

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 schedules 1 through 13 of 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 "Fine" means a pecuniary punishment for a conviction as
3 ordered by a court of law.

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

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

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

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

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

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

24 "Street value" means the amount determined by the court on
25 the basis of testimony of law enforcement personnel and the
26 defendant as to the amount of drug or materials seized and any

1 testimony as may be required by the court as to the current
2 street value of the cannabis, controlled substance,
3 methamphetamine or salt of an optical isomer of
4 methamphetamine, or methamphetamine manufacturing materials
5 seized.

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

12 Article 5. Assessment Procedures

13 Section 5-5. Minimum fine. Unless otherwise specified by
14 law, the minimum fine for a conviction or supervision
15 disposition on a minor traffic offense is \$25 and the minimum
16 fine for a conviction, supervision disposition, or violation
17 based upon a plea of guilty or finding of guilt for any other
18 offense is \$75. If the court finds that the fine would impose
19 an undue burden on the victim, the court may reduce or waive
20 the fine. In this Section, "victim" shall not be construed to
21 include the defendant.

22 Section 5-10. Schedules; payment.

23 (a) In each case, the court shall order an assessment, as

1 set forth in this Act, for a defendant to pay in addition to
2 any fine, restitution, or forfeiture ordered by the court when
3 the defendant is convicted of, pleads guilty to, or is placed
4 on court supervision for a violation of a statute of this State
5 or a similar local ordinance. The court may order a fine,
6 restitution, or forfeiture on any violation that is being
7 sentenced but shall order only one assessment from the Schedule
8 of Assessments 1 through 13 of this Act for all sentenced
9 violations in a case, that being the schedule applicable to the
10 highest classified offense violation that is being sentenced,
11 plus any conditional assessments under Section 15-70 of this
12 Act applicable to any sentenced violation in the case.

13 (b) If the court finds that the schedule of assessments
14 will cause an undue burden on any victim in a case or if the
15 court orders community service or some other punishment in
16 place of the applicable schedule of assessments, the court may
17 reduce the amount set forth in the applicable schedule of
18 assessments or not order the applicable schedule of
19 assessments. If the court reduces the amount set forth in the
20 applicable schedule of assessments, then all recipients of the
21 funds collected will receive a prorated amount to reflect the
22 reduction.

23 (c) The court may order the assessments to be paid
24 forthwith or within a specified period of time or in
25 installments.

26 (c-3) Excluding any ordered conditional assessment, if the

1 assessment is not paid within the period of probation,
2 conditional discharge, or supervision to which the defendant
3 was originally sentenced, the court may extend the period of
4 probation, conditional discharge, or supervision under Section
5 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
6 applicable, until the assessment is paid or until successful
7 completion of public or community service set forth in
8 subsection (b) of Section 5-20 of this Act or the successful
9 completion of the substance abuse intervention or treatment
10 program set forth in subsection (c-5) of this Section.

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

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

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

13 (e) Unless a court ordered payment schedule is implemented
14 or the assessment requirements of this Act are waived under a
15 court order, the clerk of the circuit court may add to any
16 unpaid assessments under this Act a delinquency amount equal to
17 5% of the unpaid assessments that remain unpaid after 30 days,
18 10% of the unpaid assessments that remain unpaid after 60 days,
19 and 15% of the unpaid assessments that remain unpaid after 90
20 days. Notice to those parties may be made by signage posting or
21 publication. The additional delinquency amounts collected
22 under this Section shall be used to defray additional
23 administrative costs incurred by the clerk of the circuit court
24 in collecting unpaid assessments.

25 Section 5-15. Service provider costs. Unless otherwise

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

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

11 (a) Any credit for time served prior to sentencing that
12 reduces the amount a defendant is required to pay shall be
13 deducted first from the fine, if any, ordered by the court. Any
14 remainder of the credit shall be equally divided between the
15 assessments indicated in the ordered schedule and conditional
16 assessments.

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

1 court or required by law.

2 Article 10. Funds

3 Section 10-5. Funds.

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

17 (b) The county treasurer or the treasurer of the unit of
18 local government may create the funds indicated in paragraphs
19 (1) through (5), (9), and (16) of subsection (d) of this
20 Section, if not already in existence. If a county or unit of
21 local government has not instituted, and does not plan to
22 institute a program that uses a particular fund, the treasurer
23 need not create the fund and may instead deposit the money
24 intended for the fund into the general fund of the county or

1 unit of local government for use in financing the court system.

2 (c) If the arresting agency is a State agency, the
3 arresting agency portion shall be remitted by the clerk of
4 court to the State Treasurer who shall deposit the portion as
5 follows:

6 (1) if the arresting agency is the Department of State
7 Police, into the State Police Law Enforcement
8 Administration Fund;

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

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

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

16 (d) Fund descriptions and provisions:

17 (1) The Court Automation Fund is to defray the expense,
18 borne by the county, of establishing and maintaining
19 automated record keeping systems in the Office of the Clerk
20 of the Circuit Court. The money shall be remitted monthly
21 by the clerk to the county treasurer and identified as
22 funds for the Circuit Court Clerk. The fund shall be
23 audited by the county auditor, and the board shall make
24 expenditures from the fund in payment of any costs related
25 to the automation of court records including hardware,
26 software, research and development costs, and personnel

1 costs related to the foregoing, provided that the
2 expenditure is approved by the clerk of the court and by
3 the chief judge of the circuit court or his or her
4 designee.

5 (2) The Document Storage Fund is to defray the expense,
6 borne by the county, of establishing and maintaining a
7 document storage system and converting the records of the
8 circuit court clerk to electronic or micrographic storage.
9 The money shall be remitted monthly by the clerk to the
10 county treasurer and identified as funds for the circuit
11 court clerk. The fund shall be audited by the county
12 auditor, and the board shall make expenditure from the fund
13 in payment of any cost related to the storage of court
14 records, including hardware, software, research and
15 development costs, and personnel costs related to the
16 foregoing, provided that the expenditure is approved by the
17 clerk of the court.

18 (3) The Circuit Clerk Operations and Administration
19 Fund is to defray the expenses incurred for collection and
20 disbursement of the various assessment schedules. The
21 money shall be remitted monthly by the clerk to the county
22 treasurer and identified as funds for the circuit court
23 clerk.

24 (4) The State's Attorney Records Automation Fund is to
25 defray the expense of establishing and maintaining
26 automated record keeping systems in the offices of the

1 State's Attorney. The money shall be remitted monthly by
2 the clerk to the county treasurer for deposit into the
3 State's Attorney Records Automation Fund. Expenditures
4 from this fund may be made by the State's Attorney for
5 hardware, software, and research and development related
6 to automated record keeping systems.

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

16 (6) The DUI Fund shall be used for enforcement and
17 prevention of driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or
19 any combination thereof, as defined by Section 11-501 of
20 the Illinois Vehicle Code, including, but not limited to,
21 the purchase of law enforcement equipment and commodities
22 that will assist in the prevention of alcohol-related
23 criminal violence throughout the State; police officer
24 training and education in areas related to alcohol related
25 crime, including, but not limited to, DUI training; and
26 police officer salaries, including, but not limited to,

1 salaries for hire back funding for safety checkpoints,
2 saturation patrols, and liquor store sting operations. Any
3 moneys received by the Department of State Police shall be
4 deposited into the State Police Operations Assistance Fund
5 and those moneys and moneys in the State Police DUI Fund
6 shall be used to purchase law enforcement equipment that
7 will assist in the prevention of alcohol related criminal
8 violence throughout the State. The money shall be remitted
9 monthly by the clerk to the State or local treasurer for
10 deposit as provided by law.

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

14 (8) The Probation and Court Services Fund is to be
15 expended as described in Section 15.1 of the Probation and
16 Probation Officers Act.

17 (9) The Circuit Court Clerk Electronic Citation Fund
18 shall have the Circuit Court Clerk as the custodian, ex
19 officio, of the Fund and shall be used to perform the
20 duties required by the office for establishing and
21 maintaining electronic citations. The Fund shall be
22 audited by the county's auditor.

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

1 (11) The Violent Crime Victims Assistance Fund is a
2 special fund in the State treasury to provide moneys for
3 the grants to be awarded under the Violent Crime Victims
4 Assistance Act.

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

23 (13) The Sexual Assault Services Fund shall be
24 appropriated to the Department of Public Health. Upon
25 appropriation of moneys from the Sexual Assault Services
26 Fund, the Department of Public Health shall make grants of

1 these moneys to sexual assault organizations with whom the
2 Department has contracts for the purpose of providing
3 community-based services to victims of sexual assault.
4 Grants are in addition to, and are not substitutes for,
5 other grants authorized and made by the Department.

6 (14) The County Jail Medical Costs Fund is to help
7 defray the costs outlined in Section 17 of the County Jail
8 Act. Moneys in the Fund shall be used solely for
9 reimbursement to the county of costs for medical expenses
10 and administration of the Fund.

11 (15) The Prisoner Review Board Vehicle and Equipment
12 Fund is a special fund in the State treasury. The Prisoner
13 Review Board shall, subject to appropriation by the General
14 Assembly and approval by the Secretary, use all moneys in
15 the Prisoner Review Board Vehicle and Equipment Fund for
16 the purchase and operation of vehicles and equipment.

17 (16) In each county in which a Children's Advocacy
18 Center provides services, a Child Advocacy Center Fund,
19 specifically for the operation and administration of the
20 Children's Advocacy Center, from which the county board
21 shall make grants to support the activities and services of
22 the Children's Advocacy Center within that county.

23 Article 15. Assessment Schedules

24 Section 15-5. SCHEDULE 1; generic felony offenses.

1 SCHEDULE 1: Unless assessments are imposed by the court under
2 another schedule of this Act, for a felony offense, the Clerk
3 of the Circuit Court shall collect \$549 and remit as follows:

4 (1) As the county's portion, \$354 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) \$255 into the county's General Fund;

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

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

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

16 (H) \$20 into the County Jail Medical Costs Fund; and

17 (I) \$20 into the Probation and Court Services Fund.

18 (2) As the State's portion, \$195 to the State Treasurer,
19 who shall deposit the money as follows:

20 (A) \$50 into the State Police Operations Assistance
21 Fund;

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

24 (C) \$10 into the State Police Merit Board Public Safety
25 Fund; and

26 (D) \$35 into the Traffic and Criminal Conviction

1 Surcharge Fund.

2 Section 15-10. SCHEDULE 2; felony DUI offenses. SCHEDULE 2:
3 For a felony under Section 11-501 of the Illinois Vehicle Code,
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision of a local ordinance, the Clerk of the
7 Circuit Court shall collect \$1,709 and remit as follows:

8 (1) As the county's portion, \$399 to the county treasurer,
9 who shall deposit the money as follows:

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

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

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

14 (D) \$300 into the county's General Fund;

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

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

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

20 (H) \$20 into the County Jail Medical Costs Fund; and

21 (I) \$20 into the Probation and Court Services Fund.

22 (2) As the State's portion, \$1,110 to the State Treasurer,
23 who shall deposit the money as follows:

24 (A) \$730 into the State Police Operations Assistance
25 Fund;

- 1 (B) \$5 into the Drivers Education Fund;
- 2 (C) \$100 into the Trauma Center Fund;
- 3 (D) \$5 into the Spinal Cord Injury Paralysis Cure
4 Research Trust Fund;
- 5 (E) \$5 into the State Police Merit Board Public Safety
6 Fund;
- 7 (F) \$160 into the Traffic and Criminal Conviction
8 Surcharge Fund;
- 9 (G) \$5 into the Law Enforcement Camera Grant Fund; and
- 10 (H) \$100 into the Violent Crime Victims Assistance
11 Fund.

12 (3) As the arresting agency's portion, \$200 to the
13 treasurer of the unit of local government of the arresting
14 agency, who shall deposit the money into the DUI Fund of that
15 unit of local government or as provided in subsection (c) of
16 Section 10-5 of this Act if the arresting agency is a State
17 agency, unless more than one agency is responsible for the
18 arrest in which case the amount shall be remitted to each unit
19 of government equally.

20 Section 15-15. SCHEDULE 3; felony drug offenses. SCHEDULE
21 3: For a felony under the Illinois Controlled Substances Act,
22 the Cannabis Control Act, or the Methamphetamine Control and
23 Community Protection Act, the Clerk of the Circuit Court shall
24 collect \$2,215 and remit as follows:

25 (1) As the county's portion, \$354 to the county treasurer,

1 who shall deposit the money as follows:

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

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

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

6 (D) \$255 into the county's General Fund;

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

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

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

12 (H) \$20 into the County Jail Medical Costs Fund; and

13 (I) \$20 into the Probation and Court Services Fund.

14 (2) As the State's portion, \$1,861 to the State Treasurer,
15 who shall deposit the money as follows:

16 (A) \$50 into the State Police Operations Assistance
17 Fund;

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

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

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

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

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

26 (G) \$38 into the Prescription Pill and Drug Disposal

1 Fund;

2 (H) \$28 into the Criminal Justice Information Projects
3 Fund; and

4 (I) \$35 into the Traffic and Criminal Conviction
5 Surcharge Fund.

6 Section 15-20. SCHEDULE 4; felony sex offenses. SCHEDULE 4:
7 For a felony or attempted felony under Article 11 or Section
8 12-33 of the Criminal Code of 2012, the Clerk of the Circuit
9 Court shall collect \$1,314 and remit as follows:

10 (1) As the county's portion, \$354 to the county treasurer,
11 who shall deposit the money as follows:

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

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

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

16 (D) \$255 into the county's General Fund;

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

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

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

22 (H) \$20 into the County Jail Medical Costs Fund; and

23 (I) \$20 into the Probation and Court Services Fund.

24 (2) As the State's portion, \$960 to the State Treasurer,
25 who shall deposit the money as follows:

1 (A) \$520 into the State Police Operations Assistance
2 Fund;

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

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

6 (D) \$100 into the Domestic Violence Shelter and
7 Services Fund;

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

10 (F) \$35 into the Traffic and Criminal Conviction
11 Surcharge Fund.

12 Section 15-25. SCHEDULE 5; generic misdemeanor offenses.
13 SCHEDULE 5: Unless assessments are imposed under another
14 schedule of this Act, for a misdemeanor offense, the Clerk of
15 the Circuit Court shall collect \$439 and remit as follows:

16 (1) As the county's portion, \$282 to the county treasurer,
17 who shall deposit the money as follows:

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

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

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

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

24 (E) \$185 into the county's General Fund;

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

1 (G) \$2 into the State's Attorney Records Automation
2 Fund;

3 (H) \$2 into the Public Defender Records Automation
4 Fund;

5 (I) \$10 into the County Jail Medical Costs Fund; and

6 (J) \$20 into the Probation and Court Services Fund.

7 (2) As the State's portion, \$155 to the State Treasurer,
8 who shall deposit the money as follows:

9 (A) \$50 into the State Police Operations Assistance
10 Fund;

11 (B) \$10 into the State Police Merit Board Public Safety
12 Fund;

13 (C) \$75 into the Violent Crime Victims Assistance Fund;
14 and

15 (D) \$20 into the Traffic and Criminal Conviction
16 Surcharge Fund.

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

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

1 SCHEDULE 6: For a misdemeanor under Section 11-501 of the
2 Illinois Vehicle Code, Section 5-7 of the Snowmobile
3 Registration and Safety Act, Section 5-16 of the Boat
4 Registration and Safety Act, or a similar provision of a local
5 ordinance, the Clerk of the Circuit Court shall collect \$1,381
6 and remit as follows:

7 (1) As the county's portion, \$322 to the county treasurer,
8 who shall deposit the money as follows:

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

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

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

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

15 (E) \$225 into the county's General Fund;

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

17 (G) \$2 into the State's Attorney Records Automation
18 Fund;

19 (H) \$2 into the Public Defenders Records Automation
20 Fund;

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

22 (J) \$20 into the Probation and Court Services Fund.

23 (2) As the State's portion, \$707 to the State Treasurer,
24 who shall deposit the money as follows:

25 (A) \$330 into the State Police Operations Assistance
26 Fund;

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

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

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

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

7 (F) \$22 into the Fire Prevention Fund;

8 (G) \$160 into the Traffic and Criminal Conviction
9 Surcharge Fund;

10 (H) \$5 into the Law Enforcement Camera Grant Fund; and

11 (I) \$75 into the Violent Crime Victims Assistance Fund.

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

16 (A) if the arresting agency is a local agency to the
17 treasurer of the unit of local government of the arresting
18 agency, who shall deposit the money as follows:

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

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

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

25 Section 15-35. SCHEDULE 7; misdemeanor drug offenses.

1 SCHEDULE 7: For a misdemeanor under the Illinois Controlled
2 Substances Act, the Cannabis Control Act, or the
3 Methamphetamine Control and Community Protection Act, the
4 Clerk of the Circuit Court shall collect \$905 and remit as
5 follows:

6 (1) As the county's portion, \$282 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;

14 (E) \$185 into the county's General Fund;

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

16 (G) \$2 into the State's Attorney Records Automation
17 Fund;

18 (H) \$2 into the Public Defenders Records Automation
19 Fund;

20 (I) \$10 into the County Jail Medical Costs Fund; and

21 (J) \$20 into the Probation and Court Services Fund.

22 (2) As the State's portion, \$621 to the State Treasurer,
23 who shall deposit the money as follows:

24 (A) \$50 into the State Police Operations Assistance
25 Fund;

26 (B) \$75 into the Violent Crime Victims Assistance Fund;

- 1 (C) \$100 into the Trauma Center Fund;
- 2 (D) \$5 into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund;
- 4 (E) \$300 into the Drug Treatment Fund;
- 5 (F) \$38 into the Prescription Pill and Drug Disposal
6 Fund;
- 7 (G) \$28 into the Criminal Justice Information Projects
8 Fund;
- 9 (H) \$5 into the State Police Merit Board Public Safety
10 Fund; and
- 11 (I) \$20 into the Traffic and Criminal Conviction
12 Surcharge Fund.

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

21 Section 15-40. SCHEDULE 8; misdemeanor sex offenses.
22 SCHEDULE 8: For a misdemeanor or attempted misdemeanor under
23 Article 11 of the Criminal Code of 2012, the Clerk of the
24 Circuit Court shall collect \$1,184 and remit as follows:

25 (1) As the county's portion, \$282 to the county treasurer,

1 who shall deposit the money as follows:

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

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

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

6 (D) \$8 into the Circuit Court Clerk Electronic Citation
7 Fund;

8 (E) \$185 into the county's General Fund;

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

10 (G) \$2 into the State's Attorney Records Automation
11 Fund;

12 (H) \$2 into the Public Defenders Records Automation
13 Fund;

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

15 (J) \$20 into the Probation and Court Services Fund.

16 (2) As the State's portion, \$900 to the State Treasurer,
17 who shall deposit the money as follows:

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

20 (B) \$75 into the Violent Crime Victims Assistance 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) \$20 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 \$325 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, \$203 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) \$150 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 \$37 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, \$2 shall be deposited into the State's Attorneys
5 Records Automation Fund, \$2 shall be deposited into the Public
6 Defenders Records Automation Fund, \$10 shall be deposited into
7 the Probation and Court Services Fund, and the remainder shall
8 be used for purposes related to the operation of the court
9 system.

10 (2) As the State's portion, \$97 to the State Treasurer, who
11 shall deposit the money as follows:

12 (A) \$20 into the State Police Operations Assistance
13 Fund;

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

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

17 (D) \$22 into the Fire Prevention Fund;

18 (E) \$40 into the Traffic and Criminal Conviction
19 Surcharge Fund; and

20 (F) \$5 into the Violent Crime Victims Assistance Fund.

21 (3) As the arresting agency's portion, \$25, to the
22 treasurer of the unit of local government of the arresting
23 agency, who shall deposit the money as follows:

24 (A) \$2 into the E-citation Fund of that unit of local
25 government or as provided in subsection (c) of Section 10-5
26 of this Act if the arresting agency is a State agency,

1 unless more than one agency is responsible for the arrest
2 in which case the amount shall be remitted to each unit of
3 government equally.

4 (B) \$23 into the General Fund of that unit of local
5 government or as provided in subsection (c) of Section 10-5
6 of this Act if the arresting agency is a State agency,
7 unless more than one agency is responsible for the arrest
8 in which case the amount shall be remitted to each unit of
9 government equally.

10 Section 15-50. SCHEDULE 10; minor traffic offenses.
11 SCHEDULE 10: For a minor traffic offense, the Clerk of the
12 Circuit Court shall collect \$226 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, \$168 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) \$115 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 \$28 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, \$2 shall be deposited into the State's Attorneys
5 Records Automation Fund, \$2 shall be deposited into the Public
6 Defenders Records Automation Fund, \$10 shall be deposited into
7 the Probation and Court Services Fund, and the remainder shall
8 be used for purposes related to the operation of the court
9 system.

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

12 (A) \$10 into the State Police Operations Assistance
13 Fund;

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

16 (C) \$4 into the Drivers Education Fund;

17 (D) \$20 into the Traffic and Criminal Conviction
18 Surcharge Fund;

19 (E) \$4 into the Law Enforcement Camera Grant Fund; and

20 (F) \$3 into the Violent Crime Victims Assistance Fund.

21 (3) As the arresting agency's portion, \$12, to the
22 treasurer of the unit of local government of the arresting
23 agency, who shall deposit the money as follows:

24 (A) \$2 into the E-citation Fund of that unit of local
25 government or as provided in subsection (c) of Section 10-5
26 of this Act if the arresting agency is a State agency,

1 unless more than one agency is responsible for the arrest
2 in which case the amount shall be remitted to each unit of
3 government equally.

4 (B) \$10 into the General Fund of that unit of local
5 government or as provided in subsection (c) of Section 10-5
6 of this Act if the arresting agency is a State agency,
7 unless more than one agency is responsible for the arrest
8 in which case the amount shall be remitted to each unit of
9 government equally.

10 Section 15-52. SCHEDULE 10.5; truck weight and load
11 offenses.

12 SCHEDULE 10.5: For an offense under paragraph (1), (2), or (3)
13 of subsection (d) of Section 3-401 or Section 15-111 of the
14 Illinois Vehicle Code, the Clerk of the Circuit Court shall
15 collect \$260 and remit as follows:

16 (1) As the county's portion, \$168 to the county treasurer,
17 who shall deposit the money as follows:

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

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

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

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

24 (E) \$115 into the county's General Fund.

25 (2) As the State's portion, \$92 to the State Treasurer, who

1 shall deposit the money as follows:

2 (A) \$31 into the State Police Merit Board Public Safety
3 Fund, regardless of the type of overweight citation or
4 arresting law enforcement agency;

5 (B) \$31 into the Traffic and Criminal Conviction
6 Surcharge Fund; and

7 (C) \$30 to the State Police Operations Assistance Fund.

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

9 SCHEDULE 11: For a conservation offense, the Clerk of the
10 Circuit Court shall collect \$195 and remit as follows:

11 (1) As the county's portion, \$168, 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; and

19 (E) \$115 into the county's General Fund.

20 (2) As the State's portion, \$25, to the State Treasurer,
21 who shall deposit the money into the Conservation Police
22 Operations Assistance Fund.

23 (3) As the arresting agency's portion, \$2, to the treasurer
24 of the unit of local government of the arresting agency, who
25 shall deposit the money into the E-citation Fund of that unit

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

6 Section 15-60. SCHEDULE 12; dispositions under Supreme
7 Court Rule 529. SCHEDULE 12: For a disposition under Supreme
8 Court Rule 529, the Clerk of the Circuit Court shall collect
9 \$164 and remit as follows:

10 (1) As the county's portion, \$100, to the county treasurer,
11 who shall deposit the money as follows:

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

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

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

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

18 (E) \$47 into the county's General Fund.

19 (2) As the State's portion, \$14 to the State Treasurer, who
20 shall deposit the money as follows:

21 (A) \$3 into the Drivers Education Fund;

22 (B) \$2 into the State Police Merit Board Public Safety
23 Fund;

24 (C) \$4 into the Traffic and Criminal Conviction
25 Surcharge Fund;

1 (D) \$1 into the Law Enforcement Camera Grant Fund; and

2 (E) \$4 into the Violent Crime Victims Assistance Fund.

3 (3) As the arresting agency's portion, \$50 as follows,
4 unless more than one agency is responsible for the arrest in
5 which case the amount shall be remitted to each unit of
6 government equally:

7 (A) if the arresting agency is a local agency to the
8 treasurer of the unit of local government of the arresting
9 agency, who shall deposit the money as follows:

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

12 (ii) \$48 into the General Fund of the unit of local
13 government; or

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

16 Section 15-65. SCHEDULE 13; non-traffic violations.
17 SCHEDULE 13: For a petty offense, business offense, or
18 non-traffic ordinance violation, the Clerk of the Circuit Court
19 shall collect \$100 and remit as follows:

20 (1) As the county's portion, \$75, 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) \$22 into the county's General Fund.

4 (2) As the arresting agency's portion, \$25 as follows,
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 (A) if the arresting agency is a local agency to the
9 treasurer of the unit of local government of the arresting
10 agency, who shall deposit the money as follows:

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

13 (ii) \$23 into the General Fund of the unit of local
14 government; or

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

17 Section 15-70. Conditional Assessments.

18 In addition to payments under one of the Schedule of
19 Assessments 1 through 13 of this Act, the court shall also
20 order payment of any of the following conditional assessment
21 amounts for each sentenced violation in the case to which a
22 conditional assessment is applicable, which shall be collected
23 and remitted by the Clerk of the Circuit Court as provided in
24 this Section:

25 (1) arson, residential arson, or aggravated arson,

1 \$500 per conviction to the State Treasurer for deposit into
2 the Fire Prevention Fund;

3 (2) child pornography under Section 11-20.1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, \$500
5 per conviction, unless more than one agency is responsible
6 for the arrest in which case the amount shall be remitted
7 to each unit of government equally:

8 (A) if the arresting agency is an agency of a unit
9 of local government \$500 to the treasurer of the unit
10 of local government for deposit into the unit of local
11 government's General Fund, except that if the
12 Department of State Police provides digital or
13 electronic forensic examination assistance, or both,
14 to the arresting agency then \$100 to the State
15 Treasurer for deposit into the State Crime Laboratory
16 Fund; or

17 (B) if the arresting agency is the Department of
18 State Police remitted to the State Treasurer for
19 deposit into the State Crime Laboratory Fund;

20 (3) crime laboratory drug analysis for a drug-related
21 offense involving possession or delivery of cannabis or
22 possession or delivery of a controlled substance as defined
23 in the Cannabis Control Act, the Illinois Controlled
24 Substances Act, or the Methamphetamine Control and
25 Community Protection Act, \$100 reimbursement for
26 laboratory analysis, as set forth in subsection (f) of

1 Section 5-9-1.4 of the Unified Code of Corrections;

2 (4) DNA analysis, \$250 on each conviction in which it
3 was used to the State Treasurer for deposit into the State
4 Offender DNA Identification System Fund as set forth in
5 Section 5-4-3 of the Unified Code of Corrections;

6 (5) DUI analysis, \$150 on each sentenced violation in
7 which it was used as set forth in subsection (f) of Section
8 5-9-1.9 of the Unified Code of Corrections;

9 (6) drug-related offense involving possession or
10 delivery of cannabis or possession or delivery of a
11 controlled substance, other than methamphetamine, as
12 defined in the Cannabis Control Act or the Illinois
13 Controlled Substances Act, an amount not less than the full
14 street value of the cannabis or controlled substance seized
15 for each conviction to be disbursed as follows:

16 (A) 12.5% of the street value assessment shall be
17 paid into the Youth Drug Abuse Prevention Fund, to be
18 used by the Department of Human Services for the
19 funding of programs and services for drug-abuse
20 treatment, and prevention and education services;

21 (B) 37.5% to the county in which the charge was
22 prosecuted, to be deposited into the county General
23 Fund;

24 (C) 50% to the treasurer of the arresting law
25 enforcement agency of the municipality or county, or to
26 the State Treasurer if the arresting agency was a state

1 agency;

2 (D) if the arrest was made in combination with
3 multiple law enforcement agencies, the clerk shall
4 equitably allocate the portion in subparagraph (C) of
5 this paragraph (6) among the law enforcement agencies
6 involved in the arrest;

7 (6.5) Kane County or Will County, in felony,
8 misdemeanor, local or county ordinance, traffic, or
9 conservation cases, up to \$30 as set by the county board
10 under Section 5-1101.3 of the Counties Code upon the entry
11 of a judgment of conviction, an order of supervision, or a
12 sentence of probation without entry of judgment under
13 Section 10 of the Cannabis Control Act, Section 410 of the
14 Illinois Controlled Substances Act, Section 70 of the
15 Methamphetamine Control and Community Protection Act,
16 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
17 the Criminal Code of 1961 or the Criminal Code of 2012,
18 Section 10-102 of the Illinois Alcoholism and Other Drug
19 Dependency Act, or Section 10 of the Steroid Control Act;
20 except in local or county ordinance, traffic, and
21 conservation cases, if fines are paid in full without a
22 court appearance, then the assessment shall not be imposed
23 or collected. Distribution of assessments collected under
24 this paragraph (6.5) shall be as provided in Section
25 5-1101.3 of the Counties Code;

26 (7) methamphetamine-related offense involving

1 possession or delivery of methamphetamine or any salt of an
2 optical isomer of methamphetamine or possession of a
3 methamphetamine manufacturing material as set forth in
4 Section 10 of the Methamphetamine Control and Community
5 Protection Act with the intent to manufacture a substance
6 containing methamphetamine or salt of an optical isomer of
7 methamphetamine, an amount not less than the full street
8 value of the methamphetamine or salt of an optical isomer
9 of methamphetamine or methamphetamine manufacturing
10 materials seized for each conviction to be disbursed as
11 follows:

12 (A) 12.5% of the street value assessment shall be
13 paid into the Youth Drug Abuse Prevention Fund, to be
14 used by the Department of Human Services for the
15 funding of programs and services for drug-abuse
16 treatment, and prevention and education services;

17 (B) 37.5% to the county in which the charge was
18 prosecuted, to be deposited into the county General
19 Fund;

20 (C) 50% to the treasurer of the arresting law
21 enforcement agency of the municipality or county, or to
22 the State Treasurer if the arresting agency was a state
23 agency;

24 (D) if the arrest was made in combination with
25 multiple law enforcement agencies, the clerk shall
26 equitably allocate the portion in subparagraph (C) of

1 this paragraph (6) among the law enforcement agencies
2 involved in the arrest;

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

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

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

14 (A) petty or business offense, \$4 to the county
15 treasurer of which \$2 deposited into the State's
16 Attorney Records Automation Fund and \$2 into the Public
17 Defender Records Automation Fund;

18 (B) conservation or traffic offense, \$2 to the
19 county treasurer for deposit into the State's Attorney
20 Records Automation Fund;

21 (11) speeding in a construction zone violation, \$250 to
22 the State Treasurer for deposit into the Transportation
23 Safety Highway Hire-back Fund, unless (i) the violation
24 occurred on a highway other than an interstate highway and
25 (ii) a county police officer wrote the ticket for the
26 violation, in which case to the county treasurer for

1 deposit into that county's Transportation Safety Highway
2 Hire-back Fund;

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

7 (13) victim and offender are family or household
8 members as defined in Section 103 of the Illinois Domestic
9 Violence Act of 1986 and offender pleads guilty or no
10 contest to or is convicted of murder, voluntary
11 manslaughter, involuntary manslaughter, burglary,
12 residential burglary, criminal trespass to residence,
13 criminal trespass to vehicle, criminal trespass to land,
14 criminal damage to property, telephone harassment,
15 kidnapping, aggravated kidnaping, unlawful restraint,
16 forcible detention, child abduction, indecent solicitation
17 of a child, sexual relations between siblings,
18 exploitation of a child, child pornography, assault,
19 aggravated assault, battery, aggravated battery, heinous
20 battery, aggravated battery of a child, domestic battery,
21 reckless conduct, intimidation, criminal sexual assault,
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual assault, criminal sexual abuse, aggravated
24 criminal sexual abuse, violation of an order of protection,
25 disorderly conduct, endangering the life or health of a
26 child, child abandonment, contributing to dependency or

1 neglect of child, or cruelty to children and others, \$200
2 for each sentenced violation to the State Treasurer for
3 deposit as follows: (i) for sexual assault, as defined in
4 Section 5-9-1.7 of the Unified Code of Corrections, when
5 the offender and victim are family members, one-half to the
6 Domestic Violence Shelter and Service Fund, and one-half to
7 the Sexual Assault Services Fund; (ii) for the remaining
8 offenses to the Domestic Violence Shelter and Service Fund;

9 (14) violation of Section 11-501 of the Illinois
10 Vehicle Code, Section 5-7 of the Snowmobile Registration
11 and Safety Act, Section 5-16 of the Boat Registration and
12 Safety Act, or a similar provision, whose operation of a
13 motor vehicle, snowmobile, or watercraft while in
14 violation of Section 11-501, Section 5-7 of the Snowmobile
15 Registration and Safety Act, Section 5-16 of the Boat
16 Registration and Safety Act, or a similar provision
17 proximately caused an incident resulting in an appropriate
18 emergency response, \$1,000 maximum to the public agency
19 that provided an emergency response related to the person's
20 violation, and if more than one agency responded, the
21 amount payable to public agencies shall be shared equally;

22 (15) violation of Section 401, 407, or 407.2 of the
23 Illinois Controlled Substances Act that proximately caused
24 any incident resulting in an appropriate drug-related
25 emergency response, \$1,000 as reimbursement for the
26 emergency response to the law enforcement agency that made

1 the arrest, and if more than one agency is responsible for
2 the arrest, the amount payable to law enforcement agencies
3 shall be shared equally;

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

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

19 (A) \$50 to the county treasurer for deposit into
20 the Circuit Court Clerk Operation and Administrative
21 Fund to cover the costs in administering this paragraph
22 (17);

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

25 (i) if the arresting or investigating agency
26 is the Department of State Police, into the State

1 Police Operations Assistance Fund;

2 (ii) if the arresting or investigating agency

3 is the Department of Natural Resources, into the

4 Conservation Police Operations Assistance Fund;

5 (iii) if the arresting or investigating agency

6 is the Secretary of State, into the Secretary of

7 State Police Services Fund;

8 (iv) if the arresting or investigating agency

9 is the Illinois Commerce Commission, into the

10 Public Utility Fund; or

11 (v) if more than one of the State agencies in

12 this subparagraph (B) is the arresting or

13 investigating agency, then equal shares with the

14 shares deposited as provided in the applicable

15 items (i) through (iv) of this subparagraph (B);

16 and

17 (C) the remainder for deposit into the Specialized

18 Services for Survivors of Human Trafficking Fund; and

19 (18) weapons violation under Section 24-1.1, 24-1.2,

20 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

21 of 2012, \$100 for each conviction to the State Treasurer

22 for deposit into the Trauma Center Fund.

23 Article 20. Repeal

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

1 2021.

2 Article 900. Amendatory Provisions effective July 1, 2018

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

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

6 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,
7 97-545, 98-537, and 99-480)

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

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

17 "Street value" shall be determined by the court on the
18 basis of testimony of law enforcement personnel and the
19 defendant as to the amount seized and such testimony as may be
20 required by the court as to the current street value of the
21 cannabis or controlled substance seized.

22 (b) In addition to any penalty imposed under subsection (a)
23 of this Section, a fine of \$100 shall be levied by the court,

1 the proceeds of which shall be collected by the Circuit Clerk
2 and remitted to the State Treasurer under Section 27.6 of the
3 Clerks of Courts Act for deposit into the Trauma Center Fund
4 for distribution as provided under Section 3.225 of the
5 Emergency Medical Services (EMS) Systems Act.

6 (c) In addition to any penalty imposed under subsection (a)
7 of this Section, a fee of \$5 shall be assessed 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 Spinal Cord Injury
11 Paralysis Cure Research Trust Fund. This additional fee of \$5
12 shall not be considered a part of the fine for purposes of any
13 reduction in the fine for time served either before or after
14 sentencing.

15 (d) Blank). ~~In addition to any penalty imposed under~~
16 ~~subsection (a) of this Section for a drug related offense~~
17 ~~involving possession or delivery of cannabis or possession or~~
18 ~~delivery of a controlled substance as defined in the Cannabis~~
19 ~~Control Act, the Illinois Controlled Substances Act, or the~~
20 ~~Methamphetamine Control and Community Protection Act, a fee of~~
21 ~~\$50 shall be assessed by the court, the proceeds of which shall~~
22 ~~be collected by the Circuit Clerk and remitted to the State~~
23 ~~Treasurer under Section 27.6 of the Clerks of Courts Act for~~
24 ~~deposit into the Performance enhancing Substance Testing Fund.~~
25 ~~This additional fee of \$50 shall not be considered a part of~~
26 ~~the fine for purposes of any reduction in the fine for time~~

1 ~~served either before or after sentencing. The provisions of~~
2 ~~this subsection (d), other than this sentence, are inoperative~~
3 ~~after June 30, 2011.~~

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

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

1 Administrative Fund for the costs associated with
2 administering this subsection.

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

4 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,
5 97-545, 98-537, and 99-480)

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

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

15 "Street value" shall be determined by the court on the
16 basis of testimony of law enforcement personnel and the
17 defendant as to the amount seized and such testimony as may be
18 required by the court as to the current street value of the
19 cannabis or controlled substance seized.

20 (b) In addition to any penalty imposed under subsection (a)
21 of this Section, a fine of \$100 shall be levied by the court,
22 the proceeds of which shall be collected by the Circuit Clerk
23 and remitted to the State Treasurer under Section 27.6 of the
24 Clerks of Courts Act for deposit into the Trauma Center Fund
25 for distribution as provided under Section 3.225 of the

1 Emergency Medical Services (EMS) Systems Act.

2 (c) In addition to any penalty imposed under subsection (a)
3 of this Section, a fee of \$5 shall be assessed 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 Spinal Cord Injury
7 Paralysis Cure Research Trust Fund. This additional fee of \$5
8 shall not be considered a part of the fine for purposes of any
9 reduction in the fine for time served either before or after
10 sentencing.

11 (d) (Blank). ~~In addition to any penalty imposed under~~
12 ~~subsection (a) of this Section for a drug related offense~~
13 ~~involving possession or delivery of cannabis or possession or~~
14 ~~delivery of a controlled substance as defined in the Cannabis~~
15 ~~Control Act, the Illinois Controlled Substances Act, or the~~
16 ~~Methamphetamine Control and Community Protection Act, a fee of~~
17 ~~\$50 shall be assessed by the court, the proceeds of which shall~~
18 ~~be collected by the Circuit Clerk and remitted to the State~~
19 ~~Treasurer under Section 27.6 of the Clerks of Courts Act for~~
20 ~~deposit into the Performance-enhancing Substance Testing Fund.~~
21 ~~This additional fee of \$50 shall not be considered a part of~~
22 ~~the fine for purposes of any reduction in the fine for time~~
23 ~~served either before or after sentencing. The provisions of~~
24 ~~this subsection (d), other than this sentence, are inoperative~~
25 ~~after June 30, 2011.~~

26 (e) In addition to any penalty imposed under subsection (a)

1 of this Section, a \$25 assessment shall be assessed by the
2 court, the proceeds of which shall be collected by the Circuit
3 Clerk and remitted to the State Treasurer for deposit into the
4 Criminal Justice Information Projects Fund. The moneys
5 deposited into the Criminal Justice Information Projects Fund
6 under this Section shall be appropriated to and administered by
7 the Illinois Criminal Justice Information Authority for
8 distribution to fund Department of State Police ~~funding of~~ drug
9 task forces and Metropolitan Enforcement Groups by dividing the
10 funds equally by the total number of Department of State Police
11 drug task forces and Illinois Metropolitan Enforcement Groups.

12 (f) In addition to any penalty imposed under subsection (a)
13 of this Section, a \$40 assessment shall be assessed by the
14 court, the proceeds of which shall be collected by the Circuit
15 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
16 the State Treasurer for deposit into the Prescription Pill and
17 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
18 the Criminal Justice Information Projects Fund, for use by the
19 Illinois Criminal Justice Information Authority for the costs
20 associated with making grants from the Prescription Pill and
21 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%
22 for deposit into the Circuit Court Clerk Operation and
23 Administrative Fund for the costs associated with
24 administering this subsection.

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

1 (730 ILCS 5/5-9-1.1-5)

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

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

15 "Street value" shall be determined by the court on the
16 basis of testimony of law enforcement personnel and the
17 defendant as to the amount seized and such testimony as may be
18 required by the court as to the current street value of the
19 methamphetamine or salt of an optical isomer of methamphetamine
20 or methamphetamine manufacturing materials seized.

21 (b) In addition to any penalty imposed under subsection (a)
22 of this Section, a fine of \$100 shall be levied by the court,
23 the proceeds of which shall be collected by the Circuit Clerk
24 and remitted to the State Treasurer under Section 27.6 of the
25 Clerks of Courts Act for deposit into the Methamphetamine Law
26 Enforcement Fund and allocated as provided in subsection (d) of

1 Section 5-9-1.2.

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

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

1 administering this subsection.

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

3 Article 905. Amendatory Provisions effective July 1, 2019

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

6 (20 ILCS 1310/3.2) (from Ch. 40, par. 2403.2)

7 Sec. 3.2. All funds collected pursuant to P.A. 82-645,
8 which are held in escrow for refund and for which a refund is
9 not approved by September 1, 1988, shall be forwarded to the
10 State Treasurer for deposit into the Domestic Violence Shelter
11 and Service Fund. The Domestic Violence Shelter and Service
12 Fund shall also include assessments ~~fines~~ received by the State
13 Treasurer from circuit clerks under the Criminal and Traffic
14 Assessment Act ~~in accordance with Section 5-9-1.5 of the~~
15 ~~Unified Code of Corrections~~. Monies deposited in the Fund
16 pursuant to this Section and the income tax check-off for the
17 Domestic Violence Shelter and Service Fund authorized by
18 Section 507F of the Illinois Income Tax Act shall be
19 appropriated to the Department of Human Services for the
20 purpose of providing services specified by this Act; however,
21 the Department may waive the matching funds requirement of this
22 Act with respect to such monies. Any such waiver shall be
23 uniform throughout the State. This amendatory Act of 1987

1 applies to all funds collected pursuant to PA 82-645, held in
2 escrow and for which no refund is approved by September 1,
3 1988, whether those funds are administered by the State, a
4 county, a court, or any other unit or agency of government.
5 (Source: P.A. 89-507, eff. 7-1-97.)

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

8 (20 ILCS 1410/10)

9 Sec. 10. Payments to the George Bailey Memorial Fund. The
10 George Bailey Memorial Fund is created as a special fund in the
11 State treasury. ~~The George Bailey Memorial Fund shall be funded~~
12 ~~pursuant to subsection (p) of Section 27.6 of the Clerks of~~
13 ~~Courts Act and Section 16-104d of the Illinois Vehicle Code.~~
14 Funds received under Section 16-104d of the Illinois Vehicle
15 Code shall be repaid in full to the Fire Truck Revolving Loan
16 Fund, without the deduction of the 20% administrative fee
17 authorized in subsection (b) of Section 5, upon receipt by the
18 George Bailey Memorial Fund from the person or his or her
19 estate, trust, or heirs of any moneys from a settlement for the
20 injury that is the proximate cause of the person's disability
21 under this Act or moneys received from Social Security
22 disability benefits. Moneys in the George Bailey Memorial Fund
23 may only be used for the purposes set forth in this Act.

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

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

3 (20 ILCS 2610/7.2)

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

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

16 (b) The Fund may receive State appropriations, gifts,
17 grants, and federal funds and shall include earnings from the
18 investment of moneys in the Fund.

19 (c) The administration of this Fund shall be the
20 responsibility of the State Police Merit Board. The Board shall
21 establish terms and conditions for the operation of the Fund.
22 The Board shall establish and implement fiscal controls and
23 accounting periods for programs operated using the Fund. All
24 fees or moneys received by the State Treasurer under the

1 ~~Criminal and Traffic Assessment Act subsection (n) of Section~~
2 ~~27.6 of the Clerks of Courts Act~~ shall be deposited into the
3 Fund. The moneys deposited in the State Police Merit Board
4 Public Safety Fund shall be appropriated to the State Police
5 Merit Board for expenses of the Board for the administration
6 and conduct of all its programs for State Police personnel.

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

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

10 (20 ILCS 3930/9.1)

11 Sec. 9.1. Criminal Justice Information Projects Fund. The
12 Criminal Justice Information Projects Fund is hereby created as
13 a special fund in the State Treasury. Grants and other moneys
14 obtained by the Authority from governmental entities (other
15 than the federal government), private sources, and
16 not-for-profit organizations for use in investigating criminal
17 justice issues or undertaking other criminal justice
18 information projects shall be deposited into the Fund. Moneys
19 in the Fund may be used by the Authority, subject to
20 appropriation, for undertaking such projects and for the
21 operating and other expenses of the Authority incidental to
22 those projects, and for the costs associated with making grants
23 from the Prescription Pill and Drug Disposal Fund. The moneys
24 deposited into the Criminal Justice Information Projects Fund

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

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

9 Section 905-25. The State Finance Act is amended by
10 changing Sections 6b-4, 6z-82, 6z-87, 8p, and 8q and by adding
11 Sections 5.886 and 6z-105 as follows:

12 (30 ILCS 105/5.886 new)

13 Sec. 5.886. The State Police Law Enforcement
14 Administration Fund.

15 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

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

1 the General Revenue Fund, one-half of the amount certified as
2 being received from the issuance of commemorative birth
3 certificates to the Child Abuse Prevention Fund and one-half of
4 the amount to the Domestic Violence Shelter and Service Fund.

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

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

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

16 (30 ILCS 105/6z-82)

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

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

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

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

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

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

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

16	State Police Vehicle Fund	\$2,250,000
17	State Police Wireless Service	
18	Emergency Fund	\$2,500,000
19	State Police Services Fund	\$3,500,000

20 (Source: P.A. 96-1029, eff. 7-13-10; 97-333, eff. 8-12-11;
21 97-732, eff. 6-30-12.)

22 (30 ILCS 105/6z-87)

23 Sec. 6z-87. Conservation Police Operations Assistance
24 Fund.

25 (a) There is created in the State treasury a special fund

1 known as the Conservation Police Operations Assistance Fund.
2 The Fund shall receive revenue under the Criminal and Traffic
3 Assessment Act ~~pursuant to Section 27.3a of the Clerks of~~
4 ~~Courts Act~~. The Fund may also receive revenue from grants,
5 donations, appropriations, and any other legal source.

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

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

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

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

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

17 (30 ILCS 105/6z-105 new)

18 Sec. 6z-105. State Police Law Enforcement Administration
19 Fund.

20 (a) There is created in the State treasury a special fund
21 known as the State Police Law Enforcement Administration Fund.
22 The Fund shall receive revenue under subsection (c) of Section
23 10-5 of the Criminal and Traffic Assessment Act. The Fund may
24 also receive revenue from grants, donations, appropriations,
25 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 however, the primary purpose shall be to finance State Police
4 cadet classes in May and October of each year.

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

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

10 (e) The State Police Law Enforcement Administration Fund
11 shall not be subject to administrative chargebacks.

12 (30 ILCS 105/8p)

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

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

16 (b) All moneys collected and payable to the Department of
17 State Police from the State Police Streetgang-Related Crime
18 Fund ~~under Section 5-9-1.19 of the Unified Code of Corrections~~
19 ~~shall be deposited into the State Police Streetgang-Related~~
20 ~~Crime Fund and~~ shall be appropriated to and administered by the
21 Department of State Police for operations and initiatives to
22 combat and prevent streetgang-related crime.

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

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

1 (30 ILCS 105/8q)

2 Sec. 8q. Illinois Department of Corrections Parole
3 Division Offender Supervision Fund.

4 (a) The Illinois Department of Corrections Parole Division
5 Offender Supervision Fund is created as a special fund in the
6 State treasury.

7 (b) All moneys collected and payable to the Department of
8 Corrections ~~and under Section 5-9-1.20 of the Unified Code of~~
9 ~~Corrections shall be~~ deposited into the Illinois Department of
10 Corrections Parole Division Offender Supervision Fund ~~and~~
11 shall be appropriated to and administered by the Department of
12 Corrections for operations and initiatives to combat and
13 supervise paroled offenders in the community.

14 (c) The Illinois Department of Corrections Parole Division
15 Offender Supervision Fund shall not be subject to
16 administrative chargebacks.

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

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

20 (30 ILCS 605/7c)

21 Sec. 7c. Acquisition of State Police vehicles. The State
22 Police Vehicle Fund is created as a special fund in the State
23 treasury. ~~The Fund shall consist of fees received pursuant to~~

1 ~~Section 16-104e of the Illinois Vehicle Code.~~ All moneys in the
2 Fund, subject to appropriation, shall be used by the Department
3 of State Police:

4 (1) for the acquisition of vehicles for that
5 Department; or

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

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

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

11 (50 ILCS 705/9) (from Ch. 85, par. 509)

12 Sec. 9. A special fund is hereby established in the State
13 Treasury to be known as the Traffic and Criminal Conviction
14 Surcharge Fund ~~and shall be financed as provided in Section 9.1~~
15 ~~of this Act and Section 5-9-1 of the Unified Code of~~
16 ~~Corrections, unless the fines, costs, or additional amounts~~
17 ~~imposed are subject to disbursement by the circuit clerk under~~
18 ~~Section 27.5 of the Clerks of Courts Act.~~ Moneys in this Fund
19 shall be expended as follows:

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

24 (2) a portion of the total amount deposited in the Fund

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

21 (3) a portion of the total amount deposited in the Fund
22 may be used to fund the Intergovernmental Law Enforcement
23 Officer's In-Service Training Act, veto overridden October
24 29, 1981, as now or hereafter amended, at a rate and method
25 to be determined by the board;

26 (4) a portion of the Fund also may be used by the

1 Illinois Department of State Police for expenses incurred
2 in the training of employees from any State, county or
3 municipal agency whose function includes enforcement of
4 criminal or traffic law;

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

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

14 (7) a portion of the Fund may be used by the Board,
15 subject to appropriation, to administer grants to local law
16 enforcement agencies for the purpose of purchasing
17 bulletproof vests under the Law Enforcement Officer
18 Bulletproof Vest Act.

19 All payments from the Traffic and Criminal Conviction
20 Surcharge Fund shall be made each year from moneys appropriated
21 for the purposes specified in this Section. No more than 50% of
22 any appropriation under this Act shall be spent in any city
23 having a population of more than 500,000. The State Comptroller
24 and the State Treasurer shall from time to time, at the
25 direction of the Governor, transfer from the Traffic and
26 Criminal Conviction Surcharge Fund to the General Revenue Fund

1 in the State Treasury such amounts as the Governor determines
2 are in excess of the amounts required to meet the obligations
3 of the Traffic and Criminal Conviction Surcharge Fund.

4 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14;
5 98-743, eff. 1-1-15; 99-78, eff. 7-20-15; 99-523, eff.
6 6-30-16.)

7 (50 ILCS 705/9.1 rep.)

8 Section 905-37. Illinois Police Training Act is amended by
9 repealing Section 9.1.

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

12 (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

13 Sec. 3-6023. Attendance at courts. Each sheriff shall, in
14 person or by deputy, county corrections officer, or court
15 security officer, attend upon all courts held in his or her
16 county when in session, and obey the lawful orders and
17 directions of the court, and shall maintain the security of the
18 courthouse. Court services customarily performed by sheriffs
19 shall be provided by the sheriff or his or her deputies, county
20 corrections officers, or court security officers, rather than
21 by employees of the court, unless there are no deputies, county
22 corrections officers, or court security officers available to
23 perform such services. The expenses of the sheriff in carrying

1 out his or her duties under this Section, including the
2 compensation of deputies, county corrections officers, or
3 court security officers assigned to such services, shall be
4 paid to the county from fees collected pursuant to court order
5 for services of the sheriff and from any court services fees
6 collected by the county under the Criminal and Traffic
7 Assessment Act ~~pursuant to Section 5-1103, as now or hereafter~~
8 ~~amended.~~

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

10 (55 ILCS 5/4-2004) (from Ch. 34, par. 4-2004)

11 Sec. 4-2004. Collection and disposition of fines and
12 forfeitures. It shall be the duty of State's attorneys to
13 attend to the collection of all fines and forfeitures in
14 criminal cases, and they shall, without delay, pay over all
15 fines and forfeitures collected by them to the county treasurer
16 to be deposited into the general corporate fund of the county,
17 except as otherwise specifically provided by law ~~and except for~~
18 ~~such portion as is required by Section 9.1 of "The Illinois~~
19 ~~Police Training Act" and Section 5-9-1 of the "Unified Code of~~
20 ~~Corrections" to be paid into The Traffic and Criminal~~
21 ~~Conviction Surcharge Fund in the State Treasury, unless the~~
22 ~~fines and forfeitures are subject to disbursement by the~~
23 ~~circuit clerk under Section 27.5 of the Clerks of Courts Act.~~

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

1 (55 ILCS 5/4-2005) (from Ch. 34, par. 4-2005)

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

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

24 (55 ILCS 5/4-2006) (from Ch. 34, par. 4-2006)

25 Sec. 4-2006. Report of fees.

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

1 State's attorney has failed or refused to turn over the fines
2 and forfeitures collected by him as required by law the court
3 shall at once suspend him and appoint a State's attorney pro
4 tempore to perform the duties of the office until such State's
5 attorney shall have complied with the provisions of this
6 Division or the orders of the court in regard thereto. The
7 court, for the purpose of carrying out the provisions of this
8 Section shall have the power to examine books and papers and to
9 issue subpoenas to compel the appearance of persons and the
10 production of books and records: Provided, however, no order
11 entered under this Section shall be a bar to any proper
12 proceedings against such State's attorney and his bondsman to
13 require him to account for moneys collected and not paid over
14 by him as required by law.

15 (b) Waiver of report of fees. The filing of the report of
16 fees as provided by subsection (a) of this Section may be
17 waived by written administrative order of the chief judge of
18 the circuit upon written request and affidavit of the State's
19 attorney of a county within the circuit that all fines, fees,
20 forfeitures, and restitution are collected by the clerk of the
21 circuit court and that none of those funds pass through the
22 office of the State's attorney.

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

24 55 ILCS 5/3-4012 rep.

25 55 ILCS 5/4-2002 rep.

1 55 ILCS 5/4-2002.1 rep.

2 55 ILCS 5/5-1101 rep.

3 55 ILCS 5/5-1101.5 rep.

4 55 ILCS 5/5-1103 rep.

5 Section 905-43. The Counties Code is amended by repealing
6 Sections 3-4012, 4-2002, 4-2002.1, 5-1101, 5-1101.5, and
7 5-1103.

8 Section 905-45. The Illinois Vehicle Code is amended by
9 changing Sections 2-120, 11-501.01, 11-605, 11-605.1,
10 11-605.3, 11-1002.5, 15-113, and 16-105 as follows:

11 (625 ILCS 5/2-120) (from Ch. 95 1/2, par. 2-120)

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

13 (a) ~~Fines Except as provided in subsection (f) of Section~~
14 ~~11-605 and subsection (c) of Section 11-1002.5 of this Code,~~
15 ~~fines~~ and penalties recovered under the provisions of this Act
16 administered by the Secretary of State, except those fines,
17 assessments, and penalties subject to disbursement by the
18 circuit clerk under the Criminal and Traffic Assessment Act
19 ~~Section 27.5 of the Clerks of Courts Act,~~ shall be paid over
20 and used as follows:

21 1. For violations of this Act committed within the
22 limits of an incorporated city or village, to the treasurer
23 of the particular city or village, if arrested by the
24 authorities of the city or village and reasonably

1 prosecuted for all fines and penalties under this Act by
2 the police officers and officials of the city or village.

3 2. For violations of this Act committed outside the
4 limits of an incorporated city or village to the county
5 treasurer of the court where the offense was committed.

6 3. For the purposes of this Act an offense for
7 violation of any provision of this Act not committed upon
8 the highway shall be deemed to be committed where the
9 violator resides or where he has a place of business
10 requiring some registration, permit or license to operate
11 such business under this Act.

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

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

19 (625 ILCS 5/11-501.01)

20 Sec. 11-501.01. Additional administrative sanctions.

21 (a) After a finding of guilt and prior to any final
22 sentencing or an order for supervision, for an offense based
23 upon an arrest for a violation of Section 11-501 or a similar
24 provision of a local ordinance, individuals shall be required
25 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists
2 and the extent of the problem, and undergo the imposition of
3 treatment as appropriate. Programs conducting these
4 evaluations shall be licensed by the Department of Human
5 Services. The cost of any professional evaluation shall be paid
6 for by the individual required to undergo the professional
7 evaluation.

8 (b) Any person who is found guilty of or pleads guilty to
9 violating Section 11-501, including any person receiving a
10 disposition of court supervision for violating that Section,
11 may be required by the Court to attend a victim impact panel
12 offered by, or under contract with, a county State's Attorney's
13 office, a probation and court services department, Mothers
14 Against Drunk Driving, or the Alliance Against Intoxicated
15 Motorists. All costs generated by the victim impact panel shall
16 be paid from fees collected from the offender or as may be
17 determined by the court.

18 (c) (Blank). ~~Every person found guilty of violating Section~~
19 ~~11-501, whose operation of a motor vehicle while in violation~~
20 ~~of that Section proximately caused any incident resulting in an~~
21 ~~appropriate emergency response, shall be liable for the expense~~
22 ~~of an emergency response as provided in subsection (i) of this~~
23 ~~Section.~~

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

1 (e) The Secretary of State shall require the use of
2 ignition interlock devices for a period not less than 5 years
3 on all vehicles owned by a person who has been convicted of a
4 second or subsequent offense of Section 11-501 or a similar
5 provision of a local ordinance. The person must pay to the
6 Secretary of State DUI Administration Fund an amount not to
7 exceed \$30 for each month that he or she uses the device. The
8 Secretary shall establish by rule and regulation the procedures
9 for certification and use of the interlock system, the amount
10 of the fee, and the procedures, terms, and conditions relating
11 to these fees. During the time period in which a person is
12 required to install an ignition interlock device under this
13 subsection (e), that person shall only operate vehicles in
14 which ignition interlock devices have been installed, except as
15 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of
16 this Code.

17 (f) (Blank). ~~In addition to any other penalties and~~
18 ~~liabilities, a person who is found guilty of or pleads guilty~~
19 ~~to violating Section 11 501, including any person placed on~~
20 ~~court supervision for violating Section 11 501, shall be~~
21 ~~assessed \$750, payable to the circuit clerk, who shall~~
22 ~~distribute the money as follows: \$350 to the law enforcement~~
23 ~~agency that made the arrest, and \$400 shall be forwarded to the~~
24 ~~State Treasurer for deposit into the General Revenue Fund. If~~
25 ~~the person has been previously convicted of violating Section~~
26 ~~11 501 or a similar provision of a local ordinance, the fine~~

1 ~~shall be \$1,000, and the circuit clerk shall distribute \$200 to~~
2 ~~the law enforcement agency that made the arrest and \$800 to the~~
3 ~~State Treasurer for deposit into the General Revenue Fund. In~~
4 ~~the event that more than one agency is responsible for the~~
5 ~~arrest, the amount payable to law enforcement agencies shall be~~
6 ~~shared equally. Any moneys received by a law enforcement agency~~
7 ~~under this subsection (f) shall be used for enforcement and~~
8 ~~prevention of driving while under the influence of alcohol,~~
9 ~~ether drug or drugs, intoxicating compound or compounds or any~~
10 ~~combination thereof, as defined by Section 11 501 of this Code,~~
11 ~~including but not limited to the purchase of law enforcement~~
12 ~~equipment and commodities that will assist in the prevention of~~
13 ~~alcohol related criminal violence throughout the State; police~~
14 ~~officer training and education in areas related to alcohol~~
15 ~~related crime, including but not limited to DUI training; and~~
16 ~~police officer salaries, including but not limited to salaries~~
17 ~~for hire back funding for safety checkpoints, saturation~~
18 ~~patrols, and liquor store sting operations. Any moneys received~~
19 ~~by the Department of State Police under this subsection (f)~~
20 ~~shall be deposited into the State Police DUI Fund and shall be~~
21 ~~used to purchase law enforcement equipment that will assist in~~
22 ~~the prevention of alcohol related criminal violence throughout~~
23 ~~the State.~~

24 (g) The Secretary of State Police DUI Fund is created as a
25 special fund in the State treasury. All moneys received by the
26 Secretary of State Police under subsection (f) of this Section

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

14 (h) Whenever an individual is sentenced for an offense
15 based upon an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance, and the professional
17 evaluation recommends remedial or rehabilitative treatment or
18 education, neither the treatment nor the education shall be the
19 sole disposition and either or both may be imposed only in
20 conjunction with another disposition. The court shall monitor
21 compliance with any remedial education or treatment
22 recommendations contained in the professional evaluation.
23 Programs conducting alcohol or other drug evaluation or
24 remedial education must be licensed by the Department of Human
25 Services. If the individual is not a resident of Illinois,
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

5 (i) (Blank). ~~In addition to any other fine or penalty~~
6 ~~required by law, an individual convicted of a violation of~~
7 ~~Section 11-501, Section 5-7 of the Snowmobile Registration and~~
8 ~~Safety Act, Section 5-16 of the Boat Registration and Safety~~
9 ~~Act, or a similar provision, whose operation of a motor~~
10 ~~vehicle, snowmobile, or watercraft while in violation of~~
11 ~~Section 11-501, Section 5-7 of the Snowmobile Registration and~~
12 ~~Safety Act, Section 5-16 of the Boat Registration and Safety~~
13 ~~Act, or a similar provision proximately caused an incident~~
14 ~~resulting in an appropriate emergency response, shall be~~
15 ~~required to make restitution to a public agency for the costs~~
16 ~~of that emergency response. The restitution may not exceed~~
17 ~~\$1,000 per public agency for each emergency response. As used~~
18 ~~in this subsection (i), "emergency response" means any incident~~
19 ~~requiring a response by a police officer, a firefighter carried~~
20 ~~on the rolls of a regularly constituted fire department, or an~~
21 ~~ambulance. With respect to funds designated for the Department~~
22 ~~of State Police, the moneys shall be remitted by the circuit~~
23 ~~court clerk to the State Police within one month after receipt~~
24 ~~for deposit into the State Police DUI Fund. With respect to~~
25 ~~funds designated for the Department of Natural Resources, the~~
26 ~~Department of Natural Resources shall deposit the moneys into~~

1 ~~the Conservation Police Operations Assistance Fund.~~

2 (j) A person that is subject to a chemical test or tests of
3 blood under subsection (a) of Section 11-501.1 or subdivision
4 (c)(2) of Section 11-501.2 of this Code, whether or not that
5 person consents to testing, shall be liable for the expense up
6 to \$500 for blood withdrawal by a physician authorized to
7 practice medicine, a licensed physician assistant, a licensed
8 advanced practice registered nurse, a registered nurse, a
9 trained phlebotomist, a licensed paramedic, or a qualified
10 person other than a police officer approved by the Department
11 of State Police to withdraw blood, who responds, whether at a
12 law enforcement facility or a health care facility, to a police
13 department request for the drawing of blood based upon refusal
14 of the person to submit to a lawfully requested breath test or
15 probable cause exists to believe the test would disclose the
16 ingestion, consumption, or use of drugs or intoxicating
17 compounds if:

18 (1) the person is found guilty of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance; or

21 (2) the person pleads guilty to or stipulates to facts
22 supporting a violation of Section 11-503 of this Code or a
23 similar provision of a local ordinance when the plea or
24 stipulation was the result of a plea agreement in which the
25 person was originally charged with violating Section
26 11-501 of this Code or a similar local ordinance.

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

3 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

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

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

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

8 (2) A primary or secondary school operated by a
9 religious institution.

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

11 On a school day when school children are present and so
12 close thereto that a potential hazard exists because of the
13 close proximity of the motorized traffic, no person shall drive
14 a motor vehicle at a speed in excess of 20 miles per hour while
15 passing a school zone or while traveling on a roadway on public
16 school property or upon any public thoroughfare where children
17 pass going to and from school.

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

20 This Section shall not be applicable unless appropriate
21 signs are posted upon streets and highways under their
22 respective jurisdiction and maintained by the Department,
23 township, county, park district, city, village or incorporated
24 town wherein the school zone is located. With regard to the
25 special speed limit while passing schools, such signs shall

1 give proper due warning that a school zone is being approached
2 and shall indicate the school zone and the maximum speed limit
3 in effect during school days when school children are present.

4 (b) (Blank).

5 (c) Nothing in this Chapter shall prohibit the use of
6 electronic speed-detecting devices within 500 feet of signs
7 within a special school speed zone indicating such zone, as
8 defined in this Section, nor shall evidence obtained thereby be
9 inadmissible in any prosecution for speeding provided the use
10 of such device shall apply only to the enforcement of the speed
11 limit in such special school speed zone.

12 (d) (Blank).

13 (e) Except as provided in subsection (e-5), a person who
14 violates this Section is guilty of a petty offense. Violations
15 of this Section are punishable with a minimum fine of \$150 for
16 the first violation and a minimum fine of \$300 for the second
17 or subsequent violation.

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

21 (1) 26 miles per hour or more but less than 35 miles
22 per hour in excess of the applicable special speed limit
23 established under this Section or a similar provision of a
24 local ordinance and is guilty of a Class B misdemeanor; or

25 (2) 35 miles per hour or more in excess of the
26 applicable special speed limit established under this

1 Section or a similar provision of a local ordinance and is
2 guilty of a Class A misdemeanor.

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

14 ~~For purposes of this subsection (f), "school safety~~
15 ~~purposes" includes the costs associated with school zone safety~~
16 ~~education, the Safe Routes to School Program under Section~~
17 ~~2705-317 of the Department of Transportation Law of the Civil~~
18 ~~Administrative Code of Illinois, safety programs within the~~
19 ~~School Safety and Educational Improvement Block Grant Program~~
20 ~~under Section 2-3.51.5 of the School Code, and the purchase,~~
21 ~~installation, and maintenance of caution lights which are~~
22 ~~mounted on school speed zone signs.~~

23 (g) (Blank).

24 (h) (Blank).

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

1 (625 ILCS 5/11-605.1)

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

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

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

10 (b) Nothing in this Chapter prohibits the use of electronic
11 speed-detecting devices within 500 feet of signs within a
12 construction or maintenance speed zone indicating the zone, as
13 defined in this Section, nor shall evidence obtained by use of
14 those devices be inadmissible in any prosecution for speeding,
15 provided the use of the device shall apply only to the
16 enforcement of the speed limit in the construction or
17 maintenance speed zone.

18 (c) As used in this Section, a "construction or maintenance
19 speed zone" is an area in which the Department, Toll Highway
20 Authority, or local agency has posted signage advising drivers
21 that a construction or maintenance speed zone is being
22 approached, or in which the Department, Authority, or local
23 agency has posted a lower speed limit with a highway
24 construction or maintenance speed zone special speed limit sign
25 after determining that the preexisting established speed limit
26 through a highway construction or maintenance project is

1 greater than is reasonable or safe with respect to the
2 conditions expected to exist in the construction or maintenance
3 speed zone.

4 If it is determined that the preexisting established speed
5 limit is safe with respect to the conditions expected to exist
6 in the construction or maintenance speed zone, additional speed
7 limit signs which conform to the requirements of this
8 subsection (c) shall be posted.

9 Highway construction or maintenance speed zone special
10 speed limit signs shall be of a design approved by the
11 Department. The signs must give proper due warning that a
12 construction or maintenance speed zone is being approached and
13 must indicate the maximum speed limit in effect. The signs also
14 must state the amount of the minimum fine for a violation.

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

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

24 (1) 26 miles per hour or more but less than 35 miles
25 per hour in excess of the applicable special speed limit
26 established under this Section or a similar provision of a

1 local ordinance and is guilty of a Class B misdemeanor; or

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

6 (e) (Blank). ~~If a fine for a violation of this Section is~~
7 ~~\$250 or greater, the person who violated this Section shall be~~
8 ~~charged an additional \$125, which shall be deposited into the~~
9 ~~Transportation Safety Highway Hire back Fund in the State~~
10 ~~treasury, unless (i) the violation occurred on a highway other~~
11 ~~than an interstate highway and (ii) a county police officer~~
12 ~~wrote the ticket for the violation, in which case the \$125~~
13 ~~shall be deposited into that county's Transportation Safety~~
14 ~~Highway Hire back Fund. In the case of a second or subsequent~~
15 ~~violation of this Section, if the fine is \$750 or greater, the~~
16 ~~person who violated this Section shall be charged an additional~~
17 ~~\$250, which shall be deposited into the Transportation Safety~~
18 ~~Highway Hire back Fund in the State treasury, unless (i) the~~
19 ~~violation occurred on a highway other than an interstate~~
20 ~~highway and (ii) a county police officer wrote the ticket for~~
21 ~~the violation, in which case the \$250 shall be deposited into~~
22 ~~that county's Transportation Safety Highway Hire back Fund.~~

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

26 (f) The Transportation Safety Highway Hire-back Fund,

1 which was created by Public Act 92-619, shall continue to be a
2 special fund in the State treasury. Subject to appropriation by
3 the General Assembly and approval by the Secretary, the
4 Secretary of Transportation shall use all moneys in the
5 Transportation Safety Highway Hire-back Fund to hire off-duty
6 Department of State Police officers to monitor construction or
7 maintenance zones.

8 (f-5) Each county shall create a Transportation Safety
9 Highway Hire-back Fund. The county shall use the moneys in its
10 Transportation Safety Highway Hire-back Fund to hire off-duty
11 county police officers to monitor construction or maintenance
12 zones in that county on highways other than interstate
13 highways. The county, in its discretion, may also use a portion
14 of the moneys in its Transportation Safety Highway Hire-back
15 Fund to purchase equipment for county law enforcement and fund
16 the production of materials to educate drivers on construction
17 zone safe driving habits.

18 (g) For a second or subsequent violation of this Section
19 within 2 years of the date of the previous violation, the
20 Secretary of State shall suspend the driver's license of the
21 violator for a period of 90 days. This suspension shall only be
22 imposed if the current violation of this Section and at least
23 one prior violation of this Section occurred during a period
24 when workers were present in the construction or maintenance
25 zone.

26 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,

1 eff. 1-1-16; 99-642, eff. 7-28-16.)

2 (625 ILCS 5/11-605.3)

3 Sec. 11-605.3. Special traffic protections while passing
4 parks and recreation facilities and areas.

5 (a) As used in this Section:

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

7 (A) any park district organized under the Park
8 District Code;

9 (B) any park district organized under the Chicago
10 Park District Act; and

11 (C) any municipality, county, forest district,
12 school district, township, or other unit of local
13 government that operates a public recreation
14 department or public recreation facilities that has
15 recreation facilities that are not on land owned by any
16 park district listed in subparagraphs (A) and (B) of
17 this subdivision (a) (1).

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

24 (3) "Park zone street" means that portion of any street
25 or intersection under the control of a local unit of

1 government, adjacent to a park zone, where the local unit
2 of government has, by ordinance or resolution, designated
3 and approved the street or intersection as a park zone
4 street. If, before the effective date of this amendatory
5 Act of the 94th General Assembly, a street already had a
6 posted speed limit lower than 20 miles per hour, then the
7 lower limit may be used for that park zone street.

8 (4) "Safety purposes" means the costs associated with:
9 park zone safety education; the purchase, installation,
10 and maintenance of signs, roadway painting, and caution
11 lights mounted on park zone signs; and any other expense
12 associated with park zones and park zone streets.

13 (b) On any day when children are present and within 50 feet
14 of motorized traffic, a person may not drive a motor vehicle at
15 a speed in excess of 20 miles per hour or any lower posted
16 speed while traveling on a park zone street that has been
17 designated for the posted reduced speed.

18 (c) On any day when children are present and within 50 feet
19 of motorized traffic, any driver traveling on a park zone
20 street who fails to come to a complete stop at a stop sign or
21 red light, including a driver who fails to come to a complete
22 stop at a red light before turning right onto a park zone
23 street, is in violation of this Section.

24 (d) This Section does not apply unless appropriate signs
25 are posted upon park zone streets maintained by the Department
26 or by the unit of local government in which the park zone is

1 located. With regard to the special speed limit on park zone
2 streets, the signs must give proper due warning that a park
3 zone is being approached and must indicate the maximum speed
4 limit on the park zone street.

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

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

12 (g) The Department shall, within 6 months of the effective
13 date of this amendatory Act of the 94th General Assembly,
14 design a set of standardized traffic signs for park zones and
15 park zone streets, including but not limited to: "park zone",
16 "park zone speed limit", and "warning: approaching a park
17 zone". The design of these signs shall be made available to all
18 units of local government or manufacturers at no charge, except
19 for reproduction and postage.

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

21 (625 ILCS 5/11-1002.5)

22 Sec. 11-1002.5. Pedestrians' right-of-way at crosswalks;
23 school zones.

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

1 On a school day when school children are present and so
2 close thereto that a potential hazard exists because of the
3 close proximity of the motorized traffic and when traffic
4 control signals are not in place or not in operation, the
5 driver of a vehicle shall stop and yield the right-of-way to a
6 pedestrian crossing the roadway within a crosswalk when the
7 pedestrian is upon the half of the roadway upon which the
8 vehicle is traveling, or when the pedestrian is approaching so
9 closely from the opposite half of the roadway as to be in
10 danger.

11 For the purpose of this Section, a school day shall begin
12 at seven ante meridian and shall conclude at four post
13 meridian.

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

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

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

1 ~~purposes. Notwithstanding any other provision of law, the~~
2 ~~entire \$50 surcharge shall be paid to the appropriate school~~
3 ~~district or districts.~~

4 ~~For purposes of this subsection (c), "school safety~~
5 ~~purposes" has the meaning ascribed to that term in Section~~
6 ~~11-605.~~

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

8 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

9 Sec. 15-113. Violations; Penalties.

10 (a) Whenever any vehicle is operated in violation of the
11 provisions of Section 15-111 or subsection (d) of Section
12 3-401, the owner or driver of such vehicle shall be deemed
13 guilty of such violation and either the owner or the driver of
14 such vehicle may be prosecuted for such violation. Any person
15 charged with a violation of any of these provisions who pleads
16 not guilty shall be present in court for the trial on the
17 charge. Any person, firm or corporation convicted of any
18 violation of Section 15-111 including, but not limited to, a
19 maximum axle or gross limit specified on a regulatory sign
20 posted in accordance with paragraph (e) or (f) of Section
21 15-111, shall be fined according to the following schedule:

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

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

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

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

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

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

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

6 From 5001 or more pounds overweight, the fine shall be computed
7 by assessing \$1500 for the first 5000 pounds overweight and
8 \$150 for each additional increment of 500 pounds overweight or
9 fraction thereof.

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

17 (b) Whenever any vehicle is operated in violation of the
18 provisions of Sections 15-102, 15-103 or 15-107, the owner or
19 driver of such vehicle shall be deemed guilty of such violation

1 and either may be prosecuted for such violation. Any person,
2 firm or corporation convicted of any violation of Sections
3 15-102, 15-103 or 15-107 shall be fined for the first or second
4 conviction an amount equal to not less than \$50 nor more than
5 \$500, and for the third and subsequent convictions by the same
6 person, firm or corporation within a period of one year after
7 the date of the first offense, not less than \$500 nor more than
8 \$1,000.

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

13 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201,
14 eff. 1-1-12.)

15 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

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

17 (a) Except as provided in Section 15-113 ~~and Section~~
18 ~~16-104a~~ of this Act ~~and except for those amounts required to be~~
19 ~~paid into the Traffic and Criminal Conviction Surcharge Fund in~~
20 ~~the State Treasury pursuant to Section 9.1 of the Illinois~~
21 ~~Police Training Act and Section 5-9-1 of the Unified Code of~~
22 ~~Corrections~~ and except those amounts subject to disbursement by
23 the circuit clerk under the Criminal and Traffic Assessment Act
24 ~~Section 27.5 of the Clerks of Courts Act~~, fines and penalties
25 recovered under the provisions of Chapters 3 ~~11~~ through 17 and

1 18b ~~16~~ inclusive of this Code shall be paid and used as
2 follows:

3 1. For offenses committed upon a highway within the
4 limits of a city, village, or incorporated town or under
5 the jurisdiction of any park district, to the treasurer of
6 the particular city, village, incorporated town or park
7 district, if the violator was arrested by the authorities
8 of the city, village, incorporated town or park district,
9 provided the police officers and officials of cities,
10 villages, incorporated towns and park districts shall
11 seasonably prosecute for all fines and penalties under this
12 Code. If the violation is prosecuted by the authorities of
13 the county, any fines or penalties recovered shall be paid
14 to the county treasurer, except that fines and penalties
15 recovered from violations arrested by the State Police
16 shall be remitted to the State Police Law Enforcement
17 Administration Fund. Provided further that if the violator
18 was arrested by the State Police, fines and penalties
19 recovered under the provisions of paragraph (a) of Section
20 15-113 of this Code or paragraph (e) of Section 15-316 of
21 this Code shall be paid over to the Department of State
22 Police which shall thereupon remit the amount of the fines
23 and penalties so received to the State Treasurer who shall
24 deposit the amount so remitted in the special fund in the
25 State treasury known as the Road Fund except that if the
26 violation is prosecuted by the State's Attorney, 10% of the

1 fine or penalty recovered shall be paid to the State's
2 Attorney as a fee of his office and the balance shall be
3 paid over to the Department of State Police for remittance
4 to and deposit by the State Treasurer as hereinabove
5 provided.

6 2. Except as provided in paragraph 4, for offenses
7 committed upon any highway outside the limits of a city,
8 village, incorporated town or park district, to the county
9 treasurer of the county where the offense was committed
10 except if such offense was committed on a highway
11 maintained by or under the supervision of a township,
12 township district, or a road district to the Treasurer
13 thereof for deposit in the road and bridge fund of such
14 township or other district, except that fines and penalties
15 recovered from violations arrested by the State Police
16 shall be remitted to the State Police Law Enforcement
17 Administration Fund; provided, ~~Provided,~~ that fines and
18 penalties recovered under the provisions of paragraph (a)
19 of Section 15-113, paragraph (d) of Section 3-401, or
20 paragraph (e) of Section 15-316 of this Code shall be paid
21 over to the Department of State Police which shall
22 thereupon remit the amount of the fines and penalties so
23 received to the State Treasurer who shall deposit the
24 amount so remitted in the special fund in the State
25 treasury known as the Road Fund except that if the
26 violation is prosecuted by the State's Attorney, 10% of the

1 fine or penalty recovered shall be paid to the State's
2 Attorney as a fee of his office and the balance shall be
3 paid over to the Department of State Police for remittance
4 to and deposit by the State Treasurer as hereinabove
5 provided.

6 3. Notwithstanding subsections 1 and 2 of this
7 paragraph, for violations of overweight and overload
8 limits found in Sections 15-101 through 15-203 of this
9 Code, which are committed upon the highways belonging to
10 the Illinois State Toll Highway Authority, fines and
11 penalties shall be paid over to the Illinois State Toll
12 Highway Authority for deposit with the State Treasurer into
13 that special fund known as the Illinois State Toll Highway
14 Authority Fund, except that if the violation is prosecuted
15 by the State's Attorney, 10% of the fine or penalty
16 recovered shall be paid to the State's Attorney as a fee of
17 his office and the balance shall be paid over to the
18 Illinois State Toll Highway Authority for remittance to and
19 deposit by the State Treasurer as hereinabove provided.

20 4. With regard to violations of overweight and overload
21 limits found in Sections 15-101 through 15-203 of this Code
22 committed by operators of vehicles registered as Special
23 Hauling Vehicles, for offenses committed upon a highway
24 within the limits of a city, village, or incorporated town
25 or under the jurisdiction of any park district, all fines
26 and penalties shall be paid over or retained as required in

1 paragraph 1. However, with regard to the above offenses
2 committed by operators of vehicles registered as Special
3 Hauling Vehicles upon any highway outside the limits of a
4 city, village, incorporated town or park district, fines
5 and penalties shall be paid over or retained by the entity
6 having jurisdiction over the road or highway upon which the
7 offense occurred, except that if the violation is
8 prosecuted by the State's Attorney, 10% of the fine or
9 penalty recovered shall be paid to the State's Attorney as
10 a fee of his office.

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

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

18 (625 ILCS 5/16-104a rep.)

19 (625 ILCS 5/16-104b rep.)

20 (625 ILCS 5/16-104c rep.)

21 (625 ILCS 5/16-104d rep.)

22 (625 ILCS 5/16-104d-1 rep.)

23 Section 905-47. The Illinois Vehicle Code is amended by
24 repealing Sections 16-104a, 16-104b, 16-104c, 16-104d, and
25 16-104d-1.

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

3 (705 ILCS 95/15)

4 Sec. 15. Access to Justice Fund.

5 (a) The Access to Justice Fund is created as a special fund
6 in the State treasury. ~~The Fund shall consist of fees collected~~
7 ~~under Section 27.3g of the Clerks of Courts Act.~~ Moneys in the
8 Access to Justice Fund shall be appropriated to the Attorney
9 General for disbursements to the Foundation. The Foundation
10 shall use the moneys to make grants and distributions for the
11 administration of the pilot programs created under this Act.
12 Grants or distributions made under this Act to the Foundation
13 are subject to the requirements of the Illinois Grant Funds
14 Recovery Act.

15 (b) In accordance with the requirements of the Illinois
16 Equal Justice Act, the Foundation may make grants, enter into
17 contracts, and take other actions recommended by the Council to
18 effectuate the pilot programs and comply with the other
19 requirements of this Act.

20 (c) The governing board of the Foundation must prepare and
21 submit an annual report to the Governor, the President of the
22 Senate, the Minority Leader of the Senate, the Speaker of the
23 House of Representatives, the Minority Leader of the House of
24 Representatives, and the Justices of the Illinois Supreme

1 Court. The report must include: (i) a statement of the total
2 receipts and a breakdown by source during each of the previous
3 2 calendar years; (ii) a list of the names and addresses of the
4 recipients that are currently receiving grants or
5 distributions and that received grants or distributions in the
6 previous year and the amounts committed to recipients for the
7 current year and paid in the previous year; (iii) a breakdown
8 of the amounts of grants or distributions paid during the
9 previous year to recipients and the amounts committed to each
10 recipient for the current year; (iv) a breakdown of the
11 Foundation's costs in administering the Fund; (v) a statement
12 of the Fund balance at the start and at the close of the
13 previous year and the interest earned during the previous year;
14 and (vi) any notices the Foundation issued denying applications
15 for grants or distributions under this Act. The report, in its
16 entirety, is a public record, and the Foundation and the
17 Governor shall make the report available for inspection upon
18 request.

19 (d) The Foundation may annually retain a portion of the
20 disbursements it receives under this Section to reimburse the
21 Foundation for the actual cost of administering the Council and
22 for making the grants and distributions pursuant to this Act
23 during that year.

24 (e) No moneys distributed by the Foundation from the Access
25 to Justice Fund may be directly or indirectly used for lobbying
26 activities, as defined in Section 2 of the Lobbyist

1 Registration Act or as defined in any ordinance or resolution
2 of a municipality, county, or other unit of local government in
3 Illinois.

4 (f) The Foundation may make, enter into, and execute
5 contracts, agreements, leases, and other instruments with any
6 person, including without limitation any federal, State, or
7 local governmental agency, and may take other actions that may
8 be necessary or convenient to accomplish any purpose authorized
9 by this Act.

10 (g) The Foundation has the authority to receive and accept
11 any and all grants, loans, subsidies, matching funds,
12 reimbursements, federal grant moneys, fees for services, and
13 other things of value from the federal or State government or
14 any agency of any other state or from any institution, person,
15 firm, or corporation, public or private, to be used to carry
16 out the purposes of this Act.

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

18 Section 905-55. The Clerks of Courts Act is amended by
19 changing Sections 27.2b and 27.3 and by adding Sections 27.1b
20 and 27.3b-1 as follows:

21 (705 ILCS 105/27.1b new)

22 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
23 other provision of law, all fees charged by the clerks of the
24 circuit court for the services described in this Section shall

1 be established, collected, and disbursed in accordance with
2 this Section. All fees under this Section shall be paid in
3 advance and disbursed by each clerk on a monthly basis. Unless
4 otherwise specified in this Section, the amount of a fee shall
5 be determined by ordinance or resolution of the county board
6 and remitted to the county treasurer to be used for purposes
7 related to the operation of the court system in the county. In
8 a county with population of over 3,000,000, any amount retained
9 by the clerk of the circuit court or remitted to the county
10 treasurer shall be subject to appropriation by the county
11 board.

12 (a) Civil cases. The fee for filing a complaint, petition,
13 or other pleading initiating a civil action shall be as set
14 forth in the applicable schedule under this subsection in
15 accordance with case categories established by the Supreme
16 Court in schedules.

17 (1) SCHEDULE 1: not to exceed a total of \$366 in a
18 county with a population of 3,000,000 or more and \$316 in
19 any other county, except as applied to units of local
20 government and school districts in counties with more than
21 3,000,000 inhabitants an amount not to exceed \$190 through
22 December 31, 2021 and \$184 on and after January 1, 2022.
23 The fees collected under this schedule shall be disbursed
24 as follows:

25 (A) The clerk shall retain a sum, in an amount not
26 to exceed \$55 in a county with a population of

1 3,000,000 or more and \$45 in any other county
2 determined by the clerk with the approval of the
3 Supreme Court, to be used for court automation, court
4 document storage, and administrative purposes.

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

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

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

14 (iii) \$9 into the Supreme Court Special
15 Purposes Fund.

16 (C) The clerk shall remit a sum to the County
17 Treasurer, in an amount not to exceed \$290 in a county
18 with a population of 3,000,000 or more and in an amount
19 not to exceed \$250 in any other county, as specified by
20 ordinance or resolution passed by the county board, for
21 purposes related to the operation of the court system
22 in the county.

23 (2) SCHEDULE 2: not to exceed a total of \$357 in a
24 county with a population of 3,000,000 or more and \$266 in
25 any other county, except as applied to units of local
26 government and school districts in counties with more than

1 3,000,000 inhabitants an amount not to exceed \$190 through
2 December 31, 2021 and \$184 on and after January 1, 2022.
3 The fees collected under this schedule shall be disbursed
4 as follows:

5 (A) The clerk shall retain a sum, in an amount not
6 to exceed \$55 in a county with a population of
7 3,000,000 or more and \$45 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 up to \$21 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts, in accordance with the clerk's
14 instructions, as follows:

15 (i) up to \$10, as specified by the Supreme
16 Court in accordance with Part 10A of Article II of
17 the Code of Civil Procedure, into the Mandatory
18 Arbitration Fund;

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

20 (iii) \$9 into the Supreme Court Special
21 Purposes Fund.

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$281 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$200 in any other county, as specified by
26 ordinance or resolution passed by the county board, for

1 purposes related to the operation of the court system
2 in the county.

3 (3) SCHEDULE 3: not to exceed a total of \$265 in a
4 county with a population of 3,000,000 or more and \$89 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 \$22 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 \$11 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) \$2 into the Access to Justice Fund; and

22 (ii) \$9 into the Supreme Court Special
23 Purposes Fund.

24 (C) The clerk shall remit a sum to the County
25 Treasurer, in an amount not to exceed \$199 in a county
26 with a population of 3,000,000 or more and in an amount

1 not to exceed \$56 in any other county, as specified by
2 ordinance or resolution passed by the county board, for
3 purposes related to the operation of the court system
4 in the county.

5 (4) SCHEDULE 4: \$0.

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

11 (1) SCHEDULE 1: not to exceed a total of \$230 in a
12 county with a population of 3,000,000 or more and \$191 in
13 any other county, except as applied to units of local
14 government and school districts in counties with more than
15 3,000,000 inhabitants an amount not to exceed \$75. The fees
16 collected under this schedule shall be disbursed as
17 follows:

18 (A) The clerk shall retain a sum, in an amount not
19 to exceed \$50 in a county with a population of
20 3,000,000 or more and \$45 in any other county
21 determined by the clerk with the approval of the
22 Supreme Court, to be used for court automation, court
23 document storage, and administrative purposes.

24 (B) The clerk shall remit up to \$21 to the State
25 Treasurer. The State Treasurer shall deposit the
26 appropriate amounts, in accordance with the clerk's

1 instructions, as follows:

2 (i) up to \$10, as specified by the Supreme
3 Court in accordance with Part 10A of Article II of
4 the Code of Civil Procedure, into the Mandatory
5 Arbitration Fund;

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

7 (iii) \$9 into the Supreme Court Special
8 Purposes Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$159 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$125 in any other county, as specified by
13 ordinance or resolution passed by the county board, for
14 purposes related to the operation of the court system
15 in the county.

16 (2) SCHEDULE 2: not to exceed a total of \$130 in a
17 county with a population of 3,000,000 or more and \$109 in
18 any other county, except as applied to units of local
19 government and school districts in counties with more than
20 3,000,000 inhabitants an amount not to exceed \$75. The fees
21 collected under this schedule shall be disbursed as
22 follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$50 in a county with a population of
25 3,000,000 or more and \$10 in any other county
26 determined by the clerk with the approval of the

1 Supreme Court, to be used for court automation, court
2 document storage, and administrative purposes.

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

6 (C) The clerk shall remit a sum to the County
7 Treasurer, in an amount not to exceed \$71 in a county
8 with a population of 3,000,000 or more and in an amount
9 not to exceed \$90 in any other county, as specified by
10 ordinance or resolution passed by the county board, for
11 purposes related to the operation of the court system
12 in the county.

13 (3) SCHEDULE 3: \$0.

14 (b-5) Kane County and Will County. In Kane County and Will
15 County civil cases, there is an additional fee of up to \$30 as
16 set by the county board under Section 5-1101.3 of the Counties
17 Code to be paid by each party at the time of filing the first
18 pleading, paper, or other appearance; provided that no
19 additional fee shall be required if more than one party is
20 represented in a single pleading, paper, or other appearance.
21 Distribution of fees collected under this subsection (b-5)
22 shall be as provided in Section 5-1101.3 of the Counties Code.

23 (c) Counterclaim or third party complaint. When any
24 defendant files a counterclaim or third party complaint, as
25 part of the defendant's answer or otherwise, the defendant
26 shall pay a filing fee for each counterclaim or third party

1 complaint in an amount equal to the filing fee the defendant
2 would have had to pay had the defendant brought a separate
3 action for the relief sought in the counterclaim or third party
4 complaint, less the amount of the appearance fee, if any, that
5 the defendant has already paid in the action in which the
6 counterclaim or third party complaint is filed.

7 (d) Alias summons. The clerk shall collect a fee not to
8 exceed \$6 in a county with a population of 3,000,000 or more
9 and \$5 in any other county for each alias summons or citation
10 issued by the clerk, 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 \$5 for each alias
13 summons or citation issued by the clerk.

14 (e) Jury services. The clerk shall collect, in addition to
15 other fees allowed by law, a sum not to exceed \$212.50, as a
16 fee for the services of a jury in every civil action not
17 quasi-criminal in its nature and not a proceeding for the
18 exercise of the right of eminent domain and in every other
19 action wherein the right of trial by jury is or may be given by
20 law. The jury fee shall be paid by the party demanding a jury
21 at the time of filing the jury demand. If the fee is not paid by
22 either party, no jury shall be called in the action or
23 proceeding, and the action or proceeding shall be tried by the
24 court without a jury.

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

26 (1) The clerk of the jurisdiction from which the case

1 is transferred may charge a fee, not to exceed \$40, for the
2 preparation and certification of the record; and

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

6 (g) Petition to vacate or modify.

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

20 (2) In a proceeding involving a petition to vacate or
21 modify any final judgment or order filed more than 30 days
22 after the judgment or order was entered, except for a
23 petition to modify, terminate, or enforce a judgment or
24 order for child or spousal support, or petition to modify,
25 suspend, or terminate an order for withholding, the fee
26 shall not exceed \$75.

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

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

9 (1) if the record contains no more than 100 pages, the
10 fee shall not exceed \$70 in a county with a population of
11 3,000,000 or more and \$50 in any other county;

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

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

17 (i) Remands. In any cases remanded to the circuit court
18 from the Supreme Court or the appellate court for a new trial,
19 the clerk shall reinstate the case with either its original
20 number or a new number. The clerk shall not charge any new or
21 additional fee for the reinstatement. Upon reinstatement, the
22 clerk shall advise the parties of the reinstatement. Parties
23 shall have the same right to a jury trial on remand and
24 reinstatement that they had before the appeal, and no
25 additional or new fee or charge shall be made for a jury trial
26 after remand.

1 (j) Garnishment, wage deduction, and citation. In
2 garnishment affidavit, wage deduction affidavit, and citation
3 petition proceedings:

4 (1) if the amount in controversy in the proceeding is
5 not more than \$1,000, the fee may not exceed \$35 in a
6 county with a population of 3,000,000 or more and \$15 in
7 any other county, except as applied to units of local
8 government and school districts in counties with more than
9 3,000,000 inhabitants an amount not to exceed \$15;

10 (2) if the amount in controversy in the proceeding is
11 greater than \$1,000 and not more than \$5,000, the fee may
12 not exceed \$45 in a county with a population of 3,000,000
13 or more and \$30 in any other county, except as applied to
14 units of local government and school districts in counties
15 with more than 3,000,000 inhabitants an amount not to
16 exceed \$30; and

17 (3) if the amount in controversy in the proceeding is
18 greater than \$5,000, the fee may not exceed \$65 in a county
19 with a population of 3,000,000 or more and \$50 in any other
20 county, except as applied to units of local government and
21 school districts in counties with more than 3,000,000
22 inhabitants an amount not to exceed \$50.

23 (k) Collections.

24 (1) For all collections made of others, except the
25 State and county and except in maintenance or child support
26 cases, the clerk may collect a fee of up to 2.5% of the

1 amount collected and turned over.

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

18 (3) The clerk may collect a fee of \$5 for
19 certifications made to the Secretary of State as provided
20 in Section 7-703 of the Family Financial Responsibility Law
21 and these fees shall be deposited into the Separate
22 Maintenance and Child Support Collection Fund.

23 (4) In proceedings to foreclose the lien of delinquent
24 real estate taxes State's Attorneys shall receive a fee of
25 10% of the total amount realized from the sale of real
26 estate sold in the proceedings. The clerk shall collect the

1 fee from the total amount realized from the sale of the
2 real estate sold in the proceedings and remit to the County
3 Treasurer to be credited to the earnings of the Office of
4 State's Attorney.

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

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

9 (n) Certification, authentication, and reproduction.

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

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

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

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

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

18 (o) Record search. For each record search, within a
19 division or municipal district, the clerk may collect a search
20 fee not to exceed \$6 for each year searched.

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

1 amount not to exceed \$6.

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

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

13 (s) Voluntary assignment. For filing each deed of voluntary
14 assignment, the clerk shall collect a fee not to exceed \$20.
15 For recording a deed of voluntary assignment, the clerk shall
16 collect a fee not to exceed 50 cents for each 100 words.
17 Exceptions filed to claims presented to an assignee of a debtor
18 who has made a voluntary assignment for the benefit of
19 creditors shall be considered and treated, for the purpose of
20 taxing costs therein, as actions in which the party or parties
21 filing the exceptions shall be considered as party or parties
22 plaintiff, and the claimant or claimants as party or parties
23 defendant, and those parties respectively shall pay to the
24 clerk the same fees as provided by this Section to be paid in
25 other actions.

26 (t) Expungement petition. The clerk may collect a fee not

1 to exceed \$60 for each expungement petition filed and an
2 additional fee not to exceed \$4 for each certified copy of an
3 order to expunge arrest records.

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

7 (v) Probate filings.

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

11 (2) For filing a claim in an estate when the amount
12 claimed is greater than \$150 and not more than \$500, the
13 fee shall not exceed \$40 in a county with a population of
14 3,000,000 or more and \$25 in any other county; when the
15 amount claimed is greater than \$500 and not more than
16 \$10,000, the fee shall not exceed \$55 in a county with a
17 population of 3,000,000 or more and \$40 in any other
18 county; and when the amount claimed is more than \$10,000,
19 the fee shall not exceed \$75 in a county with a population
20 of 3,000,000 or more and \$60 in any other county; except
21 the court in allowing a claim may add to the amount allowed
22 the filing fee paid by the claimant.

23 (3) For filing in an estate a claim, petition, or
24 supplemental proceeding based upon an action seeking
25 equitable relief including the construction or contest of a
26 will, enforcement of a contract to make a will, and

1 proceedings involving testamentary trusts or the
2 appointment of testamentary trustees, the fee shall not
3 exceed \$60.

4 (4) There shall be no fee for filing in an estate: (i)
5 the appearance of any person for the purpose of consent; or
6 (ii) the appearance of an executor, administrator,
7 administrator to collect, guardian, guardian ad litem, or
8 special administrator.

9 (5) For each jury demand, the fee shall not exceed
10 \$137.50.

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

14 (7) For each exemplification, the fee shall not exceed
15 \$2, plus the fee for certification.

16 (8) The executor, administrator, guardian, petitioner,
17 or other interested person or his or her attorney shall pay
18 the cost of publication by the clerk directly to the
19 newspaper.

20 (9) The person on whose behalf a charge is incurred for
21 witness, court reporter, appraiser, or other miscellaneous
22 fees shall pay the same directly to the person entitled
23 thereto.

24 (10) The executor, administrator, guardian,
25 petitioner, or other interested person or his or her
26 attorney shall pay to the clerk all postage charges

1 incurred by the clerk in mailing petitions, orders,
2 notices, or other documents pursuant to the provisions of
3 the Probate Act of 1975.

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

9 (x) Miscellaneous.

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

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

17 (y) Other fees. The clerk of the circuit court may provide
18 services in connection with the operation of the clerk's
19 office, other than those services mentioned in this Section, as
20 may be requested by the public and agreed to by the clerk and
21 approved by the Chief Judge. Any charges for additional
22 services shall be as agreed to between the clerk and the party
23 making the request and approved by the Chief Judge. Nothing in
24 this subsection shall be construed to require any clerk to
25 provide any service not otherwise required by law.

26 (y-5) Unpaid fees. Unless a court ordered payment schedule

1 is implemented or the fee requirements of this Section are
2 waived under a court order, the clerk of the circuit court may
3 add to any unpaid fees and costs under this Section a
4 delinquency amount equal to 5% of the unpaid fees that remain
5 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
6 after 60 days, and 15% of the unpaid fees that remain unpaid
7 after 90 days. Notice to those parties may be made by signage
8 posting or publication. The additional delinquency amounts
9 collected under this Section shall be used to defray additional
10 administrative costs incurred by the clerk of the circuit court
11 in collecting unpaid fees and costs.

12 (z) Exceptions.

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

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

21 (A-5) any unit of local government or school
22 district in counties having a population of 500,000 or
23 less and the county board in counties having a
24 population exceeding 500,000 may by resolution set
25 reduced fees for units of local government or school
26 districts;

1 (B) any action instituted by the corporate
2 authority of a municipality with more than 1,000,000
3 inhabitants under Section 11-31-1 of the Illinois
4 Municipal Code and any action instituted under
5 subsection (b) of Section 11-31-1 of the Illinois
6 Municipal Code by a private owner or tenant of real
7 property within 1,200 feet of a dangerous or unsafe
8 building seeking an order compelling the owner or
9 owners of the building to take any of the actions
10 authorized under that subsection;

11 (C) any commitment petition or petition for an
12 order authorizing the administration of psychotropic
13 medication or electroconvulsive therapy under the
14 Mental Health and Developmental Disabilities Code;

15 (D) a petitioner in any order of protection
16 proceeding, including, but not limited to, fees for
17 filing, modifying, withdrawing, certifying, or
18 photocopying petitions for orders of protection,
19 issuing alias summons, any related filing service, or
20 certifying, modifying, vacating, or photocopying any
21 orders of protection; or

22 (E) proceedings for the appointment of a
23 confidential intermediary under the Adoption Act.

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

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

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

6 (705 ILCS 105/27.2b)

7 Sec. 27.2b. State income tax refund intercept. The Clerk
8 of the Circuit Court may enter into an agreement with the
9 Illinois Department of Revenue to establish a pilot program for
10 the purpose of collecting certain balances owed ~~fees~~. The
11 purpose shall be to intercept, in whole or in part, State
12 income tax refunds due the persons who owe past due fees to the
13 Clerk of the Circuit Court in order to satisfy unpaid
14 assessments under the Criminal and Traffic Assessment Act and
15 finer as ordered by the court ~~fees pursuant to the fee~~
16 ~~requirements of Sections 27.1a, 27.2, and 27.2a of this Act.~~

17 The agreement shall include, but may not be limited to, a
18 certification by the Clerk of the Circuit Court that the debt
19 claims forwarded to the Department of Revenue are valid and
20 that reasonable efforts have been made to notify persons of the
21 delinquency of the debt. The agreement shall include provisions
22 for payment of the intercept by the Department of Revenue to
23 the Clerk of the Circuit Court and procedures for an
24 appeal/protest by the debtor when an intercept occurs. The
25 agreement may also include provisions to allow the Department

1 of Revenue to recover its cost for administering the program.

2 Intercepts made pursuant to this Section shall not
3 interfere with the collection of debts related to child
4 support. During the collection of debts under this Section,
5 when there are 2 or more debt claims certified to the
6 Department at the same time, priority of collection shall be as
7 provided in Section 911.3 of the Illinois Income Tax Act.

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

9 (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

10 Sec. 27.3. Compensation.

11 (a) The county board shall provide the compensation of
12 Clerks of the Circuit Court, and the amount necessary for clerk
13 hire, stationery, fuel and other expenses. Beginning December
14 1, 1989, the compensation per annum for Clerks of the Circuit
15 Court shall be as follows:

16 In counties where the population is:

17	Less than 14,000	at least \$13,500
18	14,001-30,000.....	at least \$14,500
19	30,001-60,000.....	at least \$15,000
20	60,001-100,000	at least \$15,000
21	100,001-200,000.....	at least \$16,500
22	200,001-300,000.....	at least \$18,000
23	300,001- 3,000,000	at least \$20,000
24	Over 3,000,000	at least \$55,000

25 (b) In counties in which the population is 3,000,000 or

1 less, "base salary" is the compensation paid for each Clerk of
2 the Circuit Court, respectively, before July 1, 1989.

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

6 (1) Beginning December 1, 1989, base salary plus at
7 least 3% of base salary.

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

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

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

14 (d) In addition to the compensation provided by the county
15 board, each Clerk of the Circuit Court shall receive an award
16 from the State for the additional duties imposed by Sections
17 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section
18 10 of the Violent Crime Victims Assistance Act, ~~Section 16-104a~~
19 ~~of the Illinois Vehicle Code,~~ and other laws, in the following
20 amount:

21 (1) \$3,500 per year before January 1, 1997.

22 (2) \$4,500 per year beginning January 1, 1997.

23 (3) \$5,500 per year beginning January 1, 1998.

24 (4) \$6,500 per year beginning January 1, 1999.

25 The total amount required for such awards shall be appropriated
26 each year by the General Assembly to the Supreme Court, which

1 shall distribute such awards in annual lump sum payments to the
2 Clerks of the Circuit Court in all counties. This annual award,
3 and any other award or stipend paid out of State funds to the
4 Clerks of the Circuit Court, shall not affect any other
5 compensation provided by law to be paid to Clerks of the
6 Circuit Court.

7 (e) (Blank).

8 (f) No county board may reduce or otherwise impair the
9 compensation payable from county funds to a Clerk of the
10 Circuit Court if the reduction or impairment is the result of
11 the Clerk of the Circuit Court receiving an award or stipend
12 payable from State funds.

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

14 (705 ILCS 105/27.3b-1 new)

15 Sec. 27.3b-1. Minimum fines; disbursement of fines.

16 (a) Unless otherwise specified by law, the minimum fine for
17 a conviction or supervision disposition on a minor traffic
18 offense is \$25 and the minimum fine for a conviction,
19 supervision disposition, or violation based upon a plea of
20 guilty or finding of guilt for any other offense is \$75. If the
21 court finds that the fine would impose an undue burden on the
22 victim, the court may reduce or waive the fine. In this
23 subsection (a), "victim" shall not be construed to include the
24 defendant.

25 (b) Unless otherwise specified by law, all fines imposed on

1 a misdemeanor offense, other than a traffic, conservation, or
2 driving under the influence offense, or on a felony offense
3 shall be disbursed within 60 days after receipt by the circuit
4 clerk to the county treasurer for deposit into the county's
5 General Fund. Unless otherwise specified by law, all fines
6 imposed on an ordinance offense or a misdemeanor traffic,
7 misdemeanor conservation, or misdemeanor driving under the
8 influence offense shall be disbursed within 60 days after
9 receipt by the circuit clerk to the treasurer of the unit of
10 government of the arresting agency. If the arresting agency is
11 the office of the sheriff, the county treasurer shall deposit
12 the portion into a fund to support the law enforcement
13 operations of the office of the sheriff. If the arresting
14 agency is a State agency, the State Treasurer shall deposit the
15 portion as follows:

16 (1) if the arresting agency is the Department of State
17 Police, into the State Police Law Enforcement
18 Administration Fund;

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

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

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

1 (705 ILCS 105/27.1a rep.)

2 (705 ILCS 105/27.2 rep.)

3 (705 ILCS 105/27.2a rep.)

4 (705 ILCS 105/27.3a rep.)

5 (705 ILCS 105/27.3c rep.)

6 (705 ILCS 105/27.3e rep.)

7 (705 ILCS 105/27.3g rep.)

8 (705 ILCS 105/27.4 rep.)

9 (705 ILCS 105/27.5 rep.)

10 (705 ILCS 105/27.6 rep.)

11 (705 ILCS 105/27.7 rep.)

12 Section 905-57. The Clerks of Courts Act is amended by
13 repealing Sections 27.1a, 27.2, 27.2a, 27.3a, 27.3c, 27.3e,
14 27.3g, 27.4, 27.5, 27.6, and 27.7.

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

17 (705 ILCS 405/5-915)

18 Sec. 5-915. Expungement of juvenile law enforcement and
19 court records.

20 (0.05) For purposes of this Section:

21 "Dissemination" or "disseminate" means to publish,
22 produce, print, manufacture, distribute, sell, lease,
23 exhibit, broadcast, display, transmit, or otherwise share
24 information in any format so as to make the information

1 accessible to others.

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

12 "Juvenile court record" includes, but is not limited
13 to:

14 (a) all documents filed in or maintained by the
15 juvenile court pertaining to a specific incident,
16 proceeding, or individual;

17 (b) all documents relating to a specific incident,
18 proceeding, or individual made available to or maintained
19 by probation officers;

20 (c) all documents, video or audio tapes,
21 photographs, and exhibits admitted into evidence at
22 juvenile court hearings; or

23 (d) all documents, transcripts, records, reports
24 or other evidence prepared by, maintained by, or released
25 by any municipal, county, or State ~~state~~ agency or
26 department, in any format, if indicating involvement with

1 the juvenile court relating to a specific incident,
2 proceeding, or individual.

3 "Law enforcement record" includes, but is not limited
4 to, records of arrest, station adjustments, fingerprints,
5 probation adjustments, the issuance of a notice to appear,
6 or any other records or documents maintained by any law
7 enforcement agency relating to a minor suspected of
8 committing an offense or evidence of interaction with law
9 enforcement.

10 (0.1) (a) The Department of State Police and all law
11 enforcement agencies within the State shall automatically
12 expunge, on or before January 1 of each year, all law
13 enforcement records relating to events occurring before an
14 individual's 18th birthday if:

15 (1) one year or more has elapsed since the date of the
16 arrest or law enforcement interaction documented in the
17 records;

18 (2) no petition for delinquency or criminal charges
19 were filed with the clerk of the circuit court relating to
20 the arrest or law enforcement interaction documented in the
21 records; and

22 (3) 6 months have elapsed without an additional
23 subsequent arrest or filing of a petition for delinquency
24 or criminal charges whether related or not to the arrest or
25 law enforcement interaction documented in the records.

26 (b) If the law enforcement agency is unable to verify

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

9 (0.2) (a) Upon dismissal of a petition alleging delinquency
10 or upon a finding of not delinquent, the successful termination
11 of an order of supervision, or an adjudication for an offense
12 which would be a Class B misdemeanor, Class C misdemeanor, or a
13 petty or business offense if committed by an adult, the court
14 shall automatically order the expungement of the juvenile court
15 and law enforcement records within 60 business days.

16 (b) If the chief law enforcement officer of the agency, or
17 his or her designee, certifies in writing that certain
18 information is needed for a pending investigation involving the
19 commission of a felony, that information, and information
20 identifying the juvenile, may be retained in an intelligence
21 file until the investigation is terminated or for one
22 additional year, whichever is sooner. Retention of a portion of
23 a juvenile's law enforcement record does not disqualify the
24 remainder of his or her record from immediate automatic
25 expungement.

26 (0.3) (a) Upon an adjudication of delinquency based on any

1 offense except a disqualified offense, the juvenile court shall
2 automatically order the expungement of the juvenile records 2
3 years after the juvenile's case was closed if no delinquency or
4 criminal proceeding is pending and the person has had no
5 subsequent delinquency adjudication or criminal conviction.
6 The court shall automatically order the expungement of the
7 juvenile court and law enforcement records within 60 business
8 days. For the purposes of this subsection (0.3), "disqualified
9 offense" means any of the following offenses: Section 8-1.2,
10 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
11 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
12 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
13 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
14 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
15 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
16 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
17 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
18 of subsection (a) of Section 11-14.4, subsection (a-5) of
19 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
20 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
21 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
22 subparagraph (i) of paragraph (1) of subsection (a) of Section
23 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
24 Section 24-1.6, paragraph (1) of subsection (a) of Section
25 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
26 of 2012.

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

11 (1) Nothing in this subsection (1) precludes an eligible
12 minor from obtaining expungement under subsection ~~subsections~~
13 (0.1), (0.2), or (0.3). Whenever a person has been arrested,
14 charged, or adjudicated delinquent for an incident occurring
15 before his or her 18th birthday that if committed by an adult
16 would be an offense, and that person's records are not eligible
17 for automatic expungement under subsection ~~subsections~~ (0.1),
18 (0.2), or (0.3), the person may petition the court at any time
19 for expungement of law enforcement records and juvenile court
20 records relating to the incident and, upon termination of all
21 juvenile court proceedings relating to that incident, the court
22 shall order the expungement of all records in the possession of
23 the Department of State Police, the clerk of the circuit court,
24 and law enforcement agencies relating to the incident, but only
25 in any of the following circumstances:

26 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 (a-5) the minor was charged with an offense and the
3 petition or petitions were dismissed without a finding of
4 delinquency;

5 (b) the minor was charged with an offense and was found
6 not delinquent of that offense;

7 (c) the minor was placed under supervision pursuant to
8 Section 5-615, and the order of supervision has since been
9 successfully terminated; or

10 (d) the minor was adjudicated for an offense which
11 would be a Class B misdemeanor, Class C misdemeanor, or a
12 petty or business offense if committed by an adult.

13 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of
14 State Police shall allow a person to use the Access and Review
15 process, established in the Department of State Police, for
16 verifying that his or her law enforcement records relating to
17 incidents occurring before his or her 18th birthday eligible
18 under this Act have been expunged.

19 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637) January~~
20 ~~1, 2015 (Public Act 98-637)~~

21 (1.7) (Blank).

22 (1.8) (Blank).

23 (2) Any person whose delinquency adjudications are not
24 eligible for automatic expungement under subsection (0.3) of
25 this Section may petition the court to expunge all law
26 enforcement records relating to any incidents occurring before

1 his or her 18th birthday which did not result in proceedings in
2 criminal court and all juvenile court records with respect to
3 any adjudications except those based upon first degree murder
4 or an offense under Article 11 of the Criminal Code of 2012 if
5 the person is required to register under the Sex Offender
6 Registration Act; provided that:

7 (a) (blank); or

8 (b) 2 years have elapsed since all juvenile court
9 proceedings relating to him or her have been terminated and
10 his or her commitment to the Department of Juvenile Justice
11 under this Act has been terminated.

12 (2.5) If a minor is arrested and no petition for
13 delinquency is filed with the clerk of the circuit court at the
14 time the minor is released from custody, the youth officer, if
15 applicable, or other designated person from the arresting
16 agency, shall notify verbally and in writing to the minor or
17 the minor's parents or guardians that the minor shall have an
18 arrest record and shall provide the minor and the minor's
19 parents or guardians with an expungement information packet,
20 information regarding this State's expungement laws including
21 a petition to expunge juvenile records obtained from the clerk
22 of the circuit court.

23 (2.6) If a minor is referred to court then at the time of
24 sentencing or dismissal of the case, or successful completion
25 of supervision, the judge shall inform the delinquent minor of
26 his or her rights regarding expungement and the clerk of the

1 circuit court shall provide an expungement information packet
 2 to the minor, written in plain language, including information
 3 regarding this State's expungement laws and a petition for
 4 expungement, a sample of a completed petition, expungement
 5 instructions that shall include information informing the
 6 minor that (i) once the case is expunged, it shall be treated
 7 as if it never occurred, (ii) he or she may apply to have
 8 petition fees waived, (iii) once he or she obtains an
 9 expungement, he or she may not be required to disclose that he
 10 or she had a juvenile record, and (iv) if petitioning he or she
 11 may file the petition on his or her own or with the assistance
 12 of an attorney. The failure of the judge to inform the
 13 delinquent minor of his or her right to petition for
 14 expungement as provided by law does not create a substantive
 15 right, nor is that failure grounds for: (i) a reversal of an
 16 adjudication of delinquency, (ii) a new trial; or (iii) an
 17 appeal.

18 (2.7) (Blank).

19 (2.8) The petition for expungement for subsection (1) and
 20 (2) may include multiple offenses on the same petition and
 21 shall be substantially in the following form:

22 IN THE CIRCUIT COURT OF, ILLINOIS

23 JUDICIAL CIRCUIT

24 IN THE INTEREST OF) NO.

25)

1 () f. was adjudicated for a Class A misdemeanor or felony,
 2 except first degree murder or an offense under Article 11 of
 3 the Criminal Code of 2012 if the person is required to register
 4 under the Sex Offender Registration Act, and 2 years have
 5 passed since the case was closed.

6 Petitioner has has not been arrested on charges in
 7 this or any county other than the charges listed above. If
 8 petitioner has been arrested on additional charges, please list
 9 the charges below:

10 Charge(s):

11 Arresting Agency or Agencies:

12 Disposition/Result: (choose from a. through f., above):

13 WHEREFORE, the petitioner respectfully requests this Honorable
 14 Court to (1) order all law enforcement agencies to expunge all
 15 records of petitioner to this incident or incidents, and (2) to
 16 order the Clerk of the Court to expunge all records concerning
 17 the petitioner regarding this incident or incidents.

18
 19 Petitioner (Signature)

20
 21 Petitioner's Street Address

22
 23 City, State, Zip Code

1
 2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil
 4 Procedure, 735 ILCS 5/1-109, I hereby certify that the
 5 statements in this petition are true and correct, or on
 6 information and belief I believe the same to be true.

7
 8 Petitioner (Signature)

9 ~~first degree~~

10 (3) The chief judge of the circuit in which an arrest was
 11 made or a charge was brought or any judge of that circuit
 12 designated by the chief judge may, upon verified petition of a
 13 person who is the subject of an arrest or a juvenile court
 14 proceeding under subsection (1) or (2) of this Section, order
 15 the law enforcement records or official court file, or both, to
 16 be expunged from the official records of the arresting
 17 authority, the clerk of the circuit court and the Department of
 18 State Police. The person whose records are to be expunged shall
 19 petition the court using the appropriate form containing his or
 20 her current address and shall promptly notify the clerk of the
 21 circuit court of any change of address. Notice of the petition
 22 shall be served upon the State's Attorney or prosecutor charged
 23 with the duty of prosecuting the offense, the Department of

1 State Police, and the arresting agency or agencies by the clerk
 2 of the circuit court. If an objection is filed within 45 days
 3 of the notice of the petition, the clerk of the circuit court
 4 shall set a date for hearing after the 45-day objection period.
 5 At the hearing the court shall hear evidence on whether the
 6 expungement should or should not be granted. Unless the State's
 7 Attorney or prosecutor, the Department of State Police, or an
 8 arresting agency objects to the expungement within 45 days of
 9 the notice, the court may enter an order granting expungement.
 10 The clerk shall forward a certified copy of the order to the
 11 Department of State Police and deliver a certified copy of the
 12 order to the arresting agency.

13 (3.1) The Notice of Expungement shall be in substantially
 14 the following form:

15 IN THE CIRCUIT COURT OF, ILLINOIS
 16 JUDICIAL CIRCUIT

17 IN THE INTEREST OF) NO.
 18)
 19)
 20)
 21 (Name of Petitioner)

22 NOTICE

23 TO: State's Attorney

24 TO: Arresting Agency

1

2

.....

3

.....

4

5

.....

6

.....

7

TO: Illinois State Police

8

9

.....

10

11

.....

12

ATTENTION: Expungement

13

You are hereby notified that on, at, in courtroom

14

..., located at ..., before the Honorable ..., Judge, or any

15

judge sitting in his/her stead, I shall then and there present

16

a Petition to Expunge Juvenile records in the above-entitled

17

matter, at which time and place you may appear.

18

.....

19

Petitioner's Signature

20

.....

21

Petitioner's Street Address

22

.....

23

City, State, Zip Code

24

.....

25

Petitioner's Telephone Number

26

1 On the day of, 20..., I on oath state that I
2 served this notice and true and correct copies of the
3 above-checked documents by:

4 (Check One:)

5 delivering copies personally to each entity to whom they are
6 directed;

7 or

8 by mailing copies to each entity to whom they are directed by
9 depositing the same in the U.S. Mail, proper postage fully
10 prepaid, before the hour of 5:00 p.m., at the United States
11 Postal Depository located at

12

13

14 Signature

15 Clerk of the Circuit Court or Deputy Clerk

16 Printed Name of Delinquent Minor/Petitioner:

17 Address:

18 Telephone Number:

19 (3.2) The Order of Expungement shall be in substantially
20 the following form:

21 IN THE CIRCUIT COURT OF, ILLINOIS

22 JUDICIAL CIRCUIT

23 IN THE INTEREST OF) NO.

24)

25)

1)

2 (Name of Petitioner)

3 DOB

4 Arresting Agency/Agencies

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (SUBSECTION 3))

7 This matter having been heard on the petitioner's motion and
8 the court being fully advised in the premises does find that
9 the petitioner is indigent or has presented reasonable cause to
10 waive all costs in this matter, IT IS HEREBY ORDERED that:

11 () 1. Clerk of Court and Department of State Police costs
12 are hereby waived in this matter.

13 () 2. The Illinois State Police Bureau of Identification
14 and the following law enforcement agencies expunge all records
15 of petitioner relating to an arrest dated for the
16 offense of

17 Law Enforcement Agencies:

18

19

20 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
21 Court expunge all records regarding the above-captioned case.

22 ENTER:

24 JUDGE

25 DATED:

1 Name:
 2 Attorney for:
 3 Address: City/State/Zip:
 4 Attorney Number:

5 (3.3) The Notice of Objection shall be in substantially the
 6 following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS
 8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.
 10)
 11)
 12)
 13 (Name of Petitioner)

14 NOTICE OF OBJECTION

15 TO: (Attorney, Public Defender, Minor)

16

17

18 TO: (Illinois State Police)

19

20

21 TO: (Clerk of the Court)

22

23

24 TO: (Judge)

1

2

3 TO: (Arresting Agency/Agencies)

4

5

6 ATTENTION: You are hereby notified that an objection has been
7 filed by the following entity regarding the above-named minor's
8 petition for expungement of juvenile records:

9 () State's Attorney's Office;

10 () Prosecutor (other than State's Attorney's Office) charged
11 with the duty of prosecuting the offense sought to be expunged;

12 () Department of Illinois State Police; or

13 () Arresting Agency or Agencies.

14 The agency checked above respectfully requests that this case
15 be continued and set for hearing on whether the expungement
16 should or should not be granted.

17 DATED:

18 Name:

19 Attorney For:

20 Address:

21 City/State/Zip:

22 Telephone:

23 Attorney No.:

24 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

25 This matter has been set for hearing on the foregoing
26 objection, on in room, located at, before the

1 Honorable, Judge, or any judge sitting in his/her stead.
2 (Only one hearing shall be set, regardless of the number of
3 Notices of Objection received on the same case).

4 A copy of this completed Notice of Objection containing the
5 court date, time, and location, has been sent via regular U.S.
6 Mail to the following entities. (If more than one Notice of
7 Objection is received on the same case, each one must be
8 completed with the court date, time and location and mailed to
9 the following entities):

- 10 () Attorney, Public Defender or Minor;
11 () State's Attorney's Office;
12 () Prosecutor (other than State's Attorney's Office) charged
13 with the duty of prosecuting the offense sought to be expunged;
14 () Department of Illinois State Police; and
15 () Arresting agency or agencies.

16 Date:

17 Initials of Clerk completing this section:

18 (4)(a) Upon entry of an order expunging records or files,
19 the offense, which the records or files concern shall be
20 treated as if it never occurred. Law enforcement officers and
21 other public offices and agencies shall properly reply on
22 inquiry that no record or file exists with respect to the
23 person.

24 (a-5) Local law enforcement agencies shall send written
25 notice to the minor of the expungement of any records within 60
26 days of automatic expungement or the date of service of an

1 expungement order, whichever applies. If a minor's court file
2 has been expunged, the clerk of the circuit court shall send
3 written notice to the minor of the expungement of any records
4 within 60 days of automatic expungement or the date of service
5 of an expungement order, whichever applies.

6 (b) Except with respect to authorized military personnel,
7 an expunged juvenile record may not be considered by any
8 private or public entity in employment matters, certification,
9 licensing, revocation of certification or licensure, or
10 registration. Applications for employment within the State
11 must contain specific language that states that the applicant
12 is not obligated to disclose expunged juvenile records of
13 adjudication or arrest. Employers may not ask, in any format or
14 context, if an applicant has had a juvenile record expunged.
15 Information about an expunged record obtained by a potential
16 employer, even inadvertently, from an employment application
17 that does not contain specific language that states that the
18 applicant is not obligated to disclose expunged juvenile
19 records of adjudication or arrest, shall be treated as
20 dissemination of an expunged record by the employer.

21 (c) A person whose juvenile records have been expunged is
22 not entitled to remission of any fines, costs, or other money
23 paid as a consequence of expungement.

24 (5) (Blank) .7

25 (5.5) Whether or not expunged, records eligible for
26 automatic expungement under subdivision (0.1) (a), (0.2) (a), or

1 (0.3) (a) may be treated as expunged by the individual subject
2 to the records.

3 (6) Nothing in this Section shall be construed to prohibit
4 the maintenance of information relating to an offense after
5 records or files concerning the offense have been expunged if
6 the information is kept in a manner that does not enable
7 identification of the individual. This information may only be
8 used for anonymous statistical and bona fide research purposes.

9 (6.5) The Department of State Police or any employee of the
10 Department shall be immune from civil or criminal liability for
11 failure to expunge any records of arrest that are subject to
12 expungement under this Section because of inability to verify a
13 record. Nothing in this Section shall create Department of
14 State Police liability or responsibility for the expungement of
15 law enforcement records it does not possess.

16 (7) (a) The State Appellate Defender shall establish,
17 maintain, and carry out, by December 31, 2004, a juvenile
18 expungement program to provide information and assistance to
19 minors eligible to have their juvenile records expunged.

20 (b) The State Appellate Defender shall develop brochures,
21 pamphlets, and other materials in printed form and through the
22 agency's World Wide Web site. The pamphlets and other materials
23 shall include at a minimum the following information:

24 (i) An explanation of the State's juvenile expungement
25 laws, including both automatic expungement and expungement
26 by petition;

1 (ii) The circumstances under which juvenile
2 expungement may occur;

3 (iii) The juvenile offenses that may be expunged;

4 (iv) The steps necessary to initiate and complete the
5 juvenile expungement process; and

6 (v) Directions on how to contact the State Appellate
7 Defender.

8 (c) The State Appellate Defender shall establish and
9 maintain a statewide toll-free telephone number that a person
10 may use to receive information or assistance concerning the
11 expungement of juvenile records. The State Appellate Defender
12 shall advertise the toll-free telephone number statewide. The
13 State Appellate Defender shall develop an expungement
14 information packet that may be sent to eligible persons seeking
15 expungement of their juvenile records, which may include, but
16 is not limited to, a pre-printed expungement petition with
17 instructions on how to complete the petition and a pamphlet
18 containing information that would assist individuals through
19 the juvenile expungement process.

20 (d) The State Appellate Defender shall compile a statewide
21 list of volunteer attorneys willing to assist eligible
22 individuals through the juvenile expungement process.

23 (e) This Section shall be implemented from funds
24 appropriated by the General Assembly to the State Appellate
25 Defender for this purpose. The State Appellate Defender shall
26 employ the necessary staff and adopt the necessary rules for

1 implementation of this Section.

2 (7.5) (a) Willful dissemination of any information
3 contained in an expunged record shall be treated as a Class C
4 misdemeanor and punishable by a fine of \$1,000 per violation.

5 (b) Willful dissemination for financial gain of any
6 information contained in an expunged record shall be treated as
7 a Class 4 felony. Dissemination for financial gain by an
8 employee of any municipal, county, or State agency, including
9 law enforcement, shall result in immediate termination.

10 (c) The person whose record was expunged has a right of
11 action against any person who intentionally disseminates an
12 expunged record. In the proceeding, punitive damages up to an
13 amount of \$1,000 may be sought in addition to any actual
14 damages. The prevailing party shall be entitled to costs and
15 reasonable attorney fees.

16 (d) The punishments for dissemination of an expunged record
17 shall never apply to the person whose record was expunged.

18 (8) (a) An expunged juvenile record may not be considered by
19 any private or public entity in employment matters,
20 certification, licensing, revocation of certification or
21 licensure, or registration. Applications for employment must
22 contain specific language that states that the applicant is not
23 obligated to disclose expunged juvenile records of
24 adjudication, conviction, or arrest. Employers may not ask if
25 an applicant has had a juvenile record expunged. Effective
26 January 1, 2005, the Department of Labor shall develop a link

1 on the Department's website to inform employers that employers
2 may not ask if an applicant had a juvenile record expunged and
3 that application for employment must contain specific language
4 that states that the applicant is not obligated to disclose
5 expunged juvenile records of adjudication, arrest, or
6 conviction.

7 (b) (Blank). ~~Public Act 93-912~~

8 (c) The expungement of juvenile records under subsection
9 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by
10 appropriation by the General Assembly for that purpose ~~the~~
11 ~~additional fine imposed under Section 5-9-1.17 of the Unified~~
12 ~~Code of Corrections.~~

13 (9) (Blank).

14 (10) (Blank). ~~Public Act 98-637~~ ~~Public Act 98-637~~

15 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
16 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised
17 10-10-17.)

18 Section 905-65. The Criminal Code of 2012 is amended by
19 changing Section 12-3.4 as follows:

20 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

21 Sec. 12-3.4. Violation of an order of protection.

22 (a) A person commits violation of an order of protection
23 if:

24 (1) He or she knowingly commits an act which was

1 prohibited by a court or fails to commit an act which was
2 ordered by a court in violation of:

3 (i) a remedy in a valid order of protection
4 authorized under paragraphs (1), (2), (3), (14), or
5 (14.5) of subsection (b) of Section 214 of the Illinois
6 Domestic Violence Act of 1986,

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (1), (2),
9 (3), (14) or (14.5) of subsection (b) of Section 214 of
10 the Illinois Domestic Violence Act of 1986, in a valid
11 order of protection, which is authorized under the laws
12 of another state, tribe or United States territory,

13 (iii) any other remedy when the act constitutes a
14 crime against the protected parties as the term
15 protected parties is defined in Section 112A-4 of the
16 Code of Criminal Procedure of 1963; and

17 (2) Such violation occurs after the offender has been
18 served notice of the contents of the order, pursuant to the
19 Illinois Domestic Violence Act of 1986 or any substantially
20 similar statute of another state, tribe or United States
21 territory, or otherwise has acquired actual knowledge of
22 the contents of the order.

23 An order of protection issued by a state, tribal or
24 territorial court related to domestic or family violence shall
25 be deemed valid if the issuing court had jurisdiction over the
26 parties and matter under the law of the state, tribe or

1 territory. There shall be a presumption of validity where an
2 order is certified and appears authentic on its face. For
3 purposes of this Section, an "order of protection" may have
4 been issued in a criminal or civil proceeding.

5 (a-5) Failure to provide reasonable notice and opportunity
6 to be heard shall be an affirmative defense to any charge or
7 process filed seeking enforcement of a foreign order of
8 protection.

9 (b) Nothing in this Section shall be construed to diminish
10 the inherent authority of the courts to enforce their lawful
11 orders through civil or criminal contempt proceedings.

12 (c) The limitations placed on law enforcement liability by
13 Section 305 of the Illinois Domestic Violence Act of 1986 apply
14 to actions taken under this Section.

15 (d) Violation of an order of protection is a Class A
16 misdemeanor. Violation of an order of protection is a Class 4
17 felony if the defendant has any prior conviction under this
18 Code for domestic battery (Section 12-3.2) or violation of an
19 order of protection (Section 12-3.4 or 12-30) or any prior
20 conviction under the law of another jurisdiction for an offense
21 that could be charged in this State as a domestic battery or
22 violation of an order of protection. Violation of an order of
23 protection is a Class 4 felony if the defendant has any prior
24 conviction under this Code for first degree murder (Section
25 9-1), attempt to commit first degree murder (Section 8-4),
26 aggravated domestic battery (Section 12-3.3), aggravated

1 battery (Section 12-3.05 or 12-4), heinous battery (Section
2 12-4.1), aggravated battery with a firearm (Section 12-4.2),
3 aggravated battery with a machine gun or a firearm equipped
4 with a silencer (Section 12-4.2-5), aggravated battery of a
5 child (Section 12-4.3), aggravated battery of an unborn child
6 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
7 aggravated battery of a senior citizen (Section 12-4.6),
8 stalking (Section 12-7.3), aggravated stalking (Section
9 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
10 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
11 kidnapping (Section 10-1), aggravated kidnapping (Section
12 10-2), predatory criminal sexual assault of a child (Section
13 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
14 11-1.60 or 12-16), unlawful restraint (Section 10-3),
15 aggravated unlawful restraint (Section 10-3.1), aggravated
16 arson (Section 20-1.1), aggravated discharge of a firearm
17 (Section 24-1.2), or a violation of any former law of this
18 State that is substantially similar to any listed offense, or
19 any prior conviction under the law of another jurisdiction for
20 an offense that could be charged in this State as one of the
21 offenses listed in this Section, when any of these offenses
22 have been committed against a family or household member as
23 defined in Section 112A-3 of the Code of Criminal Procedure of
24 1963. The court shall impose a minimum penalty of 24 hours
25 imprisonment for defendant's second or subsequent violation of
26 any order of protection; unless the court explicitly finds that

1 an increased penalty or such period of imprisonment would be
2 manifestly unjust. In addition to any other penalties, the
3 court may order the defendant to pay a fine as authorized under
4 Section 5-9-1 of the Unified Code of Corrections or to make
5 restitution to the victim under Section 5-5-6 of the Unified
6 Code of Corrections. ~~In addition to any other penalties,~~
7 ~~including those imposed by Section 5-9-1.5 of the Unified Code~~
8 ~~of Corrections, the court shall impose an additional fine of~~
9 ~~\$20 as authorized by Section 5-9-1.11 of the Unified Code of~~
10 ~~Corrections upon any person convicted of or placed on~~
11 ~~supervision for a violation of this Section. The additional~~
12 ~~fine shall be imposed for each violation of this Section.~~

13 (e) (Blank).

14 (f) A defendant who directed the actions of a third party
15 to violate this Section, under the principles of accountability
16 set forth in Article 5 of this Code, is guilty of violating
17 this Section as if the same had been personally done by the
18 defendant, without regard to the mental state of the third
19 party acting at the direction of the defendant.

20 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;
21 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates
22 97-311, eff. 8-11-11; 97-919, eff. 8-10-12; 97-1109, eff.
23 1-1-13.)

24 (720 ILCS 550/10.3 rep.)

25 Section 905-67. The Cannabis Control Act is amended by

1 repealing Section 10.3.

2 Section 905-70. The Illinois Controlled Substances Act is
3 amended by changing Section 411.2 as follows:

4 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

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

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

10 ~~(1) \$3,000 for a Class X felony;~~

11 ~~(2) \$2,000 for a Class 1 felony;~~

12 ~~(3) \$1,000 for a Class 2 felony;~~

13 ~~(4) \$500 for a Class 3 or Class 4 felony;~~

14 ~~(5) \$300 for a Class A misdemeanor;~~

15 ~~(6) \$200 for a Class B or Class C misdemeanor.~~

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

19 (c) (Blank). ~~As a condition of the assessment, the court~~
20 ~~may require that payment be made in specified installments or~~
21 ~~within a specified period of time. If the assessment is not~~
22 ~~paid within the period of probation, conditional discharge or~~
23 ~~supervision to which the defendant was originally sentenced,~~
24 ~~the court may extend the period of probation, conditional~~

1 ~~discharge or supervision pursuant to Section 5-6-2 or 5-6-3.1~~
2 ~~of the Unified Code of Corrections, as applicable, until the~~
3 ~~assessment is paid or until successful completion of public or~~
4 ~~community service set forth in subsection (c) or the successful~~
5 ~~completion of the substance abuse intervention or treatment~~
6 ~~program set forth in subsection (f). If a term of probation,~~
7 ~~conditional discharge or supervision is not imposed, the~~
8 ~~assessment shall be payable upon judgment or as directed by the~~
9 ~~court.~~

10 (d) (Blank). ~~If an assessment for a violation of this Act~~
11 ~~is imposed on an organization, it is the duty of each~~
12 ~~individual authorized to make disbursements of the assets of~~
13 ~~the organization to pay the assessment from assets of the~~
14 ~~organization.~~

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

24 (f) (Blank). ~~The court may suspend the collection of the~~
25 ~~assessment imposed under this Section; provided the defendant~~
26 ~~agrees to enter a substance abuse intervention or treatment~~

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

21 (g) (Blank). ~~The court shall not impose more than one~~
22 ~~assessment per complaint, indictment or information. If the~~
23 ~~person is convicted of more than one offense in a complaint,~~
24 ~~indictment or information, the assessment shall be based on the~~
25 ~~highest class offense for which the person is convicted.~~

26 (h) The ~~In counties under 3,000,000, all moneys collected~~

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

21 (i) (Blank). ~~In counties over 3,000,000, all moneys~~
22 ~~collected under this Section shall be forwarded to the County~~
23 ~~Treasurer for deposit into the County Health Fund. The County~~
24 ~~Treasurer shall, no later than the 15th day of each month,~~
25 ~~forward to the State Treasurer 30 percent of all moneys~~
26 ~~collected under this Act and received into the County Health~~

1 ~~Fund since the prior remittance to the State Treasurer. Funds~~
2 ~~retained by the County shall be used for community-based~~
3 ~~treatment of pregnant women who are addicted to alcohol,~~
4 ~~cannabis, or controlled substances or for the needed care of~~
5 ~~minor, unemancipated children of these women. Funds forwarded~~
6 ~~to the State Treasurer shall be deposited into the State Drug~~
7 ~~Treatment Fund maintained by the State Treasurer from which the~~
8 ~~Department of Human Services may make grants to persons~~
9 ~~licensed under Section 15-10 of the Alcoholism and Other Drug~~
10 ~~Abuse and Dependency Act or to municipalities or counties from~~
11 ~~funds appropriated to the Department from the Drug Treatment~~
12 ~~Fund, provided that the moneys collected from each county be~~
13 ~~returned proportionately to the counties through grants to~~
14 ~~licensees located within the county from which the assessment~~
15 ~~was received and moneys in the State Drug Treatment Fund shall~~
16 ~~not supplant other local, State or federal funds. If the~~
17 ~~Department of Human Services grants funds to a municipality or~~
18 ~~county that the Department determines is not experiencing a~~
19 ~~problem with pregnant women addicted to alcohol, cannabis or~~
20 ~~controlled substances, or with care for minor, unemancipated~~
21 ~~children or women undergoing residential drug treatment, the~~
22 ~~funds shall be used for the treatment of any person addicted to~~
23 ~~alcohol, cannabis or controlled substances. The Department may~~
24 ~~adopt such rules as it deems appropriate for the administration~~
25 ~~of such grants.~~

26 (Source: P.A. 97-334, eff. 1-1-12.)

1 (720 ILCS 570/411.4 rep.)

2 Section 905-73. The Illinois Controlled Substances Act is
3 amended by repealing Section 411.4.

4 Section 905-75. The Methamphetamine Control and Community
5 Protection Act is amended by changing Sections 80 and 90 as
6 follows:

7 (720 ILCS 646/80)

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

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

13 ~~(1) \$3,000 for a Class X felony;~~

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

15 ~~(3) \$1,000 for a Class 2 felony;~~

16 ~~(4) \$500 for a Class 3 or Class 4 felony.~~

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

21 (c) (Blank). ~~As a condition of the assessment, the court~~
22 ~~may require that payment be made in specified installments or~~
23 ~~within a specified period of time. If the assessment is not~~

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

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

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

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

23 (g) (Blank). ~~The court shall not impose more than one~~
24 ~~assessment per complaint, indictment, or information. If the~~
25 ~~person is convicted of more than one offense in a complaint,~~
26 ~~indictment, or information, the assessment shall be based on~~

1 ~~the highest class offense for which the person is convicted.~~

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

22 (i) (Blank). ~~In counties with a population of 3,000,000 or~~
23 ~~more, all moneys collected under this Section shall be~~
24 ~~forwarded to the County Treasurer for deposit into the County~~
25 ~~Health Fund. The County Treasurer shall, no later than the 15th~~
26 ~~day of each month, forward to the State Treasurer 30 percent of~~

1 ~~all moneys collected under this Act and received into the~~
2 ~~County Health Fund since the prior remittance to the State~~
3 ~~Treasurer. Funds retained by the County shall be used for~~
4 ~~community based treatment of pregnant women who are addicted to~~
5 ~~alcohol, cannabis, or controlled substances or for the needed~~
6 ~~care of minor, unemancipated children of these women. Funds~~
7 ~~forwarded to the State Treasurer shall be deposited into the~~
8 ~~State Drug Treatment Fund maintained by the State Treasurer~~
9 ~~from which the Department of Human Services may make grants to~~
10 ~~persons licensed under Section 15-10 of the Alcoholism and~~
11 ~~Other Drug Abuse and Dependency Act or to municipalities or~~
12 ~~counties from funds appropriated to the Department from the~~
13 ~~Drug Treatment Fund, provided that the moneys collected from~~
14 ~~each county be returned proportionately to the counties through~~
15 ~~grants to licensees located within the county from which the~~
16 ~~assessment was received and moneys in the State Drug Treatment~~
17 ~~Fund shall not supplant other local, State or federal funds. If~~
18 ~~the Department of Human Services grants funds to a municipality~~
19 ~~or county that the Department determines is not experiencing a~~
20 ~~problem with pregnant women addicted to alcohol, cannabis or~~
21 ~~controlled substances, or with care for minor, unemancipated~~
22 ~~children or women undergoing residential drug treatment, the~~
23 ~~funds shall be used for the treatment of any person addicted to~~
24 ~~alcohol, cannabis or controlled substances. The Department may~~
25 ~~adopt such rules as it deems appropriate for the administration~~
26 ~~of such grants.~~

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

2 (720 ILCS 646/90)

3 Sec. 90. Methamphetamine restitution.

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

14 (b) Any restitution payments made under this Section shall
15 be disbursed equitably by the circuit clerk in the following
16 order:

17 (1) first, to the agency responsible for the mitigation
18 of the incident;

19 (2) second, to the local agencies involved in the
20 emergency response;

21 (3) third, to the State agencies involved in the
22 emergency response; and

23 (4) fourth, to the federal agencies involved in the
24 emergency response.

25 (c) In addition to any other penalties and liabilities, a

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

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

19 (Source: P.A. 97-434, eff. 1-1-12.)

20 Section 905-80. The Code of Criminal Procedure of 1963 is
21 amended by adding Section 124A-20 as follows:

22 (725 ILCS 5/124A-20 new)

23 Sec. 124A-20. Assessment waiver.

24 (a) As used in this Section:

1 "Assessments" means any costs imposed on a criminal
2 defendant under Article 15 of the Criminal and Traffic
3 Assessment Act, but does not include violation of the
4 Illinois Vehicle Code assessments.

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

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

14 (2) His or her available personal income is 200% or
15 less of the current poverty level, unless the
16 applicant's assets that are not exempt under Part 9 or
17 10 of Article XII of the Code of Civil Procedure are of
18 a nature and value that the court determines that the
19 applicant is able to pay the assessments.

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

25 "Poverty level" means the current poverty level as
26 established by the United States Department of Health and

1 Human Services.

2 (b) Upon the application of any defendant, after the
3 commencement of an action, but no later than 30 days after
4 sentencing:

5 (1) If the court finds that the applicant is an
6 indigent person, the court shall grant the applicant a full
7 assessment waiver exempting him or her from the payment of
8 any assessments.

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

11 (A) 75% of all assessments shall be waived if the
12 applicant's available income is greater than 200% but
13 no more than 250% of the poverty level, unless the
14 applicant's assets that are not exempt under Part 9 or
15 10 of Article XII of the Code of Civil Procedure are
16 such that the applicant is able, without undue
17 hardship, to pay the total assessments.

18 (B) 50% of all assessments shall be waived if the
19 applicant's available income is greater than 250% but
20 no more than 300% 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 court determines that the applicant is
24 able, without undue hardship, to pay a greater portion
25 of the assessments.

26 (C) 25% of all assessments shall be waived if the

1 applicant's available income is greater than 300% but
2 no more than 400% of the poverty level, unless the
3 applicant's assets that are not exempt under Part 9 or
4 10 of Article XII of the Code of Civil Procedure are
5 such that the court determines that the applicant is
6 able, without undue hardship, to pay a greater portion
7 of the assessments.

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

16 (1) the applicant's receipt of needs based
17 governmental public benefits, including Supplemental
18 Security Income (SSI); Aid to the Aged, Blind and Disabled
19 (ADB); Temporary Assistance for Needy Families (TANF);
20 Supplemental Nutrition Assistance Program (SNAP or "food
21 stamps"); General Assistance; Transitional Assistance; or
22 State Children and Family Assistance;

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

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

1 sources;

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

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

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

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

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

25 (e) For good cause shown, the court may allow an applicant
26 whose application is denied or who receives a partial

1 assessment waiver to defer payment of the assessments, make
2 installment payments, or make payment upon reasonable terms and
3 conditions stated in the order.

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

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

10 Section 905-85. The Violent Crime Victims Assistance Act is
11 amended by changing Section 10 as follows:

12 (725 ILCS 240/10) (from Ch. 70, par. 510)

13 Sec. 10. Violent Crime Victims Assistance Fund.

14 (a) The "Violent Crime Victims Assistance Fund" is created
15 as a special fund in the State Treasury to provide monies for
16 the grants to be awarded under this Act.

17 (b) (Blank). ~~When any person is convicted in Illinois of an~~
18 ~~offense listed below, or placed on supervision for that offense~~
19 ~~on or after July 1, 2012, the court shall impose the following~~
20 ~~finer:~~

21 ~~(1) \$100 for any felony;~~

22 ~~(2) \$50 for any offense under the Illinois Vehicle~~
23 ~~Code, exclusive of offenses enumerated in paragraph (a) (2)~~
24 ~~of Section 6-204 of that Code, and exclusive of any offense~~

1 ~~enumerated in Article VI of Chapter 11 of that Code~~
2 ~~relating to restrictions, regulations, and limitations on~~
3 ~~the speed at which a motor vehicle is driven or operated;~~
4 ~~and~~

5 ~~(3) \$75 for any misdemeanor, excluding a conservation~~
6 ~~offense.~~

7 ~~Notwithstanding any other provision of this Section, the~~
8 ~~penalty established in this Section shall be assessed for any~~
9 ~~violation of Section 11-601.5, 11-605.2, or 11-605.3 of the~~
10 ~~Illinois Vehicle Code.~~

11 ~~The Clerk of the Circuit Court shall remit moneys collected~~
12 ~~under this subsection (b) within one month after receipt to the~~
13 ~~State Treasurer for deposit into the Violent Crime Victims~~
14 ~~Assistance Fund, except as provided in subsection (g) of this~~
15 ~~Section. Such additional penalty shall not be considered a part~~
16 ~~of the fine for purposes of any reduction made in the fine for~~
17 ~~time served either before or after sentencing. Not later than~~
18 ~~March 1 of each year the Clerk of the Circuit Court shall~~
19 ~~submit to the State Comptroller a report of the amount of funds~~
20 ~~remitted by him to the State Treasurer under this Section~~
21 ~~during the preceding calendar year.~~

22 (c) (Blank). ~~The charge imposed by subsection (b) shall not~~
23 ~~be subject to the provisions of Section 110-14 of the Code of~~
24 ~~Criminal Procedure of 1963.~~

25 (d) Monies forfeited, and proceeds from the sale of
26 property forfeited and seized, under the forfeiture provisions

1 set forth in Part 500 of Article 124B of the Code of Criminal
2 Procedure of 1963 shall be accepted for the Violent Crime
3 Victims Assistance Fund.

4 (e) Investment income which is attributable to the
5 investment of monies in the Violent Crime Victims Assistance
6 Fund shall be credited to that fund for uses specified in this
7 Act. The Treasurer shall provide the Attorney General a monthly
8 status report on the amount of money in the Fund.

9 (f) Monies from the fund may be granted on and after July
10 1, 1984.

11 (g) (Blank). ~~All amounts and charges imposed under this~~
12 ~~Section for any violation of Chapters 3, 4, 6, and 11 of the~~
13 ~~Illinois Vehicle Code, or a similar provision of a local~~
14 ~~ordinance, or any violation of the Child Passenger Protection~~
15 ~~Act, or a similar provision of a local ordinance, shall be~~
16 ~~collected and disbursed by the circuit clerk as provided under~~
17 ~~Section 27.5 of the Clerks of Courts Act.~~

18 (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11;
19 97-816, eff. 7-16-12.)

20 Section 905-90. The Unified Code of Corrections is amended
21 by changing Sections 5-4-3, 5-4.5-50, 5-4.5-55, 5-4.5-60,
22 5-4.5-65, 5-4.5-75, 5-4.5-80, 5-5-3, 5-5-6, 5-6-1, 5-6-3,
23 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,
24 5-9-1.16, and 5-9-1.21 as follows:

1 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

2 Sec. 5-4-3. Specimens; genetic marker groups.

3 (a) Any person convicted of, found guilty under the
4 Juvenile Court Act of 1987 for, or who received a disposition
5 of court supervision for, a qualifying offense or attempt of a
6 qualifying offense, convicted or found guilty of any offense
7 classified as a felony under Illinois law, convicted or found
8 guilty of any offense requiring registration under the Sex
9 Offender Registration Act, found guilty or given supervision
10 for any offense classified as a felony under the Juvenile Court
11 Act of 1987, convicted or found guilty of, under the Juvenile
12 Court Act of 1987, any offense requiring registration under the
13 Sex Offender Registration Act, or institutionalized as a
14 sexually dangerous person under the Sexually Dangerous Persons
15 Act, or committed as a sexually violent person under the
16 Sexually Violent Persons Commitment Act shall, regardless of
17 the sentence or disposition imposed, be required to submit
18 specimens of blood, saliva, or tissue to the Illinois
19 Department of State Police in accordance with the provisions of
20 this Section, provided such person is:

21 (1) convicted of a qualifying offense or attempt of a
22 qualifying offense on or after July 1, 1990 and sentenced
23 to a term of imprisonment, periodic imprisonment, fine,
24 probation, conditional discharge or any other form of
25 sentence, or given a disposition of court supervision for
26 the offense;

1 (1.5) found guilty or given supervision under the
2 Juvenile Court Act of 1987 for a qualifying offense or
3 attempt of a qualifying offense on or after January 1,
4 1997;

5 (2) ordered institutionalized as a sexually dangerous
6 person on or after July 1, 1990;

7 (3) convicted of a qualifying offense or attempt of a
8 qualifying offense before July 1, 1990 and is presently
9 confined as a result of such conviction in any State
10 correctional facility or county jail or is presently
11 serving a sentence of probation, conditional discharge or
12 periodic imprisonment as a result of such conviction;

13 (3.5) convicted or found guilty of any offense
14 classified as a felony under Illinois law or found guilty
15 or given supervision for such an offense under the Juvenile
16 Court Act of 1987 on or after August 22, 2002;

17 (4) presently institutionalized as a sexually
18 dangerous person or presently institutionalized as a
19 person found guilty but mentally ill of a sexual offense or
20 attempt to commit a sexual offense; or

21 (4.5) ordered committed as a sexually violent person on
22 or after the effective date of the Sexually Violent Persons
23 Commitment Act.

24 (a-1) Any person incarcerated in a facility of the Illinois
25 Department of Corrections or the Illinois Department of
26 Juvenile Justice on or after August 22, 2002, whether for a

1 term of years, natural life, or a sentence of death, who has
2 not yet submitted a specimen of blood, saliva, or tissue shall
3 be required to submit a specimen of blood, saliva, or tissue
4 prior to his or her final discharge, or release on parole,
5 aftercare release, or mandatory supervised release, as a
6 condition of his or her parole, aftercare release, or mandatory
7 supervised release, or within 6 months from August 13, 2009
8 (the effective date of Public Act 96-426), whichever is sooner.
9 A person incarcerated on or after August 13, 2009 (the
10 effective date of Public Act 96-426) shall be required to
11 submit a specimen within 45 days of incarceration, or prior to
12 his or her final discharge, or release on parole, aftercare
13 release, or mandatory supervised release, as a condition of his
14 or her parole, aftercare release, or mandatory supervised
15 release, whichever is sooner. These specimens shall be placed
16 into the State or national DNA database, to be used in
17 accordance with other provisions of this Section, by the
18 Illinois State Police.

19 (a-2) Any person sentenced to life imprisonment in a
20 facility of the Illinois Department of Corrections after the
21 effective date of this amendatory Act of the 94th General
22 Assembly or sentenced to death after the effective date of this
23 amendatory Act of the 94th General Assembly shall be required
24 to provide a specimen of blood, saliva, or tissue within 45
25 days after sentencing or disposition at a collection site
26 designated by the Illinois Department of State Police. Any

1 person serving a sentence of life imprisonment in a facility of
2 the Illinois Department of Corrections on the effective date of
3 this amendatory Act of the 94th General Assembly or any person
4 who is under a sentence of death on the effective date of this
5 amendatory Act of the 94th General Assembly shall be required
6 to provide a specimen of blood, saliva, or tissue upon request
7 at a collection site designated by the Illinois Department of
8 State Police.

9 (a-3) Any person seeking transfer to or residency in
10 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
11 Code, the Interstate Compact for Adult Offender Supervision, or
12 the Interstate Agreements on Sexually Dangerous Persons Act
13 shall be required to provide a specimen of blood, saliva, or
14 tissue within 45 days after transfer to or residency in
15 Illinois at a collection site designated by the Illinois
16 Department of State Police.

17 (a-3.1) Any person required by an order of the court to
18 submit a DNA specimen shall be required to provide a specimen
19 of blood, saliva, or tissue within 45 days after the court
20 order at a collection site designated by the Illinois
21 Department of State Police.

22 (a-3.2) On or after January 1, 2012 (the effective date of
23 Public Act 97-383), any person arrested for any of the
24 following offenses, after an indictment has been returned by a
25 grand jury, or following a hearing pursuant to Section 109-3 of
26 the Code of Criminal Procedure of 1963 and a judge finds there

1 is probable cause to believe the arrestee has committed one of
2 the designated offenses, or an arrestee has waived a
3 preliminary hearing shall be required to provide a specimen of
4 blood, saliva, or tissue within 14 days after such indictment
5 or hearing at a collection site designated by the Illinois
6 Department of State Police:

7 (A) first degree murder;

8 (B) home invasion;

9 (C) predatory criminal sexual assault of a child;

10 (D) aggravated criminal sexual assault; or

11 (E) criminal sexual assault.

12 (a-3.3) Any person required to register as a sex offender
13 under the Sex Offender Registration Act, regardless of the date
14 of conviction as set forth in subsection (c-5.2) shall be
15 required to provide a specimen of blood, saliva, or tissue
16 within the time period prescribed in subsection (c-5.2) at a
17 collection site designated by the Illinois Department of State
18 Police.

19 (a-5) Any person who was otherwise convicted of or received
20 a disposition of court supervision for any other offense under
21 the Criminal Code of 1961 or the Criminal Code of 2012 or who
22 was found guilty or given supervision for such a violation
23 under the Juvenile Court Act of 1987, may, regardless of the
24 sentence imposed, be required by an order of the court to
25 submit specimens of blood, saliva, or tissue to the Illinois
26 Department of State Police in accordance with the provisions of

1 this Section.

2 (b) Any person required by paragraphs (a)(1), (a)(1.5),
3 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
4 saliva, or tissue shall provide specimens of blood, saliva, or
5 tissue within 45 days after sentencing or disposition at a
6 collection site designated by the Illinois Department of State
7 Police.

8 (c) Any person required by paragraphs (a)(3), (a)(4), and
9 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
10 be required to provide such specimens prior to final discharge
11 or within 6 months from August 13, 2009 (the effective date of
12 Public Act 96-426), whichever is sooner. These specimens shall
13 be placed into the State or national DNA database, to be used
14 in accordance with other provisions of this Act, by the
15 Illinois State Police.

16 (c-5) Any person required by paragraph (a-3) to provide
17 specimens of blood, saliva, or tissue shall, where feasible, be
18 required to provide the specimens before being accepted for
19 conditioned residency in Illinois under the interstate compact
20 or agreement, but no later than 45 days after arrival in this
21 State.

22 (c-5.2) Unless it is determined that a registered sex
23 offender has previously submitted a specimen of blood, saliva,
24 or tissue that has been placed into the State DNA database, a
25 person registering as a sex offender shall be required to
26 submit a specimen at the time of his or her initial

1 registration pursuant to the Sex Offender Registration Act or,
2 for a person registered as a sex offender on or prior to
3 January 1, 2012 (the effective date of Public Act 97-383),
4 within one year of January 1, 2012 (the effective date of
5 Public Act 97-383) or at the time of his or her next required
6 registration.

7 (c-6) The Illinois Department of State Police may determine
8 which type of specimen or specimens, blood, saliva, or tissue,
9 is acceptable for submission to the Division of Forensic
10 Services for analysis. The Illinois Department of State Police
11 may require the submission of fingerprints from anyone required
12 to give a specimen under this Act.

13 (d) The Illinois Department of State Police shall provide
14 all equipment and instructions necessary for the collection of
15 blood specimens. The collection of specimens shall be performed
16 in a medically approved manner. Only a physician authorized to
17 practice medicine, a registered nurse or other qualified person
18 trained in venipuncture may withdraw blood for the purposes of
19 this Act. The specimens shall thereafter be forwarded to the
20 Illinois Department of State Police, Division of Forensic
21 Services, for analysis and categorizing into genetic marker
22 groupings.

23 (d-1) The Illinois Department of State Police shall provide
24 all equipment and instructions necessary for the collection of
25 saliva specimens. The collection of saliva specimens shall be
26 performed in a medically approved manner. Only a person trained

1 in the instructions promulgated by the Illinois State Police on
2 collecting saliva may collect saliva for the purposes of this
3 Section. The specimens shall thereafter be forwarded to the
4 Illinois Department of State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings.

7 (d-2) The Illinois Department of State Police shall provide
8 all equipment and instructions necessary for the collection of
9 tissue specimens. The collection of tissue specimens shall be
10 performed in a medically approved manner. Only a person trained
11 in the instructions promulgated by the Illinois State Police on
12 collecting tissue may collect tissue for the purposes of this
13 Section. The specimens shall thereafter be forwarded to the
14 Illinois Department of State Police, Division of Forensic
15 Services, for analysis and categorizing into genetic marker
16 groupings.

17 (d-5) To the extent that funds are available, the Illinois
18 Department of State Police shall contract with qualified
19 personnel and certified laboratories for the collection,
20 analysis, and categorization of known specimens, except as
21 provided in subsection (n) of this Section.

22 (d-6) Agencies designated by the Illinois Department of
23 State Police and the Illinois Department of State Police may
24 contract with third parties to provide for the collection or
25 analysis of DNA, or both, of an offender's blood, saliva, and
26 tissue specimens, except as provided in subsection (n) of this

1 Section.

2 (e) The genetic marker groupings shall be maintained by the
3 Illinois Department of State Police, Division of Forensic
4 Services.

5 (f) The genetic marker grouping analysis information
6 obtained pursuant to this Act shall be confidential and shall
7 be released only to peace officers of the United States, of
8 other states or territories, of the insular possessions of the
9 United States, of foreign countries duly authorized to receive
10 the same, to all peace officers of the State of Illinois and to
11 all prosecutorial agencies, and to defense counsel as provided
12 by Section 116-5 of the Code of Criminal Procedure of 1963. The
13 genetic marker grouping analysis information obtained pursuant
14 to this Act shall be used only for (i) valid law enforcement
15 identification purposes and as required by the Federal Bureau
16 of Investigation for participation in the National DNA
17 database, (ii) technology validation purposes, (iii) a
18 population statistics database, (iv) quality assurance
19 purposes if personally identifying information is removed, (v)
20 assisting in the defense of the criminally accused pursuant to
21 Section 116-5 of the Code of Criminal Procedure of 1963, or
22 (vi) identifying and assisting in the prosecution of a person
23 who is suspected of committing a sexual assault as defined in
24 Section 1a of the Sexual Assault Survivors Emergency Treatment
25 Act. Notwithstanding any other statutory provision to the
26 contrary, all information obtained under this Section shall be

1 maintained in a single State data base, which may be uploaded
2 into a national database, and which information may be subject
3 to expungement only as set forth in subsection (f-1).

4 (f-1) Upon receipt of notification of a reversal of a
5 conviction based on actual innocence, or of the granting of a
6 pardon pursuant to Section 12 of Article V of the Illinois
7 Constitution, if that pardon document specifically states that
8 the reason for the pardon is the actual innocence of an
9 individual whose DNA record has been stored in the State or
10 national DNA identification index in accordance with this
11 Section by the Illinois Department of State Police, the DNA
12 record shall be expunged from the DNA identification index, and
13 the Department shall by rule prescribe procedures to ensure
14 that the record and any specimens, analyses, or other documents
15 relating to such record, whether in the possession of the
16 Department or any law enforcement or police agency, or any
17 forensic DNA laboratory, including any duplicates or copies
18 thereof, are destroyed and a letter is sent to the court
19 verifying the expungement is completed. For specimens required
20 to be collected prior to conviction, unless the individual has
21 other charges or convictions that require submission of a
22 specimen, the DNA record for an individual shall be expunged
23 from the DNA identification databases and the specimen
24 destroyed upon receipt of a certified copy of a final court
25 order for each charge against an individual in which the charge
26 has been dismissed, resulted in acquittal, or that the charge

1 was not filed within the applicable time period. The Department
2 shall by rule prescribe procedures to ensure that the record
3 and any specimens in the possession or control of the
4 Department are destroyed and a letter is sent to the court
5 verifying the expungement is completed.

6 (f-5) Any person who intentionally uses genetic marker
7 grouping analysis information, or any other information
8 derived from a DNA specimen, beyond the authorized uses as
9 provided under this Section, or any other Illinois law, is
10 guilty of a Class 4 felony, and shall be subject to a fine of
11 not less than \$5,000.

12 (f-6) The Illinois Department of State Police may contract
13 with third parties for the purposes of implementing this
14 amendatory Act of the 93rd General Assembly, except as provided
15 in subsection (n) of this Section. Any other party contracting
16 to carry out the functions of this Section shall be subject to
17 the same restrictions and requirements of this Section insofar
18 as applicable, as the Illinois Department of State Police, and
19 to any additional restrictions imposed by the Illinois
20 Department of State Police.

21 (g) For the purposes of this Section, "qualifying offense"
22 means any of the following:

- 23 (1) any violation or inchoate violation of Section
24 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
25 12-16 of the Criminal Code of 1961 or the Criminal Code of
26 2012;

1 (1.1) any violation or inchoate violation of Section
2 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
3 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
4 1961 or the Criminal Code of 2012 for which persons are
5 convicted on or after July 1, 2001;

6 (2) any former statute of this State which defined a
7 felony sexual offense;

8 (3) (blank);

9 (4) any inchoate violation of Section 9-3.1, 9-3.4,
10 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
11 the Criminal Code of 2012; or

12 (5) any violation or inchoate violation of Article 29D
13 of the Criminal Code of 1961 or the Criminal Code of 2012.

14 (g-5) (Blank).

15 (h) The Illinois Department of State Police shall be the
16 State central repository for all genetic marker grouping
17 analysis information obtained pursuant to this Act. The
18 Illinois Department of State Police may promulgate rules for
19 the form and manner of the collection of blood, saliva, or
20 tissue specimens and other procedures for the operation of this
21 Act. The provisions of the Administrative Review Law shall
22 apply to all actions taken under the rules so promulgated.

23 (i) (1) A person required to provide a blood, saliva, or
24 tissue specimen shall cooperate with the collection of the
25 specimen and any deliberate act by that person intended to
26 impede, delay or stop the collection of the blood, saliva,

1 or tissue specimen is a Class 4 felony.

2 (2) In the event that a person's DNA specimen is not
3 adequate for any reason, the person shall provide another
4 DNA specimen for analysis. Duly authorized law enforcement
5 and corrections personnel may employ reasonable force in
6 cases in which an individual refuses to provide a DNA
7 specimen required under this Act.

8 (j) (Blank). ~~Any person required by subsection (a), or any~~
9 ~~person who was previously required by subsection (a 3.2), to~~
10 ~~submit specimens of blood, saliva, or tissue to the Illinois~~
11 ~~Department of State Police for analysis and categorization into~~
12 ~~genetic marker grouping, in addition to any other disposition,~~
13 ~~penalty, or fine imposed, shall pay an analysis fee of \$250. If~~
14 ~~the analysis fee is not paid at the time of sentencing, the~~
15 ~~court shall establish a fee schedule by which the entire amount~~
16 ~~of the analysis fee shall be paid in full, such schedule not to~~
17 ~~exceed 24 months from the time of conviction. The inability to~~
18 ~~pay this analysis fee shall not be the sole ground to~~
19 ~~incarcerate the person.~~

20 (k) All analysis and categorization assessments fees
21 provided under the Criminal and Traffic Assessments Act to the
22 State Offender DNA Identification System Fund ~~for by subsection~~
23 ~~(j)~~ shall be regulated as follows:

24 (1) The State Offender DNA Identification System Fund
25 is hereby created as a special fund in the State Treasury.

26 (2) (Blank). ~~All fees shall be collected by the clerk~~

1 ~~of the court and forwarded to the State Offender DNA~~
2 ~~Identification System Fund for deposit. The clerk of the~~
3 ~~circuit court may retain the amount of \$10 from each~~
4 ~~collected analysis fee to offset administrative costs~~
5 ~~incurred in carrying out the clerk's responsibilities~~
6 ~~under this Section.~~

7 (3) Moneys ~~Fees~~ deposited into the State Offender DNA
8 Identification System Fund shall be used by Illinois State
9 Police crime laboratories as designated by the Director of
10 State Police. These funds shall be in addition to any
11 allocations made pursuant to existing laws and shall be
12 designated for the exclusive use of State crime
13 laboratories. These uses may include, but are not limited
14 to, the following:

15 (A) Costs incurred in providing analysis and
16 genetic marker categorization as required by
17 subsection (d).

18 (B) Costs incurred in maintaining genetic marker
19 groupings as required by subsection (e).

20 (C) Costs incurred in the purchase and maintenance
21 of equipment for use in performing analyses.

22 (D) Costs incurred in continuing research and
23 development of new techniques for analysis and genetic
24 marker categorization.

25 (E) Costs incurred in continuing education,
26 training, and professional development of forensic

1 scientists regularly employed by these laboratories.

2 (1) The failure of a person to provide a specimen, or of
3 any person or agency to collect a specimen, shall in no way
4 alter the obligation of the person to submit such specimen, or
5 the authority of the Illinois Department of State Police or
6 persons designated by the Department to collect the specimen,
7 or the authority of the Illinois Department of State Police to
8 accept, analyze and maintain the specimen or to maintain or
9 upload results of genetic marker grouping analysis information
10 into a State or national database.

11 (m) If any provision of this amendatory Act of the 93rd
12 General Assembly is held unconstitutional or otherwise
13 invalid, the remainder of this amendatory Act of the 93rd
14 General Assembly is not affected.

15 (n) Neither the Department of State Police, the Division of
16 Forensic Services, nor any laboratory of the Division of
17 Forensic Services may contract out forensic testing for the
18 purpose of an active investigation or a matter pending before a
19 court of competent jurisdiction without the written consent of
20 the prosecuting agency. For the purposes of this subsection
21 (n), "forensic testing" includes the analysis of physical
22 evidence in an investigation or other proceeding for the
23 prosecution of a violation of the Criminal Code of 1961 or the
24 Criminal Code of 2012 or for matters adjudicated under the
25 Juvenile Court Act of 1987, and includes the use of forensic
26 databases and databanks, including DNA, firearm, and

1 fingerprint databases, and expert testimony.

2 (o) Mistake does not invalidate a database match. The
3 detention, arrest, or conviction of a person based upon a
4 database match or database information is not invalidated if it
5 is determined that the specimen was obtained or placed in the
6 database by mistake.

7 (p) This Section may be referred to as the Illinois DNA
8 Database Law of 2011.

9 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;
10 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

11 (730 ILCS 5/5-4.5-50)

12 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
13 as otherwise provided, for all felonies:

14 (a) NO SUPERVISION. The court, upon a plea of guilty or a
15 stipulation by the defendant of the facts supporting the charge
16 or a finding of guilt, may not defer further proceedings and
17 the imposition of a sentence and may not enter an order for
18 supervision of the defendant.

19 (b) FELONY FINES. Unless otherwise specified by law, the
20 minimum fine is \$25. An offender may be sentenced to pay a fine
21 not to exceed, for each offense, \$25,000 or the amount
22 specified in the offense, whichever is greater, or if the
23 offender is a corporation, \$50,000 or the amount specified in
24 the offense, whichever is greater. A fine may be imposed in
25 addition to a sentence of conditional discharge, probation,

1 periodic imprisonment, or imprisonment. See Article 9 of
2 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
3 additional amounts and determination of amounts and payment. If
4 the court finds that the fine would impose an undue burden on
5 the victim, the court may reduce or waive the fine.

6 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
7 each felony conviction shall set forth his or her reasons for
8 imposing the particular sentence entered in the case, as
9 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
10 include any mitigating or aggravating factors specified in this
11 Code, or the lack of any such factors, as well as any other
12 mitigating or aggravating factors that the judge sets forth on
13 the record that are consistent with the purposes and principles
14 of sentencing set out in this Code.

15 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
16 sentence may be made, or the court may reduce a sentence
17 without motion, within 30 days after the sentence is imposed. A
18 defendant's challenge to the correctness of a sentence or to
19 any aspect of the sentencing hearing shall be made by a written
20 motion filed with the circuit court clerk within 30 days
21 following the imposition of sentence. A motion not filed within
22 that 30-day period is not timely. The court may not increase a
23 sentence once it is imposed. A notice of motion must be filed
24 with the motion. The notice of motion shall set the motion on
25 the court's calendar on a date certain within a reasonable time
26 after the date of filing.

1 If a motion filed pursuant to this subsection is timely
2 filed, the proponent of the motion shall exercise due diligence
3 in seeking a determination on the motion and the court shall
4 thereafter decide the motion within a reasonable time.

5 If a motion filed pursuant to this subsection is timely
6 filed, then for purposes of perfecting an appeal, a final
7 judgment is not considered to have been entered until the
8 motion to reduce the sentence has been decided by order entered
9 by the trial court.

10 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
11 OTHER-STATE SENTENCE. A defendant who has a previous and
12 unexpired sentence of imprisonment imposed by another state or
13 by any district court of the United States and who, after
14 sentence for a crime in Illinois, must return to serve the
15 unexpired prior sentence may have his or her sentence by the
16 Illinois court ordered to be concurrent with the prior
17 other-state or federal sentence. The court may order that any
18 time served on the unexpired portion of the other-state or
19 federal sentence, prior to his or her return to Illinois, shall
20 be credited on his or her Illinois sentence. The appropriate
21 official of the other state or the United States shall be
22 furnished with a copy of the order imposing sentence, which
23 shall provide that, when the offender is released from
24 other-state or federal confinement, whether by parole or by
25 termination of sentence, the offender shall be transferred by
26 the Sheriff of the committing Illinois county to the Illinois

1 Department of Corrections. The court shall cause the Department
2 of Corrections to be notified of the sentence at the time of
3 commitment and to be provided with copies of all records
4 regarding the sentence.

5 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
6 defendant who has a previous and unexpired sentence of
7 imprisonment imposed by an Illinois circuit court for a crime
8 in this State and who is subsequently sentenced to a term of
9 imprisonment by another state or by any district court of the
10 United States and who has served a term of imprisonment imposed
11 by the other state or district court of the United States, and
12 must return to serve the unexpired prior sentence imposed by
13 the Illinois circuit court, may apply to the Illinois circuit
14 court that imposed sentence to have his or her sentence
15 reduced.

16 The circuit court may order that any time served on the
17 sentence imposed by the other state or district court of the
18 United States be credited on his or her Illinois sentence. The
19 application for reduction of a sentence under this subsection
20 shall be made within 30 days after the defendant has completed
21 the sentence imposed by the other state or district court of
22 the United States.

23 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
24 sentence or disposition that requires the defendant to be
25 implanted or injected with or to use any form of birth control.
26 (Source: P.A. 95-1052, eff. 7-1-09.)

1 (730 ILCS 5/5-4.5-55)

2 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
3 A misdemeanor:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of less than one year.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of less than one
8 year, except as otherwise provided in Section 5-5-3 or 5-7-1
9 (730 ILCS 5/5-5-3 or 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
11 5/5-8-1.2) concerning eligibility for the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
15 period of probation or conditional discharge shall not exceed 2
16 years. The court shall specify the conditions of probation or
17 conditional discharge as set forth in Section 5-6-3 (730 ILCS
18 5/5-6-3).

19 (e) FINE. Unless otherwise specified by law, the minimum
20 fine is \$25. A fine not to exceed \$2,500 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 5/5-4.5-60)

23 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
24 B misdemeanor:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not more than 6 months.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of up to 6 months 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 5/5-4.5-65)

16 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
17 C misdemeanor:

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of not more than 30 days.

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic
21 imprisonment shall be for a definite term of up to 30 days or
22 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

23 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
24 5/5-8-1.2) concerning eligibility for the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
3 conditional discharge shall not exceed 2 years. The court shall
4 specify the conditions of probation or conditional discharge as
5 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

6 (e) FINE. Unless otherwise specified by law, the minimum
7 fine is \$25. A fine not to exceed \$1,500 for each offense or
8 the amount specified in the offense, whichever is greater, may
9 be imposed. A fine may be imposed in addition to a sentence of
10 conditional discharge, probation, periodic imprisonment, or
11 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
12 Art. 9) for imposition of additional amounts and determination
13 of amounts and payment. If the court finds that the fine would
14 impose an undue burden on the victim, the court may reduce or
15 waive the fine.

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
2 Behavior Allowance Act (730 ILCS 130/) for rules and
3 regulations for good behavior allowance.

4 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
5 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
6 electronic monitoring and home detention.

7 (Source: P.A. 100-431, eff. 8-25-17.)

8 (730 ILCS 5/5-4.5-75)

9 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as
10 otherwise provided, for a petty offense:

11 (a) FINE. Unless otherwise specified by law, the minimum
12 fine is \$25. A defendant may be sentenced to pay a fine not to
13 exceed \$1,000 for each offense or the amount specified in the
14 offense, whichever is less. A fine may be imposed in addition
15 to a sentence of conditional discharge or probation. See
16 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
17 imposition of additional amounts and determination of amounts
18 and payment. If the court finds that the fine would impose an
19 undue burden on the victim, the court may reduce or waive the
20 fine.

21 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
23 sentenced to a period of probation or conditional discharge not
24 to exceed 6 months. The court shall specify the conditions of
25 probation or conditional discharge as set forth in Section

1 5-6-3 (730 ILCS 5/5-6-3).

2 (c) RESTITUTION. A defendant may be sentenced to make
3 restitution to the victim under Section 5-5-6 (730 ILCS
4 5/5-5-6).

5 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
6 a stipulation by the defendant of the facts supporting the
7 charge or a finding of guilt, may defer further proceedings and
8 the imposition of a sentence and may enter an order for
9 supervision of the defendant. If the defendant is not barred
10 from receiving an order for supervision under Section 5-6-1
11 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
12 for supervision after considering the circumstances of the
13 offense, and the history, character, and condition of the
14 offender, if the court is of the opinion that:

15 (1) the defendant is not likely to commit further
16 crimes;

17 (2) the defendant and the public would be best served
18 if the defendant were not to receive a criminal record; and

19 (3) in the best interests of justice, an order of
20 supervision is more appropriate than a sentence otherwise
21 permitted under this Code.

22 (e) SUPERVISION; PERIOD. When a defendant is placed on
23 supervision, the court shall enter an order for supervision
24 specifying the period of supervision, and shall defer further
25 proceedings in the case until the conclusion of the period. The
26 period of supervision shall be reasonable under all of the

1 circumstances of the case, and except as otherwise provided,
2 may not be longer than 2 years. The court shall specify the
3 conditions of supervision as set forth in Section 5-6-3.1 (730
4 ILCS 5/5-6-3.1).

5 (Source: P.A. 95-1052, eff. 7-1-09.)

6 (730 ILCS 5/5-4.5-80)

7 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
8 otherwise provided, for a business offense:

9 (a) FINE. Unless otherwise specified by law, the minimum
10 fine is \$25. A defendant may be sentenced to pay a fine not to
11 exceed for each offense the amount specified in the statute
12 defining that offense. A fine may be imposed in addition to a
13 sentence of conditional discharge. See Article 9 of Chapter V
14 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts
15 and determination of amounts and payment. If the court finds
16 that the fine would impose an undue burden on the victim, the
17 court may reduce or waive the fine.

18 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
19 a period of conditional discharge. The court shall specify the
20 conditions of conditional discharge as set forth in Section
21 5-6-3 (730 ILCS 5/5-6-3).

22 (c) RESTITUTION. A defendant may be sentenced to make
23 restitution to the victim under Section 5-5-6 (730 ILCS
24 5/5-5-6).

25 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or

1 a stipulation by the defendant of the facts supporting the
2 charge or a finding of guilt, may defer further proceedings and
3 the imposition of a sentence and may enter an order for
4 supervision of the defendant. If the defendant is not barred
5 from receiving an order for supervision under Section 5-6-1
6 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
7 for supervision after considering the circumstances of the
8 offense, and the history, character, and condition of the
9 offender, if the court is of the opinion that:

10 (1) the defendant is not likely to commit further
11 crimes;

12 (2) the defendant and the public would be best served
13 if the defendant were not to receive a criminal record; and

14 (3) in the best interests of justice, an order of
15 supervision is more appropriate than a sentence otherwise
16 permitted under this Code.

17 (e) SUPERVISION; PERIOD. When a defendant is placed on
18 supervision, the court shall enter an order for supervision
19 specifying the period of supervision, and shall defer further
20 proceedings in the case until the conclusion of the period. The
21 period of supervision shall be reasonable under all of the
22 circumstances of the case, and except as otherwise provided,
23 may not be longer than 2 years. The court shall specify the
24 conditions of supervision as set forth in Section 5-6-3.1 (730
25 ILCS 5/5-6-3.1).

26 (Source: P.A. 95-1052, eff. 7-1-09.)

1 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic imprisonment
7 or conditional discharge shall not be imposed for the following
8 offenses. The court shall sentence the offender to not less
9 than the minimum term of imprisonment set forth in this Code
10 for the following offenses, and may order a fine or restitution
11 or both in conjunction with such term of imprisonment:

12 (A) First degree murder where the death penalty is not
13 imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the Illinois
17 Controlled Substances Act, or a violation of subdivision
18 (c)(1.5) of Section 401 of that Act which relates to more
19 than 5 grams of a substance containing fentanyl or an
20 analog thereof.

21 (D-5) A violation of subdivision (c)(1) of Section 401
22 of the Illinois Controlled Substances Act which relates to
23 3 or more grams of a substance containing heroin or an
24 analog thereof.

25 (E) (Blank).

1 (F) A Class 1 or greater felony if the offender had
2 been convicted of a Class 1 or greater felony, including
3 any state or federal conviction for an offense that
4 contained, at the time it was committed, the same elements
5 as an offense now (the date of the offense committed after
6 the prior Class 1 or greater felony) classified as a Class
7 1 or greater felony, within 10 years of the date on which
8 the offender committed the offense for which he or she is
9 being sentenced, except as otherwise provided in Section
10 40-10 of the Alcoholism and Other Drug Abuse and Dependency
11 Act.

12 (F-3) A Class 2 or greater felony sex offense or felony
13 firearm offense if the offender had been convicted of a
14 Class 2 or greater felony, including any state or federal
15 conviction for an offense that contained, at the time it
16 was committed, the same elements as an offense now (the
17 date of the offense committed after the prior Class 2 or
18 greater felony) classified as a Class 2 or greater felony,
19 within 10 years of the date on which the offender committed
20 the offense for which he or she is being sentenced, except
21 as otherwise provided in Section 40-10 of the Alcoholism
22 and Other Drug Abuse and Dependency Act.

23 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
24 the Criminal Code of 1961 or the Criminal Code of 2012 for
25 which imprisonment is prescribed in those Sections.

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Alcoholism and Other Drug Abuse and
2 Dependency Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen as described
5 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
6 of the Criminal Code of 1961 or the Criminal Code of 2012.

7 (J) A forcible felony if the offense was related to the
8 activities of an organized gang.

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of 5 or
11 more persons, with an established hierarchy, that
12 encourages members of the association to perpetrate crimes
13 or provides support to the members of the association who
14 do commit crimes.

15 Beginning July 1, 1994, for the purposes of this
16 paragraph, "organized gang" has the meaning ascribed to it
17 in Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the offense
21 of hate crime when the underlying offense upon which the
22 hate crime is based is felony aggravated assault or felony
23 mob action.

24 (M) A second or subsequent conviction for the offense
25 of institutional vandalism if the damage to the property
26 exceeds \$300.

1 (N) A Class 3 felony violation of paragraph (1) of
2 subsection (a) of Section 2 of the Firearm Owners
3 Identification Card Act.

4 (O) A violation of Section 12-6.1 or 12-6.5 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (P) A violation of paragraph (1), (2), (3), (4), (5),
7 or (7) of subsection (a) of Section 11-20.1 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 (Q) A violation of subsection (b) or (b-5) of Section
10 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

12 (R) A violation of Section 24-3A of the Criminal Code
13 of 1961 or the Criminal Code of 2012.

14 (S) (Blank).

15 (T) (Blank).

16 (U) A second or subsequent violation of Section 6-303
17 of the Illinois Vehicle Code committed while his or her
18 driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961
20 or the Criminal Code of 2012, relating to the offense of
21 reckless homicide, or a similar provision of a law of
22 another state.

23 (V) A violation of paragraph (4) of subsection (c) of
24 Section 11-20.1B or paragraph (4) of subsection (c) of
25 Section 11-20.3 of the Criminal Code of 1961, or paragraph
26 (6) of subsection (a) of Section 11-20.1 of the Criminal

1 Code of 2012 when the victim is under 13 years of age and
2 the defendant has previously been convicted under the laws
3 of this State or any other state of the offense of child
4 pornography, aggravated child pornography, aggravated
5 criminal sexual abuse, aggravated criminal sexual assault,
6 predatory criminal sexual assault of a child, or any of the
7 offenses formerly known as rape, deviate sexual assault,
8 indecent liberties with a child, or aggravated indecent
9 liberties with a child where the victim was under the age
10 of 18 years or an offense that is substantially equivalent
11 to those offenses.

12 (W) A violation of Section 24-3.5 of the Criminal Code
13 of 1961 or the Criminal Code of 2012.

14 (X) A violation of subsection (a) of Section 31-1a of
15 the Criminal Code of 1961 or the Criminal Code of 2012.

16 (Y) A conviction for unlawful possession of a firearm
17 by a street gang member when the firearm was loaded or
18 contained firearm ammunition.

19 (Z) A Class 1 felony committed while he or she was
20 serving a term of probation or conditional discharge for a
21 felony.

22 (AA) Theft of property exceeding \$500,000 and not
23 exceeding \$1,000,000 in value.

24 (BB) Laundering of criminally derived property of a
25 value exceeding \$500,000.

26 (CC) Knowingly selling, offering for sale, holding for

1 sale, or using 2,000 or more counterfeit items or
2 counterfeit items having a retail value in the aggregate of
3 \$500,000 or more.

4 (DD) A conviction for aggravated assault under
5 paragraph (6) of subsection (c) of Section 12-2 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 if the
7 firearm is aimed toward the person against whom the firearm
8 is being used.

9 (EE) A conviction for a violation of paragraph (2) of
10 subsection (a) of Section 24-3B of the Criminal Code of
11 2012.

12 (3) (Blank).

13 (4) A minimum term of imprisonment of not less than 10
14 consecutive days or 30 days of community service shall be
15 imposed for a violation of paragraph (c) of Section 6-303 of
16 the Illinois Vehicle Code.

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
19 this subsection (c), a minimum of 100 hours of community
20 service shall be imposed for a second violation of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300
23 hours of community service, as determined by the court, shall
24 be imposed for a second violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6), and

1 (4.9) of this subsection (c), a minimum term of imprisonment of
2 30 days or 300 hours of community service, as determined by the
3 court, shall be imposed for a third or subsequent violation of
4 Section 6-303 of the Illinois Vehicle Code. The court may give
5 credit toward the fulfillment of community service hours for
6 participation in activities and treatment as determined by
7 court services.

8 (4.5) A minimum term of imprisonment of 30 days shall be
9 imposed for a third violation of subsection (c) of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.6) Except as provided in paragraph (4.10) of this
12 subsection (c), a minimum term of imprisonment of 180 days
13 shall be imposed for a fourth or subsequent violation of
14 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

15 (4.7) A minimum term of imprisonment of not less than 30
16 consecutive days, or 300 hours of community service, shall be
17 imposed for a violation of subsection (a-5) of Section 6-303 of
18 the Illinois Vehicle Code, as provided in subsection (b-5) of
19 that Section.

20 (4.8) A mandatory prison sentence shall be imposed for a
21 second violation of subsection (a-5) of Section 6-303 of the
22 Illinois Vehicle Code, as provided in subsection (c-5) of that
23 Section. The person's driving privileges shall be revoked for a
24 period of not less than 5 years from the date of his or her
25 release from prison.

26 (4.9) A mandatory prison sentence of not less than 4 and

1 not more than 15 years shall be imposed for a third violation
2 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
3 Code, as provided in subsection (d-2.5) of that Section. The
4 person's driving privileges shall be revoked for the remainder
5 of his or her life.

6 (4.10) A mandatory prison sentence for a Class 1 felony
7 shall be imposed, and the person shall be eligible for an
8 extended term sentence, for a fourth or subsequent violation of
9 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
10 as provided in subsection (d-3.5) of that Section. The person's
11 driving privileges shall be revoked for the remainder of his or
12 her life.

13 (5) The court may sentence a corporation or unincorporated
14 association convicted of any offense to:

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section 5-5-6
18 of this Code.

19 (5.1) In addition to any other penalties imposed, and
20 except as provided in paragraph (5.2) or (5.3), a person
21 convicted of violating subsection (c) of Section 11-907 of the
22 Illinois Vehicle Code shall have his or her driver's license,
23 permit, or privileges suspended for at least 90 days but not
24 more than one year, if the violation resulted in damage to the
25 property of another person.

26 (5.2) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.3), a person convicted of
2 violating subsection (c) of Section 11-907 of the Illinois
3 Vehicle Code shall have his or her driver's license, permit, or
4 privileges suspended for at least 180 days but not more than 2
5 years, if the violation resulted in injury to another person.

6 (5.3) In addition to any other penalties imposed, a person
7 convicted of violating subsection (c) of Section 11-907 of the
8 Illinois Vehicle Code shall have his or her driver's license,
9 permit, or privileges suspended for 2 years, if the violation
10 resulted in the death of another person.

11 (5.4) In addition to any other penalties imposed, a person
12 convicted of violating Section 3-707 of the Illinois Vehicle
13 Code shall have his or her driver's license, permit, or
14 privileges suspended for 3 months and until he or she has paid
15 a reinstatement fee of \$100.

16 (5.5) In addition to any other penalties imposed, a person
17 convicted of violating Section 3-707 of the Illinois Vehicle
18 Code during a period in which his or her driver's license,
19 permit, or privileges were suspended for a previous violation
20 of that Section shall have his or her driver's license, permit,
21 or privileges suspended for an additional 6 months after the
22 expiration of the original 3-month suspension and until he or
23 she has paid a reinstatement fee of \$100.

24 (6) (Blank).

25 (7) (Blank).

26 (8) (Blank).

1 (9) A defendant convicted of a second or subsequent offense
2 of ritualized abuse of a child may be sentenced to a term of
3 natural life imprisonment.

4 (10) (Blank).

5 (11) The court shall impose a minimum fine of \$1,000 for a
6 first offense and \$2,000 for a second or subsequent offense
7 upon a person convicted of or placed on supervision for battery
8 when the individual harmed was a sports official or coach at
9 any level of competition and the act causing harm to the sports
10 official or coach occurred within an athletic facility or
11 within the immediate vicinity of the athletic facility at which
12 the sports official or coach was an active participant of the
13 athletic contest held at the athletic facility. For the
14 purposes of this paragraph (11), "sports official" means a
15 person at an athletic contest who enforces the rules of the
16 contest, such as an umpire or referee; "athletic facility"
17 means an indoor or outdoor playing field or recreational area
18 where sports activities are conducted; and "coach" means a
19 person recognized as a coach by the sanctioning authority that
20 conducted the sporting event.

21 (12) A person may not receive a disposition of court
22 supervision for a violation of Section 5-16 of the Boat
23 Registration and Safety Act if that person has previously
24 received a disposition of court supervision for a violation of
25 that Section.

26 (13) A person convicted of or placed on court supervision

1 for an assault or aggravated assault when the victim and the
2 offender are family or household members as defined in Section
3 103 of the Illinois Domestic Violence Act of 1986 or convicted
4 of domestic battery or aggravated domestic battery may be
5 required to attend a Partner Abuse Intervention Program under
6 protocols set forth by the Illinois Department of Human
7 Services under such terms and conditions imposed by the court.
8 The costs of such classes shall be paid by the offender.

9 (d) In any case in which a sentence originally imposed is
10 vacated, the case shall be remanded to the trial court. The
11 trial court shall hold a hearing under Section 5-4-1 of the
12 Unified Code of Corrections which may include evidence of the
13 defendant's life, moral character and occupation during the
14 time since the original sentence was passed. The trial court
15 shall then impose sentence upon the defendant. The trial court
16 may impose any sentence which could have been imposed at the
17 original trial subject to Section 5-5-4 of the Unified Code of
18 Corrections. If a sentence is vacated on appeal or on
19 collateral attack due to the failure of the trier of fact at
20 trial to determine beyond a reasonable doubt the existence of a
21 fact (other than a prior conviction) necessary to increase the
22 punishment for the offense beyond the statutory maximum
23 otherwise applicable, either the defendant may be re-sentenced
24 to a term within the range otherwise provided or, if the State
25 files notice of its intention to again seek the extended
26 sentence, the defendant shall be afforded a new trial.

1 (e) In cases where prosecution for aggravated criminal
2 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
3 Code of 1961 or the Criminal Code of 2012 results in conviction
4 of a defendant who was a family member of the victim at the
5 time of the commission of the offense, the court shall consider
6 the safety and welfare of the victim and may impose a sentence
7 of probation only where:

8 (1) the court finds (A) or (B) or both are appropriate:

9 (A) the defendant is willing to undergo a court
10 approved counseling program for a minimum duration of 2
11 years; or

12 (B) the defendant is willing to participate in a
13 court approved plan including but not limited to the
14 defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the
18 family;

19 (iv) restitution for harm done to the victim;

20 and

21 (v) compliance with any other measures that
22 the court may deem appropriate; and

23 (2) the court orders the defendant to pay for the
24 victim's counseling services, to the extent that the court
25 finds, after considering the defendant's income and
26 assets, that the defendant is financially capable of paying

1 for such services, if the victim was under 18 years of age
2 at the time the offense was committed and requires
3 counseling as a result of the offense.

4 Probation may be revoked or modified pursuant to Section
5 5-6-4; except where the court determines at the hearing that
6 the defendant violated a condition of his or her probation
7 restricting contact with the victim or other family members or
8 commits another offense with the victim or other family
9 members, the court shall revoke the defendant's probation and
10 impose a term of imprisonment.

11 For the purposes of this Section, "family member" and
12 "victim" shall have the meanings ascribed to them in Section
13 11-0.1 of the Criminal Code of 2012.

14 (f) (Blank).

15 (g) Whenever a defendant is convicted of an offense under
16 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
17 11-14.3, 11-14.4 except for an offense that involves keeping a
18 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
19 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
20 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, the defendant shall undergo medical
22 testing to determine whether the defendant has any sexually
23 transmissible disease, including a test for infection with
24 human immunodeficiency virus (HIV) or any other identified
25 causative agent of acquired immunodeficiency syndrome (AIDS).
26 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested by
13 the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the test
16 results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. A
21 State's Attorney may petition the court to obtain the results
22 of any HIV test administered under this Section, and the court
23 shall grant the disclosure if the State's Attorney shows it is
24 relevant in order to prosecute a charge of criminal
25 transmission of HIV under Section 12-5.01 or 12-16.2 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 against the

1 defendant. The court shall order that the cost of any such test
2 shall be paid by the county and may be taxed as costs against
3 the convicted defendant.

4 (g-5) When an inmate is tested for an airborne communicable
5 disease, as determined by the Illinois Department of Public
6 Health including but not limited to tuberculosis, the results
7 of the test shall be personally delivered by the warden or his
8 or her designee in a sealed envelope to the judge of the court
9 in which the inmate must appear for the judge's inspection in
10 camera if requested by the judge. Acting in accordance with the
11 best interests of those in the courtroom, the judge shall have
12 the discretion to determine what if any precautions need to be
13 taken to prevent transmission of the disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

1 testing may be revealed. The court shall notify the defendant
2 of a positive test showing an infection with the human
3 immunodeficiency virus (HIV). The court shall provide
4 information on the availability of HIV testing and counseling
5 at Department of Public Health facilities to all parties to
6 whom the results of the testing are revealed and shall direct
7 the State's Attorney to provide the information to the victim
8 when possible. A State's Attorney may petition the court to
9 obtain the results of any HIV test administered under this
10 Section, and the court shall grant the disclosure if the
11 State's Attorney shows it is relevant in order to prosecute a
12 charge of criminal transmission of HIV under Section 12-5.01 or
13 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
14 2012 against the defendant. The court shall order that the cost
15 of any such test shall be paid by the county and may be taxed as
16 costs against the convicted defendant.

17 (i) All fines and penalties imposed under this Section for
18 any violation of Chapters 3, 4, 6, and 11 of the Illinois
19 Vehicle Code, or a similar provision of a local ordinance, and
20 any violation of the Child Passenger Protection Act, or a
21 similar provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under the Criminal
23 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
24 ~~Act.~~

25 (j) In cases when prosecution for any violation of Section
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,

1 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
3 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
4 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, any violation of the Illinois Controlled
6 Substances Act, any violation of the Cannabis Control Act, or
7 any violation of the Methamphetamine Control and Community
8 Protection Act results in conviction, a disposition of court
9 supervision, or an order of probation granted under Section 10
10 of the Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, or Section 70 of the Methamphetamine
12 Control and Community Protection Act of a defendant, the court
13 shall determine whether the defendant is employed by a facility
14 or center as defined under the Child Care Act of 1969, a public
15 or private elementary or secondary school, or otherwise works
16 with children under 18 years of age on a daily basis. When a
17 defendant is so employed, the court shall order the Clerk of
18 the Court to send a copy of the judgment of conviction or order
19 of supervision or probation to the defendant's employer by
20 certified mail. If the employer of the defendant is a school,
21 the Clerk of the Court shall direct the mailing of a copy of
22 the judgment of conviction or order of supervision or probation
23 to the appropriate regional superintendent of schools. The
24 regional superintendent of schools shall notify the State Board
25 of Education of any notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted

1 of a felony and who has not been previously convicted of a
2 misdemeanor or felony and who is sentenced to a term of
3 imprisonment in the Illinois Department of Corrections shall as
4 a condition of his or her sentence be required by the court to
5 attend educational courses designed to prepare the defendant
6 for a high school diploma and to work toward a high school
7 diploma or to work toward passing high school equivalency
8 testing or to work toward completing a vocational training
9 program offered by the Department of Corrections. If a
10 defendant fails to complete the educational training required
11 by his or her sentence during the term of incarceration, the
12 Prisoner Review Board shall, as a condition of mandatory
13 supervised release, require the defendant, at his or her own
14 expense, to pursue a course of study toward a high school
15 diploma or passage of high school equivalency testing. The
16 Prisoner Review Board shall revoke the mandatory supervised
17 release of a defendant who wilfully fails to comply with this
18 subsection (j-5) upon his or her release from confinement in a
19 penal institution while serving a mandatory supervised release
20 term; however, the inability of the defendant after making a
21 good faith effort to obtain financial aid or pay for the
22 educational training shall not be deemed a wilful failure to
23 comply. The Prisoner Review Board shall recommit the defendant
24 whose mandatory supervised release term has been revoked under
25 this subsection (j-5) as provided in Section 3-3-9. This
26 subsection (j-5) does not apply to a defendant who has a high

1 school diploma or has successfully passed high school
2 equivalency testing. This subsection (j-5) does not apply to a
3 defendant who is determined by the court to be a person with a
4 developmental disability or otherwise mentally incapable of
5 completing the educational or vocational program.

6 (k) (Blank).

7 (l) (A) Except as provided in paragraph (C) of subsection
8 (l), whenever a defendant, who is an alien as defined by the
9 Immigration and Nationality Act, is convicted of any felony or
10 misdemeanor offense, the court after sentencing the defendant
11 may, upon motion of the State's Attorney, hold sentence in
12 abeyance and remand the defendant to the custody of the
13 Attorney General of the United States or his or her designated
14 agent to be deported when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under the
17 Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct and
20 would not be inconsistent with the ends of justice.

21 Otherwise, the defendant shall be sentenced as provided in
22 this Chapter V.

23 (B) If the defendant has already been sentenced for a
24 felony or misdemeanor offense, or has been placed on probation
25 under Section 10 of the Cannabis Control Act, Section 410 of
26 the Illinois Controlled Substances Act, or Section 70 of the

1 Methamphetamine Control and Community Protection Act, the
2 court may, upon motion of the State's Attorney to suspend the
3 sentence imposed, commit the defendant to the custody of the
4 Attorney General of the United States or his or her designated
5 agent when:

6 (1) a final order of deportation has been issued
7 against the defendant pursuant to proceedings under the
8 Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not
10 deprecate the seriousness of the defendant's conduct and
11 would not be inconsistent with the ends of justice.

12 (C) This subsection (1) does not apply to offenders who are
13 subject to the provisions of paragraph (2) of subsection (a) of
14 Section 3-6-3.

15 (D) Upon motion of the State's Attorney, if a defendant
16 sentenced under this Section returns to the jurisdiction of the
17 United States, the defendant shall be recommitted to the
18 custody of the county from which he or she was sentenced.
19 Thereafter, the defendant shall be brought before the
20 sentencing court, which may impose any sentence that was
21 available under Section 5-5-3 at the time of initial
22 sentencing. In addition, the defendant shall not be eligible
23 for additional earned sentence credit as provided under Section
24 3-6-3.

25 (m) A person convicted of criminal defacement of property
26 under Section 21-1.3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, in which the property damage exceeds
2 \$300 and the property damaged is a school building, shall be
3 ordered to perform community service that may include cleanup,
4 removal, or painting over the defacement.

5 (n) The court may sentence a person convicted of a
6 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
7 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
8 of 1961 or the Criminal Code of 2012 (i) to an impact
9 incarceration program if the person is otherwise eligible for
10 that program under Section 5-8-1.1, (ii) to community service,
11 or (iii) if the person is an addict or alcoholic, as defined in
12 the Alcoholism and Other Drug Abuse and Dependency Act, to a
13 substance or alcohol abuse program licensed under that Act.

14 (o) Whenever a person is convicted of a sex offense as
15 defined in Section 2 of the Sex Offender Registration Act, the
16 defendant's driver's license or permit shall be subject to
17 renewal on an annual basis in accordance with the provisions of
18 license renewal established by the Secretary of State.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
20 99-938, eff. 1-1-18; 100-575, eff. 1-8-18.)

21 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

22 Sec. 5-5-6. In all convictions for offenses in violation of
23 the Criminal Code of 1961 or the Criminal Code of 2012 or of
24 Section 11-501 of the Illinois Vehicle Code in which the person
25 received any injury to his or her person or damage to his or

1 her real or personal property as a result of the criminal act
2 of the defendant, the court shall order restitution as provided
3 in this Section. In all other cases, except cases in which
4 restitution is required under this Section, the court must at
5 the sentence hearing determine whether restitution is an
6 appropriate sentence to be imposed on each defendant convicted
7 of an offense. If the court determines that an order directing
8 the offender to make restitution is appropriate, the offender
9 may be sentenced to make restitution. The court may consider
10 restitution an appropriate sentence to be imposed on each
11 defendant convicted of an offense in addition to a sentence of
12 imprisonment. The sentence of the defendant to a term of
13 imprisonment is not a mitigating factor that prevents the court
14 from ordering the defendant to pay restitution. If the offender
15 is sentenced to make restitution the Court shall determine the
16 restitution as hereinafter set forth:

17 (a) At the sentence hearing, the court shall determine
18 whether the property may be restored in kind to the
19 possession of the owner or the person entitled to
20 possession thereof; or whether the defendant is possessed
21 of sufficient skill to repair and restore property damaged;
22 or whether the defendant should be required to make
23 restitution in cash, for out-of-pocket expenses, damages,
24 losses, or injuries found to have been proximately caused
25 by the conduct of the defendant or another for whom the
26 defendant is legally accountable under the provisions of

1 Article 5 of the Criminal Code of 1961 or the Criminal Code
2 of 2012.

3 (b) In fixing the amount of restitution to be paid in
4 cash, the court shall allow credit for property returned in
5 kind, for property damages ordered to be repaired by the
6 defendant, and for property ordered to be restored by the
7 defendant; and after granting the credit, the court shall
8 assess the actual out-of-pocket expenses, losses, damages,
9 and injuries suffered by the victim named in the charge and
10 any other victims who may also have suffered out-of-pocket
11 expenses, losses, damages, and injuries proximately caused
12 by the same criminal conduct of the defendant, and
13 insurance carriers who have indemnified the named victim or
14 other victims for the out-of-pocket expenses, losses,
15 damages, or injuries, provided that in no event shall
16 restitution be ordered to be paid on account of pain and
17 suffering. When a victim's out-of-pocket expenses have
18 been paid pursuant to the Crime Victims Compensation Act,
19 the court shall order restitution be paid to the
20 compensation program. If a defendant is placed on
21 supervision for, or convicted of, domestic battery, the
22 defendant shall be required to pay restitution to any
23 domestic violence shelter in which the victim and any other
24 family or household members lived because of the domestic
25 battery. The amount of the restitution shall equal the
26 actual expenses of the domestic violence shelter in

1 providing housing and any other services for the victim and
2 any other family or household members living at the
3 shelter. If a defendant fails to pay restitution in the
4 manner or within the time period specified by the court,
5 the court may enter an order directing the sheriff to seize
6 any real or personal property of a defendant to the extent
7 necessary to satisfy the order of restitution and dispose
8 of the property by public sale. All proceeds from such sale
9 in excess of the amount of restitution plus court costs and
10 the costs of the sheriff in conducting the sale shall be
11 paid to the defendant. The defendant convicted of domestic
12 battery, if a person under 18 years of age was present and
13 witnessed the domestic battery of the victim, is liable to
14 pay restitution for the cost of any counseling required for
15 the child at the discretion of the court.

16 (c) In cases where more than one defendant is
17 accountable for the same criminal conduct that results in
18 out-of-pocket expenses, losses, damages, or injuries, each
19 defendant shall be ordered to pay restitution in the amount
20 of the total actual out-of-pocket expenses, losses,
21 damages, or injuries to the victim proximately caused by
22 the conduct of all of the defendants who are legally
23 accountable for the offense.

24 (1) In no event shall the victim be entitled to
25 recover restitution in excess of the actual
26 out-of-pocket expenses, losses, damages, or injuries,

1 proximately caused by the conduct of all of the
2 defendants.

3 (2) As between the defendants, the court may
4 apportion the restitution that is payable in
5 proportion to each co-defendant's culpability in the
6 commission of the offense.

7 (3) In the absence of a specific order apportioning
8 the restitution, each defendant shall bear his pro rata
9 share of the restitution.

10 (4) As between the defendants, each defendant
11 shall be entitled to a pro rata reduction in the total
12 restitution required to be paid to the victim for
13 amounts of restitution actually paid by co-defendants,
14 and defendants who shall have paid more than their pro
15 rata share shall be entitled to refunds to be computed
16 by the court as additional amounts are paid by
17 co-defendants.

18 (d) In instances where a defendant has more than one
19 criminal charge pending against him in a single case, or
20 more than one case, and the defendant stands convicted of
21 one or more charges, a plea agreement negotiated by the
22 State's Attorney and the defendants may require the
23 defendant to make restitution to victims of charges that
24 have been dismissed or which it is contemplated will be
25 dismissed under the terms of the plea agreement, and under
26 the agreement, the court may impose a sentence of

1 restitution on the charge or charges of which the defendant
2 has been convicted that would require the defendant to make
3 restitution to victims of other offenses as provided in the
4 plea agreement.

5 (e) The court may require the defendant to apply the
6 balance of the cash bond, after payment of court costs, and
7 any fine that may be imposed to the payment of restitution.

8 (f) Taking into consideration the ability of the
9 defendant to pay, including any real or personal property
10 or any other assets of the defendant, the court shall
11 determine whether restitution shall be paid in a single
12 payment or in installments, and shall fix a period of time
13 not in excess of 5 years, except for violations of Sections
14 16-1.3 and 17-56 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, or the period of time specified in
16 subsection (f-1), not including periods of incarceration,
17 within which payment of restitution is to be paid in full.
18 Complete restitution shall be paid in as short a time
19 period as possible. However, if the court deems it
20 necessary and in the best interest of the victim, the court
21 may extend beyond 5 years the period of time within which
22 the payment of restitution is to be paid. If the defendant
23 is ordered to pay restitution and the court orders that
24 restitution is to be paid over a period greater than 6
25 months, the court shall order that the defendant make
26 monthly payments; the court may waive this requirement of

1 monthly payments only if there is a specific finding of
2 good cause for waiver.

3 (f-1) (1) In addition to any other penalty prescribed by
4 law and any restitution ordered under this Section that did
5 not include long-term physical health care costs, the court
6 may, upon conviction of any misdemeanor or felony, order a
7 defendant to pay restitution to a victim in accordance with
8 the provisions of this subsection (f-1) if the victim has
9 suffered physical injury as a result of the offense that is
10 reasonably probable to require or has required long-term
11 physical health care for more than 3 months. As used in
12 this subsection (f-1) "long-term physical health care"
13 includes mental health care.

14 (2) The victim's estimate of long-term physical health
15 care costs may be made as part of a victim impact statement
16 under Section 6 of the Rights of Crime Victims and
17 Witnesses Act or made separately. The court shall enter the
18 long-term physical health care restitution order at the
19 time of sentencing. An order of restitution made under this
20 subsection (f-1) shall fix a monthly amount to be paid by
21 the defendant for as long as long-term physical health care
22 of the victim is required as a result of the offense. The
23 order may exceed the length of any sentence imposed upon
24 the defendant for the criminal activity. The court shall
25 include as a special finding in the judgment of conviction
26 its determination of the monthly cost of long-term physical

1 health care.

2 (3) After a sentencing order has been entered, the
3 court may from time to time, on the petition of either the
4 defendant or the victim, or upon its own motion, enter an
5 order for restitution for long-term physical care or modify
6 the existing order for restitution for long-term physical
7 care as to the amount of monthly payments. Any modification
8 of the order shall be based only upon a substantial change
9 of circumstances relating to the cost of long-term physical
10 health care or the financial condition of either the
11 defendant or the victim. The petition shall be filed as
12 part of the original criminal docket.

13 (g) In addition to the sentences provided for in
14 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
15 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,
16 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
17 Section 11-14.4, of the Criminal Code of 1961 or the
18 Criminal Code of 2012, the court may order any person who
19 is convicted of violating any of those Sections or who was
20 charged with any of those offenses and which charge was
21 reduced to another charge as a result of a plea agreement
22 under subsection (d) of this Section to meet all or any
23 portion of the financial obligations of treatment,
24 including but not limited to medical, psychiatric, or
25 rehabilitative treatment or psychological counseling,
26 prescribed for the victim or victims of the offense.

1 The payments shall be made by the defendant to the
2 clerk of the circuit court and transmitted by the clerk to
3 the appropriate person or agency as directed by the court.
4 Except as otherwise provided in subsection (f-1), the order
5 may require such payments to be made for a period not to
6 exceed 5 years after sentencing, not including periods of
7 incarceration.

8 (h) The judge may enter an order of withholding to
9 collect the amount of restitution owed in accordance with
10 Part 8 of Article XII of the Code of Civil Procedure.

11 (i) A sentence of restitution may be modified or
12 revoked by the court if the offender commits another
13 offense, or the offender fails to make restitution as
14 ordered by the court, but no sentence to make restitution
15 shall be revoked unless the court shall find that the
16 offender has had the financial ability to make restitution,
17 and he has wilfully refused to do so. When the offender's
18 ability to pay restitution was established at the time an
19 order of restitution was entered or modified, or when the
20 offender's ability to pay was based on the offender's
21 willingness to make restitution as part of a plea agreement
22 made at the time the order of restitution was entered or
23 modified, there is a rebuttable presumption that the facts
24 and circumstances considered by the court at the hearing at
25 which the order of restitution was entered or modified
26 regarding the offender's ability or willingness to pay

1 restitution have not materially changed. If the court shall
2 find that the defendant has failed to make restitution and
3 that the failure is not wilful, the court may impose an
4 additional period of time within which to make restitution.
5 The length of the additional period shall not be more than
6 2 years. The court shall retain all of the incidents of the
7 original sentence, including the authority to modify or
8 enlarge the conditions, and to revoke or further modify the
9 sentence if the conditions of payment are violated during
10 the additional period.

11 (j) The procedure upon the filing of a Petition to
12 Revoke a sentence to make restitution shall be the same as
13 the procedures set forth in Section 5-6-4 of this Code
14 governing violation, modification, or revocation of
15 Probation, of Conditional Discharge, or of Supervision.

16 (k) Nothing contained in this Section shall preclude
17 the right of any party to proceed in a civil action to
18 recover for any damages incurred due to the criminal
19 misconduct of the defendant.

20 (l) Restitution ordered under this Section shall not be
21 subject to disbursement by the circuit clerk under the
22 Criminal and Traffic Assessment Act ~~Section 27.5 of the~~
23 ~~Clerks of Courts Act.~~

24 (m) A restitution order under this Section is a
25 judgment lien in favor of the victim that:

26 (1) Attaches to the property of the person subject

1 to the order;

2 (2) May be perfected in the same manner as provided
3 in Part 3 of Article 9 of the Uniform Commercial Code;

4 (3) May be enforced to satisfy any payment that is
5 delinquent under the restitution order by the person in
6 whose favor the order is issued or the person's
7 assignee; and

8 (4) Expires in the same manner as a judgment lien
9 created in a civil proceeding.

10 When a restitution order is issued under this Section,
11 the issuing court shall send a certified copy of the order
12 to the clerk of the circuit court in the county where the
13 charge was filed. Upon receiving the order, the clerk shall
14 enter and index the order in the circuit court judgment
15 docket.

16 (n) An order of restitution under this Section does not
17 bar a civil action for:

18 (1) Damages that the court did not require the
19 person to pay to the victim under the restitution order
20 but arise from an injury or property damages that is
21 the basis of restitution ordered by the court; and

22 (2) Other damages suffered by the victim.

23 The restitution order is not discharged by the completion
24 of the sentence imposed for the offense.

25 A restitution order under this Section is not discharged by
26 the liquidation of a person's estate by a receiver. A

1 restitution order under this Section may be enforced in the
2 same manner as judgment liens are enforced under Article XII of
3 the Code of Civil Procedure.

4 The provisions of Section 2-1303 of the Code of Civil
5 Procedure, providing for interest on judgments, apply to
6 judgments for restitution entered under this Section.

7 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;
8 97-482, eff. 1-1-12; 97-817, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)

10 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

11 Sec. 5-6-1. Sentences of Probation and of Conditional
12 Discharge and Disposition of Supervision. The General Assembly
13 finds that in order to protect the public, the criminal justice
14 system must compel compliance with the conditions of probation
15 by responding to violations with swift, certain and fair
16 punishments and intermediate sanctions. The Chief Judge of each
17 circuit shall adopt a system of structured, intermediate
18 sanctions for violations of the terms and conditions of a
19 sentence of probation, conditional discharge or disposition of
20 supervision.

21 (a) Except where specifically prohibited by other
22 provisions of this Code, the court shall impose a sentence of
23 probation or conditional discharge upon an offender unless,
24 having regard to the nature and circumstance of the offense,
25 and to the history, character and condition of the offender,

1 the court is of the opinion that:

2 (1) his imprisonment or periodic imprisonment is
3 necessary for the protection of the public; or

4 (2) probation or conditional discharge would deprecate
5 the seriousness of the offender's conduct and would be
6 inconsistent with the ends of justice; or

7 (3) a combination of imprisonment with concurrent or
8 consecutive probation when an offender has been admitted
9 into a drug court program under Section 20 of the Drug
10 Court Treatment Act is necessary for the protection of the
11 public and for the rehabilitation of the offender.

12 The court shall impose as a condition of a sentence of
13 probation, conditional discharge, or supervision, that the
14 probation agency may invoke any sanction from the list of
15 intermediate sanctions adopted by the chief judge of the
16 circuit court for violations of the terms and conditions of the
17 sentence of probation, conditional discharge, or supervision,
18 subject to the provisions of Section 5-6-4 of this Act.

19 (b) The court may impose a sentence of conditional
20 discharge for an offense if the court is of the opinion that
21 neither a sentence of imprisonment nor of periodic imprisonment
22 nor of probation supervision is appropriate.

23 (b-1) Subsections (a) and (b) of this Section do not apply
24 to a defendant charged with a misdemeanor or felony under the
25 Illinois Vehicle Code or reckless homicide under Section 9-3 of
26 the Criminal Code of 1961 or the Criminal Code of 2012 if the

1 defendant within the past 12 months has been convicted of or
2 pleaded guilty to a misdemeanor or felony under the Illinois
3 Vehicle Code or reckless homicide under Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (c) The court may, upon a plea of guilty or a stipulation
6 by the defendant of the facts supporting the charge or a
7 finding of guilt, defer further proceedings and the imposition
8 of a sentence, and enter an order for supervision of the
9 defendant, if the defendant is not charged with: (i) a Class A
10 misdemeanor, as defined by the following provisions of the
11 Criminal Code of 1961 or the Criminal Code of 2012: Sections
12 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
13 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
14 paragraph (1) through (5), (8), (10), and (11) of subsection
15 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
16 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
17 Act; or (iii) a felony. If the defendant is not barred from
18 receiving an order for supervision as provided in this
19 subsection, the court may enter an order for supervision after
20 considering the circumstances of the offense, and the history,
21 character and condition of the offender, if the court is of the
22 opinion that:

23 (1) the offender is not likely to commit further
24 crimes;

25 (2) the defendant and the public would be best served
26 if the defendant were not to receive a criminal record; and

1 (3) in the best interests of justice an order of
2 supervision is more appropriate than a sentence otherwise
3 permitted under this Code.

4 (c-5) Subsections (a), (b), and (c) of this Section do not
5 apply to a defendant charged with a second or subsequent
6 violation of Section 6-303 of the Illinois Vehicle Code
7 committed while his or her driver's license, permit or
8 privileges were revoked because of a violation of Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 relating to the offense of reckless homicide, or a similar
11 provision of a law of another state.

12 (d) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 11-501 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance when
15 the defendant has previously been:

16 (1) convicted for a violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance or any similar law or ordinance of another state;
19 or

20 (2) assigned supervision for a violation of Section
21 11-501 of the Illinois Vehicle Code or a similar provision
22 of a local ordinance or any similar law or ordinance of
23 another state; or

24 (3) pleaded guilty to or stipulated to the facts
25 supporting a charge or a finding of guilty to a violation
26 of Section 11-503 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance or any similar law or
2 ordinance of another state, and the plea or stipulation was
3 the result of a plea agreement.

4 The court shall consider the statement of the prosecuting
5 authority with regard to the standards set forth in this
6 Section.

7 (e) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 16-25 or 16A-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if said
10 defendant has within the last 5 years been:

11 (1) convicted for a violation of Section 16-25 or 16A-3
12 of the Criminal Code of 1961 or the Criminal Code of 2012;
13 or

14 (2) assigned supervision for a violation of Section
15 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012.

17 The court shall consider the statement of the prosecuting
18 authority with regard to the standards set forth in this
19 Section.

20 (f) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating Sections 15-111, 15-112,
22 15-301, paragraph (b) of Section 6-104, Section 11-605,
23 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
24 Section 11-1414 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance.

26 (g) Except as otherwise provided in paragraph (i) of this

1 Section, the provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 3-707, 3-708, 3-710,
3 or 5-401.3 of the Illinois Vehicle Code or a similar provision
4 of a local ordinance if the defendant has within the last 5
5 years been:

6 (1) convicted for a violation of Section 3-707, 3-708,
7 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance; or

9 (2) assigned supervision for a violation of Section
10 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
11 Code or a similar provision of a local ordinance.

12 The court shall consider the statement of the prosecuting
13 authority with regard to the standards set forth in this
14 Section.

15 (h) The provisions of paragraph (c) shall not apply to a
16 defendant under the age of 21 years charged with violating a
17 serious traffic offense as defined in Section 1-187.001 of the
18 Illinois Vehicle Code:

19 (1) unless the defendant, upon payment of the fines,
20 penalties, and costs provided by law, agrees to attend and
21 successfully complete a traffic safety program approved by
22 the court under standards set by the Conference of Chief
23 Circuit Judges. The accused shall be responsible for
24 payment of any traffic safety program fees. If the accused
25 fails to file a certificate of successful completion on or
26 before the termination date of the supervision order, the

1 supervision shall be summarily revoked and conviction
2 entered. The provisions of Supreme Court Rule 402 relating
3 to pleas of guilty do not apply in cases when a defendant
4 enters a guilty plea under this provision; or

5 (2) if the defendant has previously been sentenced
6 under the provisions of paragraph (c) on or after January
7 1, 1998 for any serious traffic offense as defined in
8 Section 1-187.001 of the Illinois Vehicle Code.

9 (h-1) The provisions of paragraph (c) shall not apply to a
10 defendant under the age of 21 years charged with an offense
11 against traffic regulations governing the movement of vehicles
12 or any violation of Section 6-107 or Section 12-603.1 of the
13 Illinois Vehicle Code, unless the defendant, upon payment of
14 the fines, penalties, and costs provided by law, agrees to
15 attend and successfully complete a traffic safety program
16 approved by the court under standards set by the Conference of
17 Chief Circuit Judges. The accused shall be responsible for
18 payment of any traffic safety program fees. If the accused
19 fails to file a certificate of successful completion on or
20 before the termination date of the supervision order, the
21 supervision shall be summarily revoked and conviction entered.
22 The provisions of Supreme Court Rule 402 relating to pleas of
23 guilty do not apply in cases when a defendant enters a guilty
24 plea under this provision.

25 (i) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Section 3-707 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance if the
2 defendant has been assigned supervision for a violation of
3 Section 3-707 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance.

5 (j) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 6-303 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance when
8 the revocation or suspension was for a violation of Section
9 11-501 or a similar provision of a local ordinance or a
10 violation of Section 11-501.1 or paragraph (b) of Section
11 11-401 of the Illinois Vehicle Code if the defendant has within
12 the last 10 years been:

13 (1) convicted for a violation of Section 6-303 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance; or

16 (2) assigned supervision for a violation of Section
17 6-303 of the Illinois Vehicle Code or a similar provision
18 of a local ordinance.

19 (k) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating any provision of the Illinois
21 Vehicle Code or a similar provision of a local ordinance that
22 governs the movement of vehicles if, within the 12 months
23 preceding the date of the defendant's arrest, the defendant has
24 been assigned court supervision on 2 occasions for a violation
25 that governs the movement of vehicles under the Illinois
26 Vehicle Code or a similar provision of a local ordinance. The

1 provisions of this paragraph (k) do not apply to a defendant
2 charged with violating Section 11-501 of the Illinois Vehicle
3 Code or a similar provision of a local ordinance.

4 (l) (Blank). ~~A defendant charged with violating any~~
5 ~~provision of the Illinois Vehicle Code or a similar provision~~
6 ~~of a local ordinance who receives a disposition of supervision~~
7 ~~under subsection (c) shall pay an additional fee of \$29, to be~~
8 ~~collected as provided in Sections 27.5 and 27.6 of the Clerks~~
9 ~~of Courts Act. In addition to the \$29 fee, the person shall~~
10 ~~also pay a fee of \$6, which, if not waived by the court, shall~~
11 ~~be collected as provided in Sections 27.5 and 27.6 of the~~
12 ~~Clerks of Courts Act. The \$29 fee shall be disbursed as~~
13 ~~provided in Section 16-104e of the Illinois Vehicle Code. If~~
14 ~~the \$6 fee is collected, \$5.50 of the fee shall be deposited~~
15 ~~into the Circuit Court Clerk Operation and Administrative Fund~~
16 ~~created by the Clerk of the Circuit Court and 50 cents of the~~
17 ~~fee shall be deposited into the Prisoner Review Board Vehicle~~
18 ~~and Equipment Fund in the State treasury.~~

19 (m) (Blank). ~~Any person convicted of, pleading guilty to,~~
20 ~~or placed on supervision for a serious traffic violation, as~~
21 ~~defined in Section 1-187.001 of the Illinois Vehicle Code, a~~
22 ~~violation of Section 11-501 of the Illinois Vehicle Code, or a~~
23 ~~violation of a similar provision of a local ordinance shall pay~~
24 ~~an additional fee of \$35, to be disbursed as provided in~~
25 ~~Section 16-104d of that Code.~~

26 ~~This subsection (m) becomes inoperative on January 1, 2020.~~

1 (n) The provisions of paragraph (c) shall not apply to any
2 person under the age of 18 who commits an offense against
3 traffic regulations governing the movement of vehicles or any
4 violation of Section 6-107 or Section 12-603.1 of the Illinois
5 Vehicle Code, except upon personal appearance of the defendant
6 in court and upon the written consent of the defendant's parent
7 or legal guardian, executed before the presiding judge. The
8 presiding judge shall have the authority to waive this
9 requirement upon the showing of good cause by the defendant.

10 (o) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 6-303 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the suspension was for a violation of Section 11-501.1 of the
14 Illinois Vehicle Code and when:

15 (1) at the time of the violation of Section 11-501.1 of
16 the Illinois Vehicle Code, the defendant was a first
17 offender pursuant to Section 11-500 of the Illinois Vehicle
18 Code and the defendant failed to obtain a monitoring device
19 driving permit; or

20 (2) at the time of the violation of Section 11-501.1 of
21 the Illinois Vehicle Code, the defendant was a first
22 offender pursuant to Section 11-500 of the Illinois Vehicle
23 Code, had subsequently obtained a monitoring device
24 driving permit, but was driving a vehicle not equipped with
25 a breath alcohol ignition interlock device as defined in
26 Section 1-129.1 of the Illinois Vehicle Code.

1 (p) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 11-601.5 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance when the defendant has previously been:

5 (1) convicted for a violation of Section 11-601.5 of
6 the Illinois Vehicle Code or a similar provision of a local
7 ordinance or any similar law or ordinance of another state;
8 or

9 (2) assigned supervision for a violation of Section
10 11-601.5 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance or any similar law or
12 ordinance of another state.

13 (q) The provisions of paragraph (c) shall not apply to a
14 defendant charged with violating subsection (b) of Section
15 11-601 or Section 11-601.5 of the Illinois Vehicle Code when
16 the defendant was operating a vehicle, in an urban district, at
17 a speed that is 26 miles per hour or more in excess of the
18 applicable maximum speed limit established under Chapter 11 of
19 the Illinois Vehicle Code.

20 (r) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating any provision of the Illinois
22 Vehicle Code or a similar provision of a local ordinance if the
23 violation was the proximate cause of the death of another and
24 the defendant's driving abstract contains a prior conviction or
25 disposition of court supervision for any violation of the
26 Illinois Vehicle Code, other than an equipment violation, or a

1 suspension, revocation, or cancellation of the driver's
2 license.

3 (s) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating subsection (i) of Section 70
5 of the Firearm Concealed Carry Act.

6 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;
7 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.
8 1-1-16.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of probation and of conditional
11 discharge.

12 (a) The conditions of probation and of conditional
13 discharge shall be that the person:

14 (1) not violate any criminal statute of any
15 jurisdiction;

16 (2) report to or appear in person before such person or
17 agency as directed by the court;

18 (3) refrain from possessing a firearm or other
19 dangerous weapon where the offense is a felony or, if a
20 misdemeanor, the offense involved the intentional or
21 knowing infliction of bodily harm or threat of bodily harm;

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent
25 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at his
7 home or elsewhere to the extent necessary to discharge his
8 duties;

9 (6) perform no less than 30 hours of community service
10 and not more than 120 hours of community service, if
11 community service is available in the jurisdiction and is
12 funded and approved by the county board where the offense
13 was committed, where the offense was related to or in
14 furtherance of the criminal activities of an organized gang
15 and was motivated by the offender's membership in or
16 allegiance to an organized gang. The community service
17 shall include, but not be limited to, the cleanup and
18 repair of any damage caused by a violation of Section
19 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
20 2012 and similar damage to property located within the
21 municipality or county in which the violation occurred.
22 When possible and reasonable, the community service should
23 be performed in the offender's neighborhood. For purposes
24 of this Section, "organized gang" has the meaning ascribed
25 to it in Section 10 of the Illinois Streetgang Terrorism
26 Omnibus Prevention Act. The court may give credit toward

1 the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services;

4 (7) if he or she is at least 17 years of age and has
5 been sentenced to probation or conditional discharge for a
6 misdemeanor or felony in a county of 3,000,000 or more
7 inhabitants and has not been previously convicted of a
8 misdemeanor or felony, may be required by the sentencing
9 court to attend educational courses designed to prepare the
10 defendant for a high school diploma and to work toward a
11 high school diploma or to work toward passing high school
12 equivalency testing or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend a
15 public institution of education to obtain the educational
16 or vocational training required by this paragraph (7). The
17 court shall revoke the probation or conditional discharge
18 of a person who wilfully fails to comply with this
19 paragraph (7). The person on probation or conditional
20 discharge shall be required to pay for the cost of the
21 educational courses or high school equivalency testing if a
22 fee is charged for those courses or testing. The court
23 shall resentence the offender whose probation or
24 conditional discharge has been revoked as provided in
25 Section 5-6-4. This paragraph (7) does not apply to a
26 person who has a high school diploma or has successfully

1 passed high school equivalency testing. This paragraph (7)
2 does not apply to a person who is determined by the court
3 to be a person with a developmental disability or otherwise
4 mentally incapable of completing the educational or
5 vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is not related to the accused and whom the
17 accused reasonably believes to be under 18 years of age;
18 for purposes of this paragraph (8.7), "Internet" has the
19 meaning ascribed to it in Section 16-0.1 of the Criminal
20 Code of 2012; and a person is not related to the accused if
21 the person is not: (i) the spouse, brother, or sister of
22 the accused; (ii) a descendant of the accused; (iii) a
23 first or second cousin of the accused; or (iv) a step-child
24 or adopted child of the accused;

25 (8.8) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the offender's probation officer,
9 except in connection with the offender's employment or
10 search for employment with the prior approval of the
11 offender's probation officer;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's probation
15 officer, a law enforcement officer, or assigned
16 computer or information technology specialist,
17 including the retrieval and copying of all data from
18 the computer or device and any internal or external
19 peripherals and removal of such information,
20 equipment, or device to conduct a more thorough
21 inspection;

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or software
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the offender's probation officer;

4 (8.9) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (9) if convicted of a felony or of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
15 at a time and place designated by the court, his or her
16 Firearm Owner's Identification Card and any and all
17 firearms in his or her possession. The Court shall return
18 to the Department of State Police Firearm Owner's
19 Identification Card Office the person's Firearm Owner's
20 Identification Card;

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter;

5 (11) if convicted of a sex offense as defined in
6 Section 2 of the Sex Offender Registration Act committed on
7 or after January 1, 2010 (the effective date of Public Act
8 96-362) that requires the person to register as a sex
9 offender under that Act, may not knowingly use any computer
10 scrub software on any computer that the sex offender uses;

11 (12) if convicted of a violation of the Methamphetamine
12 Control and Community Protection Act, the Methamphetamine
13 Precursor Control Act, or a methamphetamine related
14 offense:

15 (A) prohibited from purchasing, possessing, or
16 having under his or her control any product containing
17 pseudoephedrine unless prescribed by a physician; and

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate; and

21 (13) if convicted of a hate crime involving the
22 protected class identified in subsection (a) of Section
23 12-7.1 of the Criminal Code of 2012 that gave rise to the
24 offense the offender committed, perform public or
25 community service of no less than 200 hours and enroll in
26 an educational program discouraging hate crimes that

1 includes racial, ethnic, and cultural sensitivity training
2 ordered by the court.

3 (b) The Court may in addition to other reasonable
4 conditions relating to the nature of the offense or the
5 rehabilitation of the defendant as determined for each
6 defendant in the proper discretion of the Court require that
7 the person:

8 (1) serve a term of periodic imprisonment under Article
9 7 for a period not to exceed that specified in paragraph
10 (d) of Section 5-7-1;

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational
13 training;

14 (4) undergo medical, psychological or psychiatric
15 treatment; or treatment for drug addiction or alcoholism;

16 (5) attend or reside in a facility established for the
17 instruction or residence of defendants on probation;

18 (6) support his dependents;

19 (7) and in addition, if a minor:

20 (i) reside with his parents or in a foster home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 (iv) contribute to his own support at home or in a
24 foster home;

25 (v) with the consent of the superintendent of the
26 facility, attend an educational program at a facility

1 other than the school in which the offense was
2 committed if he or she is convicted of a crime of
3 violence as defined in Section 2 of the Crime Victims
4 Compensation Act committed in a school, on the real
5 property comprising a school, or within 1,000 feet of
6 the real property comprising a school;

7 (8) make restitution as provided in Section 5-5-6 of
8 this Code;

9 (9) perform some reasonable public or community
10 service;

11 (10) serve a term of home confinement. In addition to
12 any other applicable condition of probation or conditional
13 discharge, the conditions of home confinement shall be that
14 the offender:

15 (i) remain within the interior premises of the
16 place designated for his confinement during the hours
17 designated by the court;

18 (ii) admit any person or agent designated by the
19 court into the offender's place of confinement at any
20 time for purposes of verifying the offender's
21 compliance with the conditions of his confinement; and

22 (iii) if further deemed necessary by the court or
23 the Probation or Court Services Department, be placed
24 on an approved electronic monitoring device, subject
25 to Article 8A of Chapter V;

26 (iv) for persons convicted of any alcohol,

1 cannabis or controlled substance violation who are
2 placed on an approved monitoring device as a condition
3 of probation or conditional discharge, the court shall
4 impose a reasonable fee for each day of the use of the
5 device, as established by the county board in
6 subsection (g) of this Section, unless after
7 determining the inability of the offender to pay the
8 fee, the court assesses a lesser fee or no fee as the
9 case may be. This fee shall be imposed in addition to
10 the fees imposed under subsections (g) and (i) of this
11 Section. The fee shall be collected by the clerk of the
12 circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The
14 clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer for
16 deposit in the substance abuse services fund under
17 Section 5-1086.1 of the Counties Code, except as
18 provided in an administrative order of the Chief Judge
19 of the circuit court.

20 The Chief Judge of the circuit court of the county
21 may by administrative order establish a program for
22 electronic monitoring of offenders, in which a vendor
23 supplies and monitors the operation of the electronic
24 monitoring device, and collects the fees on behalf of
25 the county. The program shall include provisions for
26 indigent offenders and the collection of unpaid fees.

1 The program shall not unduly burden the offender and
2 shall be subject to review by the Chief Judge.

3 The Chief Judge of the circuit court may suspend
4 any additional charges or fees for late payment,
5 interest, or damage to any device; and

6 (v) for persons convicted of offenses other than
7 those referenced in clause (iv) above and who are
8 placed on an approved monitoring device as a condition
9 of probation or conditional discharge, the court shall
10 impose a reasonable fee for each day of the use of the
11 device, as established by the county board in
12 subsection (g) of this Section, unless after
13 determining the inability of the defendant to pay the
14 fee, the court assesses a lesser fee or no fee as the
15 case may be. This fee shall be imposed in addition to
16 the fees imposed under subsections (g) and (i) of this
17 Section. The fee shall be collected by the clerk of the
18 circuit court, except as provided in an administrative
19 order of the Chief Judge of the circuit court. The
20 clerk of the circuit court shall pay all monies
21 collected from this fee to the county treasurer who
22 shall use the monies collected to defray the costs of
23 corrections. The county treasurer shall deposit the
24 fee collected in the probation and court services fund.
25 The Chief Judge of the circuit court of the county may
26 by administrative order establish a program for

1 electronic monitoring of offenders, in which a vendor
2 supplies and monitors the operation of the electronic
3 monitoring device, and collects the fees on behalf of
4 the county. The program shall include provisions for
5 indigent offenders and the collection of unpaid fees.
6 The program shall not unduly burden the offender and
7 shall be subject to review by the Chief Judge.

8 The Chief Judge of the circuit court may suspend
9 any additional charges or fees for late payment,
10 interest, or damage to any device.

11 (11) comply with the terms and conditions of an order
12 of protection issued by the court pursuant to the Illinois
13 Domestic Violence Act of 1986, as now or hereafter amended,
14 or an order of protection issued by the court of another
15 state, tribe, or United States territory. A copy of the
16 order of protection shall be transmitted to the probation
17 officer or agency having responsibility for the case;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council Act
20 for any reasonable expenses incurred by the program on the
21 offender's case, not to exceed the maximum amount of the
22 fine authorized for the offense for which the defendant was
23 sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses under
3 the jurisdiction of the Department of Natural Resources, to
4 the fund established by the Department of Natural Resources
5 for the purchase of evidence for investigation purposes and
6 to conduct investigations as outlined in Section 805-105 of
7 the Department of Natural Resources (Conservation) Law;

8 (14) refrain from entering into a designated
9 geographic area except upon such terms as the court finds
10 appropriate. Such terms may include consideration of the
11 purpose of the entry, the time of day, other persons
12 accompanying the defendant, and advance approval by a
13 probation officer, if the defendant has been placed on
14 probation or advance approval by the court, if the
15 defendant was placed on conditional discharge;

16 (15) refrain from having any contact, directly or
17 indirectly, with certain specified persons or particular
18 types of persons, including but not limited to members of
19 street gangs and drug users or dealers;

20 (16) refrain from having in his or her body the
21 presence of any illicit drug prohibited by the Cannabis
22 Control Act, the Illinois Controlled Substances Act, or the
23 Methamphetamine Control and Community Protection Act,
24 unless prescribed by a physician, and submit samples of his
25 or her blood or urine or both for tests to determine the
26 presence of any illicit drug;

1 (17) if convicted for an offense committed on or after
2 June 1, 2008 (the effective date of Public Act 95-464) that
3 would qualify the accused as a child sex offender as
4 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
5 1961 or the Criminal Code of 2012, refrain from
6 communicating with or contacting, by means of the Internet,
7 a person who is related to the accused and whom the accused
8 reasonably believes to be under 18 years of age; for
9 purposes of this paragraph (17), "Internet" has the meaning
10 ascribed to it in Section 16-0.1 of the Criminal Code of
11 2012; and a person is related to the accused if the person
12 is: (i) the spouse, brother, or sister of the accused; (ii)
13 a descendant of the accused; (iii) a first or second cousin
14 of the accused; or (iv) a step-child or adopted child of
15 the accused;

16 (18) if convicted for an offense committed on or after
17 June 1, 2009 (the effective date of Public Act 95-983) that
18 would qualify as a sex offense as defined in the Sex
19 Offender Registration Act:

20 (i) not access or use a computer or any other
21 device with Internet capability without the prior
22 written approval of the offender's probation officer,
23 except in connection with the offender's employment or
24 search for employment with the prior approval of the
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's probation
3 officer, a law enforcement officer, or assigned
4 computer or information technology specialist,
5 including the retrieval and copying of all data from
6 the computer or device and any internal or external
7 peripherals and removal of such information,
8 equipment, or device to conduct a more thorough
9 inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 subject's expense, of one or more hardware or software
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the offender's probation officer; and

18 (19) refrain from possessing a firearm or other
19 dangerous weapon where the offense is a misdemeanor that
20 did not involve the intentional or knowing infliction of
21 bodily harm or threat of bodily harm.

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's license
26 during the period of probation or conditional discharge. If

1 such person is in possession of a permit or license, the court
2 may require that the minor refrain from driving or operating
3 any motor vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (d) An offender sentenced to probation or to conditional
7 discharge shall be given a certificate setting forth the
8 conditions thereof.

9 (e) Except where the offender has committed a fourth or
10 subsequent violation of subsection (c) of Section 6-303 of the
11 Illinois Vehicle Code, the court shall not require as a
12 condition of the sentence of probation or conditional discharge
13 that the offender be committed to a period of imprisonment in
14 excess of 6 months. This 6-month limit shall not include
15 periods of confinement given pursuant to a sentence of county
16 impact incarceration under Section 5-8-1.2.

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

20 (f) The court may combine a sentence of periodic
21 imprisonment under Article 7 or a sentence to a county impact
22 incarceration program under Article 8 with a sentence of
23 probation or conditional discharge.

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed

1 on an approved electronic monitoring device, shall be ordered
2 to pay all costs incidental to such mandatory drug or alcohol
3 testing, or both, and all costs incidental to such approved
4 electronic monitoring in accordance with the defendant's
5 ability to pay those costs. The county board with the
6 concurrence of the Chief Judge of the judicial circuit in which
7 the county is located shall establish reasonable fees for the
8 cost of maintenance, testing, and incidental expenses related
9 to the mandatory drug or alcohol testing, or both, and all
10 costs incidental to approved electronic monitoring, involved
11 in a successful probation program for the county. The
12 concurrence of the Chief Judge shall be in the form of an
13 administrative order. The fees shall be collected by the clerk
14 of the circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The clerk of the
16 circuit court shall pay all moneys collected from these fees to
17 the county treasurer who shall use the moneys collected to
18 defray the costs of drug testing, alcohol testing, and
19 electronic monitoring. The county treasurer shall deposit the
20 fees collected in the county working cash fund under Section
21 6-27001 or Section 6-29002 of the Counties Code, as the case
22 may be. The Chief Judge of the circuit court of the county may
23 by administrative order establish a program for electronic
24 monitoring of offenders, in which a vendor supplies and
25 monitors the operation of the electronic monitoring device, and
26 collects the fees on behalf of the county. The program shall

1 include provisions for indigent offenders and the collection of
2 unpaid fees. The program shall not unduly burden the offender
3 and shall be subject to review by the Chief Judge.

4 The Chief Judge of the circuit court may suspend any
5 additional charges or fees for late payment, interest, or
6 damage to any device.

7 (h) Jurisdiction over an offender may be transferred from
8 the sentencing court to the court of another circuit with the
9 concurrence of both courts. Further transfers or retransfers of
10 jurisdiction are also authorized in the same manner. The court
11 to which jurisdiction has been transferred shall have the same
12 powers as the sentencing court. The probation department within
13 the circuit to which jurisdiction has been transferred, or
14 which has agreed to provide supervision, may impose probation
15 fees upon receiving the transferred offender, as provided in
16 subsection (i). For all transfer cases, as defined in Section
17 9b of the Probation and Probation Officers Act, the probation
18 department from the original sentencing court shall retain all
19 probation fees collected prior to the transfer. After the
20 transfer, all probation fees shall be paid to the probation
21 department within the circuit to which jurisdiction has been
22 transferred.

23 (i) The court shall impose upon an offender sentenced to
24 probation after January 1, 1989 or to conditional discharge
25 after January 1, 1992 or to community service under the
26 supervision of a probation or court services department after

1 January 1, 2004, as a condition of such probation or
2 conditional discharge or supervised community service, a fee of
3 \$50 for each month of probation or conditional discharge
4 supervision or supervised community service ordered by the
5 court, unless after determining the inability of the person
6 sentenced to probation or conditional discharge or supervised
7 community service to pay the fee, the court assesses a lesser
8 fee. The court may not impose the fee on a minor who is placed
9 in the guardianship or custody of the Department of Children
10 and Family Services under the Juvenile Court Act of 1987 while
11 the minor is in placement. The fee shall be imposed only upon
12 an offender who is actively supervised by the probation and
13 court services department. The fee shall be collected by the
14 clerk of the circuit court. The clerk of the circuit court
15 shall pay all monies collected from this fee to the county
16 treasurer for deposit in the probation and court services fund
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this
19 subsection (i) in excess of \$25 per month unless the circuit
20 court has adopted, by administrative order issued by the chief
21 judge, a standard probation fee guide determining an offender's
22 ability to pay. Of the amount collected as a probation fee, up
23 to \$5 of that fee collected per month may be used to provide
24 services to crime victims and their families.

25 The Court may only waive probation fees based on an
26 offender's ability to pay. The probation department may

1 re-evaluate an offender's ability to pay every 6 months, and,
2 with the approval of the Director of Court Services or the
3 Chief Probation Officer, adjust the monthly fee amount. An
4 offender may elect to pay probation fees due in a lump sum. Any
5 offender that has been assigned to the supervision of a
6 probation department, or has been transferred either under
7 subsection (h) of this Section or under any interstate compact,
8 shall be required to pay probation fees to the department
9 supervising the offender, based on the offender's ability to
10 pay.

11 Public Act 93-970 deletes the \$10 increase in the fee under
12 this subsection that was imposed by Public Act 93-616. This
13 deletion is intended to control over any other Act of the 93rd
14 General Assembly that retains or incorporates that fee
15 increase.

16 (i-5) In addition to the fees imposed under subsection (i)
17 of this Section, in the case of an offender convicted of a
18 felony sex offense (as defined in the Sex Offender Management
19 Board Act) or an offense that the court or probation department
20 has determined to be sexually motivated (as defined in the Sex
21 Offender Management Board Act), the court or the probation
22 department shall assess additional fees to pay for all costs of
23 treatment, assessment, evaluation for risk and treatment, and
24 monitoring the offender, based on that offender's ability to
25 pay those costs either as they occur or under a payment plan.

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
2 Code, or a similar provision of a local ordinance, and any
3 violation of the Child Passenger Protection Act, or a similar
4 provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under the Criminal
6 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
7 ~~Act.~~

8 (k) Any offender who is sentenced to probation or
9 conditional discharge for a felony sex offense as defined in
10 the Sex Offender Management Board Act or any offense that the
11 court or probation department has determined to be sexually
12 motivated as defined in the Sex Offender Management Board Act
13 shall be required to refrain from any contact, directly or
14 indirectly, with any persons specified by the court and shall
15 be available for all evaluations and treatment programs
16 required by the court or the probation department.

17 (l) The court may order an offender who is sentenced to
18 probation or conditional discharge for a violation of an order
19 of protection be placed under electronic surveillance as
20 provided in Section 5-8A-7 of this Code.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
22 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
23 1-8-18.)

24 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

25 Sec. 5-6-3.1. Incidents and conditions of supervision.

1 (a) When a defendant is placed on supervision, the court
2 shall enter an order for supervision specifying the period of
3 such supervision, and shall defer further proceedings in the
4 case until the conclusion of the period.

5 (b) The period of supervision shall be reasonable under all
6 of the circumstances of the case, but may not be longer than 2
7 years, unless the defendant has failed to pay the assessment
8 required by Section 10.3 of the Cannabis Control Act, Section
9 411.2 of the Illinois Controlled Substances Act, or Section 80
10 of the Methamphetamine Control and Community Protection Act, in
11 which case the court may extend supervision beyond 2 years.
12 Additionally, the court shall order the defendant to perform no
13 less than 30 hours of community service and not more than 120
14 hours of community service, if community service is available
15 in the jurisdiction and is funded and approved by the county
16 board where the offense was committed, when the offense (1) was
17 related to or in furtherance of the criminal activities of an
18 organized gang or was motivated by the defendant's membership
19 in or allegiance to an organized gang; or (2) is a violation of
20 any Section of Article 24 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 where a disposition of supervision is not
22 prohibited by Section 5-6-1 of this Code. The community service
23 shall include, but not be limited to, the cleanup and repair of
24 any damage caused by violation of Section 21-1.3 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 and similar
26 damages to property located within the municipality or county

1 in which the violation occurred. Where possible and reasonable,
2 the community service should be performed in the offender's
3 neighborhood.

4 For the purposes of this Section, "organized gang" has the
5 meaning ascribed to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 (c) The court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the court require that
11 the person:

12 (1) make a report to and appear in person before or
13 participate with the court or such courts, person, or
14 social service agency as directed by the court in the order
15 of supervision;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for the
22 instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) refrain from possessing a firearm or other
25 dangerous weapon;

26 (8) 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; or
- 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 placed on supervision for a
10 crime of violence as defined in Section 2 of the Crime
11 Victims Compensation Act committed in a school, on the
12 real property comprising a school, or within 1,000 feet
13 of the real property comprising a school;
- 14 (9) make restitution or reparation in an amount not to
15 exceed actual loss or damage to property and pecuniary loss
16 or make restitution under Section 5-5-6 to a domestic
17 violence shelter. The court shall determine the amount and
18 conditions of payment;
- 19 (10) perform some reasonable public or community
20 service;
- 21 (11) comply with the terms and conditions of an order
22 of protection issued by the court pursuant to the Illinois
23 Domestic Violence Act of 1986 or an order of protection
24 issued by the court of another state, tribe, or United
25 States territory. If the court has ordered the defendant to
26 make a report and appear in person under paragraph (1) of

1 this subsection, a copy of the order of protection shall be
2 transmitted to the person or agency so designated by the
3 court;

4 (12) reimburse any "local anti-crime program" as
5 defined in Section 7 of the Anti-Crime Advisory Council Act
6 for any reasonable expenses incurred by the program on the
7 offender's case, not to exceed the maximum amount of the
8 fine authorized for the offense for which the defendant was
9 sentenced;

10 (13) contribute a reasonable sum of money, not to
11 exceed the maximum amount of the fine authorized for the
12 offense for which the defendant was sentenced, (i) to a
13 "local anti-crime program", as defined in Section 7 of the
14 Anti-Crime Advisory Council Act, or (ii) for offenses under
15 the jurisdiction of the Department of Natural Resources, to
16 the fund established by the Department of Natural Resources
17 for the purchase of evidence for investigation purposes and
18 to conduct investigations as outlined in Section 805-105 of
19 the Department of Natural Resources (Conservation) Law;

20 (14) refrain from entering into a designated
21 geographic area except upon such terms as the court finds
22 appropriate. Such terms may include consideration of the
23 purpose of the entry, the time of day, other persons
24 accompanying the defendant, and advance approval by a
25 probation officer;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of person, including but not limited to members of
3 street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

11 (17) refrain from operating any motor vehicle not
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1 of the Illinois Vehicle Code; under this
14 condition the court may allow a defendant who is not
15 self-employed to operate a vehicle owned by the defendant's
16 employer that is not equipped with an ignition interlock
17 device in the course and scope of the defendant's
18 employment; and

19 (18) if placed on supervision for a sex offense as
20 defined in subsection (a-5) of Section 3-1-2 of this Code,
21 unless the offender is a parent or guardian of the person
22 under 18 years of age present in the home and no
23 non-familial minors are present, not participate in a
24 holiday event involving children under 18 years of age,
25 such as distributing candy or other items to children on
26 Halloween, wearing a Santa Claus costume on or preceding

1 Christmas, being employed as a department store Santa
2 Claus, or wearing an Easter Bunny costume on or preceding
3 Easter.

4 (c-5) If payment of restitution as ordered has not been
5 made, the victim shall file a petition notifying the sentencing
6 court, any other person to whom restitution is owed, and the
7 State's Attorney of the status of the ordered restitution
8 payments unpaid at least 90 days before the supervision
9 expiration date. If payment as ordered has not been made, the
10 court shall hold a review hearing prior to the expiration date,
11 unless the hearing is voluntarily waived by the defendant with
12 the knowledge that waiver may result in an extension of the
13 supervision period or in a revocation of supervision. If the
14 court does not extend supervision, it shall issue a judgment
15 for the unpaid restitution and direct the clerk of the circuit
16 court to file and enter the judgment in the judgment and lien
17 docket, without fee, unless it finds that the victim has
18 recovered a judgment against the defendant for the amount
19 covered by the restitution order. If the court issues a
20 judgment for the unpaid restitution, the court shall send to
21 the defendant at his or her last known address written
22 notification that a civil judgment has been issued for the
23 unpaid restitution.

24 (d) The court shall defer entering any judgment on the
25 charges until the conclusion of the supervision.

26 (e) At the conclusion of the period of supervision, if the

1 court determines that the defendant has successfully complied
2 with all of the conditions of supervision, the court shall
3 discharge the defendant and enter a judgment dismissing the
4 charges.

5 (f) Discharge and dismissal upon a successful conclusion of
6 a disposition of supervision shall be deemed without
7 adjudication of guilt and shall not be termed a conviction for
8 purposes of disqualification or disabilities imposed by law
9 upon conviction of a crime. Two years after the discharge and
10 dismissal under this Section, unless the disposition of
11 supervision was for a violation of Sections 3-707, 3-708,
12 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, or for a violation of
14 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012, in which case it shall be 5 years
16 after discharge and dismissal, a person may have his record of
17 arrest sealed or expunged as may be provided by law. However,
18 any defendant placed on supervision before January 1, 1980, may
19 move for sealing or expungement of his arrest record, as
20 provided by law, at any time after discharge and dismissal
21 under this Section. A person placed on supervision for a sexual
22 offense committed against a minor as defined in clause
23 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
24 for a violation of Section 11-501 of the Illinois Vehicle Code
25 or a similar provision of a local ordinance shall not have his
26 or her record of arrest sealed or expunged.

1 (g) A defendant placed on supervision and who during the
2 period of supervision undergoes mandatory drug or alcohol
3 testing, or both, or is assigned to be placed on an approved
4 electronic monitoring device, shall be ordered to pay the costs
5 incidental to such mandatory drug or alcohol testing, or both,
6 and costs incidental to such approved electronic monitoring in
7 accordance with the defendant's ability to pay those costs. The
8 county board with the concurrence of the Chief Judge of the
9 judicial circuit in which the county is located shall establish
10 reasonable fees for the cost of maintenance, testing, and
11 incidental expenses related to the mandatory drug or alcohol
12 testing, or both, and all costs incidental to approved
13 electronic monitoring, of all defendants placed on
14 supervision. The concurrence of the Chief Judge shall be in the
15 form of an administrative order. The fees shall be collected by
16 the clerk of the circuit court, except as provided in an
17 administrative order of the Chief Judge of the circuit court.
18 The clerk of the circuit court shall pay all moneys collected
19 from these fees to the county treasurer who shall use the
20 moneys collected to defray the costs of drug testing, alcohol
21 testing, and electronic monitoring. The county treasurer shall
22 deposit the fees collected in the county working cash fund
23 under Section 6-27001 or Section 6-29002 of the Counties Code,
24 as the case may be.

25 The Chief Judge of the circuit court of the county may by
26 administrative order establish a program for electronic

1 monitoring of offenders, in which a vendor supplies and
2 monitors the operation of the electronic monitoring device, and
3 collects the fees on behalf of the county. The program shall
4 include provisions for indigent offenders and the collection of
5 unpaid fees. The program shall not unduly burden the offender
6 and shall be subject to review by the Chief Judge.

7 The Chief Judge of the circuit court may suspend any
8 additional charges or fees for late payment, interest, or
9 damage to any device.

10 (h) A disposition of supervision is a final order for the
11 purposes of appeal.

12 (i) The court shall impose upon a defendant placed on
13 supervision after January 1, 1992 or to community service under
14 the supervision of a probation or court services department
15 after January 1, 2004, as a condition of supervision or
16 supervised community service, a fee of \$50 for each month of
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 placed on supervision or supervised community service to pay
20 the fee, the court assesses a lesser fee. The court may not
21 impose the fee on a minor who is placed in the guardianship or
22 custody of the Department of Children and Family Services under
23 the Juvenile Court Act of 1987 while the minor is in placement.
24 The fee shall be imposed only upon a defendant who is actively
25 supervised by the probation and court services department. The
26 fee shall be collected by the clerk of the circuit court. The

1 clerk of the circuit court shall pay all monies collected from
2 this fee to the county treasurer for deposit in the probation
3 and court services fund pursuant to Section 15.1 of the
4 Probation and Probation Officers Act.

5 A circuit court may not impose a probation fee in excess of
6 \$25 per month unless the circuit court has adopted, by
7 administrative order issued by the chief judge, a standard
8 probation fee guide determining an offender's ability to pay.
9 Of the amount collected as a probation fee, not to exceed \$5 of
10 that fee collected per month may be used to provide services to
11 crime victims and their families.

12 The Court may only waive probation fees based on an
13 offender's ability to pay. The probation department may
14 re-evaluate an offender's ability to pay every 6 months, and,
15 with the approval of the Director of Court Services or the
16 Chief Probation Officer, adjust the monthly fee amount. An
17 offender may elect to pay probation fees due in a lump sum. Any
18 offender that has been assigned to the supervision of a
19 probation department, or has been transferred either under
20 subsection (h) of this Section or under any interstate compact,
21 shall be required to pay probation fees to the department
22 supervising the offender, based on the offender's ability to
23 pay.

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar
2 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 (k) A defendant at least 17 years of age who is placed on
7 supervision for a misdemeanor in a county of 3,000,000 or more
8 inhabitants and who has not been previously convicted of a
9 misdemeanor or felony may as a condition of his or her
10 supervision be required by the court to attend educational
11 courses designed to prepare the defendant for a high school
12 diploma and to work toward a high school diploma or to work
13 toward passing high school equivalency testing or to work
14 toward completing a vocational training program approved by the
15 court. The defendant placed on supervision must attend a public
16 institution of education to obtain the educational or
17 vocational training required by this subsection (k). The
18 defendant placed on supervision shall be required to pay for
19 the cost of the educational courses or high school equivalency
20 testing if a fee is charged for those courses or testing. The
21 court shall revoke the supervision of a person who wilfully
22 fails to comply with this subsection (k). The court shall
23 resentence the defendant upon revocation of supervision as
24 provided in Section 5-6-4. This subsection (k) does not apply
25 to a defendant who has a high school diploma or has
26 successfully passed high school equivalency testing. This

1 subsection (k) does not apply to a defendant who is determined
2 by the court to be a person with a developmental disability or
3 otherwise mentally incapable of completing the educational or
4 vocational program.

5 (l) The court shall require a defendant placed on
6 supervision for possession of a substance prohibited by the
7 Cannabis Control Act, the Illinois Controlled Substances Act,
8 or the Methamphetamine Control and Community Protection Act
9 after a previous conviction or disposition of supervision for
10 possession of a substance prohibited by the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act or a
13 sentence of probation under Section 10 of the Cannabis Control
14 Act or Section 410 of the Illinois Controlled Substances Act
15 and after a finding by the court that the person is addicted,
16 to undergo treatment at a substance abuse program approved by
17 the court.

18 (m) The Secretary of State shall require anyone placed on
19 court supervision for a violation of Section 3-707 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance to give proof of his or her financial responsibility
22 as defined in Section 7-315 of the Illinois Vehicle Code. The
23 proof shall be maintained by the individual in a manner
24 satisfactory to the Secretary of State for a minimum period of
25 3 years after the date the proof is first filed. The proof
26 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of
2 State shall suspend the driver's license of any person
3 determined by the Secretary to be in violation of this
4 subsection.

5 (n) Any offender placed on supervision for any offense that
6 the court or probation department has determined to be sexually
7 motivated as defined in the Sex Offender Management Board Act
8 shall be required to refrain from any contact, directly or
9 indirectly, with any persons specified by the court and shall
10 be available for all evaluations and treatment programs
11 required by the court or the probation department.

12 (o) An offender placed on supervision for a sex offense as
13 defined in the Sex Offender Management Board Act shall refrain
14 from residing at the same address or in the same condominium
15 unit or apartment unit or in the same condominium complex or
16 apartment complex with another person he or she knows or
17 reasonably should know is a convicted sex offender or has been
18 placed on supervision for a sex offense. The provisions of this
19 subsection (o) do not apply to a person convicted of a sex
20 offense who is placed in a Department of Corrections licensed
21 transitional housing facility for sex offenders.

22 (p) An offender placed on supervision for an offense
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-464) that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 shall

1 refrain from communicating with or contacting, by means of the
2 Internet, a person who is not related to the accused and whom
3 the accused reasonably believes to be under 18 years of age.
4 For purposes of this subsection (p), "Internet" has the meaning
5 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
6 and a person is not related to the accused if the person is
7 not: (i) the spouse, brother, or sister of the accused; (ii) a
8 descendant of the accused; (iii) a first or second cousin of
9 the accused; or (iv) a step-child or adopted child of the
10 accused.

11 (q) An offender placed on supervision for an offense
12 committed on or after June 1, 2008 (the effective date of
13 Public Act 95-464) that would qualify the accused as a child
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
16 ordered by the court, refrain from communicating with or
17 contacting, by means of the Internet, a person who is related
18 to the accused and whom the accused reasonably believes to be
19 under 18 years of age. For purposes of this subsection (q),
20 "Internet" has the meaning ascribed to it in Section 16-0.1 of
21 the Criminal Code of 2012; and a person is related to the
22 accused if the person is: (i) the spouse, brother, or sister of
23 the accused; (ii) a descendant of the accused; (iii) a first or
24 second cousin of the accused; or (iv) a step-child or adopted
25 child of the accused.

26 (r) An offender placed on supervision for an offense under

1 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
2 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
3 11-21 of the Criminal Code of 1961 or the Criminal Code of
4 2012, or any attempt to commit any of these offenses, committed
5 on or after June 1, 2009 (the effective date of Public Act
6 95-983) shall:

7 (i) not access or use a computer or any other device
8 with Internet capability without the prior written
9 approval of the court, except in connection with the
10 offender's employment or search for employment with the
11 prior approval of the court;

12 (ii) submit to periodic unannounced examinations of
13 the offender's computer or any other device with Internet
14 capability by the offender's probation officer, a law
15 enforcement officer, or assigned computer or information
16 technology specialist, including the retrieval and copying
17 of all data from the computer or device and any internal or
18 external peripherals and removal of such information,
19 equipment, or device to conduct a more thorough inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 offender's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a computer or
26 any other device with Internet capability imposed by the

1 court.

2 (s) An offender placed on supervision for an offense that
3 is a sex offense as defined in Section 2 of the Sex Offender
4 Registration Act that is committed on or after January 1, 2010
5 (the effective date of Public Act 96-362) that requires the
6 person to register as a sex offender under that Act, may not
7 knowingly use any computer scrub software on any computer that
8 the sex offender uses.

9 (t) An offender placed on supervision for a sex offense as
10 defined in the Sex Offender Registration Act committed on or
11 after January 1, 2010 (the effective date of Public Act 96-262)
12 shall refrain from accessing or using a social networking
13 website as defined in Section 17-0.5 of the Criminal Code of
14 2012.

15 (u) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers of
18 jurisdiction are also authorized in the same manner. The court
19 to which jurisdiction has been transferred shall have the same
20 powers as the sentencing court. The probation department within
21 the circuit to which jurisdiction has been transferred may
22 impose probation fees upon receiving the transferred offender,
23 as provided in subsection (i). The probation department from
24 the original sentencing court shall retain all probation fees
25 collected prior to the transfer.

26 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;

1 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.
2 8-18-17; 100-201, eff. 8-18-17.)

3 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

4 Sec. 5-7-1. Sentence of Periodic Imprisonment.

5 (a) A sentence of periodic imprisonment is a sentence of
6 imprisonment during which the committed person may be released
7 for periods of time during the day or night or for periods of
8 days, or both, or if convicted of a felony, other than first
9 degree murder, a Class X or Class 1 felony, committed to any
10 county, municipal, or regional correctional or detention
11 institution or facility in this State for such periods of time
12 as the court may direct. Unless the court orders otherwise, the
13 particular times and conditions of release shall be determined
14 by the Department of Corrections, the sheriff, or the
15 Superintendent of the house of corrections, who is
16 administering the program.

17 (b) A sentence of periodic imprisonment may be imposed to
18 permit the defendant to:

19 (1) seek employment;

20 (2) work;

21 (3) conduct a business or other self-employed
22 occupation including housekeeping;

23 (4) attend to family needs;

24 (5) attend an educational institution, including
25 vocational education;

1 (6) obtain medical or psychological treatment;

2 (7) perform work duties at a county, municipal, or
3 regional correctional or detention institution or
4 facility;

5 (8) continue to reside at home with or without
6 supervision involving the use of an approved electronic
7 monitoring device, subject to Article 8A of Chapter V; or

8 (9) for any other purpose determined by the court.

9 (c) Except where prohibited by other provisions of this
10 Code, the court may impose a sentence of periodic imprisonment
11 for a felony or misdemeanor on a person who is 17 years of age
12 or older. The court shall not impose a sentence of periodic
13 imprisonment if it imposes a sentence of imprisonment upon the
14 defendant in excess of 90 days.

15 (d) A sentence of periodic imprisonment shall be for a
16 definite term of from 3 to 4 years for a Class 1 felony, 18 to
17 30 months for a Class 2 felony, and up to 18 months, or the
18 longest sentence of imprisonment that could be imposed for the
19 offense, whichever is less, for all other offenses; however, no
20 person shall be sentenced to a term of periodic imprisonment
21 longer than one year if he is committed to a county
22 correctional institution or facility, and in conjunction with
23 that sentence participate in a county work release program
24 comparable to the work and day release program provided for in
25 Article 13 of the Unified Code of Corrections in State
26 facilities. The term of the sentence shall be calculated upon

1 the basis of the duration of its term rather than upon the
2 basis of the actual days spent in confinement. No sentence of
3 periodic imprisonment shall be subject to the good time credit
4 provisions of Section 3-6-3 of this Code.

5 (e) When the court imposes a sentence of periodic
6 imprisonment, it shall state:

7 (1) the term of such sentence;

8 (2) the days or parts of days which the defendant is to
9 be confined;

10 (3) the conditions.

11 (f) The court may issue an order of protection pursuant to
12 the Illinois Domestic Violence Act of 1986 as a condition of a
13 sentence of periodic imprisonment. The Illinois Domestic
14 Violence Act of 1986 shall govern the issuance, enforcement and
15 recording of orders of protection issued under this Section. A
16 copy of the order of protection shall be transmitted to the
17 person or agency having responsibility for the case.

18 (f-5) An offender sentenced to a term of periodic
19 imprisonment for a felony sex offense as defined in the Sex
20 Offender Management Board Act shall be required to undergo and
21 successfully complete sex offender treatment by a treatment
22 provider approved by the Board and conducted in conformance
23 with the standards developed under the Sex Offender Management
24 Board Act.

25 (g) An offender sentenced to periodic imprisonment who
26 undergoes mandatory drug or alcohol testing, or both, or is

1 assigned to be placed on an approved electronic monitoring
2 device, shall be ordered to pay the costs incidental to such
3 mandatory drug or alcohol testing, or both, and costs
4 incidental to such approved electronic monitoring in
5 accordance with the defendant's ability to pay those costs. The
6 county board with the concurrence of the Chief Judge of the
7 judicial circuit in which the county is located shall establish
8 reasonable fees for the cost of maintenance, testing, and
9 incidental expenses related to the mandatory drug or alcohol
10 testing, or both, and all costs incidental to approved
11 electronic monitoring, of all offenders with a sentence of
12 periodic imprisonment. The concurrence of the Chief Judge shall
13 be in the form of an administrative order. The fees shall be
14 collected by the clerk of the circuit court, except as provided
15 in an administrative order of the Chief Judge of the circuit
16 court. The clerk of the circuit court shall pay all moneys
17 collected from these fees to the county treasurer who shall use
18 the moneys collected to defray the costs of drug testing,
19 alcohol testing, and electronic monitoring. The county
20 treasurer shall deposit the fees collected in the county
21 working cash fund under Section 6-27001 or Section 6-29002 of
22 the Counties Code, as the case may be.

23 (h) All fees and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under the Criminal
3 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
4 ~~Act.~~

5 The Chief Judge of the circuit court of the county may by
6 administrative order establish a program for electronic
7 monitoring of offenders, in which a vendor supplies and
8 monitors the operation of the electronic monitoring device, and
9 collects the fees on behalf of the county. The program shall
10 include provisions for indigent offenders and the collection of
11 unpaid fees. The program shall not unduly burden the offender
12 and shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device.

16 (i) A defendant at least 17 years of age who is convicted
17 of a misdemeanor or felony in a county of 3,000,000 or more
18 inhabitants and who has not been previously convicted of a
19 misdemeanor or a felony and who is sentenced to a term of
20 periodic imprisonment may as a condition of his or her sentence
21 be required by the court to attend educational courses designed
22 to prepare the defendant for a high school diploma and to work
23 toward receiving a high school diploma or to work toward
24 passing high school equivalency testing or to work toward
25 completing a vocational training program approved by the court.
26 The defendant sentenced to periodic imprisonment must attend a

1 public institution of education to obtain the educational or
2 vocational training required by this subsection (i). The
3 defendant sentenced to a term of periodic imprisonment shall be
4 required to pay for the cost of the educational courses or high
5 school equivalency testing if a fee is charged for those
6 courses or testing. The court shall revoke the sentence of
7 periodic imprisonment of the defendant who wilfully fails to
8 comply with this subsection (i). The court shall resentence the
9 defendant whose sentence of periodic imprisonment has been
10 revoked as provided in Section 5-7-2. This subsection (i) does
11 not apply to a defendant who has a high school diploma or has
12 successfully passed high school equivalency testing. This
13 subsection (i) does not apply to a defendant who is determined
14 by the court to be a person with a developmental disability or
15 otherwise mentally incapable of completing the educational or
16 vocational program.

17 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15;
18 99-797, eff. 8-12-16.)

19 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

20 Sec. 5-9-1. Authorized fines.

21 (a) An offender may be sentenced to pay a fine as provided
22 in Article 4.5 of Chapter V.

23 (b) ~~(Blank)~~.

24 (c) (Blank). ~~There shall be added to every fine imposed in~~
25 ~~sentencing for a criminal or traffic offense, except an offense~~

1 ~~relating to parking or registration, or offense by a~~
2 ~~pedestrian, an additional penalty of \$15 for each \$40, or~~
3 ~~fraction thereof, of fine imposed. The additional penalty of~~
4 ~~\$15 for each \$40, or fraction thereof, of fine imposed, if not~~
5 ~~otherwise assessed, shall also be added to every fine imposed~~
6 ~~upon a plea of guilty, stipulation of facts or findings of~~
7 ~~guilty, resulting in a judgment of conviction, or order of~~
8 ~~supervision in criminal, traffic, local ordinance, county~~
9 ~~ordinance, and conservation cases (except parking,~~
10 ~~registration, or pedestrian violations), or upon a sentence of~~
11 ~~probation without entry of judgment under Section 10 of the~~
12 ~~Cannabis Control Act, Section 410 of the Illinois Controlled~~
13 ~~Substances Act, or Section 70 of the Methamphetamine Control~~
14 ~~and Community Protection Act.~~

15 ~~Such additional amounts shall be assessed by the court~~
16 ~~imposing the fine and shall be collected by the Circuit Clerk~~
17 ~~in addition to the fine and costs in the case. Each such~~
18 ~~additional penalty shall be remitted by the Circuit Clerk~~
19 ~~within one month after receipt to the State Treasurer. The~~
20 ~~State Treasurer shall deposit \$1 for each \$40, or fraction~~
21 ~~thereof, of fine imposed into the LEADS Maintenance Fund. The~~
22 ~~State Treasurer shall deposit \$3 for each \$40, or fraction~~
23 ~~thereof, of fine imposed into the Law Enforcement Camera Grant~~
24 ~~Fund. The remaining surcharge amount shall be deposited into~~
25 ~~the Traffic and Criminal Conviction Surcharge Fund, unless the~~
26 ~~fine, costs or additional amounts are subject to disbursement~~

1 ~~by the circuit clerk under Section 27.5 of the Clerks of Courts~~
2 ~~Act. Such additional penalty shall not be considered a part of~~
3 ~~the fine for purposes of any reduction in the fine for time~~
4 ~~served either before or after sentencing. Not later than March~~
5 ~~1 of each year the Circuit Clerk shall submit a report of the~~
6 ~~amount of funds remitted to the State Treasurer under this~~
7 ~~subsection (c) during the preceding calendar year. Except as~~
8 ~~otherwise provided by Supreme Court Rules, if a court in~~
9 ~~imposing a fine against an offender levies a gross amount for~~
10 ~~fine, costs, fees and penalties, the amount of the additional~~
11 ~~penalty provided for herein shall be computed on the amount~~
12 ~~remaining after deducting from the gross amount levied all fees~~
13 ~~of the Circuit Clerk, the State's Attorney and the Sheriff.~~
14 ~~After deducting from the gross amount levied the fees and~~
15 ~~additional penalty provided for herein, less any other~~
16 ~~additional penalties provided by law, the clerk shall remit the~~
17 ~~net balance remaining to the entity authorized by law to~~
18 ~~receive the fine imposed in the case. For purposes of this~~
19 ~~Section "fees of the Circuit Clerk" shall include, if~~
20 ~~applicable, the fee provided for under Section 27.3a of the~~
21 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~
22 ~~county in which the violation occurred pursuant to Section~~
23 ~~5-1101 of the Counties Code.~~

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

11 ~~The Circuit Clerk may accept payment of fines and costs by~~
12 ~~credit card from an offender who has been convicted of a~~
13 ~~traffic offense, petty offense or misdemeanor and may charge~~
14 ~~the service fee permitted where fines and costs are paid by~~
15 ~~credit card provided for in Section 27.3b of the Clerks of~~
16 ~~Courts Act.~~

17 (c-7) (Blank). ~~In addition to the fines imposed by~~
18 ~~subsection (c), any person convicted or receiving an order of~~
19 ~~supervision for driving under the influence of alcohol or drugs~~
20 ~~shall pay an additional \$5 fee to the clerk. This additional~~
21 ~~fee, less 2 1/2% that shall be used to defray administrative~~
22 ~~costs incurred by the clerk, shall be remitted by the clerk to~~
23 ~~the Treasurer within 60 days after receipt for deposit into the~~
24 ~~Spinal Cord Injury Paralysis Cure Research Trust Fund. This~~
25 ~~additional fee of \$5 shall not be considered a part of the fine~~
26 ~~for purposes of any reduction in the fine for time served~~

1 ~~either before or after sentencing. Not later than March 1 of~~
2 ~~each year the Circuit Clerk shall submit a report of the amount~~
3 ~~of funds remitted to the State Treasurer under this subsection~~
4 ~~(c-7) during the preceding calendar year.~~

5 (c-9) (Blank).

6 (d) In determining the amount and method of payment of a
7 fine, except for those fines established for violations of
8 Chapter 15 of the Illinois Vehicle Code, the court shall
9 consider:

10 (1) the financial resources and future ability of the
11 offender to pay the fine; and

12 (2) whether the fine will prevent the offender from
13 making court ordered restitution or reparation to the
14 victim of the offense; and

15 (3) in a case where the accused is a dissolved
16 corporation and the court has appointed counsel to
17 represent the corporation, the costs incurred either by the
18 county or the State for such representation.

19 (e) The court may order the fine to be paid forthwith or
20 within a specified period of time or in installments.

21 (f) (Blank). ~~All fines, costs and additional amounts~~
22 ~~imposed under this Section for any violation of Chapters 3, 4,~~
23 ~~6, and 11 of the Illinois Vehicle Code, or a similar provision~~
24 ~~of a local ordinance, and any violation of the Child Passenger~~
25 ~~Protection Act, or a similar provision of a local ordinance,~~
26 ~~shall be collected and disbursed by the circuit clerk as~~

1 ~~provided under Section 27.5 of the Clerks of Courts Act.~~

2 (Source: P.A. 99-352, eff. 1-1-16.)

3 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

4 Sec. 5-9-1.4. (a) "Crime laboratory" means any
5 not-for-profit laboratory registered with the Drug Enforcement
6 Administration of the United States Department of Justice,
7 substantially funded by a unit or combination of units of local
8 government or the State of Illinois, which regularly employs at
9 least one person engaged in the analysis of controlled
10 substances, cannabis, methamphetamine, or steroids for
11 criminal justice agencies in criminal matters and provides
12 testimony with respect to such examinations.

13 (b) (Blank). ~~When a person has been adjudged guilty of an~~
14 ~~offense in violation of the Cannabis Control Act, the Illinois~~
15 ~~Controlled Substances Act, the Methamphetamine Control and~~
16 ~~Community Protection Act, or the Steroid Control Act, in~~
17 ~~addition to any other disposition, penalty or fine imposed, a~~
18 ~~criminal laboratory analysis fee of \$100 for each offense for~~
19 ~~which he was convicted shall be levied by the court. Any person~~
20 ~~placed on probation pursuant to Section 10 of the Cannabis~~
21 ~~Control Act, Section 410 of the Illinois Controlled Substances~~
22 ~~Act, Section 70 of the Methamphetamine Control and Community~~
23 ~~Protection Act, or Section 10 of the Steroid Control Act or~~
24 ~~placed on supervision for a violation of the Cannabis Control~~
25 ~~Act, the Illinois Controlled Substances Act or the Steroid~~

1 ~~Control Act shall be assessed a criminal laboratory analysis~~
2 ~~fee of \$100 for each offense for which he was charged. Upon~~
3 ~~verified petition of the person, the court may suspend payment~~
4 ~~of all or part of the fee if it finds that the person does not~~
5 ~~have the ability to pay the fee.~~

6 (c) In addition to any other disposition made pursuant to
7 the provisions of the Juvenile Court Act of 1987, any minor
8 adjudicated delinquent for an offense which if committed by an
9 adult would constitute a violation of the Cannabis Control Act,
10 the Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or the Steroid Control
12 Act shall be required to pay ~~assessed~~ a criminal laboratory
13 analysis assessment ~~fee~~ of \$100 for each adjudication. Upon
14 verified petition of the minor, the court may suspend payment
15 of all or part of the assessment ~~fee~~ if it finds that the minor
16 does not have the ability to pay the assessment ~~fee~~. The
17 parent, guardian or legal custodian of the minor may pay some
18 or all of such assessment ~~fee~~ on the minor's behalf.

19 (d) All criminal laboratory analysis fees provided for by
20 this Section shall be collected by the clerk of the court and
21 forwarded to the appropriate crime laboratory fund as provided
22 in subsection (f).

23 (e) Crime laboratory funds shall be established as follows:

24 (1) Any unit of local government which maintains a
25 crime laboratory may establish a crime laboratory fund
26 within the office of the county or municipal treasurer.

1 (2) Any combination of units of local government which
2 maintains a crime laboratory may establish a crime
3 laboratory fund within the office of the treasurer of the
4 county where the crime laboratory is situated.

5 (3) The State Crime Laboratory Fund is hereby created
6 as a special fund in the State Treasury.

7 (f) The analysis assessment ~~fee~~ provided for in subsection
8 ~~subsections (b) and~~ (c) of this Section shall be forwarded to
9 the office of the treasurer of the unit of local government
10 that performed the analysis if that unit of local government
11 has established a crime laboratory fund, or to the State Crime
12 Laboratory Fund if the analysis was performed by a laboratory
13 operated by the Illinois State Police. If the analysis was
14 performed by a crime laboratory funded by a combination of
15 units of local government, the analysis assessment ~~fee~~ shall be
16 forwarded to the treasurer of the county where the crime
17 laboratory is situated if a crime laboratory fund has been
18 established in that county. If the unit of local government or
19 combination of units of local government has not established a
20 crime laboratory fund, then the analysis assessment ~~fee~~ shall
21 be forwarded to the State Crime Laboratory Fund. ~~The clerk of~~
22 ~~the circuit court may retain the amount of \$10 from each~~
23 ~~collected analysis fee to offset administrative costs incurred~~
24 ~~in carrying out the clerk's responsibilities under this~~
25 ~~Section.~~

26 (g) Moneys Fees deposited into a crime laboratory fund

1 created pursuant to paragraphs (1) or (2) of subsection (e) of
2 this Section shall be in addition to any allocations made
3 pursuant to existing law and shall be designated for the
4 exclusive use of the crime laboratory. These uses may include,
5 but are not limited to, the following:

6 (1) costs incurred in providing analysis for
7 controlled substances in connection with criminal
8 investigations conducted within this State;

9 (2) purchase and maintenance of equipment for use in
10 performing analyses; and

11 (3) continuing education, training and professional
12 development of forensic scientists regularly employed by
13 these laboratories.

14 (h) Moneys ~~Fees~~ deposited in the State Crime Laboratory
15 Fund created pursuant to paragraph (3) of subsection (d) of
16 this Section shall be used by State crime laboratories as
17 designated by the Director of State Police. These funds shall
18 be in addition to any allocations made pursuant to existing law
19 and shall be designated for the exclusive use of State crime
20 laboratories. These uses may include those enumerated in
21 subsection (g) of this Section.

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

23 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

24 Sec. 5-9-1.7. Sexual assault fines.

25 (a) Definitions. The terms used in this Section shall have

1 the following meanings ascribed to them:

2 (1) "Sexual assault" means the commission or attempted
3 commission of the following: sexual exploitation of a
4 child, criminal sexual assault, predatory criminal sexual
5 assault of a child, aggravated criminal sexual assault,
6 criminal sexual abuse, aggravated criminal sexual abuse,
7 indecent solicitation of a child, public indecency, sexual
8 relations within families, promoting juvenile
9 prostitution, soliciting for a juvenile prostitute,
10 keeping a place of juvenile prostitution, patronizing a
11 juvenile prostitute, juvenile pimping, exploitation of a
12 child, obscenity, child pornography, aggravated child
13 pornography, harmful material, or ritualized abuse of a
14 child, as those offenses are defined in the Criminal Code
15 of 1961 or the Criminal Code of 2012.

16 (2) (Blank). ~~"Family member" shall have the meaning~~
17 ~~ascribed to it in Section 11-0.1 of the Criminal Code of~~
18 ~~2012.~~

19 (3) "Sexual assault organization" means any
20 not-for-profit organization providing comprehensive,
21 community-based services to victims of sexual assault.
22 "Community-based services" include, but are not limited
23 to, direct crisis intervention through a 24-hour response,
24 medical and legal advocacy, counseling, information and
25 referral services, training, and community education.

26 (b) (Blank). ~~Sexual assault fine; collection by clerk.~~

1 ~~(1) In addition to any other penalty imposed, a fine of~~
2 ~~\$200 shall be imposed upon any person who pleads guilty or~~
3 ~~who is convicted of, or who receives a disposition of court~~
4 ~~supervision for, a sexual assault or attempt of a sexual~~
5 ~~assault. Upon request of the victim or the victim's~~
6 ~~representative, the court shall determine whether the fine~~
7 ~~will impose an undue burden on the victim of the offense.~~
8 ~~For purposes of this paragraph, the defendant may not be~~
9 ~~considered the victim's representative. If the court finds~~
10 ~~that the fine would impose an undue burden on the victim,~~
11 ~~the court may reduce or waive the fine. The court shall~~
12 ~~order that the defendant may not use funds belonging solely~~
13 ~~to the victim of the offense for payment of the fine.~~

14 ~~(2) Sexual assault fines shall be assessed by the court~~
15 ~~imposing the sentence and shall be collected by the circuit~~
16 ~~clerk. The circuit clerk shall retain 10% of the penalty to~~
17 ~~cover the costs involved in administering and enforcing~~
18 ~~this Section. The circuit clerk shall remit the remainder~~
19 ~~of each fine within one month of its receipt to the State~~
20 ~~Treasurer for deposit as follows:~~

21 ~~(i) for family member offenders, one half to the~~
22 ~~Sexual Assault Services Fund, and one half to the~~
23 ~~Domestic Violence Shelter and Service Fund; and~~

24 ~~(ii) for other than family member offenders, the~~
25 ~~full amount to the Sexual Assault Services Fund.~~

26 (c) Sexual Assault Services Fund; administration. There is

1 created a Sexual Assault Services Fund. Moneys deposited into
2 the Fund under Section 15-20 and 15-40 of the Criminal and
3 Traffic Assessment Act ~~this Section~~ shall be appropriated to
4 the Department of Public Health. Upon appropriation of moneys
5 from the Sexual Assault Services Fund, the Department of Public
6 Health shall make grants of these moneys from the Fund to
7 sexual assault organizations with whom the Department has
8 contracts for the purpose of providing community-based
9 services to victims of sexual assault. Grants made under this
10 Section are in addition to, and are not substitutes for, other
11 grants authorized and made by the Department.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;
13 97-1150, eff. 1-25-13.)

14 (730 ILCS 5/5-9-1.9)

15 Sec. 5-9-1.9. DUI analysis fee.

16 (a) "Crime laboratory" means a not-for-profit laboratory
17 substantially funded by a single unit or combination of units
18 of local government or the State of Illinois that regularly
19 employs at least one person engaged in the DUI analysis of
20 blood, other bodily substance, and urine for criminal justice
21 agencies in criminal matters and provides testimony with
22 respect to such examinations.

23 "DUI analysis" means an analysis of blood, other bodily
24 substance, or urine for purposes of determining whether a
25 violation of Section 11-501 of the Illinois Vehicle Code has

1 occurred.

2 (b) (Blank). ~~When a person has been adjudged guilty of an~~
3 ~~offense in violation of Section 11-501 of the Illinois Vehicle~~
4 ~~Code, in addition to any other disposition, penalty, or fine~~
5 ~~imposed, a crime laboratory DUI analysis fee of \$150 for each~~
6 ~~offense for which the person was convicted shall be levied by~~
7 ~~the court for each case in which a laboratory analysis~~
8 ~~occurred. Upon verified petition of the person, the court may~~
9 ~~suspend payment of all or part of the fee if it finds that the~~
10 ~~person does not have the ability to pay the fee.~~

11 (c) In addition to any other disposition made under the
12 provisions of the Juvenile Court Act of 1987, any minor
13 adjudicated delinquent for an offense which if committed by an
14 adult would constitute a violation of Section 11-501 of the
15 Illinois Vehicle Code shall pay ~~be assessed~~ a crime laboratory
16 DUI analysis assessment ~~fee~~ of \$150 for each adjudication. Upon
17 verified petition of the minor, the court may suspend payment
18 of all or part of the assessment ~~fee~~ if it finds that the minor
19 does not have the ability to pay the assessment ~~fee~~. The
20 parent, guardian, or legal custodian of the minor may pay some
21 or all of the assessment ~~fee~~ on the minor's behalf.

22 (d) All crime laboratory DUI analysis assessments ~~fees~~
23 provided for by this Section shall be collected by the clerk of
24 the court and forwarded to the appropriate crime laboratory DUI
25 fund as provided in subsection (f).

26 (e) Crime laboratory funds shall be established as follows:

1 (1) A unit of local government that maintains a crime
2 laboratory may establish a crime laboratory DUI fund within
3 the office of the county or municipal treasurer.

4 (2) Any combination of units of local government that
5 maintains a crime laboratory may establish a crime
6 laboratory DUI fund within the office of the treasurer of
7 the county where the crime laboratory is situated.

8 (3) The State Police DUI Fund is created as a special
9 fund in the State Treasury.

10 (f) The analysis assessment fee provided for in subsection
11 ~~subsections (b) and~~ (c) of this Section shall be forwarded to
12 the office of the treasurer of the unit of local government
13 that performed the analysis if that unit of local government
14 has established a crime laboratory DUI fund, or to the State
15 Treasurer for deposit into the State Police Operations
16 Assistance ~~DUI~~ Fund if the analysis was performed by a
17 laboratory operated by the Department of State Police. If the
18 analysis was performed by a crime laboratory funded by a
19 combination of units of local government, the analysis
20 assessment fee shall be forwarded to the treasurer of the
21 county where the crime laboratory is situated if a crime
22 laboratory DUI fund has been established in that county. If the
23 unit of local government or combination of units of local
24 government has not established a crime laboratory DUI fund,
25 then the analysis assessment fee shall be forwarded to the
26 State Treasurer for deposit into the State Police Operations

1 ~~Assistance Fund DUI Fund. The clerk of the circuit court may~~
2 ~~retain the amount of \$10 from each collected analysis fee to~~
3 ~~offset administrative costs incurred in carrying out the~~
4 ~~clerk's responsibilities under this Section.~~

5 (g) Moneys Fees deposited into a crime laboratory DUI fund
6 created under paragraphs (1) and (2) of subsection (e) of this
7 Section shall be in addition to any allocations made pursuant
8 to existing law and shall be designated for the exclusive use
9 of the crime laboratory. These uses may include, but are not
10 limited to, the following:

11 (1) Costs incurred in providing analysis for DUI
12 investigations conducted within this State.

13 (2) Purchase and maintenance of equipment for use in
14 performing analyses.

15 (3) Continuing education, training, and professional
16 development of forensic scientists regularly employed by
17 these laboratories.

18 (h) Moneys Fees deposited in the State Police Operations
19 Assistance ~~DUI Fund created under paragraph (3) of subsection~~
20 ~~(e) of this Section~~ shall be used by State crime laboratories
21 as designated by the Director of State Police. These funds
22 shall be in addition to any allocations made according to
23 existing law and shall be designated for the exclusive use of
24 State crime laboratories. These uses may include those
25 enumerated in subsection (g) of this Section.

26 (Source: P.A. 99-697, eff. 7-29-16.)

1 (730 ILCS 5/5-9-1.11)

2 Sec. 5-9-1.11. Domestic Violence Abuser Services Violation
3 ~~of an order of protection;~~ Fund.

4 (a) (Blank). ~~In addition to any other penalty imposed, a~~
5 ~~fine of \$20 shall be imposed upon any person who is convicted~~
6 ~~of or placed on supervision for violation of an order of~~
7 ~~protection; provided that the offender and victim are family or~~
8 ~~household members as defined in Section 103 of the Illinois~~
9 ~~Domestic Violence Act of 1986.~~

10 ~~The additional amount shall be assessed by the court~~
11 ~~imposing sentence and shall be collected by the Circuit Clerk~~
12 ~~in addition to the fine, if any, and costs in the case. Each~~
13 ~~such additional penalty shall be remitted by the Circuit Clerk~~
14 ~~within one month after receipt to the State Treasurer for~~
15 ~~deposit into the Domestic Violence Abuser Services Fund. The~~
16 ~~Circuit Clerk shall retain 10% of the penalty to cover the~~
17 ~~costs incurred in administering and enforcing this Section. The~~
18 ~~additional penalty shall not be considered a part of the fine~~
19 ~~for purposes of any reduction in the fine for time served~~
20 ~~either before or after sentencing.~~

21 ~~The State Treasurer shall deposit into the Domestic~~
22 ~~Violence Abuser Services Fund each fine received from circuit~~
23 ~~clerks under Section 5-9-1.5 of the Unified Code of~~
24 ~~Corrections.~~

25 ~~Upon request of the victim or the victim's representative,~~

1 ~~the court shall determine whether the fine will impose an undue~~
2 ~~burden on the victim of the offense. For purposes of this~~
3 ~~paragraph, the defendant may not be considered the victim's~~
4 ~~representative. If the court finds that the fine would impose~~
5 ~~an undue burden on the victim, the court may reduce or waive~~
6 ~~the fine. The court shall order that the defendant may not use~~
7 ~~funds belonging solely to the victim of the offense for payment~~
8 ~~of the fine.~~

9 ~~Not later than March 1 of each year the Clerk of the~~
10 ~~Circuit Court shall submit to the State Comptroller a report of~~
11 ~~the amount of funds remitted by her or him to the State~~
12 ~~Treasurer under this Section during the preceding calendar~~
13 ~~year. Except as otherwise provided by Supreme Court Rules, if a~~
14 ~~court in sentencing an offender levies a gross amount for fine,~~
15 ~~costs, fees and penalties, the amount of the additional penalty~~
16 ~~provided for in this Section shall be collected from the amount~~
17 ~~remaining after deducting from the gross amount levied all fees~~
18 ~~of the Circuit Clerk, the State's Attorney, and the Sheriff.~~
19 ~~After deducting from the gross amount levied the fees and~~
20 ~~additional penalty provided for in this Section, less any other~~
21 ~~additional penalties provided by law, the clerk shall remit the~~
22 ~~net balance remaining to the entity authorized by law to~~
23 ~~receive the fine imposed in the case. For purposes of this~~
24 ~~Section "Fees of the Circuit Clerk" shall include, if~~
25 ~~applicable, the fee provided for under Section 27.3a of the~~
26 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~

1 ~~county in which the violation occurred under Section 5-1101 of~~
2 ~~the Counties Code.~~

3 (b) Domestic Violence Abuser Services Fund;
4 administration. There is created a Domestic Violence Abuser
5 Services Fund in the State Treasury. Moneys deposited into the
6 Fund under Section 15-70 of the Criminal and Traffic
7 Assessments Act ~~this Section~~ shall be appropriated to the
8 Department of Human Services for the purpose of providing
9 services specified by this Section. Upon appropriation of
10 moneys from the Domestic Violence Abuser Services Fund, the
11 Department of Human Services shall set aside 10% of all
12 appropriated funds for the purposes of program training,
13 development and assessment. The Department shall make grants of
14 all remaining moneys from the Fund to qualified domestic
15 violence abuser services programs through a competitive
16 application process. A "qualified domestic violence abuser
17 services program" is one which the Department determines is in
18 compliance with protocols for abuser services promulgated by
19 the Department. To the extent possible the Department shall
20 ensure that moneys received from penalties imposed by courts in
21 judicial districts are returned to qualified abuser services
22 programs serving those districts.

23 (Source: P.A. 90-241, eff. 1-1-98.)

24 (730 ILCS 5/5-9-1.16)

25 Sec. 5-9-1.16. Protective order violation service provider

1 fees.

2 (a) (Blank). ~~There shall be added to every penalty imposed~~
3 ~~in sentencing for a violation of an order of protection under~~
4 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
5 ~~Criminal Code of 2012 an additional fee to be set in an amount~~
6 ~~not less than \$200 to be imposed upon a plea of guilty or~~
7 ~~finding of guilty resulting in a judgment of conviction.~~

8 (b) (Blank). ~~Such additional amount shall be assessed by~~
9 ~~the court imposing sentence and shall be collected by the~~
10 ~~Circuit Clerk in addition to the fine, if any, and costs in the~~
11 ~~case to be used by the supervising authority in implementing~~
12 ~~the domestic violence surveillance program. The clerk of the~~
13 ~~circuit court shall pay all monies collected from this fee to~~
14 ~~the county treasurer for deposit in the probation and court~~
15 ~~services fund under Section 15.1 of the Probation and~~
16 ~~Probations Officers Act.~~

17 (c) The supervising authority of a domestic violence
18 surveillance program under Section 5-8A-7 of this Act shall
19 assess a person either convicted of, or charged with, the
20 violation of an order of protection an additional service
21 provider fee to cover the costs of providing the equipment used
22 and the additional supervision needed for such domestic
23 violence surveillance program. If the court finds that the fee
24 would impose an undue burden on the victim, the court may
25 reduce or waive the fee. The court shall order that the
26 defendant may not use funds belonging solely to the victim of

1 the offense for payment of the fee.

2 When the supervising authority is the court or the
3 probation and court services department, the fee shall be
4 collected by the circuit court clerk. The clerk of the circuit
5 court shall pay all monies collected from this fee and all
6 other required probation fees that are assessed to the county
7 treasurer for deposit in the probation and court services fund
8 under Section 15.1 of the Probation and Probations Officers
9 Act. In counties with a population of 2 million or more, when
10 the supervising authority is the court or the probation and
11 court services department, the fee shall be collected by the
12 supervising authority. In these counties, the supervising
13 authority shall pay all monies collected from this fee and all
14 other required probation fees that are assessed, to the county
15 treasurer for deposit in the probation and court services fund
16 under Section 15.1 of the Probation and Probation Officers Act.

17 When the supervising authority is the Department of
18 Corrections, the Department shall collect the fee for deposit
19 into the Department of Corrections Reimbursement and Education
20 Fund. ~~The Circuit Clerk shall retain 10% of such penalty and
21 deposit that percentage into the Circuit Court Clerk Operation
22 and Administrative Fund to cover the costs incurred in
23 administering and enforcing this Section.~~

24 (d) (Blank).

25 (e) (Blank).

26 (Source: P.A. 99-933, eff. 1-27-17.)

1 (730 ILCS 5/5-9-1.21)

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

4 (a) There is created in the State treasury a Specialized
5 Services for Survivors of Human Trafficking Fund. Moneys
6 deposited into the Fund under this Section shall be available
7 for the Department of Human Services for the purposes in this
8 Section.

9 (b) (Blank). ~~Each plea of guilty, stipulation of facts, or~~
10 ~~finding of guilt resulting in a judgment of conviction or order~~
11 ~~of supervision for an offense under Section 10-9, 11-14.1,~~
12 ~~11-14.3, or 11-18 of the Criminal Code of 2012 that results in~~
13 ~~the imposition of a fine shall have a portion of that fine~~
14 ~~deposited into the Specialized Services for Survivors of Human~~
15 ~~Trafficking Fund.~~

16 (c) (Blank). ~~If imposed, the fine shall be collected by the~~
17 ~~circuit court clerk in addition to any other imposed fee. The~~
18 ~~circuit court clerk shall retain \$50 to cover the costs in~~
19 ~~administering and enforcing this Section. The circuit court~~
20 ~~clerk shall remit the remainder of the fine within one month of~~
21 ~~its receipt as follows:~~

22 ~~(1) \$300 shall be distributed equally between all State~~
23 ~~law enforcement agencies whose officers or employees~~
24 ~~conducted the investigation or prosecution that resulted~~
25 ~~in the finding of guilt; and~~

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

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

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

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

26 (Source: P.A. 98-1013, eff. 1-1-15.)

1 (730 ILCS 5/5-9-1.1 rep.)

2 (730 ILCS 5/5-9-1.1-5 rep.)

3 (730 ILCS 5/5-9-1.5 rep.)

4 (730 ILCS 5/5-9-1.6 rep.)

5 (730 ILCS 5/5-9-1.10 rep.)

6 (730 ILCS 5/5-9-1.12 rep.)

7 (730 ILCS 5/5-9-1.14 rep.)

8 (730 ILCS 5/5-9-1.15 rep.)

9 (730 ILCS 5/5-9-1.17 rep.)

10 (730 ILCS 5/5-9-1.18 rep.)

11 (730 ILCS 5/5-9-1.19 rep.)

12 (730 ILCS 5/5-9-1.20 rep.)

13 Section 905-93. The Unified Code of Corrections is amended
14 by repealing Sections 5-9-1.1, 5-9-1.1-5, 5-9-1.5, 5-9-1.6,
15 5-9-1.10, 5-9-1.12, 5-9-1.14, 5-9-1.15, 5-9-1.17, 5-9-1.18,
16 5-9-1.19, and 5-9-1.20.

17 Section 905-95. The County Jail Act is amended by changing
18 Section 17 as follows:

19 (730 ILCS 125/17) (from Ch. 75, par. 117)

20 Sec. 17. Bedding, clothing, fuel, and medical aid;
21 reimbursement for medical expenses. The Warden of the jail
22 shall furnish necessary bedding, clothing, fuel, and medical
23 services for all prisoners under his charge, and keep an

1 accurate account of the same. When services that result in
2 qualified medical expenses are required by any person held in
3 custody, the county, private hospital, physician or any public
4 agency which provides such services shall be entitled to obtain
5 reimbursement from the county for the cost of such services.
6 The county board of a county may adopt an ordinance or
7 resolution providing for reimbursement for the cost of those
8 services at the Department of Healthcare and Family Services'
9 rates for medical assistance. To the extent that such person is
10 reasonably able to pay for such care, including reimbursement
11 from any insurance program or from other medical benefit
12 programs available to such person, he or she shall reimburse
13 the county or arresting authority. If such person has already
14 been determined eligible for medical assistance under the
15 Illinois Public Aid Code at the time the person is detained,
16 the cost of such services, to the extent such cost exceeds
17 \$500, shall be reimbursed by the Department of Healthcare and
18 Family Services under that Code. A reimbursement under any
19 public or private program authorized by this Section shall be
20 paid to the county or arresting authority to the same extent as
21 would have been obtained had the services been rendered in a
22 non-custodial environment.

23 The sheriff or his or her designee may cause an application
24 for medical assistance under the Illinois Public Aid Code to be
25 completed for an arrestee who is a hospital inpatient. If such
26 arrestee is determined eligible, he or she shall receive

1 medical assistance under the Code for hospital inpatient
2 services only. An arresting authority shall be responsible for
3 any qualified medical expenses relating to the arrestee until
4 such time as the arrestee is placed in the custody of the
5 sheriff. However, the arresting authority shall not be so
6 responsible if the arrest was made pursuant to a request by the
7 sheriff. When medical expenses are required by any person held
8 in custody, the county shall be entitled to obtain
9 reimbursement from the County Jail Medical Costs Fund to the
10 extent moneys are available from the Fund. To the extent that
11 the person is reasonably able to pay for that care, including
12 reimbursement from any insurance program or from other medical
13 benefit programs available to the person, he or she shall
14 reimburse the county.

15 ~~The county shall be entitled to a \$10 fee for each~~
16 ~~conviction or order of supervision for a criminal violation,~~
17 ~~other than a petty offense or business offense. The fee shall~~
18 ~~be taxed as costs to be collected from the defendant, if~~
19 ~~possible, upon conviction or entry of an order of supervision.~~
20 ~~The fee shall not be considered a part of the fine for purposes~~
21 ~~of any reduction in the fine.~~

22 ~~All such fees collected shall be deposited by the county in~~
23 ~~a fund to be established and known as the County Jail Medical~~
24 ~~Costs Fund. Moneys in the Fund shall be used solely for~~
25 ~~reimbursement to the county of costs for medical expenses and~~
26 ~~administration of the Fund.~~

1 For the purposes of this Section, "arresting authority"
2 means a unit of local government, other than a county, which
3 employs peace officers and whose peace officers have made the
4 arrest of a person. For the purposes of this Section,
5 "qualified medical expenses" include medical and hospital
6 services but do not include (i) expenses incurred for medical
7 care or treatment provided to a person on account of a
8 self-inflicted injury incurred prior to or in the course of an
9 arrest, (ii) expenses incurred for medical care or treatment
10 provided to a person on account of a health condition of that
11 person which existed prior to the time of his or her arrest, or
12 (iii) expenses for hospital inpatient services for arrestees
13 enrolled for medical assistance under the Illinois Public Aid
14 Code.

15 (Source: P.A. 95-842, eff. 8-15-08; 96-1280, eff. 7-26-10.)

16 Section 905-100. The Code of Civil Procedure is amended by
17 changing Section 5-105 as follows:

18 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

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

21 (a) As used in this Section:

22 (1) "Fees, costs, and charges" means payments imposed
23 on a party in connection with the prosecution or defense of
24 a civil action, including, but not limited to: fees set

1 forth in Section 27.1b of the Clerks of Courts Act ~~filing~~
2 ~~fees; appearance fees;~~ fees for service of process and
3 other papers served either within or outside this State,
4 including service by publication pursuant to Section 2-206
5 of this Code and publication of necessary legal notices;
6 motion fees; ~~jury demand fees;~~ charges for participation
7 in, or attendance at, any mandatory process or procedure
8 including, but not limited to, conciliation, mediation,
9 arbitration, counseling, evaluation, "Children First",
10 "Focus on Children" or similar programs; fees for
11 supplementary proceedings; charges for translation
12 services; guardian ad litem fees; ~~charges for certified~~
13 ~~copies of court documents;~~ and all other processes and
14 procedures deemed by the court to be necessary to commence,
15 prosecute, defend, or enforce relief in a civil action.

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

18 (i) He or she is receiving assistance under one or
19 more of the following means based governmental public
20 benefits programs: Supplemental Security Income (SSI),
21 Aid to the Aged, Blind and Disabled (AABD), Temporary
22 Assistance for Needy Families (TANF), Supplemental
23 Nutrition Assistance Program (SNAP) ~~Food Stamps,~~
24 General Assistance, Transitional Assistance, or State
25 Children and Family Assistance.

26 (ii) His or her available personal income is 200%

1 ~~125%~~ or less of the current poverty level ~~as~~
2 ~~established by the United States Department of Health~~
3 ~~and Human Services~~, unless the applicant's assets that
4 are not exempt under Part 9 or 10 of Article XII of
5 this Code are of a nature and value that the court
6 determines that the applicant is able to pay the fees,
7 costs, and charges.

8 (iii) He or she is, in the discretion of the court,
9 unable to proceed in an action without payment of fees,
10 costs, and charges and whose payment of those fees,
11 costs, and charges would result in substantial
12 hardship to the person or his or her family.

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

15 (3) "Poverty level" means the current poverty level as
16 established by the United States Department of Health and
17 Human Services.

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

20 (1) If the court finds~~7~~, on finding that the applicant
21 is an indigent person, the court shall grant the applicant
22 a full fees, costs, and charges waiver entitling him or her
23 ~~leave~~ to sue or defend the action without payment of any of
24 the fees, costs, and charges. ~~of the action~~

25 (2) If the court finds that the applicant satisfies any
26 of the criteria contained in items (i), (ii), or (iii) of

1 this subdivision (b)(2), the court shall grant the
2 applicant a partial fees, costs, and charges waiver
3 entitling him or her to sue or defend the action upon
4 payment of the applicable percentage of the assessments,
5 costs, and charges of the action, as follows:

6 (i) the court shall waive 75% of all fees, costs,
7 and charges if the available income of the applicant is
8 greater than 200% but does not exceed 250% of the
9 poverty level, unless the assets of the applicant that
10 are not exempt under Part 9 or 10 of Article XII of
11 this Code are such that the applicant is able, without
12 undue hardship, to pay a greater portion of the fees,
13 costs, and charges;

14 (ii) the court shall waive 50% of all fees, costs,
15 and charges if the available income is greater than
16 250% but does not exceed 300% of the poverty level,
17 unless the assets of the applicant that are not exempt
18 under Part 9 or 10 of Article XII of this Code are such
19 that the applicant is able, without undue hardship, to
20 pay a greater portion of the fees, costs, and charges;
21 and

22 (iii) the court shall waive 25% of all fees, costs,
23 and charges if the available income of the applicant is
24 greater than 300% but does not exceed 400% of the
25 current poverty level, unless the assets of the
26 applicant that are not exempt under Part 9 or 10 of

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

4 (c) An application for waiver of court fees, costs, and
5 charges ~~leave to sue or defend an action as an indigent person~~
6 shall be in writing and signed ~~supported~~ by the ~~affidavit of~~
7 ~~the~~ applicant, or, if the applicant is a minor or an
8 incompetent adult, by ~~the affidavit of~~ another person having
9 knowledge of the facts. The contents of the application for
10 waiver of court fees, costs, and charges, and the procedure for
11 the decision of the applications, affidavit shall be
12 established by Supreme Court Rule. Factors to consider in
13 evaluating an application shall include:

14 (1) the applicant's receipt of needs based
15 governmental public benefits, including Supplemental
16 Security Income (SSI); Aid to the Aged, Blind and Disabled
17 (ADBD); Temporary Assistance for Needy Families (TANF);
18 Supplemental Nutrition Assistance Program (SNAP or "food
19 stamps"); General Assistance; Transitional Assistance; or
20 State Children and Family Assistance;

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

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

26 (4) income received by the applicant from other

1 household members;

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

6 (6) financial affidavits or other similar supporting
7 documentation provided by the applicant showing that
8 payment of the imposed fees, costs, and charges would
9 result in substantial hardship to the applicant or the
10 applicant's family.

11 (c-5) The court shall provide, through the office of the
12 clerk of the court, the application for waiver of court fees,
13 costs, and charges ~~simplified forms consistent with the~~
14 ~~requirements of this Section and applicable Supreme Court Rules~~
15 to any person seeking to sue or defend an action who indicates
16 an inability to pay the fees, costs, and charges of the action.
17 ~~The application and supporting affidavit may be incorporated~~
18 ~~into one simplified form.~~ The clerk of the court shall post in
19 a conspicuous place in the courthouse a notice no smaller than
20 8.5 x 11 inches, using no smaller than 30-point typeface
21 printed in English and in Spanish, advising the public that
22 they may ask the court for permission to sue or defend a civil
23 action without payment of fees, costs, and charges. The notice
24 shall be substantially as follows:

25 "If you are unable to pay the fees, costs, and charges
26 of an action you may ask the court to allow you to proceed

1 without paying them. Ask the clerk of the court for forms."

2 (d) (Blank). ~~The court shall rule on applications under~~
3 ~~this Section in a timely manner based on information contained~~
4 ~~in the application unless the court, in its discretion,~~
5 ~~requires the applicant to personally appear to explain or~~
6 ~~clarify information contained in the application. If the court~~
7 ~~finds that the applicant is an indigent person, the court shall~~
8 ~~enter an order permitting the applicant to sue or defend~~
9 ~~without payment of fees, costs, or charges. If the application~~
10 ~~is denied, the court shall enter an order to that effect~~
11 ~~stating the specific reasons for the denial. The clerk of the~~
12 ~~court shall promptly mail or deliver a copy of the order to the~~
13 ~~applicant.~~

14 (e) The clerk of the court shall not refuse to accept and
15 file any complaint, appearance, or other paper presented by the
16 applicant if accompanied by an application for waiver of court
17 fees, costs, and charges ~~to sue or defend in forma pauperis,~~
18 and those papers shall be considered filed on the date the
19 application is presented. If the application is denied or a
20 partial fees, costs, and charges waiver is granted, the order
21 shall state a date certain by which the necessary fees, costs,
22 and charges must be paid. For ~~The court, for~~ good cause shown,
23 the court may allow an applicant who receives a partial fees,
24 costs, and charges waiver ~~whose application is denied~~ to defer
25 payment of fees, costs, and charges, make installment payments,
26 or make payment upon reasonable terms and conditions stated in

1 the order. The court may dismiss the claims or strike the
2 defenses of any party failing to pay the fees, costs, and ~~or~~
3 charges within the time and in the manner ordered by the court.
4 A judicial ruling on an application for waiver of court
5 assessments does not constitute a decision of a substantial
6 issue in the case under Section 2-1001 of this Code ~~A~~
7 ~~determination concerning an application to sue or defend in~~
8 ~~forma pauperis shall not be construed as a ruling on the~~
9 ~~merits.~~

10 (f) The ~~court may~~ order granting a full or partial fees,
11 costs, and charges waiver shall expire after one year. Upon
12 expiration of the waiver, or a reasonable period of time before
13 expiration, the party whose fees, costs, and charges were
14 waived may file another application for waiver and the court
15 shall consider the application in accordance with the
16 applicable Supreme Court Rule. ~~an indigent person to pay all or~~
17 ~~a portion of the fees, costs, or charges waived pursuant to~~
18 ~~this Section out of moneys recovered by the indigent person~~
19 ~~pursuant to a judgment or settlement resulting from the civil~~
20 ~~action. However, nothing in this Section shall be construed to~~
21 ~~limit the authority of a court to order another party to the~~
22 ~~action to pay the fees, costs, or charges of the action.~~

23 (f-5) If, before or at the time of final disposition of the
24 case, the court obtains information, including information
25 from the court file, suggesting that a person whose fees,
26 costs, and charges were initially waived was not entitled to a

1 full or partial waiver at the time of application, the court
2 may require the person to appear at a court hearing by giving
3 the applicant no less than 10 days' written notice of the
4 hearing and the specific reasons why the initial waiver might
5 be reconsidered. The court may require the applicant to provide
6 reasonably available evidence, including financial
7 information, to support his or her eligibility for the waiver,
8 but the court shall not require submission of information that
9 is unrelated to the criteria for eligibility and application
10 requirements set forth in subdivisions (b) (1) or (b) (2) of this
11 Section. If the court finds that the person was not initially
12 entitled to any waiver, the person shall pay all fees, costs,
13 and charges relating to the civil action, including any
14 previously-waived fees, costs, and charges. The order may state
15 terms of payment in accordance with subsection (e). The court
16 shall not conduct a hearing under this subsection more often
17 than once every 6 months.

18 (f-10) If, before or at the time of final disposition of
19 the case, the court obtains information, including information
20 from the court file, suggesting that a person who received a
21 full or partial waiver has experienced a change in financial
22 condition so that he or she is no longer eligible for that
23 waiver, the court may require the person to appear at a court
24 hearing by giving the applicant no less than 10 days' written
25 notice of the hearing and the specific reasons why the waiver
26 might be reconsidered. The court may require the person to

1 provide reasonably available evidence, including financial
2 information, to support his or her continued eligibility for
3 the waiver, but shall not require submission of information
4 that is unrelated to the criteria for eligibility and
5 application requirements set forth in subsections (b)(1) and
6 (b)(2) of this Section. If the court enters an order finding
7 that the person is no longer entitled to a waiver, or is
8 entitled to a partial waiver different than that which the
9 person had previously received, the person shall pay the
10 requisite fees, costs, and charges from the date of the order
11 going forward. The order may state terms of payment in
12 accordance with subsection (e) of this Section. The court shall
13 not conduct a hearing under this subsection more often than
14 once every 6 months.

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

18 (h) Nothing in this Section shall be construed to affect
19 the right of a party to sue or defend an action in forma
20 pauperis without the payment of fees, costs, ~~or~~ charges, or the
21 right of a party to court-appointed counsel, as authorized by
22 any other provision of law or by the rules of the Illinois
23 Supreme Court. Nothing in this Section shall be construed to
24 limit the authority of a court to order another party to the
25 action to pay the fees, costs, and charges of the action.

26 (h-5) If a party is represented by a civil legal services

1 provider or an attorney in a court-sponsored pro bono program
2 as defined in Section 5-105.5 of this Code, the attorney
3 representing that party shall file a certification with the
4 court in accordance with Supreme Court Rule 298 and that party
5 shall be allowed to sue or defend without payment of fees,
6 costs, and charges without filing an application under this
7 Section.

8 (h-10) If an attorney files an appearance on behalf of a
9 person whose fees, costs, and charges were initially waived
10 under this Section, the attorney must pay all fees, costs, and
11 charges relating to the civil action, including any previously
12 waived fees, costs, and charges, unless the attorney is either
13 a civil legal services provider, representing his or her client
14 as part of a court-sponsored pro bono program as defined in
15 Section 5-105.1 of this Code, or appearing under a limited
16 scope appearance in accordance with Supreme Court Rule
17 13(c) (6).

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

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

21 Article 999. Effective Date

22 Section 999-99. Effective date. This Act takes effect July
23 1, 2019, except that this Section and Article 900 takes effect
24 on July 1, 2018.