalent  
18 to those offenses.

19 (W) A violation of Section 24-3.5 of the Criminal Code  
20 of 1961 or the Criminal Code of 2012.

21 (X) A violation of subsection (a) of Section 31-1a of  
22 the Criminal Code of 1961 or the Criminal Code of 2012.

23 (Y) A conviction for unlawful possession of a firearm  
24 by a street gang member when the firearm was loaded or  
25 contained firearm ammunition.

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge for a  
2 felony.

3 (AA) Theft of property exceeding \$500,000 and not  
4 exceeding \$1,000,000 in value.

5 (BB) Laundering of criminally derived property of a  
6 value exceeding \$500,000.

7 (CC) Knowingly selling, offering for sale, holding for  
8 sale, or using 2,000 or more counterfeit items or  
9 counterfeit items having a retail value in the aggregate of  
10 \$500,000 or more.

11 (DD) A conviction for aggravated assault under  
12 paragraph (6) of subsection (c) of Section 12-2 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012 if the  
14 firearm is aimed toward the person against whom the firearm  
15 is being used.

16 (EE) A conviction for a violation of paragraph (2) of  
17 subsection (a) of Section 24-3B of the Criminal Code of  
18 2012.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10  
21 consecutive days or 30 days of community service shall be  
22 imposed for a violation of paragraph (c) of Section 6-303 of  
23 the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
26 this subsection (c), a minimum of 100 hours of community



1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court, shall  
5 be imposed for a second violation of subsection (c) of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
8 (4.9) of this subsection (c), a minimum term of imprisonment of  
9 30 days or 300 hours of community service, as determined by the  
10 court, shall be imposed for a third or subsequent violation of  
11 Section 6-303 of the Illinois Vehicle Code. The court may give  
12 credit toward the fulfillment of community service hours for  
13 participation in activities and treatment as determined by  
14 court services.

15 (4.5) A minimum term of imprisonment of 30 days shall be  
16 imposed for a third violation of subsection (c) of Section  
17 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

22 (4.7) A minimum term of imprisonment of not less than 30  
23 consecutive days, or 300 hours of community service, shall be  
24 imposed for a violation of subsection (a-5) of Section 6-303 of  
25 the Illinois Vehicle Code, as provided in subsection (b-5) of  
26 that Section.

1           (4.8) A mandatory prison sentence shall be imposed for a  
2 second violation of subsection (a-5) of Section 6-303 of the  
3 Illinois Vehicle Code, as provided in subsection (c-5) of that  
4 Section. The person's driving privileges shall be revoked for a  
5 period of not less than 5 years from the date of his or her  
6 release from prison.

7           (4.9) A mandatory prison sentence of not less than 4 and  
8 not more than 15 years shall be imposed for a third violation  
9 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
10 Code, as provided in subsection (d-2.5) of that Section. The  
11 person's driving privileges shall be revoked for the remainder  
12 of his or her life.

13           (4.10) A mandatory prison sentence for a Class 1 felony  
14 shall be imposed, and the person shall be eligible for an  
15 extended term sentence, for a fourth or subsequent violation of  
16 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
17 as provided in subsection (d-3.5) of that Section. The person's  
18 driving privileges shall be revoked for the remainder of his or  
19 her life.

20           (5) The court may sentence a corporation or unincorporated  
21 association convicted of any offense to:

22                 (A) a period of conditional discharge;

23                 (B) a fine;

24                 (C) make restitution to the victim under Section 5-5-6  
25 of this Code.

26           (5.1) In addition to any other penalties imposed, and

1     except as provided in paragraph (5.2) or (5.3), a person  
2     convicted of violating subsection (c) of Section 11-907 of the  
3     Illinois Vehicle Code shall have his or her driver's license,  
4     permit, or privileges suspended for at least 90 days but not  
5     more than one year, if the violation resulted in damage to the  
6     property of another person.

7             (5.2) In addition to any other penalties imposed, and  
8     except as provided in paragraph (5.3), a person convicted of  
9     violating subsection (c) of Section 11-907 of the Illinois  
10    Vehicle Code shall have his or her driver's license, permit, or  
11    privileges suspended for at least 180 days but not more than 2  
12    years, if the violation resulted in injury to another person.

13            (5.3) In addition to any other penalties imposed, a person  
14    convicted of violating subsection (c) of Section 11-907 of the  
15    Illinois Vehicle Code shall have his or her driver's license,  
16    permit, or privileges suspended for 2 years, if the violation  
17    resulted in the death of another person.

18            (5.4) In addition to any other penalties imposed, a person  
19    convicted of violating Section 3-707 of the Illinois Vehicle  
20    Code shall have his or her driver's license, permit, or  
21    privileges suspended for 3 months and until he or she has paid  
22    a reinstatement fee of \$100.

23            (5.5) In addition to any other penalties imposed, a person  
24    convicted of violating Section 3-707 of the Illinois Vehicle  
25    Code during a period in which his or her driver's license,  
26    permit, or privileges were suspended for a previous violation

1 of that Section shall have his or her driver's license, permit,  
2 or privileges suspended for an additional 6 months after the  
3 expiration of the original 3-month suspension and until he or  
4 she has paid a reinstatement fee of \$100.

5 (6) (Blank).

6 (7) (Blank).

7 (8) (Blank).

8 (9) A defendant convicted of a second or subsequent offense  
9 of ritualized abuse of a child may be sentenced to a term of  
10 natural life imprisonment.

11 (10) (Blank).

12 (11) The court shall impose a minimum fine of \$1,000 for a  
13 first offense and \$2,000 for a second or subsequent offense  
14 upon a person convicted of or placed on supervision for battery  
15 when the individual harmed was a sports official or coach at  
16 any level of competition and the act causing harm to the sports  
17 official or coach occurred within an athletic facility or  
18 within the immediate vicinity of the athletic facility at which  
19 the sports official or coach was an active participant of the  
20 athletic contest held at the athletic facility. For the  
21 purposes of this paragraph (11), "sports official" means a  
22 person at an athletic contest who enforces the rules of the  
23 contest, such as an umpire or referee; "athletic facility"  
24 means an indoor or outdoor playing field or recreational area  
25 where sports activities are conducted; and "coach" means a  
26 person recognized as a coach by the sanctioning authority that

1 conducted the sporting event.

2 (12) A person may not receive a disposition of court  
3 supervision for a violation of Section 5-16 of the Boat  
4 Registration and Safety Act if that person has previously  
5 received a disposition of court supervision for a violation of  
6 that Section.

7 (13) A person convicted of or placed on court supervision  
8 for an assault or aggravated assault when the victim and the  
9 offender are family or household members as defined in Section  
10 103 of the Illinois Domestic Violence Act of 1986 or convicted  
11 of domestic battery or aggravated domestic battery may be  
12 required to attend a Partner Abuse Intervention Program under  
13 protocols set forth by the Illinois Department of Human  
14 Services under such terms and conditions imposed by the court.  
15 The costs of such classes shall be paid by the offender.

16 (d) In any case in which a sentence originally imposed is  
17 vacated, the case shall be remanded to the trial court. The  
18 trial court shall hold a hearing under Section 5-4-1 of the  
19 Unified Code of Corrections which may include evidence of the  
20 defendant's life, moral character and occupation during the  
21 time since the original sentence was passed. The trial court  
22 shall then impose sentence upon the defendant. The trial court  
23 may impose any sentence which could have been imposed at the  
24 original trial subject to Section 5-5-4 of the Unified Code of  
25 Corrections. If a sentence is vacated on appeal or on  
26 collateral attack due to the failure of the trier of fact at

1 trial to determine beyond a reasonable doubt the existence of a  
2 fact (other than a prior conviction) necessary to increase the  
3 punishment for the offense beyond the statutory maximum  
4 otherwise applicable, either the defendant may be re-sentenced  
5 to a term within the range otherwise provided or, if the State  
6 files notice of its intention to again seek the extended  
7 sentence, the defendant shall be afforded a new trial.

8 (e) In cases where prosecution for aggravated criminal  
9 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012 results in conviction  
11 of a defendant who was a family member of the victim at the  
12 time of the commission of the offense, the court shall consider  
13 the safety and welfare of the victim and may impose a sentence  
14 of probation only where:

15 (1) the court finds (A) or (B) or both are appropriate:

16 (A) the defendant is willing to undergo a court  
17 approved counseling program for a minimum duration of 2  
18 years; or

19 (B) the defendant is willing to participate in a  
20 court approved plan including but not limited to the  
21 defendant's:

22 (i) removal from the household;

23 (ii) restricted contact with the victim;

24 (iii) continued financial support of the  
25 family;

26 (iv) restitution for harm done to the victim;

1                   and

2                               (v) compliance with any other measures that  
3                   the court may deem appropriate; and

4                   (2) the court orders the defendant to pay for the  
5                   victim's counseling services, to the extent that the court  
6                   finds, after considering the defendant's income and  
7                   assets, that the defendant is financially capable of paying  
8                   for such services, if the victim was under 18 years of age  
9                   at the time the offense was committed and requires  
10                  counseling as a result of the offense.

11                  Probation may be revoked or modified pursuant to Section  
12                  5-6-4; except where the court determines at the hearing that  
13                  the defendant violated a condition of his or her probation  
14                  restricting contact with the victim or other family members or  
15                  commits another offense with the victim or other family  
16                  members, the court shall revoke the defendant's probation and  
17                  impose a term of imprisonment.

18                  For the purposes of this Section, "family member" and  
19                  "victim" shall have the meanings ascribed to them in Section  
20                  11-0.1 of the Criminal Code of 2012.

21                  (f) (Blank).

22                  (g) Whenever a defendant is convicted of an offense under  
23                  Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
24                  11-14.3, 11-14.4 except for an offense that involves keeping a  
25                  place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
26                  11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, the defendant shall undergo medical  
3 testing to determine whether the defendant has any sexually  
4 transmissible disease, including a test for infection with  
5 human immunodeficiency virus (HIV) or any other identified  
6 causative agent of acquired immunodeficiency syndrome (AIDS).  
7 Any such medical test shall be performed only by appropriately  
8 licensed medical practitioners and may include an analysis of  
9 any bodily fluids as well as an examination of the defendant's  
10 person. Except as otherwise provided by law, the results of  
11 such test shall be kept strictly confidential by all medical  
12 personnel involved in the testing and must be personally  
13 delivered in a sealed envelope to the judge of the court in  
14 which the conviction was entered for the judge's inspection in  
15 camera. Acting in accordance with the best interests of the  
16 victim and the public, the judge shall have the discretion to  
17 determine to whom, if anyone, the results of the testing may be  
18 revealed. The court shall notify the defendant of the test  
19 results. The court shall also notify the victim if requested by  
20 the victim, and if the victim is under the age of 15 and if  
21 requested by the victim's parents or legal guardian, the court  
22 shall notify the victim's parents or legal guardian of the test  
23 results. The court shall provide information on the  
24 availability of HIV testing and counseling at Department of  
25 Public Health facilities to all parties to whom the results of  
26 the testing are revealed and shall direct the State's Attorney



1 to provide the information to the victim when possible. A  
2 State's Attorney may petition the court to obtain the results  
3 of any HIV test administered under this Section, and the court  
4 shall grant the disclosure if the State's Attorney shows it is  
5 relevant in order to prosecute a charge of criminal  
6 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012 against the  
8 defendant. The court shall order that the cost of any such test  
9 shall be paid by the county and may be taxed as costs against  
10 the convicted defendant.

11 (g-5) When an inmate is tested for an airborne communicable  
12 disease, as determined by the Illinois Department of Public  
13 Health including but not limited to tuberculosis, the results  
14 of the test shall be personally delivered by the warden or his  
15 or her designee in a sealed envelope to the judge of the court  
16 in which the inmate must appear for the judge's inspection in  
17 camera if requested by the judge. Acting in accordance with the  
18 best interests of those in the courtroom, the judge shall have  
19 the discretion to determine what if any precautions need to be  
20 taken to prevent transmission of the disease in the courtroom.

21 (h) Whenever a defendant is convicted of an offense under  
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
23 defendant shall undergo medical testing to determine whether  
24 the defendant has been exposed to human immunodeficiency virus  
25 (HIV) or any other identified causative agent of acquired  
26 immunodeficiency syndrome (AIDS). Except as otherwise provided

1 by law, the results of such test shall be kept strictly  
2 confidential by all medical personnel involved in the testing  
3 and must be personally delivered in a sealed envelope to the  
4 judge of the court in which the conviction was entered for the  
5 judge's inspection in camera. Acting in accordance with the  
6 best interests of the public, the judge shall have the  
7 discretion to determine to whom, if anyone, the results of the  
8 testing may be revealed. The court shall notify the defendant  
9 of a positive test showing an infection with the human  
10 immunodeficiency virus (HIV). The court shall provide  
11 information on the availability of HIV testing and counseling  
12 at Department of Public Health facilities to all parties to  
13 whom the results of the testing are revealed and shall direct  
14 the State's Attorney to provide the information to the victim  
15 when possible. A State's Attorney may petition the court to  
16 obtain the results of any HIV test administered under this  
17 Section, and the court shall grant the disclosure if the  
18 State's Attorney shows it is relevant in order to prosecute a  
19 charge of criminal transmission of HIV under Section 12-5.01 or  
20 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
21 2012 against the defendant. The court shall order that the cost  
22 of any such test shall be paid by the county and may be taxed as  
23 costs against the convicted defendant.

24 (i) All fines and penalties imposed under this Section for  
25 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
26 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a  
2 similar provision of a local ordinance, shall be collected and  
3 disbursed by the circuit clerk as provided under the Criminal  
4 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
5 ~~Act.~~

6 (j) In cases when prosecution for any violation of Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
11 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, any violation of the Illinois Controlled  
13 Substances Act, any violation of the Cannabis Control Act, or  
14 any violation of the Methamphetamine Control and Community  
15 Protection Act results in conviction, a disposition of court  
16 supervision, or an order of probation granted under Section 10  
17 of the Cannabis Control Act, Section 410 of the Illinois  
18 Controlled Substances Act, or Section 70 of the Methamphetamine  
19 Control and Community Protection Act of a defendant, the court  
20 shall determine whether the defendant is employed by a facility  
21 or center as defined under the Child Care Act of 1969, a public  
22 or private elementary or secondary school, or otherwise works  
23 with children under 18 years of age on a daily basis. When a  
24 defendant is so employed, the court shall order the Clerk of  
25 the Court to send a copy of the judgment of conviction or order  
26 of supervision or probation to the defendant's employer by

1 certified mail. If the employer of the defendant is a school,  
2 the Clerk of the Court shall direct the mailing of a copy of  
3 the judgment of conviction or order of supervision or probation  
4 to the appropriate regional superintendent of schools. The  
5 regional superintendent of schools shall notify the State Board  
6 of Education of any notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is convicted  
8 of a felony and who has not been previously convicted of a  
9 misdemeanor or felony and who is sentenced to a term of  
10 imprisonment in the Illinois Department of Corrections shall as  
11 a condition of his or her sentence be required by the court to  
12 attend educational courses designed to prepare the defendant  
13 for a high school diploma and to work toward a high school  
14 diploma or to work toward passing high school equivalency  
15 testing or to work toward completing a vocational training  
16 program offered by the Department of Corrections. If a  
17 defendant fails to complete the educational training required  
18 by his or her sentence during the term of incarceration, the  
19 Prisoner Review Board shall, as a condition of mandatory  
20 supervised release, require the defendant, at his or her own  
21 expense, to pursue a course of study toward a high school  
22 diploma or passage of high school equivalency testing. The  
23 Prisoner Review Board shall revoke the mandatory supervised  
24 release of a defendant who wilfully fails to comply with this  
25 subsection (j-5) upon his or her release from confinement in a  
26 penal institution while serving a mandatory supervised release

1 term; however, the inability of the defendant after making a  
2 good faith effort to obtain financial aid or pay for the  
3 educational training shall not be deemed a wilful failure to  
4 comply. The Prisoner Review Board shall recommit the defendant  
5 whose mandatory supervised release term has been revoked under  
6 this subsection (j-5) as provided in Section 3-3-9. This  
7 subsection (j-5) does not apply to a defendant who has a high  
8 school diploma or has successfully passed high school  
9 equivalency testing. This subsection (j-5) does not apply to a  
10 defendant who is determined by the court to be a person with a  
11 developmental disability or otherwise mentally incapable of  
12 completing the educational or vocational program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection  
15 (l), whenever a defendant, who is an alien as defined by the  
16 Immigration and Nationality Act, is convicted of any felony or  
17 misdemeanor offense, the court after sentencing the defendant  
18 may, upon motion of the State's Attorney, hold sentence in  
19 abeyance and remand the defendant to the custody of the  
20 Attorney General of the United States or his or her designated  
21 agent to be deported when:

22 (1) a final order of deportation has been issued  
23 against the defendant pursuant to proceedings under the  
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as provided in  
3 this Chapter V.

4 (B) If the defendant has already been sentenced for a  
5 felony or misdemeanor offense, or has been placed on probation  
6 under Section 10 of the Cannabis Control Act, Section 410 of  
7 the Illinois Controlled Substances Act, or Section 70 of the  
8 Methamphetamine Control and Community Protection Act, the  
9 court may, upon motion of the State's Attorney to suspend the  
10 sentence imposed, commit the defendant to the custody of the  
11 Attorney General of the United States or his or her designated  
12 agent when:

13 (1) a final order of deportation has been issued  
14 against the defendant pursuant to proceedings under the  
15 Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct and  
18 would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who are  
20 subject to the provisions of paragraph (2) of subsection (a) of  
21 Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant  
23 sentenced under this Section returns to the jurisdiction of the  
24 United States, the defendant shall be recommitted to the  
25 custody of the county from which he or she was sentenced.  
26 Thereafter, the defendant shall be brought before the

1 sentencing court, which may impose any sentence that was  
2 available under Section 5-5-3 at the time of initial  
3 sentencing. In addition, the defendant shall not be eligible  
4 for additional earned sentence credit as provided under Section  
5 3-6-3.

6 (m) A person convicted of criminal defacement of property  
7 under Section 21-1.3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, in which the property damage exceeds  
9 \$300 and the property damaged is a school building, shall be  
10 ordered to perform community service that may include cleanup,  
11 removal, or painting over the defacement.

12 (n) The court may sentence a person convicted of a  
13 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
15 of 1961 or the Criminal Code of 2012 (i) to an impact  
16 incarceration program if the person is otherwise eligible for  
17 that program under Section 5-8-1.1, (ii) to community service,  
18 or (iii) if the person is an addict or alcoholic, as defined in  
19 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
20 substance or alcohol abuse program licensed under that Act.

21 (o) Whenever a person is convicted of a sex offense as  
22 defined in Section 2 of the Sex Offender Registration Act, the  
23 defendant's driver's license or permit shall be subject to  
24 renewal on an annual basis in accordance with the provisions of  
25 license renewal established by the Secretary of State.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;

1 99-938, eff. 1-1-18; 100-575, eff. 1-8-18.)

2 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

3 Sec. 5-5-6. In all convictions for offenses in violation of  
4 the Criminal Code of 1961 or the Criminal Code of 2012 or of  
5 Section 11-501 of the Illinois Vehicle Code in which the person  
6 received any injury to his or her person or damage to his or  
7 her real or personal property as a result of the criminal act  
8 of the defendant, the court shall order restitution as provided  
9 in this Section. In all other cases, except cases in which  
10 restitution is required under this Section, the court must at  
11 the sentence hearing determine whether restitution is an  
12 appropriate sentence to be imposed on each defendant convicted  
13 of an offense. If the court determines that an order directing  
14 the offender to make restitution is appropriate, the offender  
15 may be sentenced to make restitution. The court may consider  
16 restitution an appropriate sentence to be imposed on each  
17 defendant convicted of an offense in addition to a sentence of  
18 imprisonment. The sentence of the defendant to a term of  
19 imprisonment is not a mitigating factor that prevents the court  
20 from ordering the defendant to pay restitution. If the offender  
21 is sentenced to make restitution the Court shall determine the  
22 restitution as hereinafter set forth:

23 (a) At the sentence hearing, the court shall determine  
24 whether the property may be restored in kind to the  
25 possession of the owner or the person entitled to



1 possession thereof; or whether the defendant is possessed  
2 of sufficient skill to repair and restore property damaged;  
3 or whether the defendant should be required to make  
4 restitution in cash, for out-of-pocket expenses, damages,  
5 losses, or injuries found to have been proximately caused  
6 by the conduct of the defendant or another for whom the  
7 defendant is legally accountable under the provisions of  
8 Article 5 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012.

10 (b) In fixing the amount of restitution to be paid in  
11 cash, the court shall allow credit for property returned in  
12 kind, for property damages ordered to be repaired by the  
13 defendant, and for property ordered to be restored by the  
14 defendant; and after granting the credit, the court shall  
15 assess the actual out-of-pocket expenses, losses, damages,  
16 and injuries suffered by the victim named in the charge and  
17 any other victims who may also have suffered out-of-pocket  
18 expenses, losses, damages, and injuries proximately caused  
19 by the same criminal conduct of the defendant, and  
20 insurance carriers who have indemnified the named victim or  
21 other victims for the out-of-pocket expenses, losses,  
22 damages, or injuries, provided that in no event shall  
23 restitution be ordered to be paid on account of pain and  
24 suffering. When a victim's out-of-pocket expenses have  
25 been paid pursuant to the Crime Victims Compensation Act,  
26 the court shall order restitution be paid to the

1 compensation program. If a defendant is placed on  
2 supervision for, or convicted of, domestic battery, the  
3 defendant shall be required to pay restitution to any  
4 domestic violence shelter in which the victim and any other  
5 family or household members lived because of the domestic  
6 battery. The amount of the restitution shall equal the  
7 actual expenses of the domestic violence shelter in  
8 providing housing and any other services for the victim and  
9 any other family or household members living at the  
10 shelter. If a defendant fails to pay restitution in the  
11 manner or within the time period specified by the court,  
12 the court may enter an order directing the sheriff to seize  
13 any real or personal property of a defendant to the extent  
14 necessary to satisfy the order of restitution and dispose  
15 of the property by public sale. All proceeds from such sale  
16 in excess of the amount of restitution plus court costs and  
17 the costs of the sheriff in conducting the sale shall be  
18 paid to the defendant. The defendant convicted of domestic  
19 battery, if a person under 18 years of age was present and  
20 witnessed the domestic battery of the victim, is liable to  
21 pay restitution for the cost of any counseling required for  
22 the child at the discretion of the court.

23 (c) In cases where more than one defendant is  
24 accountable for the same criminal conduct that results in  
25 out-of-pocket expenses, losses, damages, or injuries, each  
26 defendant shall be ordered to pay restitution in the amount

1 of the total actual out-of-pocket expenses, losses,  
2 damages, or injuries to the victim proximately caused by  
3 the conduct of all of the defendants who are legally  
4 accountable for the offense.

5 (1) In no event shall the victim be entitled to  
6 recover restitution in excess of the actual  
7 out-of-pocket expenses, losses, damages, or injuries,  
8 proximately caused by the conduct of all of the  
9 defendants.

10 (2) As between the defendants, the court may  
11 apportion the restitution that is payable in  
12 proportion to each co-defendant's culpability in the  
13 commission of the offense.

14 (3) In the absence of a specific order apportioning  
15 the restitution, each defendant shall bear his pro rata  
16 share of the restitution.

17 (4) As between the defendants, each defendant  
18 shall be entitled to a pro rata reduction in the total  
19 restitution required to be paid to the victim for  
20 amounts of restitution actually paid by co-defendants,  
21 and defendants who shall have paid more than their pro  
22 rata share shall be entitled to refunds to be computed  
23 by the court as additional amounts are paid by  
24 co-defendants.

25 (d) In instances where a defendant has more than one  
26 criminal charge pending against him in a single case, or

1 more than one case, and the defendant stands convicted of  
2 one or more charges, a plea agreement negotiated by the  
3 State's Attorney and the defendants may require the  
4 defendant to make restitution to victims of charges that  
5 have been dismissed or which it is contemplated will be  
6 dismissed under the terms of the plea agreement, and under  
7 the agreement, the court may impose a sentence of  
8 restitution on the charge or charges of which the defendant  
9 has been convicted that would require the defendant to make  
10 restitution to victims of other offenses as provided in the  
11 plea agreement.

12 (e) The court may require the defendant to apply the  
13 balance of the cash bond, after payment of court costs, and  
14 any fine that may be imposed to the payment of restitution.

15 (f) Taking into consideration the ability of the  
16 defendant to pay, including any real or personal property  
17 or any other assets of the defendant, the court shall  
18 determine whether restitution shall be paid in a single  
19 payment or in installments, and shall fix a period of time  
20 not in excess of 5 years, except for violations of Sections  
21 16-1.3 and 17-56 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, or the period of time specified in  
23 subsection (f-1), not including periods of incarceration,  
24 within which payment of restitution is to be paid in full.  
25 Complete restitution shall be paid in as short a time  
26 period as possible. However, if the court deems it

1 necessary and in the best interest of the victim, the court  
2 may extend beyond 5 years the period of time within which  
3 the payment of restitution is to be paid. If the defendant  
4 is ordered to pay restitution and the court orders that  
5 restitution is to be paid over a period greater than 6  
6 months, the court shall order that the defendant make  
7 monthly payments; the court may waive this requirement of  
8 monthly payments only if there is a specific finding of  
9 good cause for waiver.

10 (f-1) (1) In addition to any other penalty prescribed by  
11 law and any restitution ordered under this Section that did  
12 not include long-term physical health care costs, the court  
13 may, upon conviction of any misdemeanor or felony, order a  
14 defendant to pay restitution to a victim in accordance with  
15 the provisions of this subsection (f-1) if the victim has  
16 suffered physical injury as a result of the offense that is  
17 reasonably probable to require or has required long-term  
18 physical health care for more than 3 months. As used in  
19 this subsection (f-1) "long-term physical health care"  
20 includes mental health care.

21 (2) The victim's estimate of long-term physical health  
22 care costs may be made as part of a victim impact statement  
23 under Section 6 of the Rights of Crime Victims and  
24 Witnesses Act or made separately. The court shall enter the  
25 long-term physical health care restitution order at the  
26 time of sentencing. An order of restitution made under this

1 subsection (f-1) shall fix a monthly amount to be paid by  
2 the defendant for as long as long-term physical health care  
3 of the victim is required as a result of the offense. The  
4 order may exceed the length of any sentence imposed upon  
5 the defendant for the criminal activity. The court shall  
6 include as a special finding in the judgment of conviction  
7 its determination of the monthly cost of long-term physical  
8 health care.

9 (3) After a sentencing order has been entered, the  
10 court may from time to time, on the petition of either the  
11 defendant or the victim, or upon its own motion, enter an  
12 order for restitution for long-term physical care or modify  
13 the existing order for restitution for long-term physical  
14 care as to the amount of monthly payments. Any modification  
15 of the order shall be based only upon a substantial change  
16 of circumstances relating to the cost of long-term physical  
17 health care or the financial condition of either the  
18 defendant or the victim. The petition shall be filed as  
19 part of the original criminal docket.

20 (g) In addition to the sentences provided for in  
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
22 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,  
23 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of  
24 Section 11-14.4, of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, the court may order any person who  
26 is convicted of violating any of those Sections or who was

1 charged with any of those offenses and which charge was  
2 reduced to another charge as a result of a plea agreement  
3 under subsection (d) of this Section to meet all or any  
4 portion of the financial obligations of treatment,  
5 including but not limited to medical, psychiatric, or  
6 rehabilitative treatment or psychological counseling,  
7 prescribed for the victim or victims of the offense.

8 The payments shall be made by the defendant to the  
9 clerk of the circuit court and transmitted by the clerk to  
10 the appropriate person or agency as directed by the court.  
11 Except as otherwise provided in subsection (f-1), the order  
12 may require such payments to be made for a period not to  
13 exceed 5 years after sentencing, not including periods of  
14 incarceration.

15 (h) The judge may enter an order of withholding to  
16 collect the amount of restitution owed in accordance with  
17 Part 8 of Article XII of the Code of Civil Procedure.

18 (i) A sentence of restitution may be modified or  
19 revoked by the court if the offender commits another  
20 offense, or the offender fails to make restitution as  
21 ordered by the court, but no sentence to make restitution  
22 shall be revoked unless the court shall find that the  
23 offender has had the financial ability to make restitution,  
24 and he has wilfully refused to do so. When the offender's  
25 ability to pay restitution was established at the time an  
26 order of restitution was entered or modified, or when the

1 offender's ability to pay was based on the offender's  
2 willingness to make restitution as part of a plea agreement  
3 made at the time the order of restitution was entered or  
4 modified, there is a rebuttable presumption that the facts  
5 and circumstances considered by the court at the hearing at  
6 which the order of restitution was entered or modified  
7 regarding the offender's ability or willingness to pay  
8 restitution have not materially changed. If the court shall  
9 find that the defendant has failed to make restitution and  
10 that the failure is not wilful, the court may impose an  
11 additional period of time within which to make restitution.  
12 The length of the additional period shall not be more than  
13 2 years. The court shall retain all of the incidents of the  
14 original sentence, including the authority to modify or  
15 enlarge the conditions, and to revoke or further modify the  
16 sentence if the conditions of payment are violated during  
17 the additional period.

18 (j) The procedure upon the filing of a Petition to  
19 Revoke a sentence to make restitution shall be the same as  
20 the procedures set forth in Section 5-6-4 of this Code  
21 governing violation, modification, or revocation of  
22 Probation, of Conditional Discharge, or of Supervision.

23 (k) Nothing contained in this Section shall preclude  
24 the right of any party to proceed in a civil action to  
25 recover for any damages incurred due to the criminal  
26 misconduct of the defendant.



1           (1) Restitution ordered under this Section shall not be  
2 subject to disbursement by the circuit clerk under the  
3 Criminal and Traffic Assessment Act ~~Section 27.5 of the~~  
4 ~~Clerks of Courts Act.~~

5           (m) A restitution order under this Section is a  
6 judgment lien in favor of the victim that:

7                   (1) Attaches to the property of the person subject  
8 to the order;

9                   (2) May be perfected in the same manner as provided  
10 in Part 3 of Article 9 of the Uniform Commercial Code;

11                   (3) May be enforced to satisfy any payment that is  
12 delinquent under the restitution order by the person in  
13 whose favor the order is issued or the person's  
14 assignee; and

15                   (4) Expires in the same manner as a judgment lien  
16 created in a civil proceeding.

17           When a restitution order is issued under this Section,  
18 the issuing court shall send a certified copy of the order  
19 to the clerk of the circuit court in the county where the  
20 charge was filed. Upon receiving the order, the clerk shall  
21 enter and index the order in the circuit court judgment  
22 docket.

23           (n) An order of restitution under this Section does not  
24 bar a civil action for:

25                   (1) Damages that the court did not require the  
26 person to pay to the victim under the restitution order

1 but arise from an injury or property damages that is  
2 the basis of restitution ordered by the court; and

3 (2) Other damages suffered by the victim.

4 The restitution order is not discharged by the completion  
5 of the sentence imposed for the offense.

6 A restitution order under this Section is not discharged by  
7 the liquidation of a person's estate by a receiver. A  
8 restitution order under this Section may be enforced in the  
9 same manner as judgment liens are enforced under Article XII of  
10 the Code of Civil Procedure.

11 The provisions of Section 2-1303 of the Code of Civil  
12 Procedure, providing for interest on judgments, apply to  
13 judgments for restitution entered under this Section.

14 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;  
15 97-482, eff. 1-1-12; 97-817, eff. 1-1-13; 97-1150, eff.  
16 1-25-13.)

17 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

18 Sec. 5-6-1. Sentences of Probation and of Conditional  
19 Discharge and Disposition of Supervision. The General Assembly  
20 finds that in order to protect the public, the criminal justice  
21 system must compel compliance with the conditions of probation  
22 by responding to violations with swift, certain and fair  
23 punishments and intermediate sanctions. The Chief Judge of each  
24 circuit shall adopt a system of structured, intermediate  
25 sanctions for violations of the terms and conditions of a

1 sentence of probation, conditional discharge or disposition of  
2 supervision.

3 (a) Except where specifically prohibited by other  
4 provisions of this Code, the court shall impose a sentence of  
5 probation or conditional discharge upon an offender unless,  
6 having regard to the nature and circumstance of the offense,  
7 and to the history, character and condition of the offender,  
8 the court is of the opinion that:

9 (1) his imprisonment or periodic imprisonment is  
10 necessary for the protection of the public; or

11 (2) probation or conditional discharge would deprecate  
12 the seriousness of the offender's conduct and would be  
13 inconsistent with the ends of justice; or

14 (3) a combination of imprisonment with concurrent or  
15 consecutive probation when an offender has been admitted  
16 into a drug court program under Section 20 of the Drug  
17 Court Treatment Act is necessary for the protection of the  
18 public and for the rehabilitation of the offender.

19 The court shall impose as a condition of a sentence of  
20 probation, conditional discharge, or supervision, that the  
21 probation agency may invoke any sanction from the list of  
22 intermediate sanctions adopted by the chief judge of the  
23 circuit court for violations of the terms and conditions of the  
24 sentence of probation, conditional discharge, or supervision,  
25 subject to the provisions of Section 5-6-4 of this Act.

26 (b) The court may impose a sentence of conditional

1 discharge for an offense if the court is of the opinion that  
2 neither a sentence of imprisonment nor of periodic imprisonment  
3 nor of probation supervision is appropriate.

4 (b-1) Subsections (a) and (b) of this Section do not apply  
5 to a defendant charged with a misdemeanor or felony under the  
6 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
8 defendant within the past 12 months has been convicted of or  
9 pleaded guilty to a misdemeanor or felony under the Illinois  
10 Vehicle Code or reckless homicide under Section 9-3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 (c) The court may, upon a plea of guilty or a stipulation  
13 by the defendant of the facts supporting the charge or a  
14 finding of guilt, defer further proceedings and the imposition  
15 of a sentence, and enter an order for supervision of the  
16 defendant, if the defendant is not charged with: (i) a Class A  
17 misdemeanor, as defined by the following provisions of the  
18 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
19 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
20 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
21 paragraph (1) through (5), (8), (10), and (11) of subsection  
22 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
23 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
24 Act; or (iii) a felony. If the defendant is not barred from  
25 receiving an order for supervision as provided in this  
26 subsection, the court may enter an order for supervision after

1 considering the circumstances of the offense, and the history,  
2 character and condition of the offender, if the court is of the  
3 opinion that:

4 (1) the offender is not likely to commit further  
5 crimes;

6 (2) the defendant and the public would be best served  
7 if the defendant were not to receive a criminal record; and

8 (3) in the best interests of justice an order of  
9 supervision is more appropriate than a sentence otherwise  
10 permitted under this Code.

11 (c-5) Subsections (a), (b), and (c) of this Section do not  
12 apply to a defendant charged with a second or subsequent  
13 violation of Section 6-303 of the Illinois Vehicle Code  
14 committed while his or her driver's license, permit or  
15 privileges were revoked because of a violation of Section 9-3  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 relating to the offense of reckless homicide, or a similar  
18 provision of a law of another state.

19 (d) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Section 11-501 of the Illinois  
21 Vehicle Code or a similar provision of a local ordinance when  
22 the defendant has previously been:

23 (1) convicted for a violation of Section 11-501 of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance or any similar law or ordinance of another state;  
26 or

1           (2) assigned supervision for a violation of Section  
2           11-501 of the Illinois Vehicle Code or a similar provision  
3           of a local ordinance or any similar law or ordinance of  
4           another state; or

5           (3) pleaded guilty to or stipulated to the facts  
6           supporting a charge or a finding of guilty to a violation  
7           of Section 11-503 of the Illinois Vehicle Code or a similar  
8           provision of a local ordinance or any similar law or  
9           ordinance of another state, and the plea or stipulation was  
10          the result of a plea agreement.

11          The court shall consider the statement of the prosecuting  
12          authority with regard to the standards set forth in this  
13          Section.

14          (e) The provisions of paragraph (c) shall not apply to a  
15          defendant charged with violating Section 16-25 or 16A-3 of the  
16          Criminal Code of 1961 or the Criminal Code of 2012 if said  
17          defendant has within the last 5 years been:

18               (1) convicted for a violation of Section 16-25 or 16A-3  
19               of the Criminal Code of 1961 or the Criminal Code of 2012;  
20               or

21               (2) assigned supervision for a violation of Section  
22               16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
23               Code of 2012.

24          The court shall consider the statement of the prosecuting  
25          authority with regard to the standards set forth in this  
26          Section.

1 (f) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Sections 15-111, 15-112,  
3 15-301, paragraph (b) of Section 6-104, Section 11-605,  
4 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or  
5 Section 11-1414 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance.

7 (g) Except as otherwise provided in paragraph (i) of this  
8 Section, the provisions of paragraph (c) shall not apply to a  
9 defendant charged with violating Section 3-707, 3-708, 3-710,  
10 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
11 of a local ordinance if the defendant has within the last 5  
12 years been:

13 (1) convicted for a violation of Section 3-707, 3-708,  
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance; or

16 (2) assigned supervision for a violation of Section  
17 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
18 Code or a similar provision of a local ordinance.

19 The court shall consider the statement of the prosecuting  
20 authority with regard to the standards set forth in this  
21 Section.

22 (h) The provisions of paragraph (c) shall not apply to a  
23 defendant under the age of 21 years charged with violating a  
24 serious traffic offense as defined in Section 1-187.001 of the  
25 Illinois Vehicle Code:

26 (1) unless the defendant, upon payment of the fines,

1 penalties, and costs provided by law, agrees to attend and  
2 successfully complete a traffic safety program approved by  
3 the court under standards set by the Conference of Chief  
4 Circuit Judges. The accused shall be responsible for  
5 payment of any traffic safety program fees. If the accused  
6 fails to file a certificate of successful completion on or  
7 before the termination date of the supervision order, the  
8 supervision shall be summarily revoked and conviction  
9 entered. The provisions of Supreme Court Rule 402 relating  
10 to pleas of guilty do not apply in cases when a defendant  
11 enters a guilty plea under this provision; or

12 (2) if the defendant has previously been sentenced  
13 under the provisions of paragraph (c) on or after January  
14 1, 1998 for any serious traffic offense as defined in  
15 Section 1-187.001 of the Illinois Vehicle Code.

16 (h-1) The provisions of paragraph (c) shall not apply to a  
17 defendant under the age of 21 years charged with an offense  
18 against traffic regulations governing the movement of vehicles  
19 or any violation of Section 6-107 or Section 12-603.1 of the  
20 Illinois Vehicle Code, unless the defendant, upon payment of  
21 the fines, penalties, and costs provided by law, agrees to  
22 attend and successfully complete a traffic safety program  
23 approved by the court under standards set by the Conference of  
24 Chief Circuit Judges. The accused shall be responsible for  
25 payment of any traffic safety program fees. If the accused  
26 fails to file a certificate of successful completion on or



1 before the termination date of the supervision order, the  
2 supervision shall be summarily revoked and conviction entered.  
3 The provisions of Supreme Court Rule 402 relating to pleas of  
4 guilty do not apply in cases when a defendant enters a guilty  
5 plea under this provision.

6 (i) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 3-707 of the Illinois  
8 Vehicle Code or a similar provision of a local ordinance if the  
9 defendant has been assigned supervision for a violation of  
10 Section 3-707 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance.

12 (j) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 6-303 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance when  
15 the revocation or suspension was for a violation of Section  
16 11-501 or a similar provision of a local ordinance or a  
17 violation of Section 11-501.1 or paragraph (b) of Section  
18 11-401 of the Illinois Vehicle Code if the defendant has within  
19 the last 10 years been:

20 (1) convicted for a violation of Section 6-303 of the  
21 Illinois Vehicle Code or a similar provision of a local  
22 ordinance; or

23 (2) assigned supervision for a violation of Section  
24 6-303 of the Illinois Vehicle Code or a similar provision  
25 of a local ordinance.

26 (k) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating any provision of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance that  
3 governs the movement of vehicles if, within the 12 months  
4 preceding the date of the defendant's arrest, the defendant has  
5 been assigned court supervision on 2 occasions for a violation  
6 that governs the movement of vehicles under the Illinois  
7 Vehicle Code or a similar provision of a local ordinance. The  
8 provisions of this paragraph (k) do not apply to a defendant  
9 charged with violating Section 11-501 of the Illinois Vehicle  
10 Code or a similar provision of a local ordinance.

11 (l) (Blank). ~~A defendant charged with violating any~~  
12 ~~provision of the Illinois Vehicle Code or a similar provision~~  
13 ~~of a local ordinance who receives a disposition of supervision~~  
14 ~~under subsection (c) shall pay an additional fee of \$29, to be~~  
15 ~~collected as provided in Sections 27.5 and 27.6 of the Clerks~~  
16 ~~of Courts Act. In addition to the \$29 fee, the person shall~~  
17 ~~also pay a fee of \$6, which, if not waived by the court, shall~~  
18 ~~be collected as provided in Sections 27.5 and 27.6 of the~~  
19 ~~Clerks of Courts Act. The \$29 fee shall be disbursed as~~  
20 ~~provided in Section 16-104e of the Illinois Vehicle Code. If~~  
21 ~~the \$6 fee is collected, \$5.50 of the fee shall be deposited~~  
22 ~~into the Circuit Court Clerk Operation and Administrative Fund~~  
23 ~~created by the Clerk of the Circuit Court and 50 cents of the~~  
24 ~~fee shall be deposited into the Prisoner Review Board Vehicle~~  
25 ~~and Equipment Fund in the State treasury.~~

26 (m) (Blank). ~~Any person convicted of, pleading guilty to,~~

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

7 ~~This subsection (m) becomes inoperative on January 1, 2020.~~

8 (n) The provisions of paragraph (c) shall not apply to any  
9 person under the age of 18 who commits an offense against  
10 traffic regulations governing the movement of vehicles or any  
11 violation of Section 6-107 or Section 12-603.1 of the Illinois  
12 Vehicle Code, except upon personal appearance of the defendant  
13 in court and upon the written consent of the defendant's parent  
14 or legal guardian, executed before the presiding judge. The  
15 presiding judge shall have the authority to waive this  
16 requirement upon the showing of good cause by the defendant.

17 (o) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating Section 6-303 of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance when  
20 the suspension was for a violation of Section 11-501.1 of the  
21 Illinois Vehicle Code and when:

22 (1) at the time of the violation of Section 11-501.1 of  
23 the Illinois Vehicle Code, the defendant was a first  
24 offender pursuant to Section 11-500 of the Illinois Vehicle  
25 Code and the defendant failed to obtain a monitoring device  
26 driving permit; or

1           (2) at the time of the violation of Section 11-501.1 of  
2           the Illinois Vehicle Code, the defendant was a first  
3           offender pursuant to Section 11-500 of the Illinois Vehicle  
4           Code, had subsequently obtained a monitoring device  
5           driving permit, but was driving a vehicle not equipped with  
6           a breath alcohol ignition interlock device as defined in  
7           Section 1-129.1 of the Illinois Vehicle Code.

8           (p) The provisions of paragraph (c) shall not apply to a  
9           defendant charged with violating Section 11-601.5 of the  
10          Illinois Vehicle Code or a similar provision of a local  
11          ordinance when the defendant has previously been:

12           (1) convicted for a violation of Section 11-601.5 of  
13          the Illinois Vehicle Code or a similar provision of a local  
14          ordinance or any similar law or ordinance of another state;  
15          or

16           (2) assigned supervision for a violation of Section  
17          11-601.5 of the Illinois Vehicle Code or a similar  
18          provision of a local ordinance or any similar law or  
19          ordinance of another state.

20          (q) The provisions of paragraph (c) shall not apply to a  
21          defendant charged with violating subsection (b) of Section  
22          11-601 or Section 11-601.5 of the Illinois Vehicle Code when  
23          the defendant was operating a vehicle, in an urban district, at  
24          a speed that is 26 miles per hour or more in excess of the  
25          applicable maximum speed limit established under Chapter 11 of  
26          the Illinois Vehicle Code.

1 (r) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating any provision of the Illinois  
3 Vehicle Code or a similar provision of a local ordinance if the  
4 violation was the proximate cause of the death of another and  
5 the defendant's driving abstract contains a prior conviction or  
6 disposition of court supervision for any violation of the  
7 Illinois Vehicle Code, other than an equipment violation, or a  
8 suspension, revocation, or cancellation of the driver's  
9 license.

10 (s) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating subsection (i) of Section 70  
12 of the Firearm Concealed Carry Act.

13 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;  
14 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.  
15 1-1-16.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of probation and of conditional  
18 discharge.

19 (a) The conditions of probation and of conditional  
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any  
22 jurisdiction;

23 (2) report to or appear in person before such person or  
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a  
2 misdemeanor, the offense involved the intentional or  
3 knowing infliction of bodily harm or threat of bodily harm;

4 (4) not leave the State without the consent of the  
5 court or, in circumstances in which the reason for the  
6 absence is of such an emergency nature that prior consent  
7 by the court is not possible, without the prior  
8 notification and approval of the person's probation  
9 officer. Transfer of a person's probation or conditional  
10 discharge supervision to another state is subject to  
11 acceptance by the other state pursuant to the Interstate  
12 Compact for Adult Offender Supervision;

13 (5) permit the probation officer to visit him at his  
14 home or elsewhere to the extent necessary to discharge his  
15 duties;

16 (6) perform no less than 30 hours of community service  
17 and not more than 120 hours of community service, if  
18 community service is available in the jurisdiction and is  
19 funded and approved by the county board where the offense  
20 was committed, where the offense was related to or in  
21 furtherance of the criminal activities of an organized gang  
22 and was motivated by the offender's membership in or  
23 allegiance to an organized gang. The community service  
24 shall include, but not be limited to, the cleanup and  
25 repair of any damage caused by a violation of Section  
26 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

1           2012 and similar damage to property located within the  
2           municipality or county in which the violation occurred.  
3           When possible and reasonable, the community service should  
4           be performed in the offender's neighborhood. For purposes  
5           of this Section, "organized gang" has the meaning ascribed  
6           to it in Section 10 of the Illinois Streetgang Terrorism  
7           Omnibus Prevention Act. The court may give credit toward  
8           the fulfillment of community service hours for  
9           participation in activities and treatment as determined by  
10          court services;

11           (7) if he or she is at least 17 years of age and has  
12          been sentenced to probation or conditional discharge for a  
13          misdemeanor or felony in a county of 3,000,000 or more  
14          inhabitants and has not been previously convicted of a  
15          misdemeanor or felony, may be required by the sentencing  
16          court to attend educational courses designed to prepare the  
17          defendant for a high school diploma and to work toward a  
18          high school diploma or to work toward passing high school  
19          equivalency testing or to work toward completing a  
20          vocational training program approved by the court. The  
21          person on probation or conditional discharge must attend a  
22          public institution of education to obtain the educational  
23          or vocational training required by this paragraph (7). The  
24          court shall revoke the probation or conditional discharge  
25          of a person who wilfully fails to comply with this  
26          paragraph (7). The person on probation or conditional

1 discharge shall be required to pay for the cost of the  
2 educational courses or high school equivalency testing if a  
3 fee is charged for those courses or testing. The court  
4 shall resentence the offender whose probation or  
5 conditional discharge has been revoked as provided in  
6 Section 5-6-4. This paragraph (7) does not apply to a  
7 person who has a high school diploma or has successfully  
8 passed high school equivalency testing. This paragraph (7)  
9 does not apply to a person who is determined by the court  
10 to be a person with a developmental disability or otherwise  
11 mentally incapable of completing the educational or  
12 vocational program;

13 (8) if convicted of possession of a substance  
14 prohibited by the Cannabis Control Act, the Illinois  
15 Controlled Substances Act, or the Methamphetamine Control  
16 and Community Protection Act after a previous conviction or  
17 disposition of supervision for possession of a substance  
18 prohibited by the Cannabis Control Act or Illinois  
19 Controlled Substances Act or after a sentence of probation  
20 under Section 10 of the Cannabis Control Act, Section 410  
21 of the Illinois Controlled Substances Act, or Section 70 of  
22 the Methamphetamine Control and Community Protection Act  
23 and upon a finding by the court that the person is  
24 addicted, undergo treatment at a substance abuse program  
25 approved by the court;

26 (8.5) if convicted of a felony sex offense as defined



1 in the Sex Offender Management Board Act, the person shall  
2 undergo and successfully complete sex offender treatment  
3 by a treatment provider approved by the Board and conducted  
4 in conformance with the standards developed under the Sex  
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the  
7 Sex Offender Management Board Act, refrain from residing at  
8 the same address or in the same condominium unit or  
9 apartment unit or in the same condominium complex or  
10 apartment complex with another person he or she knows or  
11 reasonably should know is a convicted sex offender or has  
12 been placed on supervision for a sex offense; the  
13 provisions of this paragraph do not apply to a person  
14 convicted of a sex offense who is placed in a Department of  
15 Corrections licensed transitional housing facility for sex  
16 offenders;

17 (8.7) if convicted for an offense committed on or after  
18 June 1, 2008 (the effective date of Public Act 95-464) that  
19 would qualify the accused as a child sex offender as  
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, refrain from  
22 communicating with or contacting, by means of the Internet,  
23 a person who is not related to the accused and whom the  
24 accused reasonably believes to be under 18 years of age;  
25 for purposes of this paragraph (8.7), "Internet" has the  
26 meaning ascribed to it in Section 16-0.1 of the Criminal

1 Code of 2012; and a person is not related to the accused if  
2 the person is not: (i) the spouse, brother, or sister of  
3 the accused; (ii) a descendant of the accused; (iii) a  
4 first or second cousin of the accused; or (iv) a step-child  
5 or adopted child of the accused;

6 (8.8) if convicted for an offense under Section 11-6,  
7 11-9.1, 11-14.4 that involves soliciting for a juvenile  
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
9 of the Criminal Code of 1961 or the Criminal Code of 2012,  
10 or any attempt to commit any of these offenses, committed  
11 on or after June 1, 2009 (the effective date of Public Act  
12 95-983):

13 (i) not access or use a computer or any other  
14 device with Internet capability without the prior  
15 written approval of the offender's probation officer,  
16 except in connection with the offender's employment or  
17 search for employment with the prior approval of the  
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations  
20 of the offender's computer or any other device with  
21 Internet capability by the offender's probation  
22 officer, a law enforcement officer, or assigned  
23 computer or information technology specialist,  
24 including the retrieval and copying of all data from  
25 the computer or device and any internal or external  
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough  
2 inspection;

3 (iii) submit to the installation on the offender's  
4 computer or device with Internet capability, at the  
5 offender's expense, of one or more hardware or software  
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions  
8 concerning the offender's use of or access to a  
9 computer or any other device with Internet capability  
10 imposed by the offender's probation officer;

11 (8.9) if convicted of a sex offense as defined in the  
12 Sex Offender Registration Act committed on or after January  
13 1, 2010 (the effective date of Public Act 96-262), refrain  
14 from accessing or using a social networking website as  
15 defined in Section 17-0.5 of the Criminal Code of 2012;

16 (9) if convicted of a felony or of any misdemeanor  
17 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
18 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
19 2012 that was determined, pursuant to Section 112A-11.1 of  
20 the Code of Criminal Procedure of 1963, to trigger the  
21 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
22 at a time and place designated by the court, his or her  
23 Firearm Owner's Identification Card and any and all  
24 firearms in his or her possession. The Court shall return  
25 to the Department of State Police Firearm Owner's  
26 Identification Card Office the person's Firearm Owner's

1 Identification Card;

2 (10) if convicted of a sex offense as defined in  
3 subsection (a-5) of Section 3-1-2 of this Code, unless the  
4 offender is a parent or guardian of the person under 18  
5 years of age present in the home and no non-familial minors  
6 are present, not participate in a holiday event involving  
7 children under 18 years of age, such as distributing candy  
8 or other items to children on Halloween, wearing a Santa  
9 Claus costume on or preceding Christmas, being employed as  
10 a department store Santa Claus, or wearing an Easter Bunny  
11 costume on or preceding Easter;

12 (11) if convicted of a sex offense as defined in  
13 Section 2 of the Sex Offender Registration Act committed on  
14 or after January 1, 2010 (the effective date of Public Act  
15 96-362) that requires the person to register as a sex  
16 offender under that Act, may not knowingly use any computer  
17 scrub software on any computer that the sex offender uses;

18 (12) if convicted of a violation of the Methamphetamine  
19 Control and Community Protection Act, the Methamphetamine  
20 Precursor Control Act, or a methamphetamine related  
21 offense:

22 (A) prohibited from purchasing, possessing, or  
23 having under his or her control any product containing  
24 pseudoephedrine unless prescribed by a physician; and

25 (B) prohibited from purchasing, possessing, or  
26 having under his or her control any product containing

1 ammonium nitrate; and

2 (13) if convicted of a hate crime involving the  
3 protected class identified in subsection (a) of Section  
4 12-7.1 of the Criminal Code of 2012 that gave rise to the  
5 offense the offender committed, perform public or  
6 community service of no less than 200 hours and enroll in  
7 an educational program discouraging hate crimes that  
8 includes racial, ethnic, and cultural sensitivity training  
9 ordered by the court.

10 (b) The Court may in addition to other reasonable  
11 conditions relating to the nature of the offense or the  
12 rehabilitation of the defendant as determined for each  
13 defendant in the proper discretion of the Court require that  
14 the person:

15 (1) serve a term of periodic imprisonment under Article  
16 7 for a period not to exceed that specified in paragraph  
17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational  
20 training;

21 (4) undergo medical, psychological or psychiatric  
22 treatment; or treatment for drug addiction or alcoholism;

23 (5) attend or reside in a facility established for the  
24 instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) and in addition, if a minor:

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a  
5 foster home;
- 6 (v) with the consent of the superintendent of the  
7 facility, attend an educational program at a facility  
8 other than the school in which the offense was  
9 committed if he or she is convicted of a crime of  
10 violence as defined in Section 2 of the Crime Victims  
11 Compensation Act committed in a school, on the real  
12 property comprising a school, or within 1,000 feet of  
13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of  
15 this Code;
- 16 (9) perform some reasonable public or community  
17 service;
- 18 (10) serve a term of home confinement. In addition to  
19 any other applicable condition of probation or conditional  
20 discharge, the conditions of home confinement shall be that  
21 the offender:
- 22 (i) remain within the interior premises of the  
23 place designated for his confinement during the hours  
24 designated by the court;
- 25 (ii) admit any person or agent designated by the  
26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's  
2 compliance with the conditions of his confinement; and

3 (iii) if further deemed necessary by the court or  
4 the Probation or Court Services Department, be placed  
5 on an approved electronic monitoring device, subject  
6 to Article 8A of Chapter V;

7 (iv) for persons convicted of any alcohol,  
8 cannabis or controlled substance violation who are  
9 placed on an approved monitoring device as a condition  
10 of probation or conditional discharge, the court shall  
11 impose a reasonable fee for each day of the use of the  
12 device, as established by the county board in  
13 subsection (g) of this Section, unless after  
14 determining the inability of the offender to pay the  
15 fee, the court assesses a lesser fee or no fee as the  
16 case may be. This fee shall be imposed in addition to  
17 the fees imposed under subsections (g) and (i) of this  
18 Section. The fee shall be collected by the clerk of the  
19 circuit court, except as provided in an administrative  
20 order of the Chief Judge of the circuit court. The  
21 clerk of the circuit court shall pay all monies  
22 collected from this fee to the county treasurer for  
23 deposit in the substance abuse services fund under  
24 Section 5-1086.1 of the Counties Code, except as  
25 provided in an administrative order of the Chief Judge  
26 of the circuit court.

1           The Chief Judge of the circuit court of the county  
2           may by administrative order establish a program for  
3           electronic monitoring of offenders, in which a vendor  
4           supplies and monitors the operation of the electronic  
5           monitoring device, and collects the fees on behalf of  
6           the county. The program shall include provisions for  
7           indigent offenders and the collection of unpaid fees.  
8           The program shall not unduly burden the offender and  
9           shall be subject to review by the Chief Judge.

10           The Chief Judge of the circuit court may suspend  
11           any additional charges or fees for late payment,  
12           interest, or damage to any device; and

13           (v) for persons convicted of offenses other than  
14           those referenced in clause (iv) above and who are  
15           placed on an approved monitoring device as a condition  
16           of probation or conditional discharge, the court shall  
17           impose a reasonable fee for each day of the use of the  
18           device, as established by the county board in  
19           subsection (g) of this Section, unless after  
20           determining the inability of the defendant to pay the  
21           fee, the court assesses a lesser fee or no fee as the  
22           case may be. This fee shall be imposed in addition to  
23           the fees imposed under subsections (g) and (i) of this  
24           Section. The fee shall be collected by the clerk of the  
25           circuit court, except as provided in an administrative  
26           order of the Chief Judge of the circuit court. The



1 clerk of the circuit court shall pay all monies  
2 collected from this fee to the county treasurer who  
3 shall use the monies collected to defray the costs of  
4 corrections. The county treasurer shall deposit the  
5 fee collected in the probation and court services fund.  
6 The Chief Judge of the circuit court of the county may  
7 by administrative order establish a program for  
8 electronic monitoring of offenders, in which a vendor  
9 supplies and monitors the operation of the electronic  
10 monitoring device, and collects the fees on behalf of  
11 the county. The program shall include provisions for  
12 indigent offenders and the collection of unpaid fees.  
13 The program shall not unduly burden the offender and  
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend  
16 any additional charges or fees for late payment,  
17 interest, or damage to any device.

18 (11) comply with the terms and conditions of an order  
19 of protection issued by the court pursuant to the Illinois  
20 Domestic Violence Act of 1986, as now or hereafter amended,  
21 or an order of protection issued by the court of another  
22 state, tribe, or United States territory. A copy of the  
23 order of protection shall be transmitted to the probation  
24 officer or agency having responsibility for the case;

25 (12) reimburse any "local anti-crime program" as  
26 defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the  
2 offender's case, not to exceed the maximum amount of the  
3 fine authorized for the offense for which the defendant was  
4 sentenced;

5 (13) contribute a reasonable sum of money, not to  
6 exceed the maximum amount of the fine authorized for the  
7 offense for which the defendant was sentenced, (i) to a  
8 "local anti-crime program", as defined in Section 7 of the  
9 Anti-Crime Advisory Council Act, or (ii) for offenses under  
10 the jurisdiction of the Department of Natural Resources, to  
11 the fund established by the Department of Natural Resources  
12 for the purchase of evidence for investigation purposes and  
13 to conduct investigations as outlined in Section 805-105 of  
14 the Department of Natural Resources (Conservation) Law;

15 (14) refrain from entering into a designated  
16 geographic area except upon such terms as the court finds  
17 appropriate. Such terms may include consideration of the  
18 purpose of the entry, the time of day, other persons  
19 accompanying the defendant, and advance approval by a  
20 probation officer, if the defendant has been placed on  
21 probation or advance approval by the court, if the  
22 defendant was placed on conditional discharge;

23 (15) refrain from having any contact, directly or  
24 indirectly, with certain specified persons or particular  
25 types of persons, including but not limited to members of  
26 street gangs and drug users or dealers;

1           (16) refrain from having in his or her body the  
2 presence of any illicit drug prohibited by the Cannabis  
3 Control Act, the Illinois Controlled Substances Act, or the  
4 Methamphetamine Control and Community Protection Act,  
5 unless prescribed by a physician, and submit samples of his  
6 or her blood or urine or both for tests to determine the  
7 presence of any illicit drug;

8           (17) if convicted for an offense committed on or after  
9 June 1, 2008 (the effective date of Public Act 95-464) that  
10 would qualify the accused as a child sex offender as  
11 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, refrain from  
13 communicating with or contacting, by means of the Internet,  
14 a person who is related to the accused and whom the accused  
15 reasonably believes to be under 18 years of age; for  
16 purposes of this paragraph (17), "Internet" has the meaning  
17 ascribed to it in Section 16-0.1 of the Criminal Code of  
18 2012; and a person is related to the accused if the person  
19 is: (i) the spouse, brother, or sister of the accused; (ii)  
20 a descendant of the accused; (iii) a first or second cousin  
21 of the accused; or (iv) a step-child or adopted child of  
22 the accused;

23           (18) if convicted for an offense committed on or after  
24 June 1, 2009 (the effective date of Public Act 95-983) that  
25 would qualify as a sex offense as defined in the Sex  
26 Offender Registration Act:

1           (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the offender's probation officer,  
4 except in connection with the offender's employment or  
5 search for employment with the prior approval of the  
6 offender's probation officer;

7           (ii) submit to periodic unannounced examinations  
8 of the offender's computer or any other device with  
9 Internet capability by the offender's probation  
10 officer, a law enforcement officer, or assigned  
11 computer or information technology specialist,  
12 including the retrieval and copying of all data from  
13 the computer or device and any internal or external  
14 peripherals and removal of such information,  
15 equipment, or device to conduct a more thorough  
16 inspection;

17           (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 subject's expense, of one or more hardware or software  
20 systems to monitor the Internet use; and

21           (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the offender's probation officer; and

25           (19) refrain from possessing a firearm or other  
26 dangerous weapon where the offense is a misdemeanor that

1           did not involve the intentional or knowing infliction of  
2           bodily harm or threat of bodily harm.

3           (c) The court may as a condition of probation or of  
4           conditional discharge require that a person under 18 years of  
5           age found guilty of any alcohol, cannabis or controlled  
6           substance violation, refrain from acquiring a driver's license  
7           during the period of probation or conditional discharge. If  
8           such person is in possession of a permit or license, the court  
9           may require that the minor refrain from driving or operating  
10          any motor vehicle during the period of probation or conditional  
11          discharge, except as may be necessary in the course of the  
12          minor's lawful employment.

13          (d) An offender sentenced to probation or to conditional  
14          discharge shall be given a certificate setting forth the  
15          conditions thereof.

16          (e) Except where the offender has committed a fourth or  
17          subsequent violation of subsection (c) of Section 6-303 of the  
18          Illinois Vehicle Code, the court shall not require as a  
19          condition of the sentence of probation or conditional discharge  
20          that the offender be committed to a period of imprisonment in  
21          excess of 6 months. This 6-month limit shall not include  
22          periods of confinement given pursuant to a sentence of county  
23          impact incarceration under Section 5-8-1.2.

24          Persons committed to imprisonment as a condition of  
25          probation or conditional discharge shall not be committed to  
26          the Department of Corrections.

1           (f) The court may combine a sentence of periodic  
2 imprisonment under Article 7 or a sentence to a county impact  
3 incarceration program under Article 8 with a sentence of  
4 probation or conditional discharge.

5           (g) An offender sentenced to probation or to conditional  
6 discharge and who during the term of either undergoes mandatory  
7 drug or alcohol testing, or both, or is assigned to be placed  
8 on an approved electronic monitoring device, shall be ordered  
9 to pay all costs incidental to such mandatory drug or alcohol  
10 testing, or both, and all costs incidental to such approved  
11 electronic monitoring in accordance with the defendant's  
12 ability to pay those costs. The county board with the  
13 concurrence of the Chief Judge of the judicial circuit in which  
14 the county is located shall establish reasonable fees for the  
15 cost of maintenance, testing, and incidental expenses related  
16 to the mandatory drug or alcohol testing, or both, and all  
17 costs incidental to approved electronic monitoring, involved  
18 in a successful probation program for the county. The  
19 concurrence of the Chief Judge shall be in the form of an  
20 administrative order. The fees shall be collected by the clerk  
21 of the circuit court, except as provided in an administrative  
22 order of the Chief Judge of the circuit court. The clerk of the  
23 circuit court shall pay all moneys collected from these fees to  
24 the county treasurer who shall use the moneys collected to  
25 defray the costs of drug testing, alcohol testing, and  
26 electronic monitoring. The county treasurer shall deposit the

1 fees collected in the county working cash fund under Section  
2 6-27001 or Section 6-29002 of the Counties Code, as the case  
3 may be. The Chief Judge of the circuit court of the county may  
4 by administrative order establish a program for electronic  
5 monitoring of offenders, in which a vendor supplies and  
6 monitors the operation of the electronic monitoring device, and  
7 collects the fees on behalf of the county. The program shall  
8 include provisions for indigent offenders and the collection of  
9 unpaid fees. The program shall not unduly burden the offender  
10 and shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend any  
12 additional charges or fees for late payment, interest, or  
13 damage to any device.

14 (h) Jurisdiction over an offender may be transferred from  
15 the sentencing court to the court of another circuit with the  
16 concurrence of both courts. Further transfers or retransfers of  
17 jurisdiction are also authorized in the same manner. The court  
18 to which jurisdiction has been transferred shall have the same  
19 powers as the sentencing court. The probation department within  
20 the circuit to which jurisdiction has been transferred, or  
21 which has agreed to provide supervision, may impose probation  
22 fees upon receiving the transferred offender, as provided in  
23 subsection (i). For all transfer cases, as defined in Section  
24 9b of the Probation and Probation Officers Act, the probation  
25 department from the original sentencing court shall retain all  
26 probation fees collected prior to the transfer. After the

1 transfer, all probation fees shall be paid to the probation  
2 department within the circuit to which jurisdiction has been  
3 transferred.

4 (i) The court shall impose upon an offender sentenced to  
5 probation after January 1, 1989 or to conditional discharge  
6 after January 1, 1992 or to community service under the  
7 supervision of a probation or court services department after  
8 January 1, 2004, as a condition of such probation or  
9 conditional discharge or supervised community service, a fee of  
10 \$50 for each month of probation or conditional discharge  
11 supervision or supervised community service ordered by the  
12 court, unless after determining the inability of the person  
13 sentenced to probation or conditional discharge or supervised  
14 community service to pay the fee, the court assesses a lesser  
15 fee. The court may not impose the fee on a minor who is placed  
16 in the guardianship or custody of the Department of Children  
17 and Family Services under the Juvenile Court Act of 1987 while  
18 the minor is in placement. The fee shall be imposed only upon  
19 an offender who is actively supervised by the probation and  
20 court services department. The fee shall be collected by the  
21 clerk of the circuit court. The clerk of the circuit court  
22 shall pay all monies collected from this fee to the county  
23 treasurer for deposit in the probation and court services fund  
24 under Section 15.1 of the Probation and Probation Officers Act.

25 A circuit court may not impose a probation fee under this  
26 subsection (i) in excess of \$25 per month unless the circuit



1 court has adopted, by administrative order issued by the chief  
2 judge, a standard probation fee guide determining an offender's  
3 ability to pay Of the amount collected as a probation fee, up  
4 to \$5 of that fee collected per month may be used to provide  
5 services to crime victims and their families.

6 The Court may only waive probation fees based on an  
7 offender's ability to pay. The probation department may  
8 re-evaluate an offender's ability to pay every 6 months, and,  
9 with the approval of the Director of Court Services or the  
10 Chief Probation Officer, adjust the monthly fee amount. An  
11 offender may elect to pay probation fees due in a lump sum. Any  
12 offender that has been assigned to the supervision of a  
13 probation department, or has been transferred either under  
14 subsection (h) of this Section or under any interstate compact,  
15 shall be required to pay probation fees to the department  
16 supervising the offender, based on the offender's ability to  
17 pay.

18 Public Act 93-970 deletes the \$10 increase in the fee under  
19 this subsection that was imposed by Public Act 93-616. This  
20 deletion is intended to control over any other Act of the 93rd  
21 General Assembly that retains or incorporates that fee  
22 increase.

23 (i-5) In addition to the fees imposed under subsection (i)  
24 of this Section, in the case of an offender convicted of a  
25 felony sex offense (as defined in the Sex Offender Management  
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex  
2 Offender Management Board Act), the court or the probation  
3 department shall assess additional fees to pay for all costs of  
4 treatment, assessment, evaluation for risk and treatment, and  
5 monitoring the offender, based on that offender's ability to  
6 pay those costs either as they occur or under a payment plan.

7 (j) All fines and costs imposed under this Section for any  
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
9 Code, or a similar provision of a local ordinance, and any  
10 violation of the Child Passenger Protection Act, or a similar  
11 provision of a local ordinance, shall be collected and  
12 disbursed by the circuit clerk as provided under the Criminal  
13 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
14 ~~Act~~.

15 (k) Any offender who is sentenced to probation or  
16 conditional discharge for a felony sex offense as defined in  
17 the Sex Offender Management Board Act or any offense that the  
18 court or probation department has determined to be sexually  
19 motivated as defined in the Sex Offender Management Board Act  
20 shall be required to refrain from any contact, directly or  
21 indirectly, with any persons specified by the court and shall  
22 be available for all evaluations and treatment programs  
23 required by the court or the probation department.

24 (l) The court may order an offender who is sentenced to  
25 probation or conditional discharge for a violation of an order  
26 of protection be placed under electronic surveillance as

1 provided in Section 5-8A-7 of this Code.

2 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
3 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
4 1-8-18.)

5 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

6 Sec. 5-6-3.1. Incidents and conditions of supervision.

7 (a) When a defendant is placed on supervision, the court  
8 shall enter an order for supervision specifying the period of  
9 such supervision, and shall defer further proceedings in the  
10 case until the conclusion of the period.

11 (b) The period of supervision shall be reasonable under all  
12 of the circumstances of the case, but may not be longer than 2  
13 years, unless the defendant has failed to pay the assessment  
14 required by Section 10.3 of the Cannabis Control Act, Section  
15 411.2 of the Illinois Controlled Substances Act, or Section 80  
16 of the Methamphetamine Control and Community Protection Act, in  
17 which case the court may extend supervision beyond 2 years.  
18 Additionally, the court shall order the defendant to perform no  
19 less than 30 hours of community service and not more than 120  
20 hours of community service, if community service is available  
21 in the jurisdiction and is funded and approved by the county  
22 board where the offense was committed, when the offense (1) was  
23 related to or in furtherance of the criminal activities of an  
24 organized gang or was motivated by the defendant's membership  
25 in or allegiance to an organized gang; or (2) is a violation of

1 any Section of Article 24 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 where a disposition of supervision is not  
3 prohibited by Section 5-6-1 of this Code. The community service  
4 shall include, but not be limited to, the cleanup and repair of  
5 any damage caused by violation of Section 21-1.3 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
7 damages to property located within the municipality or county  
8 in which the violation occurred. Where possible and reasonable,  
9 the community service should be performed in the offender's  
10 neighborhood.

11 For the purposes of this Section, "organized gang" has the  
12 meaning ascribed to it in Section 10 of the Illinois Streetgang  
13 Terrorism Omnibus Prevention Act.

14 (c) The court may in addition to other reasonable  
15 conditions relating to the nature of the offense or the  
16 rehabilitation of the defendant as determined for each  
17 defendant in the proper discretion of the court require that  
18 the person:

19 (1) make a report to and appear in person before or  
20 participate with the court or such courts, person, or  
21 social service agency as directed by the court in the order  
22 of supervision;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational  
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the  
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other  
6 dangerous weapon;

7 (8) and in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 (iv) contribute to his own support at home or in a  
12 foster home; or

13 (v) with the consent of the superintendent of the  
14 facility, attend an educational program at a facility  
15 other than the school in which the offense was  
16 committed if he or she is placed on supervision for a  
17 crime of violence as defined in Section 2 of the Crime  
18 Victims Compensation Act committed in a school, on the  
19 real property comprising a school, or within 1,000 feet  
20 of the real property comprising a school;

21 (9) make restitution or reparation in an amount not to  
22 exceed actual loss or damage to property and pecuniary loss  
23 or make restitution under Section 5-5-6 to a domestic  
24 violence shelter. The court shall determine the amount and  
25 conditions of payment;

26 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an order  
3 of protection issued by the court pursuant to the Illinois  
4 Domestic Violence Act of 1986 or an order of protection  
5 issued by the court of another state, tribe, or United  
6 States territory. If the court has ordered the defendant to  
7 make a report and appear in person under paragraph (1) of  
8 this subsection, a copy of the order of protection shall be  
9 transmitted to the person or agency so designated by the  
10 court;

11 (12) reimburse any "local anti-crime program" as  
12 defined in Section 7 of the Anti-Crime Advisory Council Act  
13 for any reasonable expenses incurred by the program on the  
14 offender's case, not to exceed the maximum amount of the  
15 fine authorized for the offense for which the defendant was  
16 sentenced;

17 (13) contribute a reasonable sum of money, not to  
18 exceed the maximum amount of the fine authorized for the  
19 offense for which the defendant was sentenced, (i) to a  
20 "local anti-crime program", as defined in Section 7 of the  
21 Anti-Crime Advisory Council Act, or (ii) for offenses under  
22 the jurisdiction of the Department of Natural Resources, to  
23 the fund established by the Department of Natural Resources  
24 for the purchase of evidence for investigation purposes and  
25 to conduct investigations as outlined in Section 805-105 of  
26 the Department of Natural Resources (Conservation) Law;

1           (14) refrain from entering into a designated  
2 geographic area except upon such terms as the court finds  
3 appropriate. Such terms may include consideration of the  
4 purpose of the entry, the time of day, other persons  
5 accompanying the defendant, and advance approval by a  
6 probation officer;

7           (15) refrain from having any contact, directly or  
8 indirectly, with certain specified persons or particular  
9 types of person, including but not limited to members of  
10 street gangs and drug users or dealers;

11           (16) refrain from having in his or her body the  
12 presence of any illicit drug prohibited by the Cannabis  
13 Control Act, the Illinois Controlled Substances Act, or the  
14 Methamphetamine Control and Community Protection Act,  
15 unless prescribed by a physician, and submit samples of his  
16 or her blood or urine or both for tests to determine the  
17 presence of any illicit drug;

18           (17) refrain from operating any motor vehicle not  
19 equipped with an ignition interlock device as defined in  
20 Section 1-129.1 of the Illinois Vehicle Code; under this  
21 condition the court may allow a defendant who is not  
22 self-employed to operate a vehicle owned by the defendant's  
23 employer that is not equipped with an ignition interlock  
24 device in the course and scope of the defendant's  
25 employment; and

26           (18) if placed on supervision for a sex offense as

1 defined in subsection (a-5) of Section 3-1-2 of this Code,  
2 unless the offender is a parent or guardian of the person  
3 under 18 years of age present in the home and no  
4 non-familial minors are present, not participate in a  
5 holiday event involving children under 18 years of age,  
6 such as distributing candy or other items to children on  
7 Halloween, wearing a Santa Claus costume on or preceding  
8 Christmas, being employed as a department store Santa  
9 Claus, or wearing an Easter Bunny costume on or preceding  
10 Easter.

11 (c-5) If payment of restitution as ordered has not been  
12 made, the victim shall file a petition notifying the sentencing  
13 court, any other person to whom restitution is owed, and the  
14 State's Attorney of the status of the ordered restitution  
15 payments unpaid at least 90 days before the supervision  
16 expiration date. If payment as ordered has not been made, the  
17 court shall hold a review hearing prior to the expiration date,  
18 unless the hearing is voluntarily waived by the defendant with  
19 the knowledge that waiver may result in an extension of the  
20 supervision period or in a revocation of supervision. If the  
21 court does not extend supervision, it shall issue a judgment  
22 for the unpaid restitution and direct the clerk of the circuit  
23 court to file and enter the judgment in the judgment and lien  
24 docket, without fee, unless it finds that the victim has  
25 recovered a judgment against the defendant for the amount  
26 covered by the restitution order. If the court issues a



1 judgment for the unpaid restitution, the court shall send to  
2 the defendant at his or her last known address written  
3 notification that a civil judgment has been issued for the  
4 unpaid restitution.

5 (d) The court shall defer entering any judgment on the  
6 charges until the conclusion of the supervision.

7 (e) At the conclusion of the period of supervision, if the  
8 court determines that the defendant has successfully complied  
9 with all of the conditions of supervision, the court shall  
10 discharge the defendant and enter a judgment dismissing the  
11 charges.

12 (f) Discharge and dismissal upon a successful conclusion of  
13 a disposition of supervision shall be deemed without  
14 adjudication of guilt and shall not be termed a conviction for  
15 purposes of disqualification or disabilities imposed by law  
16 upon conviction of a crime. Two years after the discharge and  
17 dismissal under this Section, unless the disposition of  
18 supervision was for a violation of Sections 3-707, 3-708,  
19 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
20 similar provision of a local ordinance, or for a violation of  
21 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
22 or the Criminal Code of 2012, in which case it shall be 5 years  
23 after discharge and dismissal, a person may have his record of  
24 arrest sealed or expunged as may be provided by law. However,  
25 any defendant placed on supervision before January 1, 1980, may  
26 move for sealing or expungement of his arrest record, as

1 provided by law, at any time after discharge and dismissal  
2 under this Section. A person placed on supervision for a sexual  
3 offense committed against a minor as defined in clause  
4 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or  
5 for a violation of Section 11-501 of the Illinois Vehicle Code  
6 or a similar provision of a local ordinance shall not have his  
7 or her record of arrest sealed or expunged.

8 (g) A defendant placed on supervision and who during the  
9 period of supervision undergoes mandatory drug or alcohol  
10 testing, or both, or is assigned to be placed on an approved  
11 electronic monitoring device, shall be ordered to pay the costs  
12 incidental to such mandatory drug or alcohol testing, or both,  
13 and costs incidental to such approved electronic monitoring in  
14 accordance with the defendant's ability to pay those costs. The  
15 county board with the concurrence of the Chief Judge of the  
16 judicial circuit in which the county is located shall establish  
17 reasonable fees for the cost of maintenance, testing, and  
18 incidental expenses related to the mandatory drug or alcohol  
19 testing, or both, and all costs incidental to approved  
20 electronic monitoring, of all defendants placed on  
21 supervision. The concurrence of the Chief Judge shall be in the  
22 form of an administrative order. The fees shall be collected by  
23 the clerk of the circuit court, except as provided in an  
24 administrative order of the Chief Judge of the circuit court.  
25 The clerk of the circuit court shall pay all moneys collected  
26 from these fees to the county treasurer who shall use the

1 moneys collected to defray the costs of drug testing, alcohol  
2 testing, and electronic monitoring. The county treasurer shall  
3 deposit the fees collected in the county working cash fund  
4 under Section 6-27001 or Section 6-29002 of the Counties Code,  
5 as the case may be.

6 The Chief Judge of the circuit court of the county may by  
7 administrative order establish a program for electronic  
8 monitoring of offenders, in which a vendor supplies and  
9 monitors the operation of the electronic monitoring device, and  
10 collects the fees on behalf of the county. The program shall  
11 include provisions for indigent offenders and the collection of  
12 unpaid fees. The program shall not unduly burden the offender  
13 and shall be subject to review by the Chief Judge.

14 The Chief Judge of the circuit court may suspend any  
15 additional charges or fees for late payment, interest, or  
16 damage to any device.

17 (h) A disposition of supervision is a final order for the  
18 purposes of appeal.

19 (i) The court shall impose upon a defendant placed on  
20 supervision after January 1, 1992 or to community service under  
21 the supervision of a probation or court services department  
22 after January 1, 2004, as a condition of supervision or  
23 supervised community service, a fee of \$50 for each month of  
24 supervision or supervised community service ordered by the  
25 court, unless after determining the inability of the person  
26 placed on supervision or supervised community service to pay

1 the fee, the court assesses a lesser fee. The court may not  
2 impose the fee on a minor who is placed in the guardianship or  
3 custody of the Department of Children and Family Services under  
4 the Juvenile Court Act of 1987 while the minor is in placement.  
5 The fee shall be imposed only upon a defendant who is actively  
6 supervised by the probation and court services department. The  
7 fee shall be collected by the clerk of the circuit court. The  
8 clerk of the circuit court shall pay all monies collected from  
9 this fee to the county treasurer for deposit in the probation  
10 and court services fund pursuant to Section 15.1 of the  
11 Probation and Probation Officers Act.

12 A circuit court may not impose a probation fee in excess of  
13 \$25 per month unless the circuit court has adopted, by  
14 administrative order issued by the chief judge, a standard  
15 probation fee guide determining an offender's ability to pay.  
16 Of the amount collected as a probation fee, not to exceed \$5 of  
17 that fee collected per month may be used to provide services to  
18 crime victims and their families.

19 The Court may only waive probation fees based on an  
20 offender's ability to pay. The probation department may  
21 re-evaluate an offender's ability to pay every 6 months, and,  
22 with the approval of the Director of Court Services or the  
23 Chief Probation Officer, adjust the monthly fee amount. An  
24 offender may elect to pay probation fees due in a lump sum. Any  
25 offender that has been assigned to the supervision of a  
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate compact,  
2 shall be required to pay probation fees to the department  
3 supervising the offender, based on the offender's ability to  
4 pay.

5 (j) All fines and costs imposed under this Section for any  
6 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
7 Code, or a similar provision of a local ordinance, and any  
8 violation of the Child Passenger Protection Act, or a similar  
9 provision of a local ordinance, shall be collected and  
10 disbursed by the circuit clerk as provided under the Criminal  
11 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
12 ~~Act~~.

13 (k) A defendant at least 17 years of age who is placed on  
14 supervision for a misdemeanor in a county of 3,000,000 or more  
15 inhabitants and who has not been previously convicted of a  
16 misdemeanor or felony may as a condition of his or her  
17 supervision be required by the court to attend educational  
18 courses designed to prepare the defendant for a high school  
19 diploma and to work toward a high school diploma or to work  
20 toward passing high school equivalency testing or to work  
21 toward completing a vocational training program approved by the  
22 court. The defendant placed on supervision must attend a public  
23 institution of education to obtain the educational or  
24 vocational training required by this subsection (k). The  
25 defendant placed on supervision shall be required to pay for  
26 the cost of the educational courses or high school equivalency

1 testing if a fee is charged for those courses or testing. The  
2 court shall revoke the supervision of a person who wilfully  
3 fails to comply with this subsection (k). The court shall  
4 resentence the defendant upon revocation of supervision as  
5 provided in Section 5-6-4. This subsection (k) does not apply  
6 to a defendant who has a high school diploma or has  
7 successfully passed high school equivalency testing. This  
8 subsection (k) does not apply to a defendant who is determined  
9 by the court to be a person with a developmental disability or  
10 otherwise mentally incapable of completing the educational or  
11 vocational program.

12 (l) The court shall require a defendant placed on  
13 supervision for possession of a substance prohibited by the  
14 Cannabis Control Act, the Illinois Controlled Substances Act,  
15 or the Methamphetamine Control and Community Protection Act  
16 after a previous conviction or disposition of supervision for  
17 possession of a substance prohibited by the Cannabis Control  
18 Act, the Illinois Controlled Substances Act, or the  
19 Methamphetamine Control and Community Protection Act or a  
20 sentence of probation under Section 10 of the Cannabis Control  
21 Act or Section 410 of the Illinois Controlled Substances Act  
22 and after a finding by the court that the person is addicted,  
23 to undergo treatment at a substance abuse program approved by  
24 the court.

25 (m) The Secretary of State shall require anyone placed on  
26 court supervision for a violation of Section 3-707 of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance to give proof of his or her financial responsibility  
3 as defined in Section 7-315 of the Illinois Vehicle Code. The  
4 proof shall be maintained by the individual in a manner  
5 satisfactory to the Secretary of State for a minimum period of  
6 3 years after the date the proof is first filed. The proof  
7 shall be limited to a single action per arrest and may not be  
8 affected by any post-sentence disposition. The Secretary of  
9 State shall suspend the driver's license of any person  
10 determined by the Secretary to be in violation of this  
11 subsection.

12 (n) Any offender placed on supervision for any offense that  
13 the court or probation department has determined to be sexually  
14 motivated as defined in the Sex Offender Management Board Act  
15 shall be required to refrain from any contact, directly or  
16 indirectly, with any persons specified by the court and shall  
17 be available for all evaluations and treatment programs  
18 required by the court or the probation department.

19 (o) An offender placed on supervision for a sex offense as  
20 defined in the Sex Offender Management Board Act shall refrain  
21 from residing at the same address or in the same condominium  
22 unit or apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has been  
25 placed on supervision for a sex offense. The provisions of this  
26 subsection (o) do not apply to a person convicted of a sex

1 offense who is placed in a Department of Corrections licensed  
2 transitional housing facility for sex offenders.

3 (p) An offender placed on supervision for an offense  
4 committed on or after June 1, 2008 (the effective date of  
5 Public Act 95-464) that would qualify the accused as a child  
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012 shall  
8 refrain from communicating with or contacting, by means of the  
9 Internet, a person who is not related to the accused and whom  
10 the accused reasonably believes to be under 18 years of age.  
11 For purposes of this subsection (p), "Internet" has the meaning  
12 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;  
13 and a person is not related to the accused if the person is  
14 not: (i) the spouse, brother, or sister of the accused; (ii) a  
15 descendant of the accused; (iii) a first or second cousin of  
16 the accused; or (iv) a step-child or adopted child of the  
17 accused.

18 (q) An offender placed on supervision for an offense  
19 committed on or after June 1, 2008 (the effective date of  
20 Public Act 95-464) that would qualify the accused as a child  
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so  
23 ordered by the court, refrain from communicating with or  
24 contacting, by means of the Internet, a person who is related  
25 to the accused and whom the accused reasonably believes to be  
26 under 18 years of age. For purposes of this subsection (q),



1 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
2 the Criminal Code of 2012; and a person is related to the  
3 accused if the person is: (i) the spouse, brother, or sister of  
4 the accused; (ii) a descendant of the accused; (iii) a first or  
5 second cousin of the accused; or (iv) a step-child or adopted  
6 child of the accused.

7 (r) An offender placed on supervision for an offense under  
8 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
9 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
10 11-21 of the Criminal Code of 1961 or the Criminal Code of  
11 2012, or any attempt to commit any of these offenses, committed  
12 on or after June 1, 2009 (the effective date of Public Act  
13 95-983) shall:

14 (i) not access or use a computer or any other device  
15 with Internet capability without the prior written  
16 approval of the court, except in connection with the  
17 offender's employment or search for employment with the  
18 prior approval of the court;

19 (ii) submit to periodic unannounced examinations of  
20 the offender's computer or any other device with Internet  
21 capability by the offender's probation officer, a law  
22 enforcement officer, or assigned computer or information  
23 technology specialist, including the retrieval and copying  
24 of all data from the computer or device and any internal or  
25 external peripherals and removal of such information,  
26 equipment, or device to conduct a more thorough inspection;

1           (iii) submit to the installation on the offender's  
2           computer or device with Internet capability, at the  
3           offender's expense, of one or more hardware or software  
4           systems to monitor the Internet use; and

5           (iv) submit to any other appropriate restrictions  
6           concerning the offender's use of or access to a computer or  
7           any other device with Internet capability imposed by the  
8           court.

9           (s) An offender placed on supervision for an offense that  
10          is a sex offense as defined in Section 2 of the Sex Offender  
11          Registration Act that is committed on or after January 1, 2010  
12          (the effective date of Public Act 96-362) that requires the  
13          person to register as a sex offender under that Act, may not  
14          knowingly use any computer scrub software on any computer that  
15          the sex offender uses.

16          (t) An offender placed on supervision for a sex offense as  
17          defined in the Sex Offender Registration Act committed on or  
18          after January 1, 2010 (the effective date of Public Act 96-262)  
19          shall refrain from accessing or using a social networking  
20          website as defined in Section 17-0.5 of the Criminal Code of  
21          2012.

22          (u) Jurisdiction over an offender may be transferred from  
23          the sentencing court to the court of another circuit with the  
24          concurrence of both courts. Further transfers or retransfers of  
25          jurisdiction are also authorized in the same manner. The court  
26          to which jurisdiction has been transferred shall have the same

1 powers as the sentencing court. The probation department within  
2 the circuit to which jurisdiction has been transferred may  
3 impose probation fees upon receiving the transferred offender,  
4 as provided in subsection (i). The probation department from  
5 the original sentencing court shall retain all probation fees  
6 collected prior to the transfer.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
8 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.  
9 8-18-17; 100-201, eff. 8-18-17.)

10 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

11 Sec. 5-7-1. Sentence of Periodic Imprisonment.

12 (a) A sentence of periodic imprisonment is a sentence of  
13 imprisonment during which the committed person may be released  
14 for periods of time during the day or night or for periods of  
15 days, or both, or if convicted of a felony, other than first  
16 degree murder, a Class X or Class 1 felony, committed to any  
17 county, municipal, or regional correctional or detention  
18 institution or facility in this State for such periods of time  
19 as the court may direct. Unless the court orders otherwise, the  
20 particular times and conditions of release shall be determined  
21 by the Department of Corrections, the sheriff, or the  
22 Superintendent of the house of corrections, who is  
23 administering the program.

24 (b) A sentence of periodic imprisonment may be imposed to  
25 permit the defendant to:

- 1 (1) seek employment;
- 2 (2) work;
- 3 (3) conduct a business or other self-employed
- 4 occupation including housekeeping;
- 5 (4) attend to family needs;
- 6 (5) attend an educational institution, including
- 7 vocational education;
- 8 (6) obtain medical or psychological treatment;
- 9 (7) perform work duties at a county, municipal, or
- 10 regional correctional or detention institution or
- 11 facility;
- 12 (8) continue to reside at home with or without
- 13 supervision involving the use of an approved electronic
- 14 monitoring device, subject to Article 8A of Chapter V; or
- 15 (9) for any other purpose determined by the court.

16 (c) Except where prohibited by other provisions of this  
17 Code, the court may impose a sentence of periodic imprisonment  
18 for a felony or misdemeanor on a person who is 17 years of age  
19 or older. The court shall not impose a sentence of periodic  
20 imprisonment if it imposes a sentence of imprisonment upon the  
21 defendant in excess of 90 days.

22 (d) A sentence of periodic imprisonment shall be for a  
23 definite term of from 3 to 4 years for a Class 1 felony, 18 to  
24 30 months for a Class 2 felony, and up to 18 months, or the  
25 longest sentence of imprisonment that could be imposed for the  
26 offense, whichever is less, for all other offenses; however, no

1 person shall be sentenced to a term of periodic imprisonment  
2 longer than one year if he is committed to a county  
3 correctional institution or facility, and in conjunction with  
4 that sentence participate in a county work release program  
5 comparable to the work and day release program provided for in  
6 Article 13 of the Unified Code of Corrections in State  
7 facilities. The term of the sentence shall be calculated upon  
8 the basis of the duration of its term rather than upon the  
9 basis of the actual days spent in confinement. No sentence of  
10 periodic imprisonment shall be subject to the good time credit  
11 provisions of Section 3-6-3 of this Code.

12 (e) When the court imposes a sentence of periodic  
13 imprisonment, it shall state:

14 (1) the term of such sentence;

15 (2) the days or parts of days which the defendant is to  
16 be confined;

17 (3) the conditions.

18 (f) The court may issue an order of protection pursuant to  
19 the Illinois Domestic Violence Act of 1986 as a condition of a  
20 sentence of periodic imprisonment. The Illinois Domestic  
21 Violence Act of 1986 shall govern the issuance, enforcement and  
22 recording of orders of protection issued under this Section. A  
23 copy of the order of protection shall be transmitted to the  
24 person or agency having responsibility for the case.

25 (f-5) An offender sentenced to a term of periodic  
26 imprisonment for a felony sex offense as defined in the Sex

1 Offender Management Board Act shall be required to undergo and  
2 successfully complete sex offender treatment by a treatment  
3 provider approved by the Board and conducted in conformance  
4 with the standards developed under the Sex Offender Management  
5 Board Act.

6 (g) An offender sentenced to periodic imprisonment who  
7 undergoes mandatory drug or alcohol testing, or both, or is  
8 assigned to be placed on an approved electronic monitoring  
9 device, shall be ordered to pay the costs incidental to such  
10 mandatory drug or alcohol testing, or both, and costs  
11 incidental to such approved electronic monitoring in  
12 accordance with the defendant's ability to pay those costs. The  
13 county board with the concurrence of the Chief Judge of the  
14 judicial circuit in which the county is located shall establish  
15 reasonable fees for the cost of maintenance, testing, and  
16 incidental expenses related to the mandatory drug or alcohol  
17 testing, or both, and all costs incidental to approved  
18 electronic monitoring, of all offenders with a sentence of  
19 periodic imprisonment. The concurrence of the Chief Judge shall  
20 be in the form of an administrative order. The fees shall be  
21 collected by the clerk of the circuit court, except as provided  
22 in an administrative order of the Chief Judge of the circuit  
23 court. The clerk of the circuit court shall pay all moneys  
24 collected from these fees to the county treasurer who shall use  
25 the moneys collected to defray the costs of drug testing,  
26 alcohol testing, and electronic monitoring. The county

1 treasurer shall deposit the fees collected in the county  
2 working cash fund under Section 6-27001 or Section 6-29002 of  
3 the Counties Code, as the case may be.

4 (h) All fees and costs imposed under this Section for any  
5 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
6 Code, or a similar provision of a local ordinance, and any  
7 violation of the Child Passenger Protection Act, or a similar  
8 provision of a local ordinance, shall be collected and  
9 disbursed by the circuit clerk as provided under the Criminal  
10 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
11 ~~Act.~~

12 The Chief Judge of the circuit court of the county may by  
13 administrative order establish a program for electronic  
14 monitoring of offenders, in which a vendor supplies and  
15 monitors the operation of the electronic monitoring device, and  
16 collects the fees on behalf of the county. The program shall  
17 include provisions for indigent offenders and the collection of  
18 unpaid fees. The program shall not unduly burden the offender  
19 and shall be subject to review by the Chief Judge.

20 The Chief Judge of the circuit court may suspend any  
21 additional charges or fees for late payment, interest, or  
22 damage to any device.

23 (i) A defendant at least 17 years of age who is convicted  
24 of a misdemeanor or felony in a county of 3,000,000 or more  
25 inhabitants and who has not been previously convicted of a  
26 misdemeanor or a felony and who is sentenced to a term of

1 periodic imprisonment may as a condition of his or her sentence  
2 be required by the court to attend educational courses designed  
3 to prepare the defendant for a high school diploma and to work  
4 toward receiving a high school diploma or to work toward  
5 passing high school equivalency testing or to work toward  
6 completing a vocational training program approved by the court.  
7 The defendant sentenced to periodic imprisonment must attend a  
8 public institution of education to obtain the educational or  
9 vocational training required by this subsection (i). The  
10 defendant sentenced to a term of periodic imprisonment shall be  
11 required to pay for the cost of the educational courses or high  
12 school equivalency testing if a fee is charged for those  
13 courses or testing. The court shall revoke the sentence of  
14 periodic imprisonment of the defendant who wilfully fails to  
15 comply with this subsection (i). The court shall resentence the  
16 defendant whose sentence of periodic imprisonment has been  
17 revoked as provided in Section 5-7-2. This subsection (i) does  
18 not apply to a defendant who has a high school diploma or has  
19 successfully passed high school equivalency testing. This  
20 subsection (i) does not apply to a defendant who is determined  
21 by the court to be a person with a developmental disability or  
22 otherwise mentally incapable of completing the educational or  
23 vocational program.

24 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15;  
25 99-797, eff. 8-12-16.)



1 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

2 Sec. 5-9-1. Authorized fines.

3 (a) An offender may be sentenced to pay a fine as provided  
4 in Article 4.5 of Chapter V.

5 (b) ~~(Blank)~~.

6 (c) (Blank). ~~There shall be added to every fine imposed in~~  
7 ~~sentencing for a criminal or traffic offense, except an offense~~  
8 ~~relating to parking or registration, or offense by a~~  
9 ~~pedestrian, an additional penalty of \$15 for each \$40, or~~  
10 ~~fraction thereof, of fine imposed. The additional penalty of~~  
11 ~~\$15 for each \$40, or fraction thereof, of fine imposed, if not~~  
12 ~~otherwise assessed, shall also be added to every fine imposed~~  
13 ~~upon a plea of guilty, stipulation of facts or findings of~~  
14 ~~guilty, resulting in a judgment of conviction, or order of~~  
15 ~~supervision in criminal, traffic, local ordinance, county~~  
16 ~~ordinance, and conservation cases (except parking,~~  
17 ~~registration, or pedestrian violations), or upon a sentence of~~  
18 ~~probation without entry of judgment under Section 10 of the~~  
19 ~~Cannabis Control Act, Section 410 of the Illinois Controlled~~  
20 ~~Substances Act, or Section 70 of the Methamphetamine Control~~  
21 ~~and Community Protection Act.~~

22 ~~Such additional amounts shall be assessed by the court~~  
23 ~~imposing the fine and shall be collected by the Circuit Clerk~~  
24 ~~in addition to the fine and costs in the case. Each such~~  
25 ~~additional penalty shall be remitted by the Circuit Clerk~~  
26 ~~within one month after receipt to the State Treasurer. The~~

1 ~~State Treasurer shall deposit \$1 for each \$40, or fraction~~  
2 ~~thereof, of fine imposed into the LEADS Maintenance Fund. The~~  
3 ~~State Treasurer shall deposit \$3 for each \$40, or fraction~~  
4 ~~thereof, of fine imposed into the Law Enforcement Camera Grant~~  
5 ~~Fund. The remaining surcharge amount shall be deposited into~~  
6 ~~the Traffic and Criminal Conviction Surcharge Fund, unless the~~  
7 ~~fine, costs or additional amounts are subject to disbursement~~  
8 ~~by the circuit clerk under Section 27.5 of the Clerks of Courts~~  
9 ~~Act. Such additional penalty shall not be considered a part of~~  
10 ~~the fine for purposes of any reduction in the fine for time~~  
11 ~~served either before or after sentencing. Not later than March~~  
12 ~~1 of each year the Circuit Clerk shall submit a report of the~~  
13 ~~amount of funds remitted to the State Treasurer under this~~  
14 ~~subsection (c) during the preceding calendar year. Except as~~  
15 ~~otherwise provided by Supreme Court Rules, if a court in~~  
16 ~~imposing a fine against an offender levies a gross amount for~~  
17 ~~fine, costs, fees and penalties, the amount of the additional~~  
18 ~~penalty provided for herein shall be computed on the amount~~  
19 ~~remaining after deducting from the gross amount levied all fees~~  
20 ~~of the Circuit Clerk, the State's Attorney and the Sheriff.~~  
21 ~~After deducting from the gross amount levied the fees and~~  
22 ~~additional penalty provided for herein, less any other~~  
23 ~~additional penalties provided by law, the clerk shall remit the~~  
24 ~~net balance remaining to the entity authorized by law to~~  
25 ~~receive the fine imposed in the case. For purposes of this~~  
26 ~~Section "fees of the Circuit Clerk" shall include, if~~

1 ~~applicable, the fee provided for under Section 27.3a of the~~  
2 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~  
3 ~~county in which the violation occurred pursuant to Section~~  
4 ~~5-1101 of the Counties Code.~~

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

18 ~~The Circuit Clerk may accept payment of fines and costs by~~  
19 ~~credit card from an offender who has been convicted of a~~  
20 ~~traffic offense, petty offense or misdemeanor and may charge~~  
21 ~~the service fee permitted where fines and costs are paid by~~  
22 ~~credit card provided for in Section 27.3b of the Clerks of~~  
23 ~~Courts Act.~~

24 (c-7) (Blank). ~~In addition to the fines imposed by~~  
25 ~~subsection (c), any person convicted or receiving an order of~~  
26 ~~supervision for driving under the influence of alcohol or drugs~~

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

12 (c-9) (Blank).

13 (d) In determining the amount and method of payment of a  
14 fine, except for those fines established for violations of  
15 Chapter 15 of the Illinois Vehicle Code, the court shall  
16 consider:

17 (1) the financial resources and future ability of the  
18 offender to pay the fine; and

19 (2) whether the fine will prevent the offender from  
20 making court ordered restitution or reparation to the  
21 victim of the offense; and

22 (3) in a case where the accused is a dissolved  
23 corporation and the court has appointed counsel to  
24 represent the corporation, the costs incurred either by the  
25 county or the State for such representation.

26 (e) The court may order the fine to be paid forthwith or

1 within a specified period of time or in installments.

2 (f) (Blank). ~~All fines, costs and additional amounts~~  
3 ~~imposed under this Section for any violation of Chapters 3, 4,~~  
4 ~~6, and 11 of the Illinois Vehicle Code, or a similar provision~~  
5 ~~of a local ordinance, and any violation of the Child Passenger~~  
6 ~~Protection Act, or a similar provision of a local ordinance,~~  
7 ~~shall be collected and disbursed by the circuit clerk as~~  
8 ~~provided under Section 27.5 of the Clerks of Courts Act.~~

9 (Source: P.A. 99-352, eff. 1-1-16.)

10 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

11 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
12 not-for-profit laboratory registered with the Drug Enforcement  
13 Administration of the United States Department of Justice,  
14 substantially funded by a unit or combination of units of local  
15 government or the State of Illinois, which regularly employs at  
16 least one person engaged in the analysis of controlled  
17 substances, cannabis, methamphetamine, or steroids for  
18 criminal justice agencies in criminal matters and provides  
19 testimony with respect to such examinations.

20 (b) (Blank). ~~When a person has been adjudged guilty of an~~  
21 ~~offense in violation of the Cannabis Control Act, the Illinois~~  
22 ~~Controlled Substances Act, the Methamphetamine Control and~~  
23 ~~Community Protection Act, or the Steroid Control Act, in~~  
24 ~~addition to any other disposition, penalty or fine imposed, a~~  
25 ~~criminal laboratory analysis fee of \$100 for each offense for~~

1 ~~which he was convicted shall be levied by the court. Any person~~  
2 ~~placed on probation pursuant to Section 10 of the Cannabis~~  
3 ~~Control Act, Section 410 of the Illinois Controlled Substances~~  
4 ~~Act, Section 70 of the Methamphetamine Control and Community~~  
5 ~~Protection Act, or Section 10 of the Steroid Control Act or~~  
6 ~~placed on supervision for a violation of the Cannabis Control~~  
7 ~~Act, the Illinois Controlled Substances Act or the Steroid~~  
8 ~~Control Act shall be assessed a criminal laboratory analysis~~  
9 ~~fee of \$100 for each offense for which he was charged. Upon~~  
10 ~~verified petition of the person, the court may suspend payment~~  
11 ~~of all or part of the fee if it finds that the person does not~~  
12 ~~have the ability to pay the fee.~~

13 (c) In addition to any other disposition made pursuant to  
14 the provisions of the Juvenile Court Act of 1987, any minor  
15 adjudicated delinquent for an offense which if committed by an  
16 adult would constitute a violation of the Cannabis Control Act,  
17 the Illinois Controlled Substances Act, the Methamphetamine  
18 Control and Community Protection Act, or the Steroid Control  
19 Act shall be required to pay ~~assessed~~ a criminal laboratory  
20 analysis assessment ~~fee~~ of \$100 for each adjudication. Upon  
21 verified petition of the minor, the court may suspend payment  
22 of all or part of the assessment ~~fee~~ if it finds that the minor  
23 does not have the ability to pay the assessment ~~fee~~. The  
24 parent, guardian or legal custodian of the minor may pay some  
25 or all of such assessment ~~fee~~ on the minor's behalf.

26 (d) All criminal laboratory analysis fees provided for by

1 this Section shall be collected by the clerk of the court and  
2 forwarded to the appropriate crime laboratory fund as provided  
3 in subsection (f).

4 (e) Crime laboratory funds shall be established as follows:

5 (1) Any unit of local government which maintains a  
6 crime laboratory may establish a crime laboratory fund  
7 within the office of the county or municipal treasurer.

8 (2) Any combination of units of local government which  
9 maintains a crime laboratory may establish a crime  
10 laboratory fund within the office of the treasurer of the  
11 county where the crime laboratory is situated.

12 (3) The State Crime Laboratory Fund is hereby created  
13 as a special fund in the State Treasury.

14 (f) The analysis assessment fee provided for in subsection  
15 ~~subsections (b) and~~ (c) of this Section shall be forwarded to  
16 the office of the treasurer of the unit of local government  
17 that performed the analysis if that unit of local government  
18 has established a crime laboratory fund, or to the State Crime  
19 Laboratory Fund if the analysis was performed by a laboratory  
20 operated by the Illinois State Police. If the analysis was  
21 performed by a crime laboratory funded by a combination of  
22 units of local government, the analysis assessment fee shall be  
23 forwarded to the treasurer of the county where the crime  
24 laboratory is situated if a crime laboratory fund has been  
25 established in that county. If the unit of local government or  
26 combination of units of local government has not established a

1 crime laboratory fund, then the analysis assessment ~~fee~~ shall  
2 be forwarded to the State Crime Laboratory Fund. ~~The clerk of~~  
3 ~~the circuit court may retain the amount of \$10 from each~~  
4 ~~collected analysis fee to offset administrative costs incurred~~  
5 ~~in carrying out the clerk's responsibilities under this~~  
6 ~~Section.~~

7 (g) Moneys ~~Fees~~ deposited into a crime laboratory fund  
8 created pursuant to paragraphs (1) or (2) of subsection (e) of  
9 this Section shall be in addition to any allocations made  
10 pursuant to existing law and shall be designated for the  
11 exclusive use of the crime laboratory. These uses may include,  
12 but are not limited to, the following:

13 (1) costs incurred in providing analysis for  
14 controlled substances in connection with criminal  
15 investigations conducted within this State;

16 (2) purchase and maintenance of equipment for use in  
17 performing analyses; and

18 (3) continuing education, training and professional  
19 development of forensic scientists regularly employed by  
20 these laboratories.

21 (h) Moneys ~~Fees~~ deposited in the State Crime Laboratory  
22 Fund created pursuant to paragraph (3) of subsection (d) of  
23 this Section shall be used by State crime laboratories as  
24 designated by the Director of State Police. These funds shall  
25 be in addition to any allocations made pursuant to existing law  
26 and shall be designated for the exclusive use of State crime



1 laboratories. These uses may include those enumerated in  
2 subsection (g) of this Section.

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

4 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

5 Sec. 5-9-1.7. Sexual assault fines.

6 (a) Definitions. The terms used in this Section shall have  
7 the following meanings ascribed to them:

8 (1) "Sexual assault" means the commission or attempted  
9 commission of the following: sexual exploitation of a  
10 child, criminal sexual assault, predatory criminal sexual  
11 assault of a child, aggravated criminal sexual assault,  
12 criminal sexual abuse, aggravated criminal sexual abuse,  
13 indecent solicitation of a child, public indecency, sexual  
14 relations within families, promoting juvenile  
15 prostitution, soliciting for a juvenile prostitute,  
16 keeping a place of juvenile prostitution, patronizing a  
17 juvenile prostitute, juvenile pimping, exploitation of a  
18 child, obscenity, child pornography, aggravated child  
19 pornography, harmful material, or ritualized abuse of a  
20 child, as those offenses are defined in the Criminal Code  
21 of 1961 or the Criminal Code of 2012.

22 (2) (Blank). ~~"Family member" shall have the meaning~~  
23 ~~ascribed to it in Section 11-0.1 of the Criminal Code of~~  
24 ~~2012.~~

25 (3) "Sexual assault organization" means any

1 not-for-profit organization providing comprehensive,  
2 community-based services to victims of sexual assault.  
3 "Community-based services" include, but are not limited  
4 to, direct crisis intervention through a 24-hour response,  
5 medical and legal advocacy, counseling, information and  
6 referral services, training, and community education.

7 (b) (Blank). ~~Sexual assault fine; collection by clerk.~~

8 ~~(1) In addition to any other penalty imposed, a fine of~~  
9 ~~\$200 shall be imposed upon any person who pleads guilty or~~  
10 ~~who is convicted of, or who receives a disposition of court~~  
11 ~~supervision for, a sexual assault or attempt of a sexual~~  
12 ~~assault. Upon request of the victim or the victim's~~  
13 ~~representative, the court shall determine whether the fine~~  
14 ~~will impose an undue burden on the victim of the offense.~~  
15 ~~For purposes of this paragraph, the defendant may not be~~  
16 ~~considered the victim's representative. If the court finds~~  
17 ~~that the fine would impose an undue burden on the victim,~~  
18 ~~the court may reduce or waive the fine. The court shall~~  
19 ~~order that the defendant may not use funds belonging solely~~  
20 ~~to the victim of the offense for payment of the fine.~~

21 ~~(2) Sexual assault fines shall be assessed by the court~~  
22 ~~imposing the sentence and shall be collected by the circuit~~  
23 ~~clerk. The circuit clerk shall retain 10% of the penalty to~~  
24 ~~cover the costs involved in administering and enforcing~~  
25 ~~this Section. The circuit clerk shall remit the remainder~~  
26 ~~of each fine within one month of its receipt to the State~~

1 ~~Treasurer for deposit as follows:~~

2 ~~(i) for family member offenders, one-half to the~~  
3 ~~Sexual Assault Services Fund, and one-half to the~~  
4 ~~Domestic Violence Shelter and Service Fund; and~~

5 ~~(ii) for other than family member offenders, the~~  
6 ~~full amount to the Sexual Assault Services Fund.~~

7 (c) Sexual Assault Services Fund; administration. There is  
8 created a Sexual Assault Services Fund. Moneys deposited into  
9 the Fund under Section 15-20 and 15-40 of the Criminal and  
10 Traffic Assessment Act ~~this Section~~ shall be appropriated to  
11 the Department of Public Health. Upon appropriation of moneys  
12 from the Sexual Assault Services Fund, the Department of Public  
13 Health shall make grants of these moneys from the Fund to  
14 sexual assault organizations with whom the Department has  
15 contracts for the purpose of providing community-based  
16 services to victims of sexual assault. Grants made under this  
17 Section are in addition to, and are not substitutes for, other  
18 grants authorized and made by the Department.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;  
20 97-1150, eff. 1-25-13.)

21 (730 ILCS 5/5-9-1.9)

22 Sec. 5-9-1.9. DUI analysis fee.

23 (a) "Crime laboratory" means a not-for-profit laboratory  
24 substantially funded by a single unit or combination of units  
25 of local government or the State of Illinois that regularly

1 employs at least one person engaged in the DUI analysis of  
2 blood, other bodily substance, and urine for criminal justice  
3 agencies in criminal matters and provides testimony with  
4 respect to such examinations.

5 "DUI analysis" means an analysis of blood, other bodily  
6 substance, or urine for purposes of determining whether a  
7 violation of Section 11-501 of the Illinois Vehicle Code has  
8 occurred.

9 (b) (Blank). ~~When a person has been adjudged guilty of an~~  
10 ~~offense in violation of Section 11-501 of the Illinois Vehicle~~  
11 ~~Code, in addition to any other disposition, penalty, or fine~~  
12 ~~imposed, a crime laboratory DUI analysis fee of \$150 for each~~  
13 ~~offense for which the person was convicted shall be levied by~~  
14 ~~the court for each case in which a laboratory analysis~~  
15 ~~occurred. Upon verified petition of the person, the court may~~  
16 ~~suspend payment of all or part of the fee if it finds that the~~  
17 ~~person does not have the ability to pay the fee.~~

18 (c) In addition to any other disposition made under the  
19 provisions of the Juvenile Court Act of 1987, any minor  
20 adjudicated delinquent for an offense which if committed by an  
21 adult would constitute a violation of Section 11-501 of the  
22 Illinois Vehicle Code shall pay ~~be assessed~~ a crime laboratory  
23 DUI analysis assessment ~~fee~~ of \$150 for each adjudication. Upon  
24 verified petition of the minor, the court may suspend payment  
25 of all or part of the assessment ~~fee~~ if it finds that the minor  
26 does not have the ability to pay the assessment ~~fee~~. The

1 parent, guardian, or legal custodian of the minor may pay some  
2 or all of the assessment ~~fee~~ on the minor's behalf.

3 (d) All crime laboratory DUI analysis assessments ~~fees~~  
4 provided for by this Section shall be collected by the clerk of  
5 the court and forwarded to the appropriate crime laboratory DUI  
6 fund as provided in subsection (f).

7 (e) Crime laboratory funds shall be established as follows:

8 (1) A unit of local government that maintains a crime  
9 laboratory may establish a crime laboratory DUI fund within  
10 the office of the county or municipal treasurer.

11 (2) Any combination of units of local government that  
12 maintains a crime laboratory may establish a crime  
13 laboratory DUI fund within the office of the treasurer of  
14 the county where the crime laboratory is situated.

15 (3) The State Police DUI Fund is created as a special  
16 fund in the State Treasury.

17 (f) The analysis assessment ~~fee~~ provided for in subsection  
18 ~~subsections (b) and (c)~~ of this Section shall be forwarded to  
19 the office of the treasurer of the unit of local government  
20 that performed the analysis if that unit of local government  
21 has established a crime laboratory DUI fund, or to the State  
22 Treasurer for deposit into the State Police Operations  
23 Assistance ~~DUI~~ Fund if the analysis was performed by a  
24 laboratory operated by the Department of State Police. If the  
25 analysis was performed by a crime laboratory funded by a  
26 combination of units of local government, the analysis

1 assessment ~~fee~~ shall be forwarded to the treasurer of the  
2 county where the crime laboratory is situated if a crime  
3 laboratory DUI fund has been established in that county. If the  
4 unit of local government or combination of units of local  
5 government has not established a crime laboratory DUI fund,  
6 then the analysis assessment ~~fee~~ shall be forwarded to the  
7 State Treasurer for deposit into the State Police Operations  
8 Assistance Fund ~~DUI Fund~~. ~~The clerk of the circuit court may~~  
9 ~~retain the amount of \$10 from each collected analysis fee to~~  
10 ~~offset administrative costs incurred in carrying out the~~  
11 ~~clerk's responsibilities under this Section.~~

12 (g) Moneys ~~Fees~~ deposited into a crime laboratory DUI fund  
13 created under paragraphs (1) and (2) of subsection (e) of this  
14 Section shall be in addition to any allocations made pursuant  
15 to existing law and shall be designated for the exclusive use  
16 of the crime laboratory. These uses may include, but are not  
17 limited to, the following:

18 (1) Costs incurred in providing analysis for DUI  
19 investigations conducted within this State.

20 (2) Purchase and maintenance of equipment for use in  
21 performing analyses.

22 (3) Continuing education, training, and professional  
23 development of forensic scientists regularly employed by  
24 these laboratories.

25 (h) Moneys ~~Fees~~ deposited in the State Police Operations  
26 Assistance ~~DUI~~ Fund ~~created under paragraph (3) of subsection~~

1 ~~(e) of this Section~~ shall be used by State crime laboratories  
2 as designated by the Director of State Police. These funds  
3 shall be in addition to any allocations made according to  
4 existing law and shall be designated for the exclusive use of  
5 State crime laboratories. These uses may include those  
6 enumerated in subsection (g) of this Section.

7 (Source: P.A. 99-697, eff. 7-29-16.)

8 (730 ILCS 5/5-9-1.11)

9 Sec. 5-9-1.11. Domestic Violence Abuser Services ~~Violation~~  
10 ~~of an order of protection;~~ Fund.

11 (a) (Blank). ~~In addition to any other penalty imposed, a~~  
12 ~~fine of \$20 shall be imposed upon any person who is convicted~~  
13 ~~of or placed on supervision for violation of an order of~~  
14 ~~protection; provided that the offender and victim are family or~~  
15 ~~household members as defined in Section 103 of the Illinois~~  
16 ~~Domestic Violence Act of 1986.~~

17 ~~The additional amount shall be assessed by the court~~  
18 ~~imposing sentence and shall be collected by the Circuit Clerk~~  
19 ~~in addition to the fine, if any, and costs in the case. Each~~  
20 ~~such additional penalty shall be remitted by the Circuit Clerk~~  
21 ~~within one month after receipt to the State Treasurer for~~  
22 ~~deposit into the Domestic Violence Abuser Services Fund. The~~  
23 ~~Circuit Clerk shall retain 10% of the penalty to cover the~~  
24 ~~costs incurred in administering and enforcing this Section. The~~  
25 ~~additional penalty shall not be considered a part of the fine~~

1 ~~for purposes of any reduction in the fine for time served~~  
2 ~~either before or after sentencing.~~

3 ~~The State Treasurer shall deposit into the Domestic~~  
4 ~~Violence Abuser Services Fund each fine received from circuit~~  
5 ~~clerks under Section 5-9-1.5 of the Unified Code of~~  
6 ~~Corrections.~~

7 ~~Upon request of the victim or the victim's representative,~~  
8 ~~the court shall determine whether the fine will impose an undue~~  
9 ~~burden on the victim of the offense. For purposes of this~~  
10 ~~paragraph, the defendant may not be considered the victim's~~  
11 ~~representative. If the court finds that the fine would impose~~  
12 ~~an undue burden on the victim, the court may reduce or waive~~  
13 ~~the fine. The court shall order that the defendant may not use~~  
14 ~~funds belonging solely to the victim of the offense for payment~~  
15 ~~of the fine.~~

16 ~~Not later than March 1 of each year the Clerk of the~~  
17 ~~Circuit Court shall submit to the State Comptroller a report of~~  
18 ~~the amount of funds remitted by her or him to the State~~  
19 ~~Treasurer under this Section during the preceding calendar~~  
20 ~~year. Except as otherwise provided by Supreme Court Rules, if a~~  
21 ~~court in sentencing an offender levies a gross amount for fine,~~  
22 ~~costs, fees and penalties, the amount of the additional penalty~~  
23 ~~provided for in this Section shall be collected from the amount~~  
24 ~~remaining after deducting from the gross amount levied all fees~~  
25 ~~of the Circuit Clerk, the State's Attorney, and the Sheriff.~~  
26 ~~After deducting from the gross amount levied the fees and~~



1 ~~additional penalty provided for in this Section, less any other~~  
2 ~~additional penalties provided by law, the clerk shall remit the~~  
3 ~~net balance remaining to the entity authorized by law to~~  
4 ~~receive the fine imposed in the case. For purposes of this~~  
5 ~~Section "Fees of the Circuit Clerk" shall include, if~~  
6 ~~applicable, the fee provided for under Section 27.3a of the~~  
7 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~  
8 ~~county in which the violation occurred under Section 5-1101 of~~  
9 ~~the Counties Code.~~

10 (b) Domestic Violence Abuser Services Fund;  
11 administration. There is created a Domestic Violence Abuser  
12 Services Fund in the State Treasury. Moneys deposited into the  
13 Fund under Section 15-70 of the Criminal and Traffic  
14 Assessments Act ~~this Section~~ shall be appropriated to the  
15 Department of Human Services for the purpose of providing  
16 services specified by this Section. Upon appropriation of  
17 moneys from the Domestic Violence Abuser Services Fund, the  
18 Department of Human Services shall set aside 10% of all  
19 appropriated funds for the purposes of program training,  
20 development and assessment. The Department shall make grants of  
21 all remaining moneys from the Fund to qualified domestic  
22 violence abuser services programs through a competitive  
23 application process. A "qualified domestic violence abuser  
24 services program" is one which the Department determines is in  
25 compliance with protocols for abuser services promulgated by  
26 the Department. To the extent possible the Department shall

1 ensure that moneys received from penalties imposed by courts in  
2 judicial districts are returned to qualified abuser services  
3 programs serving those districts.

4 (Source: P.A. 90-241, eff. 1-1-98.)

5 (730 ILCS 5/5-9-1.16)

6 Sec. 5-9-1.16. Protective order violation service provider  
7 fees.

8 (a) (Blank). ~~There shall be added to every penalty imposed~~  
9 ~~in sentencing for a violation of an order of protection under~~  
10 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~  
11 ~~Criminal Code of 2012 an additional fee to be set in an amount~~  
12 ~~not less than \$200 to be imposed upon a plea of guilty or~~  
13 ~~finding of guilty resulting in a judgment of conviction.~~

14 (b) (Blank). ~~Such additional amount shall be assessed by~~  
15 ~~the court imposing sentence and shall be collected by the~~  
16 ~~Circuit Clerk in addition to the fine, if any, and costs in the~~  
17 ~~case to be used by the supervising authority in implementing~~  
18 ~~the domestic violence surveillance program. The clerk of the~~  
19 ~~circuit court shall pay all monies collected from this fee to~~  
20 ~~the county treasurer for deposit in the probation and court~~  
21 ~~services fund under Section 15.1 of the Probation and~~  
22 ~~Probations Officers Act.~~

23 (c) The supervising authority of a domestic violence  
24 surveillance program under Section 5-8A-7 of this Act shall  
25 assess a person either convicted of, or charged with, the

1 violation of an order of protection an additional service  
2 provider fee to cover the costs of providing the equipment used  
3 and the additional supervision needed for such domestic  
4 violence surveillance program. If the court finds that the fee  
5 would impose an undue burden on the victim, the court may  
6 reduce or waive the fee. The court shall order that the  
7 defendant may not use funds belonging solely to the victim of  
8 the offense for payment of the fee.

9 When the supervising authority is the court or the  
10 probation and court services department, the fee shall be  
11 collected by the circuit court clerk. The clerk of the circuit  
12 court shall pay all monies collected from this fee and all  
13 other required probation fees that are assessed to the county  
14 treasurer for deposit in the probation and court services fund  
15 under Section 15.1 of the Probation and Probations Officers  
16 Act. In counties with a population of 2 million or more, when  
17 the supervising authority is the court or the probation and  
18 court services department, the fee shall be collected by the  
19 supervising authority. In these counties, the supervising  
20 authority shall pay all monies collected from this fee and all  
21 other required probation fees that are assessed, to the county  
22 treasurer for deposit in the probation and court services fund  
23 under Section 15.1 of the Probation and Probation Officers Act.

24 When the supervising authority is the Department of  
25 Corrections, the Department shall collect the fee for deposit  
26 into the Department of Corrections Reimbursement and Education

1 Fund. ~~The Circuit Clerk shall retain 10% of such penalty and~~  
2 ~~deposit that percentage into the Circuit Court Clerk Operation~~  
3 ~~and Administrative Fund to cover the costs incurred in~~  
4 ~~administering and enforcing this Section.~~

5 (d) (Blank).

6 (e) (Blank).

7 (Source: P.A. 99-933, eff. 1-27-17.)

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) (Blank). ~~Each plea of guilty, stipulation of facts, or~~  
17 ~~finding of guilt resulting in a judgment of conviction or order~~  
18 ~~of 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.~~

23 (c) (Blank). ~~If imposed, the fine shall be collected by the~~  
24 ~~circuit court clerk in addition to any other imposed fee. The~~  
25 ~~circuit court clerk shall retain \$50 to cover the costs in~~

1 ~~administering and enforcing this Section. The circuit court~~  
2 ~~clerk shall remit the remainder of the fine within one month of~~  
3 ~~its receipt as follows:~~

4 ~~(1) \$300 shall be distributed equally between all State~~  
5 ~~law enforcement agencies whose officers or employees~~  
6 ~~conducted the investigation or prosecution that resulted~~  
7 ~~in the finding of guilt; and~~

8 ~~(2) the remainder of the fine shall be remitted to the~~  
9 ~~Department of Human Services for deposit into the~~  
10 ~~Specialized Services for Survivors of Human Trafficking~~  
11 ~~Fund.~~

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

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

1 (f) Notwithstanding any other law to the contrary, the  
2 Specialized Services for Survivors of Human Trafficking Fund is  
3 not subject to sweeps, administrative charge-backs, or any  
4 other fiscal maneuver that would in any way transfer any  
5 amounts from the Specialized Services for Survivors of Human  
6 Trafficking Fund into any other fund of the State.

7 (Source: P.A. 98-1013, eff. 1-1-15.)

8 (730 ILCS 5/5-9-1.1 rep.)

9 (730 ILCS 5/5-9-1.1-5 rep.)

10 (730 ILCS 5/5-9-1.5 rep.)

11 (730 ILCS 5/5-9-1.6 rep.)

12 (730 ILCS 5/5-9-1.10 rep.)

13 (730 ILCS 5/5-9-1.12 rep.)

14 (730 ILCS 5/5-9-1.14 rep.)

15 (730 ILCS 5/5-9-1.15 rep.)

16 (730 ILCS 5/5-9-1.17 rep.)

17 (730 ILCS 5/5-9-1.18 rep.)

18 (730 ILCS 5/5-9-1.19 rep.)

19 (730 ILCS 5/5-9-1.20 rep.)

20 Section 905-93. The Unified Code of Corrections is amended  
21 by repealing Sections 5-9-1.1, 5-9-1.1-5, 5-9-1.5, 5-9-1.6,  
22 5-9-1.10, 5-9-1.12, 5-9-1.14, 5-9-1.15, 5-9-1.17, 5-9-1.18,  
23 5-9-1.19, and 5-9-1.20.

24 Section 905-95. The County Jail Act is amended by changing

1 Section 17 as follows:

2 (730 ILCS 125/17) (from Ch. 75, par. 117)

3 Sec. 17. Bedding, clothing, fuel, and medical aid;  
4 reimbursement for medical expenses. The Warden of the jail  
5 shall furnish necessary bedding, clothing, fuel, and medical  
6 services for all prisoners under his charge, and keep an  
7 accurate account of the same. When services that result in  
8 qualified medical expenses are required by any person held in  
9 custody, the county, private hospital, physician or any public  
10 agency which provides such services shall be entitled to obtain  
11 reimbursement from the county for the cost of such services.  
12 The county board of a county may adopt an ordinance or  
13 resolution providing for reimbursement for the cost of those  
14 services at the Department of Healthcare and Family Services'  
15 rates for medical assistance. To the extent that such person is  
16 reasonably able to pay for such care, including reimbursement  
17 from any insurance program or from other medical benefit  
18 programs available to such person, he or she shall reimburse  
19 the county or arresting authority. If such person has already  
20 been determined eligible for medical assistance under the  
21 Illinois Public Aid Code at the time the person is detained,  
22 the cost of such services, to the extent such cost exceeds  
23 \$500, shall be reimbursed by the Department of Healthcare and  
24 Family Services under that Code. A reimbursement under any  
25 public or private program authorized by this Section shall be

1 paid to the county or arresting authority to the same extent as  
2 would have been obtained had the services been rendered in a  
3 non-custodial environment.

4 The sheriff or his or her designee may cause an application  
5 for medical assistance under the Illinois Public Aid Code to be  
6 completed for an arrestee who is a hospital inpatient. If such  
7 arrestee is determined eligible, he or she shall receive  
8 medical assistance under the Code for hospital inpatient  
9 services only. An arresting authority shall be responsible for  
10 any qualified medical expenses relating to the arrestee until  
11 such time as the arrestee is placed in the custody of the  
12 sheriff. However, the arresting authority shall not be so  
13 responsible if the arrest was made pursuant to a request by the  
14 sheriff. When medical expenses are required by any person held  
15 in custody, the county shall be entitled to obtain  
16 reimbursement from the County Jail Medical Costs Fund to the  
17 extent moneys are available from the Fund. To the extent that  
18 the person is reasonably able to pay for that care, including  
19 reimbursement from any insurance program or from other medical  
20 benefit programs available to the person, he or she shall  
21 reimburse the county.

22 ~~The county shall be entitled to a \$10 fee for each~~  
23 ~~conviction or order of supervision for a criminal violation,~~  
24 ~~other than a petty offense or business offense. The fee shall~~  
25 ~~be taxed as costs to be collected from the defendant, if~~  
26 ~~possible, upon conviction or entry of an order of supervision.~~



1 ~~The fee shall not be considered a part of the fine for purposes~~  
2 ~~of any reduction in the fine.~~

3 ~~All such fees collected shall be deposited by the county in~~  
4 ~~a fund to be established and known as the County Jail Medical~~  
5 ~~Costs Fund. Moneys in the Fund shall be used solely for~~  
6 ~~reimbursement to the county of costs for medical expenses and~~  
7 ~~administration of the Fund.~~

8 For the purposes of this Section, "arresting authority"  
9 means a unit of local government, other than a county, which  
10 employs peace officers and whose peace officers have made the  
11 arrest of a person. For the purposes of this Section,  
12 "qualified medical expenses" include medical and hospital  
13 services but do not include (i) expenses incurred for medical  
14 care or treatment provided to a person on account of a  
15 self-inflicted injury incurred prior to or in the course of an  
16 arrest, (ii) expenses incurred for medical care or treatment  
17 provided to a person on account of a health condition of that  
18 person which existed prior to the time of his or her arrest, or  
19 (iii) expenses for hospital inpatient services for arrestees  
20 enrolled for medical assistance under the Illinois Public Aid  
21 Code.

22 (Source: P.A. 95-842, eff. 8-15-08; 96-1280, eff. 7-26-10.)

23 Section 905-100. The Code of Civil Procedure is amended by  
24 changing Section 5-105 as follows:

1 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

2 Sec. 5-105. Waiver of court fees, costs, and charges ~~leave~~  
3 ~~to sue or defend as an indigent person.~~

4 (a) As used in this Section:

5 (1) "Fees, costs, and charges" means payments imposed  
6 on a party in connection with the prosecution or defense of  
7 a civil action, including, but not limited to: fees set  
8 forth in Section 27.1b of the Clerks of Courts Act ~~filing~~  
9 ~~fees; appearance fees;~~ fees for service of process and  
10 other papers served either within or outside this State,  
11 including service by publication pursuant to Section 2-206  
12 of this Code and publication of necessary legal notices;  
13 motion fees; ~~jury demand fees;~~ charges for participation  
14 in, or attendance at, any mandatory process or procedure  
15 including, but not limited to, conciliation, mediation,  
16 arbitration, counseling, evaluation, "Children First",  
17 "Focus on Children" or similar programs; fees for  
18 supplementary proceedings; charges for translation  
19 services; guardian ad litem fees; ~~charges for certified~~  
20 ~~copies of court documents;~~ and all other processes and  
21 procedures deemed by the court to be necessary to commence,  
22 prosecute, defend, or enforce relief in a civil action.

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

25 (i) He or she is receiving assistance under one or  
26 more of the following means based governmental public

1 benefits programs: Supplemental Security Income (SSI),  
2 Aid to the Aged, Blind and Disabled (AABD), Temporary  
3 Assistance for Needy Families (TANF), Supplemental  
4 Nutrition Assistance Program (SNAP) ~~Food Stamps~~,  
5 General Assistance, Transitional Assistance, or State  
6 Children and Family Assistance.

7 (ii) His or her available personal income is 200%  
8 ~~125%~~ or less of the current poverty level ~~as~~  
9 ~~established by the United States Department of Health~~  
10 ~~and Human Services~~, unless the applicant's assets that  
11 are not exempt under Part 9 or 10 of Article XII of  
12 this Code are of a nature and value that the court  
13 determines that the applicant is able to pay the fees,  
14 costs, and charges.

15 (iii) He or she is, in the discretion of the court,  
16 unable to proceed in an action without payment of fees,  
17 costs, and charges and whose payment of those fees,  
18 costs, and charges would result in substantial  
19 hardship to the person or his or her family.

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

22 (3) "Poverty level" means the current poverty level as  
23 established by the United States Department of Health and  
24 Human Services.

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

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

6           (2) If the court finds that the applicant satisfies any  
7           of the criteria contained in items (i), (ii), or (iii) of  
8           this subdivision (b) (2), the court shall grant the  
9           applicant a partial fees, costs, and charges waiver  
10           entitling him or her to sue or defend the action upon  
11           payment of the applicable percentage of the assessments,  
12           costs, and charges of the action, as follows:

13                   (i) the court shall waive 75% of all fees, costs,  
14                   and charges if the available income of the applicant is  
15                   greater than 200% but does not exceed 250% of the  
16                   poverty level, unless the assets of the applicant that  
17                   are not exempt under Part 9 or 10 of Article XII of  
18                   this Code are such that the applicant is able, without  
19                   undue hardship, to pay a greater portion of the fees,  
20                   costs, and charges;

21                   (ii) the court shall waive 50% of all fees, costs,  
22                   and charges if the available income is greater than  
23                   250% but does not exceed 300% of the poverty level,  
24                   unless the assets of the applicant that are not exempt  
25                   under Part 9 or 10 of Article XII of this Code are such  
26                   that the applicant is able, without undue hardship, to

1 pay a greater portion of the fees, costs, and charges;

2 and

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

11 (c) An application for waiver of court fees, costs, and  
12 charges ~~leave to sue or defend an action as an indigent person~~  
13 shall be in writing and signed ~~supported~~ by the ~~affidavit of~~  
14 ~~the~~ applicant, or, if the applicant is a minor or an  
15 incompetent adult, by ~~the affidavit of~~ another person having  
16 knowledge of the facts. The contents of the application for  
17 waiver of court fees, costs, and charges, and the procedure for  
18 the decision of the applications, affidavit shall be  
19 established by Supreme Court Rule. Factors to consider in  
20 evaluating an application shall include:

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

1       State Children and Family Assistance;

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

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

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

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

13           (6) financial affidavits or other similar supporting  
14       documentation provided by the applicant showing that  
15       payment of the imposed fees, costs, and charges would  
16       result in substantial hardship to the applicant or the  
17       applicant's family.

18       (c-5) The court shall provide, through the office of the  
19       clerk of the court, the application for waiver of court fees,  
20       costs, and charges ~~simplified forms consistent with the~~  
21       ~~requirements of this Section and applicable Supreme Court Rules~~  
22       to any person seeking to sue or defend an action who indicates  
23       an inability to pay the fees, costs, and charges of the action.  
24       ~~The application and supporting affidavit may be incorporated~~  
25       ~~into one simplified form.~~ The clerk of the court shall post in  
26       a conspicuous place in the courthouse a notice no smaller than

1 8.5 x 11 inches, using no smaller than 30-point typeface  
2 printed in English and in Spanish, advising the public that  
3 they may ask the court for permission to sue or defend a civil  
4 action without payment of fees, costs, and charges. The notice  
5 shall be substantially as follows:

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

9 (d) (Blank). ~~The court shall rule on applications under  
10 this Section in a timely manner based on information contained  
11 in the application unless the court, in its discretion,  
12 requires the applicant to personally appear to explain or  
13 clarify information contained in the application. If the court  
14 finds that the applicant is an indigent person, the court shall  
15 enter an order permitting the applicant to sue or defend  
16 without payment of fees, costs, or charges. If the application  
17 is denied, the court shall enter an order to that effect  
18 stating the specific reasons for the denial. The clerk of the  
19 court shall promptly mail or deliver a copy of the order to the  
20 applicant.~~

21 (e) The clerk of the court shall not refuse to accept and  
22 file any complaint, appearance, or other paper presented by the  
23 applicant if accompanied by an application for waiver of court  
24 fees, costs, and charges ~~to sue or defend in forma pauperis,~~  
25 and those papers shall be considered filed on the date the  
26 application is presented. If the application is denied or a

1 partial fees, costs, and charges waiver is granted, the order  
2 shall state a date certain by which the necessary fees, costs,  
3 and charges must be paid. ~~For The court, for~~ good cause shown,  
4 the court may allow an applicant who receives a partial fees,  
5 costs, and charges waiver ~~whose application is denied~~ to defer  
6 payment of fees, costs, and charges, make installment payments,  
7 or make payment upon reasonable terms and conditions stated in  
8 the order. The court may dismiss the claims or strike the  
9 defenses of any party failing to pay the fees, costs, and ~~or~~  
10 charges within the time and in the manner ordered by the court.  
11 A judicial ruling on an application for waiver of court  
12 assessments does not constitute a decision of a substantial  
13 issue in the case under Section 2-1001 of this Code ~~A~~  
14 ~~determination concerning an application to sue or defend in~~  
15 ~~forma pauperis shall not be construed as a ruling on the~~  
16 ~~merits.~~

17 (f) The ~~court may~~ order granting a full or partial fees,  
18 costs, and charges waiver shall expire after one year. Upon  
19 expiration of the waiver, or a reasonable period of time before  
20 expiration, the party whose fees, costs, and charges were  
21 waived may file another application for waiver and the court  
22 shall consider the application in accordance with the  
23 applicable Supreme Court Rule. ~~an indigent person to pay all or~~  
24 ~~a portion of the fees, costs, or charges waived pursuant to~~  
25 ~~this Section out of moneys recovered by the indigent person~~  
26 ~~pursuant to a judgment or settlement resulting from the civil~~



1 ~~action. However, nothing in this Section shall be construed to~~  
2 ~~limit the authority of a court to order another party to the~~  
3 ~~action to pay the fees, costs, or charges of the action.~~

4 (f-5) If, before or at the time of final disposition of the  
5 case, the court obtains information, including information  
6 from the court file, suggesting that a person whose fees,  
7 costs, and charges were initially waived was not entitled to a  
8 full or partial waiver at the time of application, the court  
9 may require the person to appear at a court hearing by giving  
10 the applicant no less than 10 days' written notice of the  
11 hearing and the specific reasons why the initial waiver might  
12 be reconsidered. The court may require the applicant to provide  
13 reasonably available evidence, including financial  
14 information, to support his or her eligibility for the waiver,  
15 but the court shall not require submission of information that  
16 is unrelated to the criteria for eligibility and application  
17 requirements set forth in subdivisions (b) (1) or (b) (2) of this  
18 Section. If the court finds that the person was not initially  
19 entitled to any waiver, the person shall pay all fees, costs,  
20 and charges relating to the civil action, including any  
21 previously-waived fees, costs, and charges. The order may state  
22 terms of payment in accordance with subsection (e). The court  
23 shall not conduct a hearing under this subsection more often  
24 than once every 6 months.

25 (f-10) If, before or at the time of final disposition of  
26 the case, the court obtains information, including information

1 from the court file, suggesting that a person who received a  
2 full or partial waiver has experienced a change in financial  
3 condition so that he or she is no longer eligible for that  
4 waiver, the court may require the person to appear at a court  
5 hearing by giving the applicant no less than 10 days' written  
6 notice of the hearing and the specific reasons why the waiver  
7 might be reconsidered. The court may require the person to  
8 provide reasonably available evidence, including financial  
9 information, to support his or her continued eligibility for  
10 the waiver, but shall not require submission of information  
11 that is unrelated to the criteria for eligibility and  
12 application requirements set forth in subsections (b)(1) and  
13 (b)(2) of this Section. If the court enters an order finding  
14 that the person is no longer entitled to a waiver, or is  
15 entitled to a partial waiver different than that which the  
16 person had previously received, the person shall pay the  
17 requisite fees, costs, and charges from the date of the order  
18 going forward. The order may state terms of payment in  
19 accordance with subsection (e) of this Section. The court shall  
20 not conduct a hearing under this subsection more often than  
21 once every 6 months.

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

25 (h) Nothing in this Section shall be construed to affect  
26 the right of a party to sue or defend an action in forma

1 pauperis without the payment of fees, costs, ~~or~~ charges, or the  
2 right of a party to court-appointed counsel, as authorized by  
3 any other provision of law or by the rules of the Illinois  
4 Supreme Court. Nothing in this Section shall be construed to  
5 limit the authority of a court to order another party to the  
6 action to pay the fees, costs, and charges of the action.

7 (h-5) If a party is represented by a civil legal services  
8 provider or an attorney in a court-sponsored pro bono program  
9 as defined in Section 5-105.5 of this Code, the attorney  
10 representing that party shall file a certification with the  
11 court in accordance with Supreme Court Rule 298 and that party  
12 shall be allowed to sue or defend without payment of fees,  
13 costs, and charges without filing an application under this  
14 Section.

15 (h-10) If an attorney files an appearance on behalf of a  
16 person whose fees, costs, and charges were initially waived  
17 under this Section, the attorney must pay all fees, costs, and  
18 charges relating to the civil action, including any previously  
19 waived fees, costs, and charges, unless the attorney is either  
20 a civil legal services provider, representing his or her client  
21 as part of a court-sponsored pro bono program as defined in  
22 Section 5-105.1 of this Code, or appearing under a limited  
23 scope appearance in accordance with Supreme Court Rule  
24 13(c)(6).

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

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

2 Article 999. Effective Date

3 Section 999-99. Effective date. This Act takes effect July  
4 1, 2019, except that this Section and Article 900 takes effect  
5 on July 1, 2018.

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5	730 ILCS 5/5-9-1.1-5	
6	20 ILCS 1310/3.2	from Ch. 40, par. 2403.2
7	20 ILCS 1410/10	
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10	30 ILCS 105/6b-4	from Ch. 127, par. 142b4
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16	50 ILCS 705/9	from Ch. 85, par. 509
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18	55 ILCS 5/3-6023	from Ch. 34, par. 3-6023
19	55 ILCS 5/4-2004	from Ch. 34, par. 4-2004
20	55 ILCS 5/4-2005	from Ch. 34, par. 4-2005
21	55 ILCS 5/4-2006	from Ch. 34, par. 4-2006
22	55 ILCS 5/3-4012 rep.	
23	55 ILCS 5/4-2002 rep.	
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1 55 ILCS 5/5-1101.5 rep.  
2 55 ILCS 5/5-1103 rep.  
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26 705 ILCS 105/27.3e rep.

1 705 ILCS 105/27.3g rep.  
2 705 ILCS 105/27.4 rep.  
3 705 ILCS 105/27.5 rep.  
4 705 ILCS 105/27.6 rep.  
5 705 ILCS 405/5-915  
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7 720 ILCS 550/10.3 rep.  
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11 720 ILCS 646/90  
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24 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3  
25 730 ILCS 5/5-6-3.1 from Ch. 38, par. 1005-6-3.1  
26 730 ILCS 5/5-7-1 from Ch. 38, par. 1005-7-1

1	730 ILCS 5/5-9-1	from Ch. 38, par. 1005-9-1
2	730 ILCS 5/5-9-1.4	from Ch. 38, par. 1005-9-1.4
3	730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7
4	730 ILCS 5/5-9-1.9	
5	730 ILCS 5/5-9-1.11	
6	730 ILCS 5/5-9-1.16	
7	730 ILCS 5/5-9-1.21	
8	730 ILCS 5/5-9-1.1 rep.	
9	730 ILCS 5/5-9-1.1-5 rep.	
10	730 ILCS 5/5-9-1.5 rep.	
11	730 ILCS 5/5-9-1.6 rep.	
12	730 ILCS 5/5-9-1.10 rep.	
13	730 ILCS 5/5-9-1.12 rep.	
14	730 ILCS 5/5-9-1.14 rep.	
15	730 ILCS 5/5-9-1.15 rep.	
16	730 ILCS 5/5-9-1.17 rep.	
17	730 ILCS 5/5-9-1.18 rep.	
18	730 ILCS 5/5-9-1.19 rep.	
19	730 ILCS 5/5-9-1.20 rep.	
20	730 ILCS 125/17	from Ch. 75, par. 117
21	735 ILCS 5/5-105	from Ch. 110, par. 5-105