



Rep. Steven A. Andersson

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1 AMENDMENT TO SENATE BILL 1328

2 AMENDMENT NO. _____. Amend Senate Bill 1328 by replacing
3 everything after the enacting clause with the following:

4 "Article 1. General Provisions

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

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

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

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

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

15 "Count" means each separate offense charged in the same

1 indictment, information, or complaint when the indictment,
2 information, or complaint alleges the commission of more than
3 one offense.

4 "Conservation offense" means any violation of the
5 following Acts, Codes, or ordinances, except any offense
6 punishable upon conviction by imprisonment in the
7 penitentiary:

8 (1) Fish and Aquatic Life Code;

9 (2) Wildlife Code;

10 (3) Boat Registration and Safety Act;

11 (4) Park District Code;

12 (5) Chicago Park District Act;

13 (6) State Parks Act;

14 (7) State Forest Act;

15 (8) Forest Fire Protection District Act;

16 (9) Snowmobile Registration and Safety Act;

17 (10) Endangered Species Protection Act;

18 (11) Forest Products Transportation Act;

19 (12) Timber Buyers Licensing Act;

20 (13) Downstate Forest Preserve District Act;

21 (14) Exotic Weed Act;

22 (15) Ginseng Harvesting Act;

23 (16) Cave Protection Act;

24 (17) ordinances adopted under the Counties Code for the
25 acquisition of property for parks or recreational areas;

26 (18) Recreational Trails of Illinois Act;

1 (19) Herptiles-Herps Act; or

2 (20) any rule, regulation, proclamation, or ordinance
3 adopted under any Code or Act named in paragraphs (1)
4 through 19 of this definition.

5 "Conviction" means a judgment of conviction or sentence
6 entered upon a plea of guilty or upon a verdict or finding of
7 guilty of an offense, rendered by a legally constituted jury or
8 by a court of competent jurisdiction authorized to try the case
9 without a jury.

10 "Drug offense" means any violation of the Cannabis Control
11 Act, the Illinois Controlled Substances Act, the
12 Methamphetamine Control and Community Protection Act, or any
13 similar local ordinance which involves the possession or
14 delivery of a drug.

15 "Drug-related emergency response" means the act of
16 collecting evidence from or securing a site where controlled
17 substances were manufactured, or where by-products from the
18 manufacture of controlled substances are present, and cleaning
19 up the site, whether these actions are performed by public
20 entities or private contractors paid by public entities.

21 "Electronic citation" means the process of transmitting
22 traffic, misdemeanor, municipal ordinance, conservation, or
23 other citations and law enforcement data via electronic means
24 to a circuit court clerk.

25 "Emergency response" means any incident requiring a
26 response by a police officer, an ambulance, a firefighter

1 carried on the rolls of a regularly constituted fire department
2 or fire protection district, a firefighter of a volunteer fire
3 department, or a member of a recognized not-for-profit rescue
4 or emergency medical service provider. "Emergency response"
5 does not include a drug-related emergency response.

6 "Felony offense" means an offense for which a sentence to
7 death or to a term of imprisonment in a penitentiary for one
8 year or more is provided.

9 "Highest classified offense" means the offense in the case
10 which carries the most severe potential disposition under
11 Article 4.5 of the Unified Code of Corrections.

12 "Major traffic offense" means a traffic offense under the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance other than a petty offense or business offense.

15 "Minor traffic offense" means a petty offense or business
16 offense under the Illinois Vehicle Code or a similar provision
17 of a local ordinance.

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

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

23 "Service provider costs" means costs incurred as a result
24 of services provided by an entity including, but not limited
25 to, traffic safety programs, laboratories, ambulance
26 companies, and fire departments. "Service provider costs"

1 includes conditional amounts under this Act that are
2 reimbursements for services provided.

3 "Street value" means the amount determined by the court on
4 the basis of testimony of law enforcement personnel and the
5 defendant as to the amount of drug or materials seized and any
6 testimony as may be required by the court as to the current
7 street value of the cannabis, controlled substance,
8 methamphetamine or salt of an optical isomer of
9 methamphetamine, or methamphetamine manufacturing materials
10 seized.

11 "Supervision" means a disposition of conditional and
12 revocable release without probationary supervision, but under
13 the conditions and reporting requirements as are imposed by the
14 court, at the successful conclusion of which disposition the
15 defendant is discharged and a judgment dismissing the charges
16 is entered.

17 Article 5. Assessment Procedures

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

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 a schedule of assessments, the court may reduce
17 the amount set forth in the applicable schedule of assessments
18 or not order the applicable schedule of assessments. If the
19 court reduces the amount set forth in the applicable schedule
20 of assessments, then all recipients of the funds collected will
21 receive a prorated amount to reflect the reduction.

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

25 (c-3) Excluding any ordered conditional assessment, if the
26 assessment is not paid within the period of probation,

1 conditional discharge, or supervision to which the defendant
2 was originally sentenced, the court may extend the period of
3 probation, conditional discharge, or supervision under Section
4 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
5 applicable, until the assessment is paid or until successful
6 completion of public or community service set forth in
7 subsection (b) of Section 5-20 of this Act or the successful
8 completion of the substance abuse intervention or treatment
9 program set forth in subsection (c-5) of this Section.

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

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

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

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

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

23 (a) Any credit for time served prior to sentencing that reduces
24 the amount a defendant is required to pay shall be deducted

1 first from the fine, if any, ordered by the court. Any
2 remainder of the credit shall be equally divided between the
3 assessments indicated in the ordered schedule and conditional
4 assessments.

5 (b) Excluding any ordered conditional assessment, a
6 defendant who has been ordered to pay an assessment may
7 petition the court to convert all or part of the assessment
8 into court-approved public or community service. One hour of
9 public or community service shall be equivalent to \$4 of
10 assessment. The performance of this public or community service
11 shall be a condition of probation, conditional discharge, or
12 supervision and shall be in addition to the performance of any
13 other period of public or community service ordered by the
14 court or required by law.

15 Article 10. Funds

16 Section 10-5. Funds.

17 (a) All money collected by the Clerk of the Circuit Court
18 under Article II of this Act shall be remitted as directed in
19 Article II of this Act to the county treasurer, to the State
20 Treasurer, and to the treasurers of the units of local
21 government. If an amount payable to any of the treasurers is
22 less than \$10, the clerk may postpone remitting the money until
23 \$10 has accrued or by the end of fiscal year. The treasurers
24 shall deposit the money as indicated in the schedules, except

1 in a county with a population of over 3,000,000 monies remitted
2 to the county treasurer shall be subject to appropriation by
3 the county board. For Schedule of Assessments 5 through 11, \$15
4 shall be deducted from the money paid to the county treasurer
5 for the county General Fund and remitted to the treasurer of
6 the unit of local government if the violation was prosecuted by
7 the prosecuting attorney for that unit of local government.

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

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

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

23 (2) if the arresting agency is the Department of
24 Natural Resources, into the Conservation Police Operations
25 Assistance Fund;

26 (3) if the arresting agency is the Secretary of State,

1 into the Secretary of State Police Services Fund; and

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

4 (d) Fund descriptions and provisions:

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

19 (2) The Document Storage Fund is to defray the expense,
20 borne by the county, of establishing and maintaining a
21 document storage system and convert the records of the
22 circuit court clerk to electronic or micrographic storage.
23 The money shall be remitted monthly by the clerk to the
24 county treasurer and identified as funds for the circuit
25 court clerk. The fund shall be audited by the county
26 auditor, and the board shall make expenditure from the fund

1 in payment of any cost related to the storage of court
2 records, including hardware, software, research and
3 development costs, and personnel costs related to the
4 foregoing, provided that the expenditure is approved by the
5 clerk of the court.

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

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

21 (5) The Public Defender Records Automation Fund is to
22 defray the expense of establishing and maintaining
23 automated record keeping systems in the offices of the
24 Public Defender. The money shall be remitted monthly by the
25 clerk to the county treasurer for deposit into the Public
26 Defender Records Automation Fund. Expenditures from this

1 fund may be made by the Public Defender for hardware,
2 software, and research and development related to
3 automated record keeping systems.

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

25 (7) The Trauma Center Fund shall be distributed as
26 provided under Section 3.225 of the Emergency Medical

1 Services (EMS) Systems Act.

2 (8) The Probation and Court Services Fund is to be
3 expended as described in Section 15.1 of the Probation and
4 Probation Officers Act.

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

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

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

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

1 expenses of the Authority incidental to those criminal
2 justice information projects. The moneys deposited into
3 the Criminal Justice Information Projects Fund under
4 Sections 15-15 and 15-35 of this Act shall be appropriated
5 to and administered by the Illinois Criminal Justice
6 Information Authority for distribution to fund Department
7 of State Police drug task forces and Metropolitan
8 Enforcement Groups by dividing the funds equally by the
9 total number of Department of State Police drug task forces
10 and Illinois Metropolitan Enforcement Groups.

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

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

25 (15) The Prisoner Review Board Vehicle and Equipment
26 Fund is a special fund in the State treasury. The Prisoner

1 Review Board shall, subject to appropriation by the General
2 Assembly and approval by the Secretary, use all moneys in
3 the Prisoner Review Board Vehicle and Equipment Fund for
4 the purchase and operation of vehicles and equipment.

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

13 Article 15. Assessment Schedules

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

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

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

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

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

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

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

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

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

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

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

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

10 (A) \$40 into the State Police Operations Assistance
11 Fund;

12 (B) \$100 into the Violent Crime Victims Assistance
13 Fund;

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

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

18 Section 15-10. SCHEDULE 2; felony DUI offenses. SCHEDULE 2:
19 For a felony under Section 11-501 of the Illinois Vehicle Code,
20 Section 5-7 of the Snowmobile Registration and Safety Act,
21 Section 5-16 of the Boat Registration and Safety Act, or a
22 similar provision of a local ordinance, the Clerk of the
23 Circuit Court shall collect \$1,584 and remit as follows:

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

- 1 (A) \$20 into the Court Automation Fund;
- 2 (B) \$20 into the Court Document Storage Fund;
- 3 (C) \$5 into the Circuit Court Clerk Operation and
4 Administrative Fund;
- 5 (D) \$225 into the county's General Fund;
- 6 (E) \$10 into the Child Advocacy Center Fund;
- 7 (F) \$2 into the State's Attorney Records Automation
8 Fund;
- 9 (G) \$2 into the Public Defender Records Automation
10 Fund;
- 11 (H) \$10 into the County Jail Medical Costs Fund; and
- 12 (I) \$10 into the Probation and Court Services Fund.
- 13 (2) As the State's portion, \$1,080 to the State Treasurer,
14 who shall deposit the money as follows:
- 15 (A) \$730 into the State Police Operations Assistance
16 Fund;
- 17 (B) \$75 into the Violent Crime Victims Assistance Fund;
- 18 (C) \$5 into the Drivers Education Fund;
- 19 (D) \$100 into the Trauma Center Fund;
- 20 (E) \$5 into the Spinal Cord Injury Paralysis Cure
21 Research Trust Fund;
- 22 (F) \$5 into the State Police Merit Board Public Safety
23 Fund;
- 24 (G) \$155 into the Traffic and Criminal Conviction
25 Surcharge Fund; and
- 26 (H) \$5 into the Law Enforcement Camera Grant Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (A) \$40 into the State Police Operations Assistance
6 Fund;

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

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

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

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

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

15 (G) \$38 into the Prescription Pill and Drug Disposal
16 Fund;

17 (H) \$28 into the Criminal Justice Information Projects
18 Fund; and

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

21 Section 15-20. SCHEDULE 4; felony sex offenses. SCHEDULE 4:
22 For a felony or attempted felony under Article 11 or Section
23 12-33 of the Criminal Code of 2012, the Clerk of the Circuit
24 Court shall collect \$1,144 and remit as follows:

25 (1) As the county's portion, \$304 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) \$225 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) \$10 into the County Jail Medical Costs Fund; and

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

14 (2) As the State's portion, \$840 to the State Treasurer,
15 who shall deposit the money as follows:

16 (A) \$520 into the State Police Operations Assistance
17 Fund;

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

20 (C) \$100 into the Sexual Assault Services Fund;

21 (D) \$100 into the Domestic Violence Shelter and
22 Services Fund;

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

25 (F) \$15 into the Traffic and Criminal Conviction
26 Surcharge Fund.

1 Section 15-25. SCHEDULE 5; generic misdemeanor offenses.
2 SCHEDULE 5: Unless assessments are imposed under another
3 schedule of this Act, for a misdemeanor offense, the Clerk of
4 the Circuit Court shall collect \$405 and remit as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (D) \$15 into the Traffic and Criminal Conviction

1 Surcharge Fund.

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

10 Section 15-30. SCHEDULE 6; misdemeanor DUI offenses.
11 SCHEDULE 6: For a misdemeanor under Section 11-501 of the
12 Illinois Vehicle Code, Section 5-7 of the Snowmobile
13 Registration and Safety Act, Section 5-16 of the Boat
14 Registration and Safety Act, or a similar provision of a local
15 ordinance, the Clerk of the Circuit Court shall collect \$1,281
16 and remit as follows:

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

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

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

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

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

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

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

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

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

4 (2) As the State's portion, \$686 to the State Treasurer,
5 who shall deposit the money as follows:

6 (A) \$315 into the State Police Operations Assistance
7 Fund;

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

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

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

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

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

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

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

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

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

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

26 (i) \$2 into the E-citation Fund of the unit of

1 local government; and

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

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

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

7 SCHEDULE 7: For a misdemeanor under the Illinois Controlled
8 Substances Act, the Cannabis Control Act, or the
9 Methamphetamine Control and Community Protection Act, the
10 Clerk of the Circuit Court shall collect \$876 and remit as
11 follows:

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

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

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

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

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

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

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

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

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

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

1 (A) \$40 into the State Police Operations Assistance
2 Fund;

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

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

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

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

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

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

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

15 (I) \$15 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 15-40. SCHEDULE 8; misdemeanor sex offenses.

1 SCHEDULE 8: For a misdemeanor or attempted misdemeanor under
2 Article 11 of the Criminal Code of 2012, the Clerk of the
3 Circuit Court shall collect \$1,065 and remit as follows:

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

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

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

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

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

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

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

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

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

16 (2) As the State's portion, \$820 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) \$100 into the Violent Crime Victims Assistance
21 Fund;

22 (C) \$100 into the Sexual Assault Services Fund;

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

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

1 (F) \$15 into the Traffic and Criminal Conviction
2 Surcharge Fund.

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

11 Section 15-45. SCHEDULE 9; major traffic offenses.
12 SCHEDULE 9: For a major traffic offense, the Clerk of the
13 Circuit Court shall collect \$301 plus, if applicable, the
14 amount established under paragraph (1.5) of this Section and
15 remit as follows:

16 (1) As the county's portion, \$198 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) \$145 into the county's General Fund.

25 (1.5) In a county with a population of 3,000,000 or more,

1 the county board may by ordinance or resolution establish an
2 additional assessment not to exceed \$24 to be remitted to the
3 county treasurer to be used for purposes related to the
4 operation of the court system.

5 (2) As the State's portion, \$101 to the State Treasurer,
6 who shall deposit the money as follows:

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

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

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

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

13 (E) \$50 into the Traffic and Criminal Conviction
14 Surcharge Fund.

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

23 Section 15-50. SCHEDULE 10; minor traffic offenses.
24 SCHEDULE 10: For a minor traffic offense, the Clerk of the
25 Circuit Court shall collect \$166 and remit as follows:

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

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

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

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

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

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

10 (2) As the State's portion, \$41 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) \$5 into the Drivers Education Fund;

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

18 (E) \$15 into the Traffic and Criminal Conviction
19 Surcharge Fund; and

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

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

1 which case the amount shall be remitted to each unit of
2 government equally.

3 Section 15-55. SCHEDULE 11; conservation offenses.
4 SCHEDULE 11: For a conservation offense, the Clerk of the
5 Circuit Court shall collect \$140 and remit as follows:

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

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

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

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

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

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

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

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

1 Section 15-60. SCHEDULE 12; dispositions under Supreme
2 Court Rule 529. SCHEDULE 12: For a disposition under Supreme
3 Court Rule 529, the Clerk of the Circuit Court shall collect
4 \$159 and remit as follows:

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

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

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

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

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

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

14 (2) As the State's portion, \$49 to the State Treasurer, who
15 shall deposit the money as follows:

16 (A) \$10 into the State Police Operations Assistance
17 Fund;

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

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

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

23 (E) \$5 into the Law Enforcement Camera Grant Fund.

24 (3) As the arresting agency's portion, \$27 as follows,
25 unless more than one agency is responsible for the arrest in

1 which case the amount shall be remitted to each unit of
2 government equally:

3 (A) if the arresting agency is a local agency to the
4 treasurer of the unit of local government of the arresting
5 agency, who shall deposit the money as follows:

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

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

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

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

16 (1) As the county's portion, \$73, 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) \$20 into the county's General Fund.

25 (2) As the arresting agency's portion, \$17 as follows,

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

4 (A) if the arresting agency is a local agency to the
5 treasurer of the unit of local government of the arresting
6 agency, who shall deposit the money as follows:

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

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

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

13 Section 15-70. CONDITIONAL ASSESSMENTS.

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

21 (1) arson, residential arson, or aggravated arson,
22 \$500 per conviction to the State Treasurer for deposit into
23 the Fire Prevention Fund;

24 (2) child pornography under Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, \$500

1 per conviction with \$5 to the county treasurer for deposit
2 into the Circuit Court Clerk Operation and Administrative
3 Fund and the remainder as follows, unless more than one
4 agency is responsible for the arrest in which case the
5 amount shall be remitted to each unit of government
6 equally:

7 (A) if the arresting agency is an agency of a unit
8 of local government \$495 to the treasurer of the unit
9 of local government for deposit into the unit of local
10 government's General Fund, except that if the
11 Department of State Police provides digital or
12 electronic forensic examination assistance, or both,
13 to the arresting agency then \$100 to the State
14 Treasurer for deposit into the State Crime Laboratory
15 Fund; or

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

19 (3) crime laboratory drug analysis for a drug-related
20 offense involving possession or delivery of cannabis or
21 possession or delivery of a controlled substance as defined
22 in the Cannabis Control Act, the Illinois Controlled
23 Substances Act, or the Methamphetamine Control and
24 Community Protection Act, \$100 reimbursement for
25 laboratory analysis, as set forth in subsection (f) of
26 Section 5-9-1.4 of the Unified Code of Corrections;

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

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

7 (6) drug-related offense involving possession or
8 delivery of cannabis or possession or delivery of a
9 controlled substance, other than methamphetamine, as
10 defined in the Cannabis Control Act or the Illinois
11 Controlled Substances Act, an amount not less than the full
12 street value of the cannabis or controlled substance seized
13 for each conviction to the State Treasurer for deposit into
14 the General Revenue Fund;

15 (6.5) Kane County or Will County, in felony,
16 misdemeanor, local or county ordinance, traffic, or
17 conservation cases, up to \$30 as set by the county board
18 under Section 5-1101.3 of the Counties Code upon the entry
19 of a judgment of conviction, an order of supervision, or a
20 sentence of probation without entry of judgment under
21 Section 10 of the Cannabis Control Act, Section 410 of the
22 Illinois Controlled Substances Act, Section 70 of the
23 Methamphetamine Control and Community Protection Act,
24 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 Section 10-102 of the Illinois Alcoholism and Other Drug

1 Dependency Act, or Section 10 of the Steroid Control Act;
2 except in local or county ordinance, traffic, and
3 conservation cases, if fines are paid in full without a
4 court appearance, then the assessment shall not be imposed
5 or collected. Distribution of assessments collected under
6 this paragraph (6.5) shall be as provided in Section
7 5-1101.3 of the Counties Code;

8 (7) methamphetamine-related offense involving
9 possession or delivery of methamphetamine or any salt of an
10 optical isomer of methamphetamine or possession of a
11 methamphetamine manufacturing material as set forth in
12 Section 10 of the Methamphetamine Control and Community
13 Protection Act with the intent to manufacture a substance
14 containing methamphetamine or salt of an optical isomer of
15 methamphetamine, an amount not less than the full street
16 value of the methamphetamine or salt of an optical isomer
17 of methamphetamine or methamphetamine manufacturing
18 materials seized for each conviction to the State Treasurer
19 for deposit into the General Revenue Fund;

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

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

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

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

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

12 (11) speeding in a construction zone violation, \$250 to
13 the State Treasurer for deposit into the Transportation
14 Safety Highway Hire-back Fund, unless (i) the violation
15 occurred on a highway other than an interstate highway and
16 (ii) a county police officer wrote the ticket for the
17 violation, in which case to the county treasurer for
18 deposit into that county's Transportation Safety Highway
19 Hire-back Fund;

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

24 (13) victim and offender are family or household
25 members as defined in Section 103 of the Illinois Domestic
26 Violence Act of 1986 and offender pleads guilty or no

1 contest to or is convicted of murder, voluntary
2 manslaughter, involuntary manslaughter, burglary,
3 residential burglary, criminal trespass to residence,
4 criminal trespass to vehicle, criminal trespass to land,
5 criminal damage to property, telephone harassment,
6 kidnapping, aggravated kidnaping, unlawful restraint,
7 forcible detention, child abduction, indecent solicitation
8 of a child, sexual relations between siblings,
9 exploitation of a child, child pornography, assault,
10 aggravated assault, battery, aggravated battery, heinous
11 battery, aggravated battery of a child, domestic battery,
12 reckless conduct, intimidation, criminal sexual assault,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual abuse, aggravated
15 criminal sexual abuse, violation of an order of protection,
16 disorderly conduct, endangering the life or health of a
17 child, child abandonment, contributing to dependency or
18 neglect of child, or cruelty to children and others, \$200
19 for each sentenced violation to the State Treasurer for
20 deposit as follows: (i) for sexual assault, as defined in
21 Section 5-9-1.7 of the Unified Code of Corrections, when
22 the offender and victim are family members, one-half to the
23 Domestic Violence Shelter and Service Fund, and one-half to
24 the Sexual Assault Services Fund; (ii) for the remaining
25 offenses to the Domestic Violence Shelter and Service Fund;
26 (14) violation of Section 11-501 of the Illinois

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

13 (15) violation of Sections 401, 407, or 407.2 of the
14 Illinois Controlled Substances Act that proximately caused
15 any incident resulting in an appropriate drug-related
16 emergency response, \$1,000 as reimbursement for the
17 emergency response to the law enforcement agency that made
18 the arrest, and if more than one agency is responsible for
19 the arrest, the amount payable to law enforcement agencies
20 shall be shared equally;

21 (16) violation of reckless driving, aggravated
22 reckless driving, or driving 26 miles per hour or more in
23 excess of the speed limit that triggered an emergency
24 response, \$1,000 maximum reimbursement for the emergency
25 response to be distributed in its entirety to a public
26 agency that provided an emergency response related to the

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

4 (17) weapons violation under Section 24-1.1, 24-1.2,
5 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
6 of 2012, \$100 for each conviction to the State Treasurer
7 for deposit into the Trauma Center Fund.

8 Article 20. Task Force

9 Section 20-5. Criminal and Traffic Assessments and Fees
10 Task Force.

11 (a) A Criminal and Traffic Assessments and Fees Task Force
12 is created to carry out the following duties:

13 (1) review reports of the clerks of the circuit court
14 submitted under Section 30 of the Clerks of Courts Act;

15 (2) conduct hearings to obtain testimony from
16 stakeholders who may receive funds under this Act or
17 Section 27.1b of the Clerks of Courts Act and from the
18 public, including testimony on the recommendations for the
19 Task Force report, the burden of court costs, the impact of
20 court costs on persons within the criminal justice system,
21 the need for consistency in assessment and collection of
22 court costs, and the services financed by court costs;

23 (3) study past practices of fines, fees, assessments,
24 and costs collection and disbursement by the clerks of the

1 circuit court and the initial effects of the estimated
2 collections under this Act and Section 27.1b of the Clerks
3 of Courts Act from reports under paragraph (1) of this
4 Section; and

5 (4) make recommendations to the General Assembly
6 regarding implementation of this Act and offer any proposed
7 revisions or amendments to this Act or its associated
8 amendatory changes.

9 (b) The Task Force shall be comprised of the following
10 members who shall serve without compensation:

11 (1) one member of the House of Representatives
12 appointed by the Speaker of the House of Representatives;

13 (2) one member of the House of Representatives
14 appointed by the Minority Leader of the House of
15 Representatives;

16 (3) one member of the Senate appointed by the Senate
17 President;

18 (4) one member of the Senate appointed by the Senate
19 Minority Leader;

20 (5) the Executive Director of the Illinois Law
21 Enforcement Training Standards Board or his or her
22 designee;

23 (6) the Director of State Police or his or her
24 designee;

25 (7) the Attorney General or his or her designee;

26 (8) the Secretary of State or his or her designee;

1 (9) the State Fire Marshal or his or her designee;

2 (10) the Director of Public Health or his or her
3 designee;

4 (11) two members of an association representing the
5 interests of circuit court clerks appointed by the
6 association;

7 (12) a member of an association representing the
8 interests of county officials appointed by the
9 association;

10 (13) a member of an association representing the
11 interests of municipal officials appointed by the
12 association;

13 (14) the Cook County Circuit Court Clerk; and

14 (15) a member appointed by the Supreme Court.

15 (c) The Administrative Office of the Illinois Courts at the
16 direction of the Supreme Court shall provide administrative
17 support to the Task Force.

18 (d) The Task Force shall meet on or before February 1, 2018
19 and thereafter as agreed upon by a quorum of Task Force members
20 to be necessary to complete its duties.

21 (e) The Task Force shall file a written report of its
22 findings and recommendations with the General Assembly on or
23 before February 1, 2019.

24 (f) This Section is repealed on July 1, 2019.

1 Repeal

2 Section 25-5. Repeal. This Act is repealed on December 31,
3 2019.

4 Article 900. Amendatory Provisions effective July 1, 2017

5 Section 900-5. The Clerks of Courts Act is amended by
6 adding Section 30 as follows:

7 (705 ILCS 105/30 new)

8 Sec. 30. Assessment and fee report.

9 (a) The clerk of the circuit court shall, in consultation
10 with other clerks of the circuit court and with input from
11 units of local government, State departments and agencies, and
12 agencies and organizations who receive funds from fees, fines,
13 assessments, or costs imposed by the court, develop guidelines
14 for recording estimates of what the assessment or fee would be
15 in each case if the applicable Schedule of assessment,
16 conditional assessment, Schedule of circuit court clerk fees,
17 or civil fees under the provisions of the Criminal and Traffic
18 Assessment Act and the amendatory changes under this amendatory
19 Act of the 100th General Assembly had been in effect.

20 (b) Beginning September 1, 2017 and until December 31, 2018
21 the clerk of the circuit court shall, for each case in which
22 fees, fines, assessments, or costs are imposed by the court,

1 maintain a separate record of the clerk's estimate of what the
2 assessment or fee for that case would have been if the
3 applicable Schedule of assessment, conditional assessment,
4 Schedule of circuit court clerk fees, or civil fees under the
5 provisions of the Criminal and Traffic Assessment Act and the
6 amendatory changes to this Act by this amendatory Act of the
7 100th General Assembly had been in effect. The record shall not
8 contain any identification information of the parties and judge
9 in the case and shall be prepared and used only for the
10 purposes of this Section.

11 (c) Beginning October 1, 2017 and each month thereafter,
12 the clerk of the circuit court shall tabulate the assessment
13 and fee estimates collected under subsection (b) for the
14 previous month and prepare a report of the clerk's best
15 estimate on how the estimated assessment and fee amounts would
16 have been remitted by the clerk if the applicable Schedule of
17 assessment, conditional assessment, Schedule of circuit court
18 clerk fees, or civil fees under the provisions of the Criminal
19 and Traffic Assessment Act and the amendatory changes to this
20 Act by this amendatory Act of the 100th General Assembly had
21 been in effect. The report shall contain the totals for each
22 category of estimated remissions. The clerk of the circuit
23 court shall submit the report to the Supreme Court on or before
24 the 15th day of each month, with the final report due on or
25 before January 15, 2019. The reports shall be available to the
26 Criminal and Traffic Assessments and Fees Task Force and any:

1 (1) unit of local government;

2 (2) State department or agency;

3 (3) agency or organization receiving funds from fees,
4 finances, assessments, or costs imposed by the court under the
5 laws and rules in effect before July 1, 2019;

6 (4) member of the General Assembly;

7 (5) constitutional officer; or

8 (6) other person or entity as determined by the Supreme
9 Court.

10 (d) This Section is repealed on March 1, 2019.

11 Section 900-10. The Unified Code of Corrections is amended
12 by changing Sections 5-9-1.1 and 5-9-1.1-5 as follows:

13 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

14 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,
15 97-545, 98-537, and 99-480)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 cannabis or controlled substance seized.

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

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

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

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

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

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

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

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

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

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

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

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

1 or methamphetamine manufacturing materials seized.

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

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

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

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

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

10 Article 905. Amendatory Provisions effective July 1, 2019

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

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

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

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

12 (Source: P.A. 89-507, eff. 7-1-97.)

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

15 (20 ILCS 1410/10)

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

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

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

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

10 (20 ILCS 2610/7.2)

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

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

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

1 investment of moneys in the Fund.

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

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

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

17 (20 ILCS 3930/9.1)

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

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

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

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

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

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

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

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

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

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

18 (30 ILCS 105/6z-82)

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

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

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

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

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

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

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

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

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

24 (30 ILCS 105/6z-87)

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

1 Fund.

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

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

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

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

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

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

19 (30 ILCS 105/8p)

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

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

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

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

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

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

8 (30 ILCS 105/8q)

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

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

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

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

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

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

3 (30 ILCS 605/7c)

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

- 10 (1) for the acquisition of vehicles for that
11 Department; or
12 (2) for debt service on bonds issued to finance the
13 acquisition of vehicles for that Department.

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

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

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

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

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

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

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

1 officers;

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

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

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

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

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

26 All payments from the Traffic and Criminal Conviction

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

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

14 (50 ILCS 705/9.1 rep.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Sec. 4-2006. Report of fees.

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

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

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

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

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

5 55 ILCS 5/3-4012 rep.

6 55 ILCS 5/4-2002 rep.

7 55 ILCS 5/4-2002.1 rep.

8 55 ILCS 5/5-1101 rep.

9 55 ILCS 5/5-1101.5 rep.

10 55 ILCS 5/5-1103 rep.

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

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

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

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

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

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

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

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

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

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

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

1 (625 ILCS 5/6-118)

2 Sec. 6-118. Fees.

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

5 Original driver's license \$30

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds 5

8 All driver's licenses for persons

9 age 69 through age 80 5

10 All driver's licenses for persons

11 age 81 through age 86 2

12 All driver's licenses for persons

13 age 87 or older 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) 30

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal 5

26 Any instruction permit issued to a person

1 age 69 and older 5

2 Instruction permit issued to any person,

3 under age 69, not currently holding a

4 valid Illinois driver's license or

5 instruction permit but who has

6 previously been issued either document

7 in Illinois 10

8 Restricted driving permit 8

9 Monitoring device driving permit 8

10 Duplicate or corrected driver's license

11 or permit 5

12 Duplicate or corrected restricted

13 driving permit 5

14 Duplicate or corrected monitoring

15 device driving permit 5

16 Duplicate driver's license or permit issued to

17 an active-duty member of the

18 United States Armed Forces,

19 the member's spouse, or

20 the dependent children living

21 with the member 0

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

23 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

24 The fees for commercial driver licenses and permits
25 under Article V shall be as follows:

26 Commercial driver's license:

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

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

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

23 Commercial learner's permit
24 issued to any person holding a valid
25 Illinois CDL for the purpose of
26 making a change in a classification,

1	endorsement or restriction	\$5
2	CDL duplicate or corrected license	\$5

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

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

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

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

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

25	Suspension under Section 3-707	\$100
26	Suspension under Section 11-1431	\$100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 suspension under Section 11-501.9;

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

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

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

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

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

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

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

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
15 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
16 99-642, eff. 7-28-16.)

17 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

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

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

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

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

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

25 On a school day when school children are present and so

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

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

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

18 (b) (Blank).

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

26 (d) (Blank).

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

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

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

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

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

1 ~~district or districts.~~

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

11 (g) (Blank).

12 (h) (Blank).

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

14 (625 ILCS 5/11-605.1)

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

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

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

23 (b) Nothing in this Chapter prohibits the use of electronic
24 speed-detecting devices within 500 feet of signs within a
25 construction or maintenance speed zone indicating the zone, as

1 defined in this Section, nor shall evidence obtained by use of
2 those devices be inadmissible in any prosecution for speeding,
3 provided the use of the device shall apply only to the
4 enforcement of the speed limit in the construction or
5 maintenance speed zone.

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

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

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

1 must indicate the maximum speed limit in effect. The signs also
2 must state the amount of the minimum fine for a violation.

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

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

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

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

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

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

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

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

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

1 highways. The county, in its discretion, may also use a portion
2 of the moneys in its Transportation Safety Highway Hire-back
3 Fund to purchase equipment for county law enforcement and fund
4 the production of materials to educate drivers on construction
5 zone safe driving habits.

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

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

16 (625 ILCS 5/11-605.3)

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

19 (a) As used in this Section:

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

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

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

25 (C) any municipality, county, forest district,

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

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

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

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

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

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

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

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

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

26 (g) The Department shall, within 6 months of the effective

1 date of this amendatory Act of the 94th General Assembly,
2 design a set of standardized traffic signs for park zones and
3 park zone streets, including but not limited to: "park zone",
4 "park zone speed limit", and "warning: approaching a park
5 zone". The design of these signs shall be made available to all
6 units of local government or manufacturers at no charge, except
7 for reproduction and postage.

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

9 (625 ILCS 5/11-1002.5)

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

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

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

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

1 meridian.

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

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

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

18 ~~For purposes of this subsection (c), "school safety~~
19 ~~purposes" has the meaning ascribed to that term in Section~~
20 ~~11-605.~~

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

22 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

23 Sec. 15-113. Violations; Penalties.

24 (a) Whenever any vehicle is operated in violation of the
25 provisions of Section 15-111 or subsection (d) of Section

1 3-401, the owner or driver of such vehicle shall be deemed
2 guilty of such violation and either the owner or the driver of
3 such vehicle may be prosecuted for such violation. Any person
4 charged with a violation of any of these provisions who pleads
5 not guilty shall be present in court for the trial on the
6 charge. Any person, firm or corporation convicted of any
7 violation of Section 15-111 including, but not limited to, a
8 maximum axle or gross limit specified on a regulatory sign
9 posted in accordance with paragraph (e) or (f) of Section
10 15-111, shall be fined according to the following schedule:

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

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

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

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

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

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

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

18 From 5001 or more pounds overweight, the fine shall be computed

1 by assessing \$1500 for the first 5000 pounds overweight and
2 \$150 for each additional increment of 500 pounds overweight or
3 fraction thereof.

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

11 (b) Whenever any vehicle is operated in violation of the
12 provisions of Sections 15-102, 15-103 or 15-107, the owner or
13 driver of such vehicle shall be deemed guilty of such violation
14 and either may be prosecuted for such violation. Any person,
15 firm or corporation convicted of any violation of Sections
16 15-102, 15-103 or 15-107 shall be fined for the first or second
17 conviction an amount equal to not less than \$50 nor more than
18 \$500, and for the third and subsequent convictions by the same
19 person, firm or corporation within a period of one year after
20 the date of the first offense, not less than \$500 nor more than
21 \$1,000.

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

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

3 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

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

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

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

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

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

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

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

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

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

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

1 the proper official as defined in paragraph (a) of this
2 Section, shall constitute misconduct in office and shall be
3 grounds for removal therefrom.

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

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

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

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

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

9 (625 ILCS 5/16-104d-1 rep.)

10 Section 905-47. The Illinois Vehicle Code is amended by
11 repealing Sections 16-104a, 16-104b, 16-104c, 16-104d, and
12 16-104d-1.

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

15 (705 ILCS 95/15)

16 Sec. 15. Access to Justice Fund.

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

1 Grants or distributions made under this Act to the Foundation
2 are subject to the requirements of the Illinois Grant Funds
3 Recovery Act.

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

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

1 and (vi) any notices the Foundation issued denying applications
2 for grants or distributions under this Act. The report, in its
3 entirety, is a public record, and the Foundation and the
4 Governor shall make the report available for inspection upon
5 request.

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

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

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

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

1 any agency of any other state or from any institution, person,
2 firm, or corporation, public or private, to be used to carry
3 out the purposes of this Act.

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

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

8 (705 ILCS 105/27.1b new)

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

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

24 (1) SCHEDULE 1: not to exceed a total of \$356 in a

1 county with a population of 3,000,000 or more and \$289 in
2 any other county. The fees collected under this schedule
3 shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$53 in a county with a population of
6 3,000,000 or more and \$45 in any other county
7 determined by the clerk with the approval of the
8 Supreme Court, to be used for court automation, court
9 document storage, and administrative purposes.

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

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

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

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

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

1 (2) SCHEDULE 2: not to exceed a total of \$355 in a
2 county with a population of 3,000,000 or more and \$189 in
3 any other county. The fees collected under this schedule
4 shall be disbursed as follows:

5 (A) The clerk shall retain a sum, in an amount not
6 to exceed \$53 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 \$123 in any
25 other county, as specified by ordinance or resolution
26 passed by the county board, for purposes related to the

1 operation of the court system in the county.

2 (3) SCHEDULE 3: not to exceed a total of \$260 in a
3 county with a population of 3,000,000 or more and \$89 in
4 any other county. The fees collected under this schedule
5 shall be disbursed as follows:

6 (A) The clerk shall retain a sum, in an amount not
7 to exceed \$50 in a county with a population of
8 3,000,000 or more and \$22 in any other county
9 determined by the clerk with the approval of the
10 Supreme Court, to be used for court automation, court
11 document storage, and administrative purposes.

12 (B) The clerk shall remit \$11 to the State
13 Treasurer. The State Treasurer shall deposit the
14 appropriate amounts in accordance with the clerk's
15 instructions, as follows:

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

17 (ii) \$9 into the Supreme Court Special
18 Purposes Fund.

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

25 (4) SCHEDULE 4: \$0.

26 (b) Appearance. The fee for filing an appearance in a civil

1 action, including a cannabis civil law action under the
2 Cannabis Control Act, shall be as set forth in the applicable
3 schedule under this subsection in accordance with case
4 categories established by the Supreme Court in schedules.

5 (1) SCHEDULE 1: not to exceed a total of \$230 in a
6 county with a population of 3,000,000 or more and \$149 in
7 any other county. The fees collected under this schedule
8 shall be disbursed as follows:

9 (A) The clerk shall retain a sum, in an amount not
10 to exceed \$50 in a county with a population of
11 3,000,000 or more and \$28 in any other county
12 determined by the clerk with the approval of the
13 Supreme Court, to be used for court automation, court
14 document storage, and administrative purposes.

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

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

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

24 (iii) \$9 into the Supreme Court Special
25 Purposes Fund.

26 (C) The clerk shall remit a sum to the County

1 Treasurer, in an amount not to exceed \$159 in a county
2 with a population of 3,000,000 or more and \$100 in any
3 other county, as specified by ordinance or resolution
4 passed by the county board, for purposes related to the
5 operation of the court system in the county.

6 (2) SCHEDULE 2: not to exceed a total of \$130 in a
7 county with a population of 3,000,000 or more and \$49 in
8 any other county. The fees collected under this schedule
9 shall be disbursed as follows:

10 (A) The clerk shall retain a sum, in an amount not
11 to exceed \$50 in a county with a population of
12 3,000,000 or more and \$10 in any other county
13 determined by the clerk with the approval of the
14 Supreme Court, to be used for court automation, court
15 document storage, and administrative purposes.

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

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

25 (3) SCHEDULE 3: \$0.

26 (b-5) Kane County and Will County. In Kane County and Will

1 County civil cases, there is an additional fee of up to \$30 as
2 set by the county board under Section 5-1101.3 of the Counties
3 Code to be paid by each party at the time of filing the first
4 pleading, paper, or other appearance; provided that no
5 additional fee shall be required if more than one party is
6 represented in a single pleading, paper, or other appearance.
7 Distribution of fees collected under this subsection (b-5)
8 shall be as provided in Section 5-1101.3 of the Counties Code.

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

19 (d) Alias summons. The clerk shall collect a fee not to
20 exceed \$5 for each alias summons or citation issued by the
21 clerk.

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

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

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

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

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

14 (g) Petition to vacate or modify.

15 (1) In a proceeding involving a petition to vacate or
16 modify any final judgment or order filed within 30 days
17 after the judgment or order was entered, except for a
18 forcible entry and detainer case, small claims case,
19 petition to reopen an estate, petition to modify,
20 terminate, or enforce a judgment or order for child or
21 spousal support, or petition to modify, suspend, or
22 terminate an order for withholding, the fee shall not
23 exceed \$50.

24 (2) In a proceeding involving a petition to vacate or
25 modify any final judgment or order filed more than 30 days
26 after the judgment or order was entered, except for a

1 petition to modify, terminate, or enforce a judgment or
2 order for child or spousal support, or petition to modify,
3 suspend, or terminate an order for withholding, the fee
4 shall not exceed \$75.

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

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

13 (1) if the record contains no more than 100 pages, the
14 fee shall not exceed \$50;

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

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

20 (i) Remands. In any cases remanded to the circuit court
21 from the Supreme Court or the appellate court for a new trial,
22 the clerk shall reinstate the case with either its original
23 number or a new number. The clerk shall not charge any new or
24 additional fee for the reinstatement. Upon reinstatement, the
25 clerk shall advise the parties of the reinstatement. Parties
26 shall have the same right to a jury trial on remand and

1 reinstatement that they had before the appeal, and no
2 additional or new fee or charge shall be made for a jury trial
3 after remand.

4 (j) Garnishment, wage deduction, and citation. In
5 garnishment affidavit, wage deduction affidavit, and citation
6 petition proceedings:

7 (1) if the amount in controversy in the proceeding is
8 not more than \$1,000, the fee may not exceed \$15;

9 (2) if the amount in controversy in the proceeding is
10 greater than \$1,000 and not more than \$5,000, the fee may
11 not exceed \$30; and

12 (3) if the amount in controversy in the proceeding is
13 greater than \$5,000, the fee may not exceed \$50.

14 (k) Collections.

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

19 (2) In child support and maintenance cases, the clerk
20 may collect an annual fee of up to \$36 from the person
21 making payment for maintaining child support records and
22 the processing of support orders to the State of Illinois
23 KIDS system and the recording of payments issued by the
24 State Disbursement Unit for the official record of the
25 Court. This fee is in addition to and separate from amounts
26 ordered to be paid as maintenance or child support and

1 shall be deposited into a Separate Maintenance and Child
2 Support Collection Fund, of which the clerk shall be the
3 custodian, ex officio, to be used by the clerk to maintain
4 child support orders and record all payments issued by the
5 State Disbursement Unit for the official record of the
6 Court. The clerk may recover from the person making the
7 maintenance or child support payment any additional cost
8 incurred in the collection of this annual fee.

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

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

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

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

26 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

12 (p) Hard copy. For each page of hard copy print output,
13 when case records are maintained on an automated medium, the
14 clerk may collect a fee not to exceed \$6.

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

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

26 (s) Voluntary assignment. For filing each deed of voluntary

1 assignment, the clerk shall collect a fee not to exceed \$20.
2 For recording a deed of voluntary assignment, the clerk shall
3 collect a fee not to exceed 50 cents for each 100 words.
4 Exceptions filed to claims presented to an assignee of a debtor
5 who has made a voluntary assignment for the benefit of
6 creditors shall be considered and treated, for the purpose of
7 taxing costs therein, as actions in which the party or parties
8 filing the exceptions shall be considered as party or parties
9 plaintiff, and the claimant or claimants as party or parties
10 defendant, and those parties respectively shall pay to the
11 clerk the same fees as provided by this Section to be paid in
12 other actions.

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

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

20 (v) Probate filings.

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

24 (2) For filing a claim in an estate when the amount
25 claimed is greater than \$150 and not more than \$500, the
26 fee shall not exceed \$25; when the amount claimed is

1 greater than \$500 and not more than \$10,000, the fee shall
2 not exceed \$40; and when the amount claimed is more than
3 \$10,000, the fee shall not exceed \$60; except the court in
4 allowing a claim may add to the amount allowed the filing
5 fee paid by the claimant.

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

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

18 (5) For each jury demand, the fee shall not exceed
19 \$137.50.

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

23 (7) For each exemplification, the fee shall not exceed
24 \$2, plus the fee for certification.

25 (8) The executor, administrator, guardian, petitioner,
26 or other interested person or his or her attorney shall pay

1 the cost of publication by the clerk directly to the
2 newspaper.

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

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

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

18 (x) Miscellaneous.

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

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

26 (y) Other fees. The clerk of the circuit court may provide

1 services in connection with the operation of the clerk's
2 office, other than those services mentioned in this Section, as
3 may be requested by the public and agreed to by the clerk and
4 approved by the Chief Judge. Any charges for additional
5 services shall be as agreed to between the clerk and the party
6 making the request and approved by the Chief Judge. Nothing in
7 this subsection shall be construed to require any clerk to
8 provide any service not otherwise required by law.

9 (z) Exceptions.

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

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

18 (B) any action instituted under subsection (b) of
19 Section 11-31-1 of the Illinois Municipal Code by a
20 private owner or tenant of real property within 1,200
21 feet of a dangerous or unsafe building seeking an order
22 compelling the owner or owners of the building to take
23 any of the actions authorized under that subsection;

24 (C) any commitment petition or petition for an
25 order authorizing the administration of psychotropic
26 medication or electroconvulsive therapy under the

1 Mental Health and Developmental Disabilities Code;

2 (D) a petitioner in any order of protection
3 proceeding, including, but not limited to, fees for
4 filing, modifying, withdrawing, certifying, or
5 photocopying petitions for orders of protection,
6 issuing alias summons, any related filing service, or
7 certifying, modifying, vacating, or photocopying any
8 orders of protection; or

9 (E) proceedings for the appointment of a
10 confidential intermediary under the Adoption Act.

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

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

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

19 (705 ILCS 105/27.2b)

20 Sec. 27.2b. State income tax refund intercept. The Clerk
21 of the Circuit Court may enter into an agreement with the
22 Illinois Department of Revenue to establish a pilot program for
23 the purpose of collecting certain fees. The purpose shall be to
24 intercept, in whole or in part, State income tax refunds due
25 the persons who owe past due fees to the Clerk of the Circuit

1 Court in order to satisfy unpaid assessments under the Criminal
2 and Traffic Assessment Act ~~fees pursuant to the fee~~
3 ~~requirements of Sections 27.1a, 27.2, and 27.2a of this Act.~~

4 The agreement shall include, but may not be limited to, a
5 certification by the Clerk of the Circuit Court that the debt
6 claims forwarded to the Department of Revenue are valid and
7 that reasonable efforts have been made to notify persons of the
8 delinquency of the debt. The agreement shall include provisions
9 for payment of the intercept by the Department of Revenue to
10 the Clerk of the Circuit Court and procedures for an
11 appeal/protest by the debtor when an intercept occurs. The
12 agreement may also include provisions to allow the Department
13 of Revenue to recover its cost for administering the program.

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

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

21 (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

22 Sec. 27.3. Compensation.

23 (a) The county board shall provide the compensation of
24 Clerks of the Circuit Court, and the amount necessary for clerk
25 hire, stationery, fuel and other expenses. Beginning December

1 1, 1989, the compensation per annum for Clerks of the Circuit
2 Court shall be as follows:

3 In counties where the population is:

4 Less than 14,000	at least \$13,500
5 14,001-30,000.....	at least \$14,500
6 30,001-60,000.....	at least \$15,000
7 60,001-100,000	at least \$15,000
8 100,001-200,000.....	at least \$16,500
9 200,001-300,000.....	at least \$18,000
10 300,001- 3,000,000	at least \$20,000
11 Over 3,000,000	at least \$55,000

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

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

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

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

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

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

26 (d) In addition to the compensation provided by the county

1 board, each Clerk of the Circuit Court shall receive an award
2 from the State for the additional duties imposed by Sections
3 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section
4 10 of the Violent Crime Victims Assistance Act, ~~Section 16-104a~~
5 ~~of the Illinois Vehicle Code,~~ and other laws, in the following
6 amount:

7 (1) \$3,500 per year before January 1, 1997.

8 (2) \$4,500 per year beginning January 1, 1997.

9 (3) \$5,500 per year beginning January 1, 1998.

10 (4) \$6,500 per year beginning January 1, 1999.

11 The total amount required for such awards shall be appropriated
12 each year by the General Assembly to the Supreme Court, which
13 shall distribute such awards in annual lump sum payments to the
14 Clerks of the Circuit Court in all counties. This annual award,
15 and any other award or stipend paid out of State funds to the
16 Clerks of the Circuit Court, shall not affect any other
17 compensation provided by law to be paid to Clerks of the
18 Circuit Court.

19 (e) (Blank).

20 (f) No county board may reduce or otherwise impair the
21 compensation payable from county funds to a Clerk of the
22 Circuit Court if the reduction or impairment is the result of
23 the Clerk of the Circuit Court receiving an award or stipend
24 payable from State funds.

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

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

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

16 (705 ILCS 405/5-915)

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

19 (0.05) For purposes of this Section and Section 5-622:

20 "Expunge" means to physically destroy the records and
21 to obliterate the minor's name from any official index or
22 public record, or both. Nothing in this Act shall require
23 the physical destruction of the internal office records,
24 files, or databases maintained by a State's Attorney's

1 Office or other prosecutor.

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

7 (1) Whenever a person has been arrested, charged, or
8 adjudicated delinquent for an incident occurring before his or
9 her 18th birthday that if committed by an adult would be an
10 offense, the person may petition the court at any time for
11 expungement of law enforcement records and juvenile court
12 records relating to the incident and, upon termination of all
13 juvenile court proceedings relating to that incident, the court
14 shall order the expungement of all records in the possession of
15 the Department of State Police, the clerk of the circuit court,
16 and law enforcement agencies relating to the incident, but only
17 in any of the following circumstances:

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

20 (a-5) the minor was charged with an offense and the
21 petition or petitions were dismissed without a finding of
22 delinquency;

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

25 (c) the minor was placed under supervision pursuant to
26 Section 5-615, and the order of supervision has since been

1 successfully terminated; or

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

5 (1.5) Commencing 180 days after January 1, 2015 (the
6 effective date of Public Act 98-637) ~~this amendatory Act of the~~
7 ~~98th General Assembly~~, the Department of State Police shall
8 automatically expunge, on or before January 1 of each year, a
9 person's law enforcement records which are not subject to
10 subsection (1) relating to incidents occurring before his or
11 her 18th birthday in the Department's possession or control and
12 which contains the final disposition which pertain to the
13 person when arrested as a minor if:

14 (a) the minor was arrested for an eligible offense and
15 no petition for delinquency was filed with the clerk of the
16 circuit court; and

17 (b) the person attained the age of 18 years during the
18 last calendar year; and

19 (c) since the date of the minor's most recent arrest,
20 at least 6 months have elapsed without an additional
21 arrest, filing of a petition for delinquency whether
22 related or not to a previous arrest, or filing of charges
23 not initiated by arrest.

24 The Department of State Police shall allow a person to use
25 the Access and Review process, established in the Department of
26 State Police, for verifying that his or her law enforcement

1 records relating to incidents occurring before his or her 18th
2 birthday eligible under this subsection have been expunged as
3 provided in this subsection.

4 The Department of State Police shall provide by rule the
5 process for access, review, and automatic expungement.

6 (1.6) Commencing on January 1, 2015 (the effective date of
7 Public Act 98-637) ~~this amendatory Act of the 98th General~~
8 ~~Assembly~~, a person whose law enforcement records are not
9 subject to subsection (1) or (1.5) of this Section and who has
10 attained the age of 18 years may use the Access and Review
11 process, established in the Department of State Police, for
12 verifying his or her law enforcement records relating to
13 incidents occurring before his or her 18th birthday in the
14 Department's possession or control which pertain to the person
15 when arrested as a minor, if the incident occurred no earlier
16 than 30 years before January 1, 2015 (the effective date of
17 Public Act 98-637) ~~this amendatory Act of the 98th General~~
18 ~~Assembly~~. If the person identifies a law enforcement record of
19 an eligible offense that meets the requirements of this
20 subsection, paragraphs (a) and (c) of subsection (1.5) of this
21 Section, and all juvenile court proceedings related to the
22 person have been terminated, the person may file a Request for
23 Expungement of Juvenile Law Enforcement Records, in the form
24 and manner prescribed by the Department of State Police, with
25 the Department and the Department shall consider expungement of
26 the record as otherwise provided for automatic expungement

1 under subsection (1.5) of this Section. The person shall
2 provide notice and a copy of the Request for Expungement of
3 Juvenile Law Enforcement Records to the arresting agency,
4 prosecutor charged with the prosecution of the minor, or the
5 State's Attorney of the county that prosecuted the minor. The
6 Department of State Police shall provide by rule the process
7 for access, review, and Request for Expungement of Juvenile Law
8 Enforcement Records.

9 (1.7) Nothing in subsections (1.5) and (1.6) of this
10 Section precludes a person from filing a petition under
11 subsection (1) for expungement of records subject to automatic
12 expungement under that subsection (1) or subsection (1.5) or
13 (1.6) of this Section.

14 (1.8) For the purposes of subsections (1.5) and (1.6) of
15 this Section, "eligible offense" means records relating to an
16 arrest or incident occurring before the person's 18th birthday
17 that if committed by an adult is not an offense classified as a
18 Class 2 felony or higher offense, an offense under Article 11
19 of the Criminal Code of 1961 or the Criminal Code of 2012, or
20 an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16
21 of the Criminal Code of 1961.

22 (2) Any person may petition the court to expunge all law
23 enforcement records relating to any incidents occurring before
24 his or her 18th birthday which did not result in proceedings in
25 criminal court and all juvenile court records with respect to
26 any adjudications except those based upon first degree murder

1 and sex offenses which would be felonies if committed by an
2 adult, if the person for whom expungement is sought has had no
3 convictions for any crime since his or her 18th birthday and:

4 (a) has attained the age of 21 years; or

5 (b) 5 years have elapsed since all juvenile court
6 proceedings relating to him or her have been terminated or
7 his or her commitment to the Department of Juvenile Justice
8 pursuant to this Act has been terminated;

9 whichever is later of (a) or (b). Nothing in this Section 5-915
10 precludes a minor from obtaining expungement under Section
11 5-622.

12 (2.5) If a minor is arrested and no petition for
13 delinquency is filed with the clerk of the circuit court as
14 provided in paragraph (a) of subsection (1) at the time the
15 minor is released from custody, the youth officer, if
16 applicable, or other designated person from the arresting
17 agency, shall notify verbally and in writing to the minor or
18 the minor's parents or guardians that the minor has a right to
19 petition to have his or her arrest record expunged when all
20 juvenile court proceedings relating to that minor have been
21 terminated and that unless a petition to expunge is filed, the
22 minor shall have an arrest record and shall provide the minor
23 and the minor's parents or guardians with an expungement
24 information packet, including a petition to expunge juvenile
25 records obtained from the clerk of the circuit court.

26 (2.6) If a minor is charged with an offense and is found

1 not delinquent of that offense; or if a minor is placed under
2 supervision under Section 5-615, and the order of supervision
3 is successfully terminated; or if a minor is adjudicated for an
4 offense that would be a Class B misdemeanor, a Class C
5 misdemeanor, or a business or petty offense if committed by an
6 adult; or if a minor has incidents occurring before his or her
7 18th birthday that have not resulted in proceedings in criminal
8 court, or resulted in proceedings in juvenile court, and the
9 adjudications were not based upon first degree murder or sex
10 offenses that would be felonies if committed by an adult; then
11 at the time of sentencing or dismissal of the case, the judge
12 shall inform the delinquent minor of his or her right to
13 petition for expungement as provided by law, and the clerk of
14 the circuit court shall provide an expungement information
15 packet to the delinquent minor, written in plain language,
16 including a petition for expungement, a sample of a completed
17 petition, expungement instructions that shall include
18 information informing the minor that (i) once the case is
19 expunged, it shall be treated as if it never occurred, (ii) he
20 or she may apply to have petition fees waived, (iii) once he or
21 she obtains an expungement, he or she may not be required to
22 disclose that he or she had a juvenile record, and (iv) he or
23 she may file the petition on his or her own or with the
24 assistance of an attorney. The failure of the judge to inform
25 the delinquent minor of his or her right to petition for
26 expungement as provided by law does not create a substantive

1 right, nor is that failure grounds for: (i) a reversal of an
2 adjudication of delinquency, (ii) a new trial; or (iii) an
3 appeal.

4 (2.7) For counties with a population over 3,000,000, the
5 clerk of the circuit court shall send a "Notification of a
6 Possible Right to Expungement" post card to the minor at the
7 address last received by the clerk of the circuit court on the
8 date that the minor attains the age of 18 based on the
9 birthdate provided to the court by the minor or his or her
10 guardian in cases under paragraphs (b), (c), and (d) of
11 subsection (1); and when the minor attains the age of 21 based
12 on the birthdate provided to the court by the minor or his or
13 her guardian in cases under subsection (2).

14 (2.8) The petition for expungement for subsection (1) may
15 include multiple offenses on the same petition and shall be
16 substantially in the following form:

17 IN THE CIRCUIT COURT OF, ILLINOIS
18 JUDICIAL CIRCUIT

19 IN THE INTEREST OF) NO.
20)
21)
22)
23 (Name of Petitioner)

(705 ILCS 405/5-915 (SUBSECTION 1))

Now comes, petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of, his/her birth date being, or all Juvenile Court proceedings terminated as of, whichever occurred later. Petitioner was arrested on by the Police Department for the offense or offenses of, and:

(Check All That Apply:)

() a. no petition or petitions were filed with the Clerk of the Circuit Court.

() b. was charged with and was found not delinquent of the offense or offenses.

() c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on

() d. on placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on

() e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

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

1 the charges below:

2 Charge(s):

3 Arresting Agency or Agencies:

4 Disposition/Result: (choose from a. through e., above):

5 WHEREFORE, the petitioner respectfully requests this Honorable
6 Court to (1) order all law enforcement agencies to expunge all
7 records of petitioner to this incident or incidents, and (2) to
8 order the Clerk of the Court to expunge all records concerning
9 the petitioner regarding this incident or incidents.

10

11 Petitioner (Signature)

12

13 Petitioner's Street Address

14

15 City, State, Zip Code

16

17 Petitioner's Telephone Number

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

1
2 Petitioner (Signature)

3 The Petition for Expungement for subsection (2) shall be
4 substantially in the following form:

5 IN THE CIRCUIT COURT OF, ILLINOIS
6 JUDICIAL CIRCUIT

7 IN THE INTEREST OF) NO.
8)
9)
10)
11 (Name of Petitioner)

12 PETITION TO EXPUNGE JUVENILE RECORDS
13 (705 ILCS 405/5-915 (SUBSECTION 2))

14 (Please prepare a separate petition for each offense)
15 Now comes, petitioner, and respectfully requests
16 that this Honorable Court enter an order expunging all Juvenile
17 Law Enforcement and Court records of petitioner and in support
18 thereof states that:

19 The incident for which the Petitioner seeks expungement
20 occurred before the Petitioner's 18th birthday and did not
21 result in proceedings in criminal court and the Petitioner has
22 not had any convictions for any crime since his/her 18th

1 birthday; and

2 The incident for which the Petitioner seeks expungement
3 occurred before the Petitioner's 18th birthday and the
4 adjudication was not based upon first degree ~~first degree~~
5 murder or sex offenses which would be felonies if committed by
6 an adult, and the Petitioner has not had any convictions for
7 any crime since his/her 18th birthday.

8 Petitioner was arrested on by the Police
9 Department for the offense of, and:

10 (Check whichever one occurred the latest:)

11 () a. The Petitioner has attained the age of 21 years, his/her
12 birthday being; or

13 () b. 5 years have elapsed since all juvenile court
14 proceedings relating to the Petitioner have been terminated; or
15 the Petitioner's commitment to the Department of Juvenile
16 Justice pursuant to the expungement of juvenile law enforcement
17 and court records provisions of the Juvenile Court Act of 1987
18 has been terminated. Petitioner ...has ...has not been arrested
19 on charges in this or any other county other than the charge
20 listed above. If petitioner has been arrested on additional
21 charges, please list the charges below:

22 Charge(s):

23 Arresting Agency or Agencies:

24 Disposition/Result: (choose from a or b, above):

25 WHEREFORE, the petitioner respectfully requests this Honorable
26 Court to (1) order all law enforcement agencies to expunge all

1 records of petitioner related to this incident, and (2) to
2 order the Clerk of the Court to expunge all records concerning
3 the petitioner regarding this incident.

4
5 Petitioner (Signature)

6
7 Petitioner's Street Address

8
9 City, State, Zip Code

10
11 Petitioner's Telephone Number

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

16
17 Petitioner (Signature)

18 (3) The chief judge of the circuit in which an arrest was
19 made or a charge was brought or any judge of that circuit
20 designated by the chief judge may, upon verified petition of a
21 person who is the subject of an arrest or a juvenile court
22 proceeding under subsection (1) or (2) of this Section, order

1 the law enforcement records or official court file, or both, to
2 be expunged from the official records of the arresting
3 authority, the clerk of the circuit court and the Department of
4 State Police. The person whose records are to be expunged shall
5 petition the court using the appropriate form containing his or
6 her current address and shall promptly notify the clerk of the
7 circuit court of any change of address. Notice of the petition
8 shall be served upon the State's Attorney or prosecutor charged
9 with the duty of prosecuting the offense, the Department of
10 State Police, and the arresting agency or agencies by the clerk
11 of the circuit court. If an objection is filed within 45 days
12 of the notice of the petition, the clerk of the circuit court
13 shall set a date for hearing after the 45-day ~~45-day~~ objection
14 period. At the hearing the court shall hear evidence on whether
15 the expungement should or should not be granted. Unless the
16 State's Attorney or prosecutor, the Department of State Police,
17 or an arresting agency objects to the expungement within 45
18 days of the notice, the court may enter an order granting
19 expungement. The clerk shall forward a certified copy of the
20 order to the Department of State Police and deliver a certified
21 copy of the order to the arresting agency.

22 (3.1) The Notice of Expungement shall be in substantially
23 the following form:

24 IN THE CIRCUIT COURT OF, ILLINOIS

25 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 NOTICE

7 TO: State's Attorney

8 TO: Arresting Agency

9
 10
 11

12
 13
 14

15 TO: Illinois State Police

16
 17
 18

19
 20

20 ATTENTION: Expungement

21 You are hereby notified that on, at, in courtroom
 22 ..., located at ..., before the Honorable ..., Judge, or any
 23 judge sitting in his/her stead, I shall then and there present
 24 a Petition to Expunge Juvenile records in the above-entitled
 25 matter, at which time and place you may appear.

1
2

3 Petitioner's Signature

4
5

6 Petitioner's Street Address

7
8

9 City, State, Zip Code

10
11

12 Petitioner's Telephone Number

13 PROOF OF SERVICE

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

17 (Check One:)

18 delivering copies personally to each entity to whom they are
19 directed;

20 or

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

25

26 Signature

.....
Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner:

Address:

1 Telephone Number:

2 (3.2) The Order of Expungement shall be in substantially
3 the following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS

5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.

7)

8)

9)

10 (Name of Petitioner)

11 DOB

12 Arresting Agency/Agencies

13 ORDER OF EXPUNGEMENT

14 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

21 () 2. The Illinois State Police Bureau of Identification
22 and the following law enforcement agencies expunge all records
23 of petitioner relating to an arrest dated for the
24 offense of

1 Law Enforcement Agencies:
 2
 3

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

6 ENTER:

7
 8 JUDGE

9 DATED:

10 Name:

11 Attorney for:

12 Address: City/State/Zip:

13 Attorney Number:

14 (3.3) The Notice of Objection shall be in substantially the
 15 following form:

16 IN THE CIRCUIT COURT OF, ILLINOIS
 17 JUDICIAL CIRCUIT

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

23 NOTICE OF OBJECTION

24 TO: (Attorney, Public Defender, Minor)

1

2

3 TO:(Illinois State Police)

4

5

6 TO:(Clerk of the Court)

7

8

9 TO:(Judge)

10

11

12 TO:(Arresting Agency/Agencies)

13

14

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

18 () State's Attorney's Office;

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

21 () Department of Illinois State Police; or

22 () Arresting Agency or Agencies.

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

26 DATED:

1 Name:
2 Attorney For:
3 Address:
4 City/State/Zip:
5 Telephone:
6 Attorney No.:

7 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

8 This matter has been set for hearing on the foregoing
9 objection, on in room, located at, before the
10 Honorable, Judge, or any judge sitting in his/her stead.
11 (Only one hearing shall be set, regardless of the number of
12 Notices of Objection received on the same case).

13 A copy of this completed Notice of Objection containing the
14 court date, time, and location, has been sent via regular U.S.
15 Mail to the following entities. (If more than one Notice of
16 Objection is received on the same case, each one must be
17 completed with the court date, time and location and mailed to
18 the following entities):

19 () Attorney, Public Defender or Minor;
20 () State's Attorney's Office;
21 () Prosecutor (other than State's Attorney's Office) charged
22 with the duty of prosecuting the offense sought to be expunged;
23 () Department of Illinois State Police; and
24 () Arresting agency or agencies.

25 Date:

26 Initials of Clerk completing this section:

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

6 (5) Records which have not been expunged are sealed, and
7 may be obtained only under the provisions of Sections 5-901,
8 5-905, and 5-915.

9 (6) Nothing in this Section shall be construed to prohibit
10 the maintenance of information relating to an offense after
11 records or files concerning the offense have been expunged if
12 the information is kept in a manner that does not enable
13 identification of the offender. This information may only be
14 used for statistical and bona fide research purposes.

15 (6.5) The Department of State Police or any employee of the
16 Department shall be immune from civil or criminal liability for
17 failure to expunge any records of arrest that are subject to
18 expungement under subsection (1.5) or (1.6) of this Section
19 because of inability to verify a record. Nothing in subsection
20 (1.5) or (1.6) of this Section shall create Department of State
21 Police liability or responsibility for the expungement of law
22 enforcement records it does not possess.

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

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

5 (i) An explanation of the State's juvenile expungement
6 process;

7 (ii) The circumstances under which juvenile
8 expungement may occur;

9 (iii) The juvenile offenses that may be expunged;

10 (iv) The steps necessary to initiate and complete the
11 juvenile expungement process; and

12 (v) Directions on how to contact the State Appellate
13 Defender.

14 (c) The State Appellate Defender shall establish and
15 maintain a statewide toll-free telephone number that a person
16 may use to receive information or assistance concerning the
17 expungement of juvenile records. The State Appellate Defender
18 shall advertise the toll-free telephone number statewide. The
19 State Appellate Defender shall develop an expungement
20 information packet that may be sent to eligible persons seeking
21 expungement of their juvenile records, which may include, but
22 is not limited to, a pre-printed expungement petition with
23 instructions on how to complete the petition and a pamphlet
24 containing information that would assist individuals through
25 the juvenile expungement process.

26 (d) The State Appellate Defender shall compile a statewide

1 list of volunteer attorneys willing to assist eligible
2 individuals through the juvenile expungement process.

3 (e) This Section shall be implemented from funds
4 appropriated by the General Assembly to the State Appellate
5 Defender for this purpose. The State Appellate Defender shall
6 employ the necessary staff and adopt the necessary rules for
7 implementation of this Section.

8 (8) (a) Except with respect to law enforcement agencies, the
9 Department of Corrections, State's Attorneys, or other
10 prosecutors, an expunged juvenile record may not be considered
11 by any private or public entity in employment matters,
12 certification, licensing, revocation of certification or
13 licensure, or registration. Applications for employment must
14 contain specific language that states that the applicant is not
15 obligated to disclose expunged juvenile records of conviction
16 or arrest. Employers may not ask if an applicant has had a
17 juvenile record expunged. Effective January 1, 2005, the
18 Department of Labor shall develop a link on the Department's
19 website to inform employers that employers may not ask if an
20 applicant had a juvenile record expunged and that application
21 for employment must contain specific language that states that
22 the applicant is not obligated to disclose expunged juvenile
23 records of arrest or conviction.

24 (b) A person whose juvenile records have been expunged is
25 not entitled to remission of any fines, costs, or other money
26 paid as a consequence of expungement. Public Act 93-912 ~~This~~

1 ~~amendatory Act of the 93rd General Assembly~~ does not affect the
2 right of the victim of a crime to prosecute or defend a civil
3 action for damages.

4 (c) The expungement of juvenile records under Section 5-622
5 shall be funded by ~~the additional fine imposed under Section~~
6 ~~5-9 1.17 of the Unified Code of Corrections and additional~~
7 appropriations made by the General Assembly for such purpose.

8 (9) The changes made to this Section by Public Act 98-61
9 apply to law enforcement records of a minor who has been
10 arrested or taken into custody on or after January 1, 2014 (the
11 effective date of Public Act 98-61).

12 (10) The changes made in subsection (1.5) of this Section
13 by Public Act 98-637 ~~this amendatory Act of the 98th General~~
14 ~~Assembly~~ apply to law enforcement records of a minor who has
15 been arrested or taken into custody on or after January 1,
16 2015. The changes made in subsection (1.6) of this Section by
17 Public Act 98-637 ~~this amendatory Act of the 98th General~~
18 ~~Assembly~~ apply to law enforcement records of a minor who has
19 been arrested or taken into custody before January 1, 2015.

20 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,
21 eff. 7-16-14; 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; revised
22 9-2-16.)

23 Section 905-65. The Criminal Code of 2012 is amended by
24 changing Section 12-3.4 as follows:

1 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

2 Sec. 12-3.4. Violation of an order of protection.

3 (a) A person commits violation of an order of protection
4 if:

5 (1) He or she knowingly commits an act which was
6 prohibited by a court or fails to commit an act which was
7 ordered by a court in violation of:

8 (i) a remedy in a valid order of protection
9 authorized under paragraphs (1), (2), (3), (14), or
10 (14.5) of subsection (b) of Section 214 of the Illinois
11 Domestic Violence Act of 1986,

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (2),
14 (3), (14) or (14.5) of subsection (b) of Section 214 of
15 the Illinois Domestic Violence Act of 1986, in a valid
16 order of protection, which is authorized under the laws
17 of another state, tribe or United States territory,

18 (iii) any other remedy when the act constitutes a
19 crime against the protected parties as the term
20 protected parties is defined in Section 112A-4 of the
21 Code of Criminal Procedure of 1963; and

22 (2) Such violation occurs after the offender has been
23 served notice of the contents of the order, pursuant to the
24 Illinois Domestic Violence Act of 1986 or any substantially
25 similar statute of another state, tribe or United States
26 territory, or otherwise has acquired actual knowledge of

1 the contents of the order.

2 An order of protection issued by a state, tribal or
3 territorial court related to domestic or family violence shall
4 be deemed valid if the issuing court had jurisdiction over the
5 parties and matter under the law of the state, tribe or
6 territory. There shall be a presumption of validity where an
7 order is certified and appears authentic on its face. For
8 purposes of this Section, an "order of protection" may have
9 been issued in a criminal or civil proceeding.

10 (a-5) Failure to provide reasonable notice and opportunity
11 to be heard shall be an affirmative defense to any charge or
12 process filed seeking enforcement of a foreign order of
13 protection.

14 (b) Nothing in this Section shall be construed to diminish
15 the inherent authority of the courts to enforce their lawful
16 orders through civil or criminal contempt proceedings.

17 (c) The limitations placed on law enforcement liability by
18 Section 305 of the Illinois Domestic Violence Act of 1986 apply
19 to actions taken under this Section.

20 (d) Violation of an order of protection is a Class A
21 misdemeanor. Violation of an order of protection is a Class 4
22 felony if the defendant has any prior conviction under this
23 Code for domestic battery (Section 12-3.2) or violation of an
24 order of protection (Section 12-3.4 or 12-30) or any prior
25 conviction under the law of another jurisdiction for an offense
26 that could be charged in this State as a domestic battery or

1 violation of an order of protection. Violation of an order of
2 protection is a Class 4 felony if the defendant has any prior
3 conviction under this Code for first degree murder (Section
4 9-1), attempt to commit first degree murder (Section 8-4),
5 aggravated domestic battery (Section 12-3.3), aggravated
6 battery (Section 12-3.05 or 12-4), heinous battery (Section
7 12-4.1), aggravated battery with a firearm (Section 12-4.2),
8 aggravated battery with a machine gun or a firearm equipped
9 with a silencer (Section 12-4.2-5), aggravated battery of a
10 child (Section 12-4.3), aggravated battery of an unborn child
11 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
12 aggravated battery of a senior citizen (Section 12-4.6),
13 stalking (Section 12-7.3), aggravated stalking (Section
14 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
15 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
16 kidnapping (Section 10-1), aggravated kidnapping (Section
17 10-2), predatory criminal sexual assault of a child (Section
18 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
19 11-1.60 or 12-16), unlawful restraint (Section 10-3),
20 aggravated unlawful restraint (Section 10-3.1), aggravated
21 arson (Section 20-1.1), aggravated discharge of a firearm
22 (Section 24-1.2), or a violation of any former law of this
23 State that is substantially similar to any listed offense, or
24 any prior conviction under the law of another jurisdiction for
25 an offense that could be charged in this State as one of the
26 offenses listed in this Section, when any of these offenses

1 have been committed against a family or household member as
2 defined in Section 112A-3 of the Code of Criminal Procedure of
3 1963. The court shall impose a minimum penalty of 24 hours
4 imprisonment for defendant's second or subsequent violation of
5 any order of protection; unless the court explicitly finds that
6 an increased penalty or such period of imprisonment would be
7 manifestly unjust. In addition to any other penalties, the
8 court may order the defendant to pay a fine as authorized under
9 Section 5-9-1 of the Unified Code of Corrections or to make
10 restitution to the victim under Section 5-5-6 of the Unified
11 Code of Corrections. ~~In addition to any other penalties,
12 including those imposed by Section 5-9-1.5 of the Unified Code
13 of Corrections, the court shall impose an additional fine of
14 \$20 as authorized by Section 5-9-1.11 of the Unified Code of
15 Corrections upon any person convicted of or placed on
16 supervision for a violation of this Section. The additional
17 fine shall be imposed for each violation of this Section.~~

18 (e) (Blank).

19 (f) A defendant who directed the actions of a third party
20 to violate this Section, under the principles of accountability
21 set forth in Article 5 of this Code, is guilty of violating
22 this Section as if the same had been personally done by the
23 defendant, without regard to the mental state of the third
24 party acting at the direction of the defendant.

25 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;
26 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates

1 97-311, eff. 8-11-11; 97-919, eff. 8-10-12; 97-1109, eff.
2 1-1-13.)

3 (720 ILCS 550/10.3 rep.)

4 Section 905-67. The Cannabis Control Act is amended by
5 repealing Section 10.3.

6 Section 905-70. The Illinois Controlled Substances Act is
7 amended by changing Section 411.2 as follows:

8 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

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

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

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

15 ~~(2) \$2,000 for a Class 1 felony;~~

16 ~~(3) \$1,000 for a Class 2 felony;~~

17 ~~(4) \$500 for a Class 3 or Class 4 felony;~~

18 ~~(5) \$300 for a Class A misdemeanor;~~

19 ~~(6) \$200 for a Class B or Class C misdemeanor.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (720 ILCS 570/411.4 rep.)

7 Section 905-73. The Illinois Controlled Substances Act is
8 amended by repealing Section 411.4.

9 Section 905-75. The Methamphetamine Control and Community
10 Protection Act is amended by changing Sections 80 and 90 as
11 follows:

12 (720 ILCS 646/80)

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

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

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

19 ~~(2) \$2,000 for a Class 1 felony;~~

20 ~~(3) \$1,000 for a Class 2 felony;~~

21 ~~(4) \$500 for a Class 3 or Class 4 felony.~~

22 (b) (Blank). ~~The assessment under this Section is in~~
23 ~~addition to and not in lieu of any fines, restitution, costs,~~

1 ~~forfeitures, or other assessments authorized or required by~~
2 ~~law.~~

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

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

23 (e) (Blank). ~~A defendant who has been ordered to pay an~~
24 ~~assessment may petition the court to convert all or part of the~~
25 ~~assessment into court approved public or community service.~~
26 ~~One hour of public or community service shall be equivalent to~~

1 ~~§4 of assessment. The performance of this public or community~~
2 ~~service shall be a condition of the probation, conditional~~
3 ~~discharge, or supervision and shall be in addition to the~~
4 ~~performance of any other period of public or community service~~
5 ~~ordered by the court or required by law.~~

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

1 ~~assessments imposed under this or any other Act.~~

2 (g) (Blank). ~~The court shall not impose more than one~~
3 ~~assessment per complaint, indictment, or information. If the~~
4 ~~person is convicted of more than one offense in a complaint,~~
5 ~~indictment, or information, the assessment shall be based on~~
6 ~~the highest class offense for which the person is convicted.~~

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

1 (i) (Blank). ~~In counties with a population of 3,000,000 or~~
2 ~~more, all moneys collected under this Section shall be~~
3 ~~forwarded to the County Treasurer for deposit into the County~~
4 ~~Health Fund. The County Treasurer shall, no later than the 15th~~
5 ~~day of each month, forward to the State Treasurer 30 percent of~~
6 ~~all moneys collected under this Act and received into the~~
7 ~~County Health Fund since the prior remittance to the State~~
8 ~~Treasurer. Funds retained by the County shall be used for~~
9 ~~community based treatment of pregnant women who are addicted to~~
10 ~~alcohol, cannabis, or controlled substances or for the needed~~
11 ~~care of minor, unemancipated children of these women. Funds~~
12 ~~forwarded to the State Treasurer shall be deposited into the~~
13 ~~State Drug Treatment Fund maintained by the State Treasurer~~
14 ~~from which the Department of Human Services may make grants to~~
15 ~~persons licensed under Section 15-10 of the Alcoholism and~~
16 ~~Other Drug Abuse and Dependency Act or to municipalities or~~
17 ~~counties from funds appropriated to the Department from the~~
18 ~~Drug Treatment Fund, provided that the moneys collected from~~
19 ~~each county be returned proportionately to the counties through~~
20 ~~grants to licensees located within the county from which the~~
21 ~~assessment was received and moneys in the State Drug Treatment~~
22 ~~Fund shall not supplant other local, State or federal funds. If~~
23 ~~the Department of Human Services grants funds to a municipality~~
24 ~~or county that the Department determines is not experiencing a~~
25 ~~problem with pregnant women addicted to alcohol, cannabis or~~
26 ~~controlled substances, or with care for minor, unemancipated~~

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

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

7 (720 ILCS 646/90)

8 Sec. 90. Methamphetamine restitution.

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

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

22 (1) first, to the agency responsible for the mitigation
23 of the incident;

24 (2) second, to the local agencies involved in the
25 emergency response;

1 (3) third, to the State agencies involved in the
2 emergency response; and

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

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

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

24 (Source: P.A. 97-434, eff. 1-1-12.)

25 Section 905-80. The Code of Criminal Procedure of 1963 is

1 amended by adding Section 124A-20 as follows:

2 (725 ILCS 5/124A-20 new)

3 Sec. 124A-20. Assessment waiver.

4 (a) As used in this Section:

5 "Assessments" means any costs imposed on a criminal
6 defendant under Article II of the Criminal and Traffic
7 Assessment Act, but does not include traffic violation
8 assessments.

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

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

18 (2) His or her available personal income is 200% or
19 less of the current poverty level, unless the
20 applicant's assets that are not exempt under Part 9 or
21 10 of Article XII of the Code of Civil Procedure are of
22 a nature and value that the court determines that the
23 applicant is able to pay the assessments.

24 (3) He or she is, in the discretion of the court,
25 unable to proceed in an action with payment of

1 assessments and whose payment of those assessments
2 would result in substantial hardship to the person or
3 his or her family.

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

7 (b) Upon the application of any defendant, after the
8 commencement of an action, but no later than 30 days after
9 sentencing:

10 (1) If the court finds that the applicant is an
11 indigent person, the court shall grant the applicant a full
12 assessment waiver exempting him or her from the payment of
13 any assessments.

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

16 (A) 75% of all assessments shall be waived if the
17 applicant's available income is greater than 200% but
18 no more than 250% of the poverty level, unless the
19 applicant's assets that are not exempt under Part 9 or
20 10 of Article XII of the Code of Civil Procedure are
21 such that the applicant is able, without undue
22 hardship, to pay the total assessments.

23 (B) 50% of all assessments shall be waived if the
24 applicant's available income is greater than 250% but
25 no more than 300% of the poverty level, unless the
26 applicant's assets that are not exempt under Part 9 or

1 10 of Article XII of the Code of Civil Procedure are
2 such that the court determines that the applicant is
3 able, without undue hardship, to pay a greater portion
4 of the assessments.

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

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

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

1 State Children and Family Assistance;

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

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

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

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

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

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

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

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

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

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

15 Section 905-85. The Violent Crime Victims Assistance Act is
16 amended by changing Section 10 as follows:

17 (725 ILCS 240/10) (from Ch. 70, par. 510)

18 Sec. 10. Violent Crime Victims Assistance Fund.

19 (a) The "Violent Crime Victims Assistance Fund" is created
20 as a special fund in the State Treasury to provide monies for
21 the grants to be awarded under this Act.

22 (b) (Blank). ~~When any person is convicted in Illinois of an~~
23 ~~offense listed below, or placed on supervision for that offense~~
24 ~~on or after July 1, 2012, the court shall impose the following~~

1 ~~finer:~~

2 ~~(1) \$100 for any felony;~~

3 ~~(2) \$50 for any offense under the Illinois Vehicle~~
4 ~~Code, exclusive of offenses enumerated in paragraph (a) (2)~~
5 ~~of Section 6 204 of that Code, and exclusive of any offense~~
6 ~~enumerated in Article VI of Chapter 11 of that Code~~
7 ~~relating to restrictions, regulations, and limitations on~~
8 ~~the speed at which a motor vehicle is driven or operated;~~
9 ~~and~~

10 ~~(3) \$75 for any misdemeanor, excluding a conservation~~
11 ~~offense.~~

12 ~~Notwithstanding any other provision of this Section, the~~
13 ~~penalty established in this Section shall be assessed for any~~
14 ~~violation of Section 11 601.5, 11 605.2, or 11 605.3 of the~~
15 ~~Illinois Vehicle Code.~~

16 ~~The Clerk of the Circuit Court shall remit moneys collected~~
17 ~~under this subsection (b) within one month after receipt to the~~
18 ~~State Treasurer for deposit into the Violent Crime Victims~~
19 ~~Assistance Fund, except as provided in subsection (g) of this~~
20 ~~Section. Such additional penalty shall not be considered a part~~
21 ~~of the fine for purposes of any reduction made in the fine for~~
22 ~~time served either before or after sentencing. Not later than~~
23 ~~March 1 of each year the Clerk of the Circuit Court shall~~
24 ~~submit to the State Comptroller a report of the amount of funds~~
25 ~~remitted by him to the State Treasurer under this Section~~
26 ~~during the preceding calendar year.~~

1 (c) (Blank). ~~The charge imposed by subsection (b) shall not~~
2 ~~be subject to the provisions of Section 110-14 of the Code of~~
3 ~~Criminal Procedure of 1963.~~

4 (d) Monies forfeited, and proceeds from the sale of
5 property forfeited and seized, under the forfeiture provisions
6 set forth in Part 500 of Article 124B of the Code of Criminal
7 Procedure of 1963 shall be accepted for the Violent Crime
8 Victims Assistance Fund.

9 (e) Investment income which is attributable to the
10 investment of monies in the Violent Crime Victims Assistance
11 Fund shall be credited to that fund for uses specified in this
12 Act. The Treasurer shall provide the Attorney General a monthly
13 status report on the amount of money in the Fund.

14 (f) Monies from the fund may be granted on and after July
15 1, 1984.

16 (g) (Blank). ~~All amounts and charges imposed under this~~
17 ~~Section for any violation of Chapters 3, 4, 6, and 11 of the~~
18 ~~Illinois Vehicle Code, or a similar provision of a local~~
19 ~~ordinance, or any violation of the Child Passenger Protection~~
20 ~~Act, or a similar provision of a local ordinance, shall be~~
21 ~~collected and disbursed by the circuit clerk as provided under~~
22 ~~Section 27.5 of the Clerks of Courts Act.~~

23 (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11;
24 97-816, eff. 7-16-12.)

25 Section 905-90. The Unified Code of Corrections is amended

1 by changing Sections 5-4-3, 5-4.5-50, 5-4.5-55, 5-4.5-60,
2 5-4.5-65, 5-4.5-75, 5-4.5-80, 5-5-3, 5-5-6, 5-6-1, 5-6-3,
3 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,
4 5-9-1.16, and 5-9-1.21 as follows:

5 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

6 Sec. 5-4-3. Specimens; genetic marker groups.

7 (a) Any person convicted of, found guilty under the
8 Juvenile Court Act of 1987 for, or who received a disposition
9 of court supervision for, a qualifying offense or attempt of a
10 qualifying offense, convicted or found guilty of any offense
11 classified as a felony under Illinois law, convicted or found
12 guilty of any offense requiring registration under the Sex
13 Offender Registration Act, found guilty or given supervision
14 for any offense classified as a felony under the Juvenile Court
15 Act of 1987, convicted or found guilty of, under the Juvenile
16 Court Act of 1987, any offense requiring registration under the
17 Sex Offender Registration Act, or institutionalized as a
18 sexually dangerous person under the Sexually Dangerous Persons
19 Act, or committed as a sexually violent person under the
20 Sexually Violent Persons Commitment Act shall, regardless of
21 the sentence or disposition imposed, be required to submit
22 specimens of blood, saliva, or tissue to the Illinois
23 Department of State Police in accordance with the provisions of
24 this Section, provided such person is:

25 (1) convicted of a qualifying offense or attempt of a

1 qualifying offense on or after July 1, 1990 and sentenced
2 to a term of imprisonment, periodic imprisonment, fine,
3 probation, conditional discharge or any other form of
4 sentence, or given a disposition of court supervision for
5 the offense;

6 (1.5) found guilty or given supervision under the
7 Juvenile Court Act of 1987 for a qualifying offense or
8 attempt of a qualifying offense on or after January 1,
9 1997;

10 (2) ordered institutionalized as a sexually dangerous
11 person on or after July 1, 1990;

12 (3) convicted of a qualifying offense or attempt of a
13 qualifying offense before July 1, 1990 and is presently
14 confined as a result of such conviction in any State
15 correctional facility or county jail or is presently
16 serving a sentence of probation, conditional discharge or
17 periodic imprisonment as a result of such conviction;

18 (3.5) convicted or found guilty of any offense
19 classified as a felony under Illinois law or found guilty
20 or given supervision for such an offense under the Juvenile
21 Court Act of 1987 on or after August 22, 2002;

22 (4) presently institutionalized as a sexually
23 dangerous person or presently institutionalized as a
24 person found guilty but mentally ill of a sexual offense or
25 attempt to commit a sexual offense; or

26 (4.5) ordered committed as a sexually violent person on

1 or after the effective date of the Sexually Violent Persons
2 Commitment Act.

3 (a-1) Any person incarcerated in a facility of the Illinois
4 Department of Corrections or the Illinois Department of
5 Juvenile Justice on or after August 22, 2002, whether for a
6 term of years, natural life, or a sentence of death, who has
7 not yet submitted a specimen of blood, saliva, or tissue shall
8 be required to submit a specimen of blood, saliva, or tissue
9 prior to his or her final discharge, or release on parole,
10 aftercare release, or mandatory supervised release, as a
11 condition of his or her parole, aftercare release, or mandatory
12 supervised release, or within 6 months from August 13, 2009
13 (the effective date of Public Act 96-426), whichever is sooner.
14 A person incarcerated on or after August 13, 2009 (the
15 effective date of Public Act 96-426) shall be required to
16 submit a specimen within 45 days of incarceration, or prior to
17 his or her final discharge, or release on parole, aftercare
18 release, or mandatory supervised release, as a condition of his
19 or her parole, aftercare release, or mandatory supervised
20 release, whichever is sooner. These specimens shall be placed
21 into the State or national DNA database, to be used in
22 accordance with other provisions of this Section, by the
23 Illinois State Police.

24 (a-2) Any person sentenced to life imprisonment in a
25 facility of the Illinois Department of Corrections after the
26 effective date of this amendatory Act of the 94th General

1 Assembly or sentenced to death after the effective date of this
2 amendatory Act of the 94th General Assembly shall be required
3 to provide a specimen of blood, saliva, or tissue within 45
4 days after sentencing or disposition at a collection site
5 designated by the Illinois Department of State Police. Any
6 person serving a sentence of life imprisonment in a facility of
7 the Illinois Department of Corrections on the effective date of
8 this amendatory Act of the 94th General Assembly or any person
9 who is under a sentence of death on the effective date of this
10 amendatory Act of the 94th General Assembly shall be required
11 to provide a specimen of blood, saliva, or tissue upon request
12 at a collection site designated by the Illinois Department of
13 State Police.

14 (a-3) Any person seeking transfer to or residency in
15 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
16 Code, the Interstate Compact for Adult Offender Supervision, or
17 the Interstate Agreements on Sexually Dangerous Persons Act
18 shall be required to provide a specimen of blood, saliva, or
19 tissue within 45 days after transfer to or residency in
20 Illinois at a collection site designated by the Illinois
21 Department of State Police.

22 (a-3.1) Any person required by an order of the court to
23 submit a DNA specimen shall be required to provide a specimen
24 of blood, saliva, or tissue within 45 days after the court
25 order at a collection site designated by the Illinois
26 Department of State Police.

1 (a-3.2) On or after January 1, 2012 (the effective date of
2 Public Act 97-383), any person arrested for any of the
3 following offenses, after an indictment has been returned by a
4 grand jury, or following a hearing pursuant to Section 109-3 of
5 the Code of Criminal Procedure of 1963 and a judge finds there
6 is probable cause to believe the arrestee has committed one of
7 the designated offenses, or an arrestee has waived a
8 preliminary hearing shall be required to provide a specimen of
9 blood, saliva, or tissue within 14 days after such indictment
10 or hearing at a collection site designated by the Illinois
11 Department of State Police:

12 (A) first degree murder;

13 (B) home invasion;

14 (C) predatory criminal sexual assault of a child;

15 (D) aggravated criminal sexual assault; or

16 (E) criminal sexual assault.

17 (a-3.3) Any person required to register as a sex offender
18 under the Sex Offender Registration Act, regardless of the date
19 of conviction as set forth in subsection (c-5.2) shall be
20 required to provide a specimen of blood, saliva, or tissue
21 within the time period prescribed in subsection (c-5.2) at a
22 collection site designated by the Illinois Department of State
23 Police.

24 (a-5) Any person who was otherwise convicted of or received
25 a disposition of court supervision for any other offense under
26 the Criminal Code of 1961 or the Criminal Code of 2012 or who

1 was found guilty or given supervision for such a violation
2 under the Juvenile Court Act of 1987, may, regardless of the
3 sentence imposed, be required by an order of the court to
4 submit specimens of blood, saliva, or tissue to the Illinois
5 Department of State Police in accordance with the provisions of
6 this Section.

7 (b) Any person required by paragraphs (a) (1), (a) (1.5),
8 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
9 saliva, or tissue shall provide specimens of blood, saliva, or
10 tissue within 45 days after sentencing or disposition at a
11 collection site designated by the Illinois Department of State
12 Police.

13 (c) Any person required by paragraphs (a) (3), (a) (4), and
14 (a) (4.5) to provide specimens of blood, saliva, or tissue shall
15 be required to provide such specimens prior to final discharge
16 or within 6 months from August 13, 2009 (the effective date of
17 Public Act 96-426), whichever is sooner. These specimens shall
18 be placed into the State or national DNA database, to be used
19 in accordance with other provisions of this Act, by the
20 Illinois State Police.

21 (c-5) Any person required by paragraph (a-3) to provide
22 specimens of blood, saliva, or tissue shall, where feasible, be
23 required to provide the specimens before being accepted for
24 conditioned residency in Illinois under the interstate compact
25 or agreement, but no later than 45 days after arrival in this
26 State.

1 (c-5.2) Unless it is determined that a registered sex
2 offender has previously submitted a specimen of blood, saliva,
3 or tissue that has been placed into the State DNA database, a
4 person registering as a sex offender shall be required to
5 submit a specimen at the time of his or her initial
6 registration pursuant to the Sex Offender Registration Act or,
7 for a person registered as a sex offender on or prior to
8 January 1, 2012 (the effective date of Public Act 97-383),
9 within one year of January 1, 2012 (the effective date of
10 Public Act 97-383) or at the time of his or her next required
11 registration.

12 (c-6) The Illinois Department of State Police may determine
13 which type of specimen or specimens, blood, saliva, or tissue,
14 is acceptable for submission to the Division of Forensic
15 Services for analysis. The Illinois Department of State Police
16 may require the submission of fingerprints from anyone required
17 to give a specimen under this Act.

18 (d) The Illinois Department of State Police shall provide
19 all equipment and instructions necessary for the collection of
20 blood specimens. The collection of specimens shall be performed
21 in a medically approved manner. Only a physician authorized to
22 practice medicine, a registered nurse or other qualified person
23 trained in venipuncture may withdraw blood for the purposes of
24 this Act. The specimens shall thereafter be forwarded to the
25 Illinois Department of State Police, Division of Forensic
26 Services, for analysis and categorizing into genetic marker

1 groupings.

2 (d-1) The Illinois Department of State Police shall provide
3 all equipment and instructions necessary for the collection of
4 saliva specimens. The collection of saliva specimens shall be
5 performed in a medically approved manner. Only a person trained
6 in the instructions promulgated by the Illinois State Police on
7 collecting saliva may collect saliva for the purposes of this
8 Section. The specimens shall thereafter be forwarded to the
9 Illinois Department of State Police, Division of Forensic
10 Services, for analysis and categorizing into genetic marker
11 groupings.

12 (d-2) The Illinois Department of State Police shall provide
13 all equipment and instructions necessary for the collection of
14 tissue specimens. The collection of tissue specimens shall be
15 performed in a medically approved manner. Only a person trained
16 in the instructions promulgated by the Illinois State Police on
17 collecting tissue may collect tissue for the purposes of this
18 Section. The specimens shall thereafter be forwarded to the
19 Illinois Department of State Police, Division of Forensic
20 Services, for analysis and categorizing into genetic marker
21 groupings.

22 (d-5) To the extent that funds are available, the Illinois
23 Department of State Police shall contract with qualified
24 personnel and certified laboratories for the collection,
25 analysis, and categorization of known specimens, except as
26 provided in subsection (n) of this Section.

1 (d-6) Agencies designated by the Illinois Department of
2 State Police and the Illinois Department of State Police may
3 contract with third parties to provide for the collection or
4 analysis of DNA, or both, of an offender's blood, saliva, and
5 tissue specimens, except as provided in subsection (n) of this
6 Section.

7 (e) The genetic marker groupings shall be maintained by the
8 Illinois Department of State Police, Division of Forensic
9 Services.

10 (f) The genetic marker grouping analysis information
11 obtained pursuant to this Act shall be confidential and shall
12 be released only to peace officers of the United States, of
13 other states or territories, of the insular possessions of the
14 United States, of foreign countries duly authorized to receive
15 the same, to all peace officers of the State of Illinois and to
16 all prosecutorial agencies, and to defense counsel as provided
17 by Section 116-5 of the Code of Criminal Procedure of 1963. The
18 genetic marker grouping analysis information obtained pursuant
19 to this Act shall be used only for (i) valid law enforcement
20 identification purposes and as required by the Federal Bureau
21 of Investigation for participation in the National DNA
22 database, (ii) technology validation purposes, (iii) a
23 population statistics database, (iv) quality assurance
24 purposes if personally identifying information is removed, (v)
25 assisting in the defense of the criminally accused pursuant to
26 Section 116-5 of the Code of Criminal Procedure of 1963, or

1 (vi) identifying and assisting in the prosecution of a person
2 who is suspected of committing a sexual assault as defined in
3 Section 1a of the Sexual Assault Survivors Emergency Treatment
4 Act. Notwithstanding any other statutory provision to the
5 contrary, all information obtained under this Section shall be
6 maintained in a single State data base, which may be uploaded
7 into a national database, and which information may be subject
8 to expungement only as set forth in subsection (f-1).

9 (f-1) Upon receipt of notification of a reversal of a
10 conviction based on actual innocence, or of the granting of a
11 pardon pursuant to Section 12 of Article V of the Illinois
12 Constitution, if that pardon document specifically states that
13 the reason for the pardon is the actual innocence of an
14 individual whose DNA record has been stored in the State or
15 national DNA identification index in accordance with this
16 Section by the Illinois Department of State Police, the DNA
17 record shall be expunged from the DNA identification index, and
18 the Department shall by rule prescribe procedures to ensure
19 that the record and any specimens, analyses, or other documents
20 relating to such record, whether in the possession of the
21 Department or any law enforcement or police agency, or any
22 forensic DNA laboratory, including any duplicates or copies
23 thereof, are destroyed and a letter is sent to the court
24 verifying the expungement is completed. For specimens required
25 to be collected prior to conviction, unless the individual has
26 other charges or convictions that require submission of a

1 specimen, the DNA record for an individual shall be expunged
2 from the DNA identification databases and the specimen
3 destroyed upon receipt of a certified copy of a final court
4 order for each charge against an individual in which the charge
5 has been dismissed, resulted in acquittal, or that the charge
6 was not filed within the applicable time period. The Department
7 shall by rule prescribe procedures to ensure that the record
8 and any specimens in the possession or control of the
9 Department are destroyed and a letter is sent to the court
10 verifying the expungement is completed.

11 (f-5) Any person who intentionally uses genetic marker
12 grouping analysis information, or any other information
13 derived from a DNA specimen, beyond the authorized uses as
14 provided under this Section, or any other Illinois law, is
15 guilty of a Class 4 felony, and shall be subject to a fine of
16 not less than \$5,000.

17 (f-6) The Illinois Department of State Police may contract
18 with third parties for the purposes of implementing this
19 amendatory Act of the 93rd General Assembly, except as provided
20 in subsection (n) of this Section. Any other party contracting
21 to carry out the functions of this Section shall be subject to
22 the same restrictions and requirements of this Section insofar
23 as applicable, as the Illinois Department of State Police, and
24 to any additional restrictions imposed by the Illinois
25 Department of State Police.

26 (g) For the purposes of this Section, "qualifying offense"

1 means any of the following:

2 (1) any violation or inchoate violation of Section
3 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
4 12-16 of the Criminal Code of 1961 or the Criminal Code of
5 2012;

6 (1.1) any violation or inchoate violation of Section
7 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
8 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
9 1961 or the Criminal Code of 2012 for which persons are
10 convicted on or after July 1, 2001;

11 (2) any former statute of this State which defined a
12 felony sexual offense;

13 (3) (blank);

14 (4) any inchoate violation of Section 9-3.1, 9-3.4,
15 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
16 the Criminal Code of 2012; or

17 (5) any violation or inchoate violation of Article 29D
18 of the Criminal Code of 1961 or the Criminal Code of 2012.

19 (g-5) (Blank).

20 (h) The Illinois Department of State Police shall be the
21 State central repository for all genetic marker grouping
22 analysis information obtained pursuant to this Act. The
23 Illinois Department of State Police may promulgate rules for
24 the form and manner of the collection of blood, saliva, or
25 tissue specimens and other procedures for the operation of this
26 Act. The provisions of the Administrative Review Law shall

1 apply to all actions taken under the rules so promulgated.

2 (i) (1) A person required to provide a blood, saliva, or
3 tissue specimen shall cooperate with the collection of the
4 specimen and any deliberate act by that person intended to
5 impede, delay or stop the collection of the blood, saliva,
6 or tissue specimen is a Class 4 felony.

7 (2) In the event that a person's DNA specimen is not
8 adequate for any reason, the person shall provide another
9 DNA specimen for analysis. Duly authorized law enforcement
10 and corrections personnel may employ reasonable force in
11 cases in which an individual refuses to provide a DNA
12 specimen required under this Act.

13 (j) (Blank). ~~Any person required by subsection (a), or any~~
14 ~~person who was previously required by subsection (a 3.2), to~~
15 ~~submit specimens of blood, saliva, or tissue to the Illinois~~
16 ~~Department of State Police for analysis and categorization into~~
17 ~~genetic marker grouping, in addition to any other disposition,~~
18 ~~penalty, or fine imposed, shall pay an analysis fee of \$250. If~~
19 ~~the analysis fee is not paid at the time of sentencing, the~~
20 ~~court shall establish a fee schedule by which the entire amount~~
21 ~~of the analysis fee shall be paid in full, such schedule not to~~
22 ~~exceed 24 months from the time of conviction. The inability to~~
23 ~~pay this analysis fee shall not be the sole ground to~~
24 ~~incarcerate the person.~~

25 (k) All analysis and categorization assessments fees
26 provided under the Criminal and Traffic Assessments Act to the

1 State Offender DNA Identification System Fund ~~for by subsection~~

2 ~~(j)~~ shall be regulated as follows:

3 (1) The State Offender DNA Identification System Fund
4 is hereby created as a special fund in the State Treasury.

5 (2) (Blank). ~~All fees shall be collected by the clerk~~
6 ~~of the court and forwarded to the State Offender DNA~~
7 ~~Identification System Fund for deposit. The clerk of the~~
8 ~~circuit court may retain the amount of \$10 from each~~
9 ~~collected analysis fee to offset administrative costs~~
10 ~~incurred in carrying out the clerk's responsibilities~~
11 ~~under this Section.~~

12 (3) Moneys Fees deposited into the State Offender DNA
13 Identification System Fund shall be used by Illinois State
14 Police crime laboratories as designated by the Director of
15 State Police. These funds shall be in addition to any
16 allocations made pursuant to existing laws and shall be
17 designated for the exclusive use of State crime
18 laboratories. These uses may include, but are not limited
19 to, the following:

20 (A) Costs incurred in providing analysis and
21 genetic marker categorization as required by
22 subsection (d).

23 (B) Costs incurred in maintaining genetic marker
24 groupings as required by subsection (e).

25 (C) Costs incurred in the purchase and maintenance
26 of equipment for use in performing analyses.

1 (D) Costs incurred in continuing research and
2 development of new techniques for analysis and genetic
3 marker categorization.

4 (E) Costs incurred in continuing education,
5 training, and professional development of forensic
6 scientists regularly employed by these laboratories.

7 (1) The failure of a person to provide a specimen, or of
8 any person or agency to collect a specimen, shall in no way
9 alter the obligation of the person to submit such specimen, or
10 the authority of the Illinois Department of State Police or
11 persons designated by the Department to collect the specimen,
12 or the authority of the Illinois Department of State Police to
13 accept, analyze and maintain the specimen or to maintain or
14 upload results of genetic marker grouping analysis information
15 into a State or national database.

16 (m) If any provision of this amendatory Act of the 93rd
17 General Assembly is held unconstitutional or otherwise
18 invalid, the remainder of this amendatory Act of the 93rd
19 General Assembly is not affected.

20 (n) Neither the Department of State Police, the Division of
21 Forensic Services, nor any laboratory of the Division of
22 Forensic Services may contract out forensic testing for the
23 purpose of an active investigation or a matter pending before a
24 court of competent jurisdiction without the written consent of
25 the prosecuting agency. For the purposes of this subsection
26 (n), "forensic testing" includes the analysis of physical

1 evidence in an investigation or other proceeding for the
2 prosecution of a violation of the Criminal Code of 1961 or the
3 Criminal Code of 2012 or for matters adjudicated under the
4 Juvenile Court Act of 1987, and includes the use of forensic
5 databases and databanks, including DNA, firearm, and
6 fingerprint databases, and expert testimony.

7 (o) Mistake does not invalidate a database match. The
8 detention, arrest, or conviction of a person based upon a
9 database match or database information is not invalidated if it
10 is determined that the specimen was obtained or placed in the
11 database by mistake.

12 (p) This Section may be referred to as the Illinois DNA
13 Database Law of 2011.

14 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;
15 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

16 (730 ILCS 5/5-4.5-50)

17 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
18 as otherwise provided, for all felonies:

19 (a) NO SUPERVISION. The court, upon a plea of guilty or a
20 stipulation by the defendant of the facts supporting the charge
21 or a finding of guilt, may not defer further proceedings and
22 the imposition of a sentence and may not enter an order for
23 supervision of the defendant.

24 (b) FELONY FINES. Unless otherwise specified by law, the
25 minimum fine is \$25. An offender may be sentenced to pay a fine

1 not to exceed, for each offense, \$25,000 or the amount
2 specified in the offense, whichever is greater, or if the
3 offender is a corporation, \$50,000 or the amount specified in
4 the offense, whichever is greater. A fine may be imposed in
5 addition to a sentence of conditional discharge, probation,
6 periodic imprisonment, or imprisonment. See Article 9 of
7 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
8 additional amounts and determination of amounts and payment. If
9 the court finds that the fine would impose an undue burden on
10 the victim, the court may reduce or waive the fine.

11 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
12 each felony conviction shall set forth his or her reasons for
13 imposing the particular sentence entered in the case, as
14 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
15 include any mitigating or aggravating factors specified in this
16 Code, or the lack of any such factors, as well as any other
17 mitigating or aggravating factors that the judge sets forth on
18 the record that are consistent with the purposes and principles
19 of sentencing set out in this Code.

20 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
21 sentence may be made, or the court may reduce a sentence
22 without motion, within 30 days after the sentence is imposed. A
23 defendant's challenge to the correctness of a sentence or to
24 any aspect of the sentencing hearing shall be made by a written
25 motion filed with the circuit court clerk within 30 days
26 following the imposition of sentence. A motion not filed within

1 that 30-day period is not timely. The court may not increase a
2 sentence once it is imposed. A notice of motion must be filed
3 with the motion. The notice of motion shall set the motion on
4 the court's calendar on a date certain within a reasonable time
5 after the date of filing.

6 If a motion filed pursuant to this subsection is timely
7 filed, the proponent of the motion shall exercise due diligence
8 in seeking a determination on the motion and the court shall
9 thereafter decide the motion within a reasonable time.

10 If a motion filed pursuant to this subsection is timely
11 filed, then for purposes of perfecting an appeal, a final
12 judgment is not considered to have been entered until the
13 motion to reduce the sentence has been decided by order entered
14 by the trial court.

15 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
16 OTHER-STATE SENTENCE. A defendant who has a previous and
17 unexpired sentence of imprisonment imposed by another state or
18 by any district court of the United States and who, after
19 sentence for a crime in Illinois, must return to serve the
20 unexpired prior sentence may have his or her sentence by the
21 Illinois court ordered to be concurrent with the prior
22 other-state or federal sentence. The court may order that any
23 time served on the unexpired portion of the other-state or
24 federal sentence, prior to his or her return to Illinois, shall
25 be credited on his or her Illinois sentence. The appropriate
26 official of the other state or the United States shall be

1 furnished with a copy of the order imposing sentence, which
2 shall provide that, when the offender is released from
3 other-state or federal confinement, whether by parole or by
4 termination of sentence, the offender shall be transferred by
5 the Sheriff of the committing Illinois county to the Illinois
6 Department of Corrections. The court shall cause the Department
7 of Corrections to be notified of the sentence at the time of
8 commitment and to be provided with copies of all records
9 regarding the sentence.

10 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
11 defendant who has a previous and unexpired sentence of
12 imprisonment imposed by an Illinois circuit court for a crime
13 in this State and who is subsequently sentenced to a term of
14 imprisonment by another state or by any district court of the
15 United States and who has served a term of imprisonment imposed
16 by the other state or district court of the United States, and
17 must return to serve the unexpired prior sentence imposed by
18 the Illinois circuit court, may apply to the Illinois circuit
19 court that imposed sentence to have his or her sentence
20 reduced.

21 The circuit court may order that any time served on the
22 sentence imposed by the other state or district court of the
23 United States be credited on his or her Illinois sentence. The
24 application for reduction of a sentence under this subsection
25 shall be made within 30 days after the defendant has completed
26 the sentence imposed by the other state or district court of

1 the United States.

2 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
3 sentence or disposition that requires the defendant to be
4 implanted or injected with or to use any form of birth control.
5 (Source: P.A. 95-1052, eff. 7-1-09.)

6 (730 ILCS 5/5-4.5-55)

7 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
8 A misdemeanor:

9 (a) TERM. The sentence of imprisonment shall be a
10 determinate sentence of less than one year.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic
12 imprisonment shall be for a definite term of less than one
13 year, except as otherwise provided in Section 5-5-3 or 5-7-1
14 (730 ILCS 5/5-5-3 or 5/5-7-1).

15 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
16 5/5-8-1.2) concerning eligibility for the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed 2
21 years. The court shall specify the conditions of probation or
22 conditional discharge as set forth in Section 5-6-3 (730 ILCS
23 5/5-6-3).

24 (e) FINE. Unless otherwise specified by law, the minimum
25 fine is \$25. A fine not to exceed \$2,500 for each offense or

1 the amount specified in the offense, whichever is greater, may
2 be imposed. A fine may be imposed in addition to a sentence of
3 conditional discharge, probation, periodic imprisonment, or
4 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
5 Art. 9) for imposition of additional amounts and determination
6 of amounts and payment. If the court finds that the fine would
7 impose an undue burden on the victim, the court may reduce or
8 waive the fine.

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
21 Behavior Allowance Act (730 ILCS 130/) for rules and
22 regulations for good behavior allowance.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-60)

2 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
3 B misdemeanor:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not more than 6 months.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of up to 6 months or
8 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

9 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
10 5/5-8-1.2) concerning eligibility for the county impact
11 incarceration program.

12 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
13 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
14 conditional discharge shall not exceed 2 years. The court shall
15 specify the conditions of probation or conditional discharge as
16 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

17 (e) FINE. Unless otherwise specified by law, the minimum
18 fine is \$25. A fine not to exceed \$1,500 for each offense or
19 the amount specified in the offense, whichever is greater, may
20 be imposed. A fine may be imposed in addition to a sentence of
21 conditional discharge, probation, periodic imprisonment, or
22 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
23 Art. 9) for imposition of additional amounts and determination
24 of amounts and payment. If the court finds that the fine would
25 impose an undue burden on the victim, the court may reduce or

1 waive the fine.

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4).

7 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
8 Act (730 ILCS 166/20) concerning eligibility for a drug court
9 program.

10 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
11 ILCS 5/5-4.5-100) concerning credit for time spent in home
12 detention prior to judgment.

13 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
14 Behavior Allowance Act (730 ILCS 130/) for rules and
15 regulations for good behavior allowance.

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
17 5/5-8A-3) concerning eligibility for electronic home
18 detention.

19 (Source: P.A. 97-697, eff. 6-22-12.)

20 (730 ILCS 5/5-4.5-65)

21 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
22 C misdemeanor:

23 (a) TERM. The sentence of imprisonment shall be a
24 determinate sentence of not more than 30 days.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of up to 30 days or
2 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

3 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
4 5/5-8-1.2) concerning eligibility for the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
8 conditional discharge shall not exceed 2 years. The court shall
9 specify the conditions of probation or conditional discharge as
10 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

11 (e) FINE. Unless otherwise specified by law, the minimum
12 fine is \$25. A fine not to exceed \$1,500 for each offense or
13 the amount specified in the offense, whichever is greater, may
14 be imposed. A fine may be imposed in addition to a sentence of
15 conditional discharge, probation, periodic imprisonment, or
16 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
17 Art. 9) for imposition of additional amounts and determination
18 of amounts and payment. If the court finds that the fine would
19 impose an undue burden on the victim, the court may reduce or
20 waive the fine.

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4).

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
4 ILCS 5/5-4.5-100) concerning credit for time spent in home
5 detention prior to judgment.

6 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
7 Behavior Allowance Act (730 ILCS 130/) for rules and
8 regulations for good behavior allowance.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

12 (Source: P.A. 97-697, eff. 6-22-12.)

13 (730 ILCS 5/5-4.5-75)

14 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as
15 otherwise provided, for a petty offense:

16 (a) FINE. Unless otherwise specified by law, the minimum
17 fine is \$25. A defendant may be sentenced to pay a fine not to
18 exceed \$1,000 for each offense or the amount specified in the
19 offense, whichever is less. A fine may be imposed in addition
20 to a sentence of conditional discharge or probation. See
21 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
22 imposition of additional amounts and determination of amounts
23 and payment. If the court finds that the fine would impose an
24 undue burden on the victim, the court may reduce or waive the
25 fine.

1 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
3 sentenced to a period of probation or conditional discharge not
4 to exceed 6 months. The court shall specify the conditions of
5 probation or conditional discharge as set forth in Section
6 5-6-3 (730 ILCS 5/5-6-3).

7 (c) RESTITUTION. A defendant may be sentenced to make
8 restitution to the victim under Section 5-5-6 (730 ILCS
9 5/5-5-6).

10 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
11 a stipulation by the defendant of the facts supporting the
12 charge or a finding of guilt, may defer further proceedings and
13 the imposition of a sentence and may enter an order for
14 supervision of the defendant. If the defendant is not barred
15 from receiving an order for supervision under Section 5-6-1
16 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
17 for supervision after considering the circumstances of the
18 offense, and the history, character, and condition of the
19 offender, if the court is of the opinion that:

20 (1) the defendant is not likely to commit further
21 crimes;

22 (2) the defendant and the public would be best served
23 if the defendant were not to receive a criminal record; and

24 (3) in the best interests of justice, an order of
25 supervision is more appropriate than a sentence otherwise
26 permitted under this Code.

1 (e) SUPERVISION; PERIOD. When a defendant is placed on
2 supervision, the court shall enter an order for supervision
3 specifying the period of supervision, and shall defer further
4 proceedings in the case until the conclusion of the period. The
5 period of supervision shall be reasonable under all of the
6 circumstances of the case, and except as otherwise provided,
7 may not be longer than 2 years. The court shall specify the
8 conditions of supervision as set forth in Section 5-6-3.1 (730
9 ILCS 5/5-6-3.1).

10 (Source: P.A. 95-1052, eff. 7-1-09.)

11 (730 ILCS 5/5-4.5-80)

12 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
13 otherwise provided, for a business offense:

14 (a) FINE. Unless otherwise specified by law, the minimum
15 fine is \$25. A defendant may be sentenced to pay a fine not to
16 exceed for each offense the amount specified in the statute
17 defining that offense. A fine may be imposed in addition to a
18 sentence of conditional discharge. See Article 9 of Chapter V
19 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts
20 and determination of amounts and payment. If the court finds
21 that the fine would impose an undue burden on the victim, the
22 court may reduce or waive the fine.

23 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
24 a period of conditional discharge. The court shall specify the
25 conditions of 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 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 (Text of Section before amendment by P.A. 99-938)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank).

10 (b) (Blank).

11 (c) (1) (Blank).

12 (2) A period of probation, a term of periodic imprisonment
13 or conditional discharge shall not be imposed for the following
14 offenses. The court shall sentence the offender to not less
15 than the minimum term of imprisonment set forth in this Code
16 for the following offenses, and may order a fine or restitution
17 or both in conjunction with such term of imprisonment:

18 (A) First degree murder where the death penalty is not
19 imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the Illinois
23 Controlled Substances Act, or a violation of subdivision
24 (c) (1.5) or (c) (2) of Section 401 of that Act which relates
25 to more than 5 grams of a substance containing cocaine,

1 fentanyl, or an analog thereof.

2 (D-5) A violation of subdivision (c) (1) of Section 401
3 of the Illinois Controlled Substances Act which relates to
4 3 or more grams of a substance containing heroin or an
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony, including
10 any state or federal conviction for an offense that
11 contained, at the time it was committed, the same elements
12 as an offense now (the date of the offense committed after
13 the prior Class 2 or greater felony) classified as a Class
14 2 or greater felony, within 10 years of the date on which
15 the offender committed the offense for which he or she is
16 being sentenced, except as otherwise provided in Section
17 40-10 of the Alcoholism and Other Drug Abuse and Dependency
18 Act.

19 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
20 the Criminal Code of 1961 or the Criminal Code of 2012 for
21 which imprisonment is prescribed in those Sections.

22 (G) Residential burglary, except as otherwise provided
23 in Section 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act.

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as described

1 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
2 of the Criminal Code of 1961 or the Criminal Code of 2012.

3 (J) A forcible felony if the offense was related to the
4 activities of an organized gang.

5 Before July 1, 1994, for the purposes of this
6 paragraph, "organized gang" means an association of 5 or
7 more persons, with an established hierarchy, that
8 encourages members of the association to perpetrate crimes
9 or provides support to the members of the association who
10 do commit crimes.

11 Beginning July 1, 1994, for the purposes of this
12 paragraph, "organized gang" has the meaning ascribed to it
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (K) Vehicular hijacking.

16 (L) A second or subsequent conviction for the offense
17 of hate crime when the underlying offense upon which the
18 hate crime is based is felony aggravated assault or felony
19 mob action.

20 (M) A second or subsequent conviction for the offense
21 of institutional vandalism if the damage to the property
22 exceeds \$300.

23 (N) A Class 3 felony violation of paragraph (1) of
24 subsection (a) of Section 2 of the Firearm Owners
25 Identification Card Act.

26 (O) A violation of Section 12-6.1 or 12-6.5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (P) A violation of paragraph (1), (2), (3), (4), (5),
3 or (7) of subsection (a) of Section 11-20.1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012.

5 (Q) A violation of subsection (b) or (b-5) of Section
6 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012.

8 (R) A violation of Section 24-3A of the Criminal Code
9 of 1961 or the Criminal Code of 2012.

10 (S) (Blank).

11 (T) A second or subsequent violation of the
12 Methamphetamine Control and Community Protection Act.

13 (U) A second or subsequent violation of Section 6-303
14 of the Illinois Vehicle Code committed while his or her
15 driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961
17 or the Criminal Code of 2012, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

20 (V) A violation of paragraph (4) of subsection (c) of
21 Section 11-20.1B or paragraph (4) of subsection (c) of
22 Section 11-20.3 of the Criminal Code of 1961, or paragraph
23 (6) of subsection (a) of Section 11-20.1 of the Criminal
24 Code of 2012 when the victim is under 13 years of age and
25 the defendant has previously been convicted under the laws
26 of this State or any other state of the offense of child

1 pornography, aggravated child pornography, aggravated
2 criminal sexual abuse, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, or any of the
4 offenses formerly known as rape, deviate sexual assault,
5 indecent liberties with a child, or aggravated indecent
6 liberties with a child where the victim was under the age
7 of 18 years or an offense that is substantially equivalent
8 to those offenses.

9 (W) A violation of Section 24-3.5 of the Criminal Code
10 of 1961 or the Criminal Code of 2012.

11 (X) A violation of subsection (a) of Section 31-1a of
12 the Criminal Code of 1961 or the Criminal Code of 2012.

13 (Y) A conviction for unlawful possession of a firearm
14 by a street gang member when the firearm was loaded or
15 contained firearm ammunition.

16 (Z) A Class 1 felony committed while he or she was
17 serving a term of probation or conditional discharge for a
18 felony.

19 (AA) Theft of property exceeding \$500,000 and not
20 exceeding \$1,000,000 in value.

21 (BB) Laundering of criminally derived property of a
22 value exceeding \$500,000.

23 (CC) Knowingly selling, offering for sale, holding for
24 sale, or using 2,000 or more counterfeit items or
25 counterfeit items having a retail value in the aggregate of
26 \$500,000 or more.

1 (DD) A conviction for aggravated assault under
2 paragraph (6) of subsection (c) of Section 12-2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 if the
4 firearm is aimed toward the person against whom the firearm
5 is being used.

6 (EE) A conviction for a violation of paragraph (2) of
7 subsection (a) of Section 24-3B of the Criminal Code of
8 2012.

9 (3) (Blank).

10 (4) A minimum term of imprisonment of not less than 10
11 consecutive days or 30 days of community service shall be
12 imposed for a violation of paragraph (c) of Section 6-303 of
13 the Illinois Vehicle Code.

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
16 this subsection (c), a minimum of 100 hours of community
17 service shall be imposed for a second violation of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300
20 hours of community service, as determined by the court, shall
21 be imposed for a second violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6), and
24 (4.9) of this subsection (c), a minimum term of imprisonment of
25 30 days or 300 hours of community service, as determined by the
26 court, shall be imposed for a third or subsequent violation of

1 Section 6-303 of the Illinois Vehicle Code.

2 (4.5) A minimum term of imprisonment of 30 days shall be
3 imposed for a third violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.6) Except as provided in paragraph (4.10) of this
6 subsection (c), a minimum term of imprisonment of 180 days
7 shall be imposed for a fourth or subsequent violation of
8 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

9 (4.7) A minimum term of imprisonment of not less than 30
10 consecutive days, or 300 hours of community service, shall be
11 imposed for a violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (b-5) of
13 that Section.

14 (4.8) A mandatory prison sentence shall be imposed for a
15 second violation of subsection (a-5) of Section 6-303 of the
16 Illinois Vehicle Code, as provided in subsection (c-5) of that
17 Section. The person's driving privileges shall be revoked for a
18 period of not less than 5 years from the date of his or her
19 release from prison.

20 (4.9) A mandatory prison sentence of not less than 4 and
21 not more than 15 years shall be imposed for a third violation
22 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
23 Code, as provided in subsection (d-2.5) of that Section. The
24 person's driving privileges shall be revoked for the remainder
25 of his or her life.

26 (4.10) A mandatory prison sentence for a Class 1 felony

1 shall be imposed, and the person shall be eligible for an
2 extended term sentence, for a fourth or subsequent violation of
3 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
4 as provided in subsection (d-3.5) of that Section. The person's
5 driving privileges shall be revoked for the remainder of his or
6 her life.

7 (5) The court may sentence a corporation or unincorporated
8 association convicted of any offense to:

9 (A) a period of conditional discharge;

10 (B) a fine;

11 (C) make restitution to the victim under Section 5-5-6
12 of this Code.

13 (5.1) In addition to any other penalties imposed, and
14 except as provided in paragraph (5.2) or (5.3), a person
15 convicted of violating subsection (c) of Section 11-907 of the
16 Illinois Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for at least 90 days but not
18 more than one year, if the violation resulted in damage to the
19 property of another person.

20 (5.2) In addition to any other penalties imposed, and
21 except as provided in paragraph (5.3), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license, permit, or
24 privileges suspended for at least 180 days but not more than 2
25 years, if the violation resulted in injury to another person.

26 (5.3) In addition to any other penalties imposed, a person

1 convicted of violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for 2 years, if the violation
4 resulted in the death of another person.

5 (5.4) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code shall have his or her driver's license, permit, or
8 privileges suspended for 3 months and until he or she has paid
9 a reinstatement fee of \$100.

10 (5.5) In addition to any other penalties imposed, a person
11 convicted of violating Section 3-707 of the Illinois Vehicle
12 Code during a period in which his or her driver's license,
13 permit, or privileges were suspended for a previous violation
14 of that Section shall have his or her driver's license, permit,
15 or privileges suspended for an additional 6 months after the
16 expiration of the original 3-month suspension and until he or
17 she has paid a reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent offense
22 of ritualized abuse of a child may be sentenced to a term of
23 natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000 for a
26 first offense and \$2,000 for a second or subsequent offense

1 upon a person convicted of or placed on supervision for battery
2 when the individual harmed was a sports official or coach at
3 any level of competition and the act causing harm to the sports
4 official or coach occurred within an athletic facility or
5 within the immediate vicinity of the athletic facility at which
6 the sports official or coach was an active participant of the
7 athletic contest held at the athletic facility. For the
8 purposes of this paragraph (11), "sports official" means a
9 person at an athletic contest who enforces the rules of the
10 contest, such as an umpire or referee; "athletic facility"
11 means an indoor or outdoor playing field or recreational area
12 where sports activities are conducted; and "coach" means a
13 person recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation of
19 that Section.

20 (13) A person convicted of or placed on court supervision
21 for an assault or aggravated assault when the victim and the
22 offender are family or household members as defined in Section
23 103 of the Illinois Domestic Violence Act of 1986 or convicted
24 of domestic battery or aggravated domestic battery may be
25 required to attend a Partner Abuse Intervention Program under
26 protocols set forth by the Illinois Department of Human

1 Services under such terms and conditions imposed by the court.

2 The costs of such classes shall be paid by the offender.

3 (d) In any case in which a sentence originally imposed is
4 vacated, the case shall be remanded to the trial court. The
5 trial court shall hold a hearing under Section 5-4-1 of the
6 Unified Code of Corrections which may include evidence of the
7 defendant's life, moral character and occupation during the
8 time since the original sentence was passed. The trial court
9 shall then impose sentence upon the defendant. The trial court
10 may impose any sentence which could have been imposed at the
11 original trial subject to Section 5-5-4 of the Unified Code of
12 Corrections. If a sentence is vacated on appeal or on
13 collateral attack due to the failure of the trier of fact at
14 trial to determine beyond a reasonable doubt the existence of a
15 fact (other than a prior conviction) necessary to increase the
16 punishment for the offense beyond the statutory maximum
17 otherwise applicable, either the defendant may be re-sentenced
18 to a term within the range otherwise provided or, if the State
19 files notice of its intention to again seek the extended
20 sentence, the defendant shall be afforded a new trial.

21 (e) In cases where prosecution for aggravated criminal
22 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 results in conviction
24 of a defendant who was a family member of the victim at the
25 time of the commission of the offense, the court shall consider
26 the safety and welfare of the victim and may impose a sentence

1 of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the
18 victim's counseling services, to the extent that the court
19 finds, after considering the defendant's income and
20 assets, that the defendant is financially capable of paying
21 for such services, if the victim was under 18 years of age
22 at the time the offense was committed and requires
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 11-0.1 of the Criminal Code of 2012.

8 (f) (Blank).

9 (g) Whenever a defendant is convicted of an offense under
10 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
11 11-14.3, 11-14.4 except for an offense that involves keeping a
12 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
13 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
14 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, the defendant shall undergo medical
16 testing to determine whether the defendant has any sexually
17 transmissible disease, including a test for infection with
18 human immunodeficiency virus (HIV) or any other identified
19 causative agent of acquired immunodeficiency syndrome (AIDS).
20 Any such medical test shall be performed only by appropriately
21 licensed medical practitioners and may include an analysis of
22 any bodily fluids as well as an examination of the defendant's
23 person. Except as otherwise provided by law, the results of
24 such test shall be kept strictly confidential by all medical
25 personnel involved in the testing and must be personally
26 delivered in a sealed envelope to the judge of the court in

1 which the conviction was entered for the judge's inspection in
2 camera. Acting in accordance with the best interests of the
3 victim and the public, the judge shall have the discretion to
4 determine to whom, if anyone, the results of the testing may be
5 revealed. The court shall notify the defendant of the test
6 results. The court shall also notify the victim if requested by
7 the victim, and if the victim is under the age of 15 and if
8 requested by the victim's parents or legal guardian, the court
9 shall notify the victim's parents or legal guardian of the test
10 results. The court shall provide information on the
11 availability of HIV testing and counseling at Department of
12 Public Health facilities to all parties to whom the results of
13 the testing are revealed and shall direct the State's Attorney
14 to provide the information to the victim when possible. A
15 State's Attorney may petition the court to obtain the results
16 of any HIV test administered under this Section, and the court
17 shall grant the disclosure if the State's Attorney shows it is
18 relevant in order to prosecute a charge of criminal
19 transmission of HIV under Section 12-5.01 or 12-16.2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 against the
21 defendant. The court shall order that the cost of any such test
22 shall be paid by the county and may be taxed as costs against
23 the convicted defendant.

24 (g-5) When an inmate is tested for an airborne communicable
25 disease, as determined by the Illinois Department of Public
26 Health including but not limited to tuberculosis, the results

1 of the test shall be personally delivered by the warden or his
2 or her designee in a sealed envelope to the judge of the court
3 in which the inmate must appear for the judge's inspection in
4 camera if requested by the judge. Acting in accordance with the
5 best interests of those in the courtroom, the judge shall have
6 the discretion to determine what if any precautions need to be
7 taken to prevent transmission of the disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
10 defendant shall undergo medical testing to determine whether
11 the defendant has been exposed to human immunodeficiency virus
12 (HIV) or any other identified causative agent of acquired
13 immunodeficiency syndrome (AIDS). Except as otherwise provided
14 by law, the results of such test shall be kept strictly
15 confidential by all medical personnel involved in the testing
16 and must be personally delivered in a sealed envelope to the
17 judge of the court in which the conviction was entered for the
18 judge's inspection in camera. Acting in accordance with the
19 best interests of the public, the judge shall have the
20 discretion to determine to whom, if anyone, the results of the
21 testing may be revealed. The court shall notify the defendant
22 of a positive test showing an infection with the human
23 immunodeficiency virus (HIV). The court shall provide
24 information on the availability of HIV testing and counseling
25 at Department of Public Health facilities to all parties to
26 whom the results of the testing are revealed and shall direct

1 the State's Attorney to provide the information to the victim
2 when possible. A State's Attorney may petition the court to
3 obtain the results of any HIV test administered under this
4 Section, and the court shall grant the disclosure if the
5 State's Attorney shows it is relevant in order to prosecute a
6 charge of criminal transmission of HIV under Section 12-5.01 or
7 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
8 2012 against the defendant. The court shall order that the cost
9 of any such test shall be paid by the county and may be taxed as
10 costs against the convicted defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under Section 27.5
17 of the Clerks of Courts Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, any violation of the Illinois Controlled
25 Substances Act, any violation of the Cannabis Control Act, or
26 any violation of the Methamphetamine Control and Community

1 Protection Act results in conviction, a disposition of court
2 supervision, or an order of probation granted under Section 10
3 of the Cannabis Control Act, Section 410 of the Illinois
4 Controlled Substances Act, or Section 70 of the Methamphetamine
5 Control and Community Protection Act of a defendant, the court
6 shall determine whether the defendant is employed by a facility
7 or center as defined under the Child Care Act of 1969, a public
8 or private elementary or secondary school, or otherwise works
9 with children under 18 years of age on a daily basis. When a
10 defendant is so employed, the court shall order the Clerk of
11 the Court to send a copy of the judgment of conviction or order
12 of supervision or probation to the defendant's employer by
13 certified mail. If the employer of the defendant is a school,
14 the Clerk of the Court shall direct the mailing of a copy of
15 the judgment of conviction or order of supervision or probation
16 to the appropriate regional superintendent of schools. The
17 regional superintendent of schools shall notify the State Board
18 of Education of any notification under this subsection.

19 (j-5) A defendant at least 17 years of age who is convicted
20 of a felony and who has not been previously convicted of a
21 misdemeanor or felony and who is sentenced to a term of
22 imprisonment in the Illinois Department of Corrections shall as
23 a condition of his or her sentence be required by the court to
24 attend educational courses designed to prepare the defendant
25 for a high school diploma and to work toward a high school
26 diploma or to work toward passing high school equivalency

1 testing or to work toward completing a vocational training
2 program offered by the Department of Corrections. If a
3 defendant fails to complete the educational training required
4 by his or her sentence during the term of incarceration, the
5 Prisoner Review Board shall, as a condition of mandatory
6 supervised release, require the defendant, at his or her own
7 expense, to pursue a course of study toward a high school
8 diploma or passage of high school equivalency testing. The
9 Prisoner Review Board shall revoke the mandatory supervised
10 release of a defendant who wilfully fails to comply with this
11 subsection (j-5) upon his or her release from confinement in a
12 penal institution while serving a mandatory supervised release
13 term; however, the inability of the defendant after making a
14 good faith effort to obtain financial aid or pay for the
15 educational training shall not be deemed a wilful failure to
16 comply. The Prisoner Review Board shall recommit the defendant
17 whose mandatory supervised release term has been revoked under
18 this subsection (j-5) as provided in Section 3-3-9. This
19 subsection (j-5) does not apply to a defendant who has a high
20 school diploma or has successfully passed high school
21 equivalency testing. This subsection (j-5) does not apply to a
22 defendant who is determined by the court to be a person with a
23 developmental disability or otherwise mentally incapable of
24 completing the educational or vocational program.

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

1 (1), whenever a defendant, who is an alien as defined by the
2 Immigration and Nationality Act, is convicted of any felony or
3 misdemeanor offense, the court after sentencing the defendant
4 may, upon motion of the State's Attorney, hold sentence in
5 abeyance and remand the defendant to the custody of the
6 Attorney General of the United States or his or her designated
7 agent to be deported when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under the
10 Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct and
13 would not be inconsistent with the ends of justice.

14 Otherwise, the defendant shall be sentenced as provided in
15 this Chapter V.

16 (B) If the defendant has already been sentenced for a
17 felony or misdemeanor offense, or has been placed on probation
18 under Section 10 of the Cannabis Control Act, Section 410 of
19 the Illinois Controlled Substances Act, or Section 70 of the
20 Methamphetamine Control and Community Protection Act, the
21 court may, upon motion of the State's Attorney to suspend the
22 sentence imposed, commit the defendant to the custody of the
23 Attorney General of the United States or his or her designated
24 agent when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct and
4 would not be inconsistent with the ends of justice.

5 (C) This subsection (1) does not apply to offenders who are
6 subject to the provisions of paragraph (2) of subsection (a) of
7 Section 3-6-3.

8 (D) Upon motion of the State's Attorney, if a defendant
9 sentenced under this Section returns to the jurisdiction of the
10 United States, the defendant shall be recommitted to the
11 custody of the county from which he or she was sentenced.
12 Thereafter, the defendant shall be brought before the
13 sentencing court, which may impose any sentence that was
14 available under Section 5-5-3 at the time of initial
15 sentencing. In addition, the defendant shall not be eligible
16 for additional sentence credit for good conduct as provided
17 under Section 3-6-3.

18 (m) A person convicted of criminal defacement of property
19 under Section 21-1.3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, in which the property damage exceeds
21 \$300 and the property damaged is a school building, shall be
22 ordered to perform community service that may include cleanup,
23 removal, or painting over the defacement.

24 (n) The court may sentence a person convicted of a
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012 (i) to an impact
2 incarceration program if the person is otherwise eligible for
3 that program under Section 5-8-1.1, (ii) to community service,
4 or (iii) if the person is an addict or alcoholic, as defined in
5 the Alcoholism and Other Drug Abuse and Dependency Act, to a
6 substance or alcohol abuse program licensed under that Act.

7 (o) Whenever a person is convicted of a sex offense as
8 defined in Section 2 of the Sex Offender Registration Act, the
9 defendant's driver's license or permit shall be subject to
10 renewal on an annual basis in accordance with the provisions of
11 license renewal established by the Secretary of State.

12 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
13 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

14 (Text of Section after amendment by P.A. 99-938)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

19 (2) A period of probation, a term of periodic imprisonment
20 or conditional discharge shall not be imposed for the following
21 offenses. The court shall sentence the offender to not less
22 than the minimum term of imprisonment set forth in this Code
23 for the following offenses, and may order a fine or restitution
24 or both in conjunction with such term of imprisonment:

25 (A) First degree murder where the death penalty is not

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the Illinois
5 Controlled Substances Act, or a violation of subdivision
6 (c)(1.5) of Section 401 of that Act which relates to more
7 than 5 grams of a substance containing fentanyl or an
8 analog thereof.

9 (D-5) A violation of subdivision (c)(1) of Section 401
10 of the Illinois Controlled Substances Act which relates to
11 3 or more grams of a substance containing heroin or an
12 analog thereof.

13 (E) (Blank).

14 (F) A Class 1 or greater felony if the offender had
15 been convicted of a Class 1 or greater felony, including
16 any state or federal conviction for an offense that
17 contained, at the time it was committed, the same elements
18 as an offense now (the date of the offense committed after
19 the prior Class 1 or greater felony) classified as a Class
20 1 or greater felony, within 10 years of the date on which
21 the offender committed the offense for which he or she is
22 being sentenced, except as otherwise provided in Section
23 40-10 of the Alcoholism and Other Drug Abuse and Dependency
24 Act.

25 (F-3) A Class 2 or greater felony sex offense or felony
26 firearm offense if the offender had been convicted of a

1 Class 2 or greater felony, including any state or federal
2 conviction for an offense that contained, at the time it
3 was committed, the same elements as an offense now (the
4 date of the offense committed after the prior Class 2 or
5 greater felony) classified as a Class 2 or greater felony,
6 within 10 years of the date on which the offender committed
7 the offense for which he or she is being sentenced, except
8 as otherwise provided in Section 40-10 of the Alcoholism
9 and Other Drug Abuse and Dependency Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
11 the Criminal Code of 1961 or the Criminal Code of 2012 for
12 which imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise provided
14 in Section 40-10 of the Alcoholism and Other Drug Abuse and
15 Dependency Act.

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as described
18 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
19 of the Criminal Code of 1961 or the Criminal Code of 2012.

20 (J) A forcible felony if the offense was related to the
21 activities of an organized gang.

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5 or
24 more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate crimes
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense
8 of hate crime when the underlying offense upon which the
9 hate crime is based is felony aggravated assault or felony
10 mob action.

11 (M) A second or subsequent conviction for the offense
12 of institutional vandalism if the damage to the property
13 exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act.

17 (O) A violation of Section 12-6.1 or 12-6.5 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P) A violation of paragraph (1), (2), (3), (4), (5),
20 or (7) of subsection (a) of Section 11-20.1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012.

22 (Q) A violation of subsection (b) or (b-5) of Section
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (R) A violation of Section 24-3A of the Criminal Code
26 of 1961 or the Criminal Code of 2012.

1 (S) (Blank).

2 (T) (Blank).

3 (U) A second or subsequent violation of Section 6-303
4 of the Illinois Vehicle Code committed while his or her
5 driver's license, permit, or privilege was revoked because
6 of a violation of Section 9-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012, relating to the offense of
8 reckless homicide, or a similar provision of a law of
9 another state.

10 (V) A violation of paragraph (4) of subsection (c) of
11 Section 11-20.1B or paragraph (4) of subsection (c) of
12 Section 11-20.3 of the Criminal Code of 1961, or paragraph
13 (6) of subsection (a) of Section 11-20.1 of the Criminal
14 Code of 2012 when the victim is under 13 years of age and
15 the defendant has previously been convicted under the laws
16 of this State or any other state of the offense of child
17 pornography, aggravated child pornography, aggravated
18 criminal sexual abuse, aggravated criminal sexual assault,
19 predatory criminal sexual assault of a child, or any of the
20 offenses formerly known as rape, deviate sexual assault,
21 indecent liberties with a child, or aggravated indecent
22 liberties with a child where the victim was under the age
23 of 18 years or an offense that is substantially equivalent
24 to those offenses.

25 (W) A violation of Section 24-3.5 of the Criminal Code
26 of 1961 or the Criminal Code of 2012.

1 (X) A violation of subsection (a) of Section 31-1a of
2 the Criminal Code of 1961 or the Criminal Code of 2012.

3 (Y) A conviction for unlawful possession of a firearm
4 by a street gang member when the firearm was loaded or
5 contained firearm ammunition.

6 (Z) A Class 1 felony committed while he or she was
7 serving a term of probation or conditional discharge for a
8 felony.

9 (AA) Theft of property exceeding \$500,000 and not
10 exceeding \$1,000,000 in value.

11 (BB) Laundering of criminally derived property of a
12 value exceeding \$500,000.

13 (CC) Knowingly selling, offering for sale, holding for
14 sale, or using 2,000 or more counterfeit items or
15 counterfeit items having a retail value in the aggregate of
16 \$500,000 or more.

17 (DD) A conviction for aggravated assault under
18 paragraph (6) of subsection (c) of Section 12-2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 if the
20 firearm is aimed toward the person against whom the firearm
21 is being used.

22 (EE) A conviction for a violation of paragraph (2) of
23 subsection (a) of Section 24-3B of the Criminal Code of
24 2012.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303 of
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
6 this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court, shall
11 be imposed for a second violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and
14 (4.9) of this subsection (c), a minimum term of imprisonment of
15 30 days or 300 hours of community service, as determined by the
16 court, shall be imposed for a third or subsequent violation of
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall be
19 imposed for a third violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this
22 subsection (c), a minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30
26 consecutive days, or 300 hours of community service, shall be

1 imposed for a violation of subsection (a-5) of Section 6-303 of
2 the Illinois Vehicle Code, as provided in subsection (b-5) of
3 that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a
5 second violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (c-5) of that
7 Section. The person's driving privileges shall be revoked for a
8 period of not less than 5 years from the date of his or her
9 release from prison.

10 (4.9) A mandatory prison sentence of not less than 4 and
11 not more than 15 years shall be imposed for a third violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-2.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent violation of
19 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
20 as provided in subsection (d-3.5) of that Section. The person's
21 driving privileges shall be revoked for the remainder of his or
22 her life.

23 (5) The court may sentence a corporation or unincorporated
24 association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section 5-5-6
2 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for at least 90 days but not
8 more than one year, if the violation resulted in damage to the
9 property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted of
12 violating subsection (c) of Section 11-907 of the Illinois
13 Vehicle Code shall have his or her driver's license, permit, or
14 privileges suspended for at least 180 days but not more than 2
15 years, if the violation resulted in injury to another person.

16 (5.3) In addition to any other penalties imposed, a person
17 convicted of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for 2 years, if the violation
20 resulted in the death of another person.

21 (5.4) In addition to any other penalties imposed, a person
22 convicted of violating Section 3-707 of the Illinois Vehicle
23 Code shall have his or her driver's license, permit, or
24 privileges suspended for 3 months and until he or she has paid
25 a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code during a period in which his or her driver's license,
3 permit, or privileges were suspended for a previous violation
4 of that Section shall have his or her driver's license, permit,
5 or privileges suspended for an additional 6 months after the
6 expiration of the original 3-month suspension and until he or
7 she has paid a reinstatement fee of \$100.

8 (6) (Blank).

9 (7) (Blank).

10 (8) (Blank).

11 (9) A defendant convicted of a second or subsequent offense
12 of ritualized abuse of a child may be sentenced to a term of
13 natural life imprisonment.

14 (10) (Blank).

15 (11) The court shall impose a minimum fine of \$1,000 for a
16 first offense and \$2,000 for a second or subsequent offense
17 upon a person convicted of or placed on supervision for battery
18 when the individual harmed was a sports official or coach at
19 any level of competition and the act causing harm to the sports
20 official or coach occurred within an athletic facility or
21 within the immediate vicinity of the athletic facility at which
22 the sports official or coach was an active participant of the
23 athletic contest held at the athletic facility. For the
24 purposes of this paragraph (11), "sports official" means a
25 person at an athletic contest who enforces the rules of the
26 contest, such as an umpire or referee; "athletic facility"

1 means an indoor or outdoor playing field or recreational area
2 where sports activities are conducted; and "coach" means a
3 person recognized as a coach by the sanctioning authority that
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court
6 supervision for a violation of Section 5-16 of the Boat
7 Registration and Safety Act if that person has previously
8 received a disposition of court supervision for a violation of
9 that Section.

10 (13) A person convicted of or placed on court supervision
11 for an assault or aggravated assault when the victim and the
12 offender are family or household members as defined in Section
13 103 of the Illinois Domestic Violence Act of 1986 or convicted
14 of domestic battery or aggravated domestic battery may be
15 required to attend a Partner Abuse Intervention Program under
16 protocols set forth by the Illinois Department of Human
17 Services under such terms and conditions imposed by the court.
18 The costs of such classes shall be paid by the offender.

19 (d) In any case in which a sentence originally imposed is
20 vacated, the case shall be remanded to the trial court. The
21 trial court shall hold a hearing under Section 5-4-1 of the
22 Unified Code of Corrections which may include evidence of the
23 defendant's life, moral character and occupation during the
24 time since the original sentence was passed. The trial court
25 shall then impose sentence upon the defendant. The trial court
26 may impose any sentence which could have been imposed at the

1 original trial subject to Section 5-5-4 of the Unified Code of
2 Corrections. If a sentence is vacated on appeal or on
3 collateral attack due to the failure of the trier of fact at
4 trial to determine beyond a reasonable doubt the existence of a
5 fact (other than a prior conviction) necessary to increase the
6 punishment for the offense beyond the statutory maximum
7 otherwise applicable, either the defendant may be re-sentenced
8 to a term within the range otherwise provided or, if the State
9 files notice of its intention to again seek the extended
10 sentence, the defendant shall be afforded a new trial.

11 (e) In cases where prosecution for aggravated criminal
12 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
13 Code of 1961 or the Criminal Code of 2012 results in conviction
14 of a defendant who was a family member of the victim at the
15 time of the commission of the offense, the court shall consider
16 the safety and welfare of the victim and may impose a sentence
17 of probation only where:

18 (1) the court finds (A) or (B) or both are appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of paying
11 for such services, if the victim was under 18 years of age
12 at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. A
5 State's Attorney may petition the court to obtain the results
6 of any HIV test administered under this Section, and the court
7 shall grant the disclosure if the State's Attorney shows it is
8 relevant in order to prosecute a charge of criminal
9 transmission of HIV under Section 12-5.01 or 12-16.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 against the
11 defendant. The court shall order that the cost of any such test
12 shall be paid by the county and may be taxed as costs against
13 the convicted defendant.

14 (g-5) When an inmate is tested for an airborne communicable
15 disease, as determined by the Illinois Department of Public
16 Health including but not limited to tuberculosis, the results
17 of the test shall be personally delivered by the warden or his
18 or her designee in a sealed envelope to the judge of the court
19 in which the inmate must appear for the judge's inspection in
20 camera if requested by the judge. Acting in accordance with the
21 best interests of those in the courtroom, the judge shall have
22 the discretion to determine what if any precautions need to be
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012 against the defendant. The court shall order that the cost
25 of any such test shall be paid by the county and may be taxed as
26 costs against the convicted defendant.

1 (i) All fines and penalties imposed under this Section for
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under the Criminal
7 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
8 ~~Act.~~

9 (j) In cases when prosecution for any violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
14 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, any violation of the Illinois Controlled
16 Substances Act, any violation of the Cannabis Control Act, or
17 any violation of the Methamphetamine Control and Community
18 Protection Act results in conviction, a disposition of court
19 supervision, or an order of probation granted under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the Methamphetamine
22 Control and Community Protection Act of a defendant, the court
23 shall determine whether the defendant is employed by a facility
24 or center as defined under the Child Care Act of 1969, a public
25 or private elementary or secondary school, or otherwise works
26 with children under 18 years of age on a daily basis. When a

1 defendant is so employed, the court shall order the Clerk of
2 the Court to send a copy of the judgment of conviction or order
3 of supervision or probation to the defendant's employer by
4 certified mail. If the employer of the defendant is a school,
5 the Clerk of the Court shall direct the mailing of a copy of
6 the judgment of conviction or order of supervision or probation
7 to the appropriate regional superintendent of schools. The
8 regional superintendent of schools shall notify the State Board
9 of Education of any notification under this subsection.

10 (j-5) A defendant at least 17 years of age who is convicted
11 of a felony and who has not been previously convicted of a
12 misdemeanor or felony and who is sentenced to a term of
13 imprisonment in the Illinois Department of Corrections shall as
14 a condition of his or her sentence be required by the court to
15 attend educational courses designed to prepare the defendant
16 for a high school diploma and to work toward a high school
17 diploma or to work toward passing high school equivalency
18 testing or to work toward completing a vocational training
19 program offered by the Department of Corrections. If a
20 defendant fails to complete the educational training required
21 by his or her sentence during the term of incarceration, the
22 Prisoner Review Board shall, as a condition of mandatory
23 supervised release, require the defendant, at his or her own
24 expense, to pursue a course of study toward a high school
25 diploma or passage of high school equivalency testing. The
26 Prisoner Review Board shall revoke the mandatory supervised

1 release of a defendant who wilfully fails to comply with this
2 subsection (j-5) upon his or her release from confinement in a
3 penal institution while serving a mandatory supervised release
4 term; however, the inability of the defendant after making a
5 good faith effort to obtain financial aid or pay for the
6 educational training shall not be deemed a wilful failure to
7 comply. The Prisoner Review Board shall recommit the defendant
8 whose mandatory supervised release term has been revoked under
9 this subsection (j-5) as provided in Section 3-3-9. This
10 subsection (j-5) does not apply to a defendant who has a high
11 school diploma or has successfully passed high school
12 equivalency testing. This subsection (j-5) does not apply to a
13 defendant who is determined by the court to be a person with a
14 developmental disability or otherwise mentally incapable of
15 completing the educational or vocational program.

16 (k) (Blank).

17 (l) (A) Except as provided in paragraph (C) of subsection
18 (l), whenever a defendant, who is an alien as defined by the
19 Immigration and Nationality Act, is convicted of any felony or
20 misdemeanor offense, the court after sentencing the defendant
21 may, upon motion of the State's Attorney, hold sentence in
22 abeyance and remand the defendant to the custody of the
23 Attorney General of the United States or his or her designated
24 agent to be deported when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct and
4 would not be inconsistent with the ends of justice.

5 Otherwise, the defendant shall be sentenced as provided in
6 this Chapter V.

7 (B) If the defendant has already been sentenced for a
8 felony or misdemeanor offense, or has been placed on probation
9 under Section 10 of the Cannabis Control Act, Section 410 of
10 the Illinois Controlled Substances Act, or Section 70 of the
11 Methamphetamine Control and Community Protection Act, the
12 court may, upon motion of the State's Attorney to suspend the
13 sentence imposed, commit the defendant to the custody of the
14 Attorney General of the United States or his or her designated
15 agent when:

16 (1) a final order of deportation has been issued
17 against the defendant pursuant to proceedings under the
18 Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not
20 deprecate the seriousness of the defendant's conduct and
21 would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who are
23 subject to the provisions of paragraph (2) of subsection (a) of
24 Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant
26 sentenced under this Section returns to the jurisdiction of the

1 United States, the defendant shall be recommitted to the
2 custody of the county from which he or she was sentenced.
3 Thereafter, the defendant shall be brought before the
4 sentencing court, which may impose any sentence that was
5 available under Section 5-5-3 at the time of initial
6 sentencing. In addition, the defendant shall not be eligible
7 for additional earned sentence credit as provided under Section
8 3-6-3.

9 (m) A person convicted of criminal defacement of property
10 under Section 21-1.3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, in which the property damage exceeds
12 \$300 and the property damaged is a school building, shall be
13 ordered to perform community service that may include cleanup,
14 removal, or painting over the defacement.

15 (n) The court may sentence a person convicted of a
16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
18 of 1961 or the Criminal Code of 2012 (i) to an impact
19 incarceration program if the person is otherwise eligible for
20 that program under Section 5-8-1.1, (ii) to community service,
21 or (iii) if the person is an addict or alcoholic, as defined in
22 the Alcoholism and Other Drug Abuse and Dependency Act, to a
23 substance or alcohol abuse program licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act, the
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions of
2 license renewal established by the Secretary of State.

3 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
4 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
5 1-1-18.)

6 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

7 Sec. 5-5-6. In all convictions for offenses in violation of
8 the Criminal Code of 1961 or the Criminal Code of 2012 or of
9 Section 11-501 of the Illinois Vehicle Code in which the person
10 received any injury to his or her person or damage to his or
11 her real or personal property as a result of the criminal act
12 of the defendant, the court shall order restitution as provided
13 in this Section. In all other cases, except cases in which
14 restitution is required under this Section, the court must at
15 the sentence hearing determine whether restitution is an
16 appropriate sentence to be imposed on each defendant convicted
17 of an offense. If the court determines that an order directing
18 the offender to make restitution is appropriate, the offender
19 may be sentenced to make restitution. The court may consider
20 restitution an appropriate sentence to be imposed on each
21 defendant convicted of an offense in addition to a sentence of
22 imprisonment. The sentence of the defendant to a term of
23 imprisonment is not a mitigating factor that prevents the court
24 from ordering the defendant to pay restitution. If the offender
25 is sentenced to make restitution the Court shall determine the

1 restitution as hereinafter set forth:

2 (a) At the sentence hearing, the court shall determine
3 whether the property may be restored in kind to the
4 possession of the owner or the person entitled to
5 possession thereof; or whether the defendant is possessed
6 of sufficient skill to repair and restore property damaged;
7 or whether the defendant should be required to make
8 restitution in cash, for out-of-pocket expenses, damages,
9 losses, or injuries found to have been proximately caused
10 by the conduct of the defendant or another for whom the
11 defendant is legally accountable under the provisions of
12 Article 5 of the Criminal Code of 1961 or the Criminal Code
13 of 2012.

14 (b) In fixing the amount of restitution to be paid in
15 cash, the court shall allow credit for property returned in
16 kind, for property damages ordered to be repaired by the
17 defendant, and for property ordered to be restored by the
18 defendant; and after granting the credit, the court shall
19 assess the actual out-of-pocket expenses, losses, damages,
20 and injuries suffered by the victim named in the charge and
21 any other victims who may also have suffered out-of-pocket
22 expenses, losses, damages, and injuries proximately caused
23 by the same criminal conduct of the defendant, and
24 insurance carriers who have indemnified the named victim or
25 other victims for the out-of-pocket expenses, losses,
26 damages, or injuries, provided that in no event shall

1 restitution be ordered to be paid on account of pain and
2 suffering. When a victim's out-of-pocket expenses have
3 been paid pursuant to the Crime Victims Compensation Act,
4 the court shall order restitution be paid to the
5 compensation program. If a defendant is placed on
6 supervision for, or convicted of, domestic battery, the
7 defendant shall be required to pay restitution to any
8 domestic violence shelter in which the victim and any other
9 family or household members lived because of the domestic
10 battery. The amount of the restitution shall equal the
11 actual expenses of the domestic violence shelter in
12 providing housing and any other services for the victim and
13 any other family or household members living at the
14 shelter. If a defendant fails to pay restitution in the
15 manner or within the time period specified by the court,
16 the court may enter an order directing the sheriff to seize
17 any real or personal property of a defendant to the extent
18 necessary to satisfy the order of restitution and dispose
19 of the property by public sale. All proceeds from such sale
20 in excess of the amount of restitution plus court costs and
21 the costs of the sheriff in conducting the sale shall be
22 paid to the defendant. The defendant convicted of domestic
23 battery, if a person under 18 years of age was present and
24 witnessed the domestic battery of the victim, is liable to
25 pay restitution for the cost of any counseling required for
26 the child at the discretion of the court.

1 (c) In cases where more than one defendant is
2 accountable for the same criminal conduct that results in
3 out-of-pocket expenses, losses, damages, or injuries, each
4 defendant shall be ordered to pay restitution in the amount
5 of the total actual out-of-pocket expenses, losses,
6 damages, or injuries to the victim proximately caused by
7 the conduct of all of the defendants who are legally
8 accountable for the offense.

9 (1) In no event shall the victim be entitled to
10 recover restitution in excess of the actual
11 out-of-pocket expenses, losses, damages, or injuries,
12 proximately caused by the conduct of all of the
13 defendants.

14 (2) As between the defendants, the court may
15 apportion the restitution that is payable in
16 proportion to each co-defendant's culpability in the
17 commission of the offense.

18 (3) In the absence of a specific order apportioning
19 the restitution, each defendant shall bear his pro rata
20 share of the restitution.

21 (4) As between the defendants, each defendant
22 shall be entitled to a pro rata reduction in the total
23 restitution required to be paid to the victim for
24 amounts of restitution actually paid by co-defendants,
25 and defendants who shall have paid more than their pro
26 rata share shall be entitled to refunds to be computed

1 by the court as additional amounts are paid by
2 co-defendants.

3 (d) In instances where a defendant has more than one
4 criminal charge pending against him in a single case, or
5 more than one case, and the defendant stands convicted of
6 one or more charges, a plea agreement negotiated by the
7 State's Attorney and the defendants may require the
8 defendant to make restitution to victims of charges that
9 have been dismissed or which it is contemplated will be
10 dismissed under the terms of the plea agreement, and under
11 the agreement, the court may impose a sentence of
12 restitution on the charge or charges of which the defendant
13 has been convicted that would require the defendant to make
14 restitution to victims of other offenses as provided in the
15 plea agreement.

16 (e) The court may require the defendant to apply the
17 balance of the cash bond, after payment of court costs, and
18 any fine that may be imposed to the payment of restitution.

19 (f) Taking into consideration the ability of the
20 defendant to pay, including any real or personal property
21 or any other assets of the defendant, the court shall
22 determine whether restitution shall be paid in a single
23 payment or in installments, and shall fix a period of time
24 not in excess of 5 years, except for violations of Sections
25 16-1.3 and 17-56 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or the period of time specified in

1 subsection (f-1), not including periods of incarceration,
2 within which payment of restitution is to be paid in full.
3 Complete restitution shall be paid in as short a time
4 period as possible. However, if the court deems it
5 necessary and in the best interest of the victim, the court
6 may extend beyond 5 years the period of time within which
7 the payment of restitution is to be paid. If the defendant
8 is ordered to pay restitution and the court orders that
9 restitution is to be paid over a period greater than 6
10 months, the court shall order that the defendant make
11 monthly payments; the court may waive this requirement of
12 monthly payments only if there is a specific finding of
13 good cause for waiver.

14 (f-1) (1) In addition to any other penalty prescribed by
15 law and any restitution ordered under this Section that did
16 not include long-term physical health care costs, the court
17 may, upon conviction of any misdemeanor or felony, order a
18 defendant to pay restitution to a victim in accordance with
19 the provisions of this subsection (f-1) if the victim has
20 suffered physical injury as a result of the offense that is
21 reasonably probable to require or has required long-term
22 physical health care for more than 3 months. As used in
23 this subsection (f-1) "long-term physical health care"
24 includes mental health care.

25 (2) The victim's estimate of long-term physical health
26 care costs may be made as part of a victim impact statement

1 under Section 6 of the Rights of Crime Victims and
2 Witnesses Act or made separately. The court shall enter the
3 long-term physical health care restitution order at the
4 time of sentencing. An order of restitution made under this
5 subsection (f-1) shall fix a monthly amount to be paid by
6 the defendant for as long as long-term physical health care
7 of the victim is required as a result of the offense. The
8 order may exceed the length of any sentence imposed upon
9 the defendant for the criminal activity. The court shall
10 include as a special finding in the judgment of conviction
11 its determination of the monthly cost of long-term physical
12 health care.

13 (3) After a sentencing order has been entered, the
14 court may from time to time, on the petition of either the
15 defendant or the victim, or upon its own motion, enter an
16 order for restitution for long-term physical care or modify
17 the existing order for restitution for long-term physical
18 care as to the amount of monthly payments. Any modification
19 of the order shall be based only upon a substantial change
20 of circumstances relating to the cost of long-term physical
21 health care or the financial condition of either the
22 defendant or the victim. The petition shall be filed as
23 part of the original criminal docket.

24 (g) In addition to the sentences provided for in
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
26 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,

1 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
2 Section 11-14.4, of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the court may order any person who
4 is convicted of violating any of those Sections or who was
5 charged with any of those offenses and which charge was
6 reduced to another charge as a result of a plea agreement
7 under subsection (d) of this Section to meet all or any
8 portion of the financial obligations of treatment,
9 including but not limited to medical, psychiatric, or
10 rehabilitative treatment or psychological counseling,
11 prescribed for the victim or victims of the offense.

12 The payments shall be made by the defendant to the
13 clerk of the circuit court and transmitted by the clerk to
14 the appropriate person or agency as directed by the court.
15 Except as otherwise provided in subsection (f-1), the order
16 may require such payments to be made for a period not to
17 exceed 5 years after sentencing, not including periods of
18 incarceration.

19 (h) The judge may enter an order of withholding to
20 collect the amount of restitution owed in accordance with
21 Part 8 of Article XII of the Code of Civil Procedure.

22 (i) A sentence of restitution may be modified or
23 revoked by the court if the offender commits another
24 offense, or the offender fails to make restitution as
25 ordered by the court, but no sentence to make restitution
26 shall be revoked unless the court shall find that the

1 offender has had the financial ability to make restitution,
2 and he has wilfully refused to do so. When the offender's
3 ability to pay restitution was established at the time an
4 order of restitution was entered or modified, or when the
5 offender's ability to pay was based on the offender's
6 willingness to make restitution as part of a plea agreement
7 made at the time the order of restitution was entered or
8 modified, there is a rebuttable presumption that the facts
9 and circumstances considered by the court at the hearing at
10 which the order of restitution was entered or modified
11 regarding the offender's ability or willingness to pay
12 restitution have not materially changed. If the court shall
13 find that the defendant has failed to make restitution and
14 that the failure is not wilful, the court may impose an
15 additional period of time within which to make restitution.
16 The length of the additional period shall not be more than
17 2 years. The court shall retain all of the incidents of the
18 original sentence, including the authority to modify or
19 enlarge the conditions, and to revoke or further modify the
20 sentence if the conditions of payment are violated during
21 the additional period.

22 (j) The procedure upon the filing of a Petition to
23 Revoke a sentence to make restitution shall be the same as
24 the procedures set forth in Section 5-6-4 of this Code
25 governing violation, modification, or revocation of
26 Probation, of Conditional Discharge, or of Supervision.

1 (k) Nothing contained in this Section shall preclude
2 the right of any party to proceed in a civil action to
3 recover for any damages incurred due to the criminal
4 misconduct of the defendant.

5 (l) Restitution ordered under this Section shall not be
6 subject to disbursement by the circuit clerk under the
7 Criminal and Traffic Assessment Act ~~Section 27.5 of the~~
8 ~~Clerks of Courts Act.~~

9 (m) A restitution order under this Section is a
10 judgment lien in favor of the victim that:

11 (1) Attaches to the property of the person subject
12 to the order;

13 (2) May be perfected in the same manner as provided
14 in Part 3 of Article 9 of the Uniform Commercial Code;

15 (3) May be enforced to satisfy any payment that is
16 delinquent under the restitution order by the person in
17 whose favor the order is issued or the person's
18 assignee; and

19 (4) Expires in the same manner as a judgment lien
20 created in a civil proceeding.

21 When a restitution order is issued under this Section,
22 the issuing court shall send a certified copy of the order
23 to the clerk of the circuit court in the county where the
24 charge was filed. Upon receiving the order, the clerk shall
25 enter and index the order in the circuit court judgment
26 docket.

1 (n) An order of restitution under this Section does not
2 bar a civil action for:

3 (1) Damages that the court did not require the
4 person to pay to the victim under the restitution order
5 but arise from an injury or property damages that is
6 the basis of restitution ordered by the court; and

7 (2) Other damages suffered by the victim.

8 The restitution order is not discharged by the completion
9 of the sentence imposed for the offense.

10 A restitution order under this Section is not discharged by
11 the liquidation of a person's estate by a receiver. A
12 restitution order under this Section may be enforced in the
13 same manner as judgment liens are enforced under Article XII of
14 the Code of Civil Procedure.

15 The provisions of Section 2-1303 of the Code of Civil
16 Procedure, providing for interest on judgments, apply to
17 judgments for restitution entered under this Section.

18 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;
19 97-482, eff. 1-1-12; 97-817, eff. 1-1-13; 97-1150, eff.
20 1-25-13.)

21 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

22 Sec. 5-6-1. Sentences of Probation and of Conditional
23 Discharge and Disposition of Supervision. The General Assembly
24 finds that in order to protect the public, the criminal justice
25 system must compel compliance with the conditions of probation

1 by responding to violations with swift, certain and fair
2 punishments and intermediate sanctions. The Chief Judge of each
3 circuit shall adopt a system of structured, intermediate
4 sanctions for violations of the terms and conditions of a
5 sentence of probation, conditional discharge or disposition of
6 supervision.

7 (a) Except where specifically prohibited by other
8 provisions of this Code, the court shall impose a sentence of
9 probation or conditional discharge upon an offender unless,
10 having regard to the nature and circumstance of the offense,
11 and to the history, character and condition of the offender,
12 the court is of the opinion that:

13 (1) his imprisonment or periodic imprisonment is
14 necessary for the protection of the public; or

15 (2) probation or conditional discharge would deprecate
16 the seriousness of the offender's conduct and would be
17 inconsistent with the ends of justice; or

18 (3) a combination of imprisonment with concurrent or
19 consecutive probation when an offender has been admitted
20 into a drug court program under Section 20 of the Drug
21 Court Treatment Act is necessary for the protection of the
22 public and for the rehabilitation of the offender.

23 The court shall impose as a condition of a sentence of
24 probation, conditional discharge, or supervision, that the
25 probation agency may invoke any sanction from the list of
26 intermediate sanctions adopted by the chief judge of the

1 circuit court for violations of the terms and conditions of the
2 sentence of probation, conditional discharge, or supervision,
3 subject to the provisions of Section 5-6-4 of this Act.

4 (b) The court may impose a sentence of conditional
5 discharge for an offense if the court is of the opinion that
6 neither a sentence of imprisonment nor of periodic imprisonment
7 nor of probation supervision is appropriate.

8 (b-1) Subsections (a) and (b) of this Section do not apply
9 to a defendant charged with a misdemeanor or felony under the
10 Illinois Vehicle Code or reckless homicide under Section 9-3 of
11 the Criminal Code of 1961 or the Criminal Code of 2012 if the
12 defendant within the past 12 months has been convicted of or
13 pleaded guilty to a misdemeanor or felony under the Illinois
14 Vehicle Code or reckless homicide under Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (c) The court may, upon a plea of guilty or a stipulation
17 by the defendant of the facts supporting the charge or a
18 finding of guilt, defer further proceedings and the imposition
19 of a sentence, and enter an order for supervision of the
20 defendant, if the defendant is not charged with: (i) a Class A
21 misdemeanor, as defined by the following provisions of the
22 Criminal Code of 1961 or the Criminal Code of 2012: Sections
23 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
24 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
25 paragraph (1) through (5), (8), (10), and (11) of subsection
26 (a) of Section 24-1; (ii) a Class A misdemeanor violation of

1 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
2 Act; or (iii) a felony. If the defendant is not barred from
3 receiving an order for supervision as provided in this
4 subsection, the court may enter an order for supervision after
5 considering the circumstances of the offense, and the history,
6 character and condition of the offender, if the court is of the
7 opinion that:

8 (1) the offender is not likely to commit further
9 crimes;

10 (2) the defendant and the public would be best served
11 if the defendant were not to receive a criminal record; and

12 (3) in the best interests of justice an order of
13 supervision is more appropriate than a sentence otherwise
14 permitted under this Code.

15 (c-5) Subsections (a), (b), and (c) of this Section do not
16 apply to a defendant charged with a second or subsequent
17 violation of Section 6-303 of the Illinois Vehicle Code
18 committed while his or her driver's license, permit or
19 privileges were revoked because of a violation of Section 9-3
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 relating to the offense of reckless homicide, or a similar
22 provision of a law of another state.

23 (d) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance when
26 the defendant has previously been:

1 (1) convicted for a violation of Section 11-501 of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance or any similar law or ordinance of another state;
4 or

5 (2) assigned supervision for a violation of Section
6 11-501 of the Illinois Vehicle Code or a similar provision
7 of a local ordinance or any similar law or ordinance of
8 another state; or

9 (3) pleaded guilty to or stipulated to the facts
10 supporting a charge or a finding of guilty to a violation
11 of Section 11-503 of the Illinois Vehicle Code or a similar
12 provision of a local ordinance or any similar law or
13 ordinance of another state, and the plea or stipulation was
14 the result of a plea agreement.

15 The court shall consider the statement of the prosecuting
16 authority with regard to the standards set forth in this
17 Section.

18 (e) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 16-25 or 16A-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 if said
21 defendant has within the last 5 years been:

22 (1) convicted for a violation of Section 16-25 or 16A-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012;
24 or

25 (2) assigned supervision for a violation of Section
26 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (f) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Sections 15-111, 15-112,
7 15-301, paragraph (b) of Section 6-104, Section 11-605,
8 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
9 Section 11-1414 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance.

11 (g) Except as otherwise provided in paragraph (i) of this
12 Section, the provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 3-707, 3-708, 3-710,
14 or 5-401.3 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance if the defendant has within the last 5
16 years been:

17 (1) convicted for a violation of Section 3-707, 3-708,
18 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance; or

20 (2) assigned supervision for a violation of Section
21 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
22 Code or a similar provision of a local ordinance.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (h) The provisions of paragraph (c) shall not apply to a

1 defendant under the age of 21 years charged with violating a
2 serious traffic offense as defined in Section 1-187.001 of the
3 Illinois Vehicle Code:

4 (1) unless the defendant, upon payment of the fines,
5 penalties, and costs provided by law, agrees to attend and
6 successfully complete a traffic safety program approved by
7 the court under standards set by the Conference of Chief
8 Circuit Judges. The accused shall be responsible for
9 payment of any traffic safety program fees. If the accused
10 fails to file a certificate of successful completion on or
11 before the termination date of the supervision order, the
12 supervision shall be summarily revoked and conviction
13 entered. The provisions of Supreme Court Rule 402 relating
14 to pleas of guilty do not apply in cases when a defendant
15 enters a guilty plea under this provision; or

16 (2) if the defendant has previously been sentenced
17 under the provisions of paragraph (c) on or after January
18 1, 1998 for any serious traffic offense as defined in
19 Section 1-187.001 of the Illinois Vehicle Code.

20 (h-1) The provisions of paragraph (c) shall not apply to a
21 defendant under the age of 21 years charged with an offense
22 against traffic regulations governing the movement of vehicles
23 or any violation of Section 6-107 or Section 12-603.1 of the
24 Illinois Vehicle Code, unless the defendant, upon payment of
25 the fines, penalties, and costs provided by law, agrees to
26 attend and successfully complete a traffic safety program

1 approved by the court under standards set by the Conference of
2 Chief Circuit Judges. The accused shall be responsible for
3 payment of any traffic safety program fees. If the accused
4 fails to file a certificate of successful completion on or
5 before the termination date of the supervision order, the
6 supervision shall be summarily revoked and conviction entered.
7 The provisions of Supreme Court Rule 402 relating to pleas of
8 guilty do not apply in cases when a defendant enters a guilty
9 plea under this provision.

10 (i) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 defendant has been assigned supervision for a violation of
14 Section 3-707 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance.

16 (j) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the revocation or suspension was for a violation of Section
20 11-501 or a similar provision of a local ordinance or a
21 violation of Section 11-501.1 or paragraph (b) of Section
22 11-401 of the Illinois Vehicle Code if the defendant has within
23 the last 10 years been:

24 (1) convicted for a violation of Section 6-303 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance; or

1 (2) assigned supervision for a violation of Section
2 6-303 of the Illinois Vehicle Code or a similar provision
3 of a local ordinance.

4 (k) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating any provision of the Illinois
6 Vehicle Code or a similar provision of a local ordinance that
7 governs the movement of vehicles if, within the 12 months
8 preceding the date of the defendant's arrest, the defendant has
9 been assigned court supervision on 2 occasions for a violation
10 that governs the movement of vehicles under the Illinois
11 Vehicle Code or a similar provision of a local ordinance. The
12 provisions of this paragraph (k) do not apply to a defendant
13 charged with violating Section 11-501 of the Illinois Vehicle
14 Code or a similar provision of a local ordinance.

15 (1) (Blank). ~~A defendant charged with violating any~~
16 ~~provision of the Illinois Vehicle Code or a similar provision~~
17 ~~of a local ordinance who receives a disposition of supervision~~
18 ~~under subsection (c) shall pay an additional fee of \$29, to be~~
19 ~~collected as provided in Sections 27.5 and 27.6 of the Clerks~~
20 ~~of Courts Act. In addition to the \$29 fee, the person shall~~
21 ~~also pay a fee of \$6, which, if not waived by the court, shall~~
22 ~~be collected as provided in Sections 27.5 and 27.6 of the~~
23 ~~Clerks of Courts Act. The \$29 fee shall be disbursed as~~
24 ~~provided in Section 16-104c of the Illinois Vehicle Code. If~~
25 ~~the \$6 fee is collected, \$5.50 of the fee shall be deposited~~
26 ~~into the Circuit Court Clerk Operation and Administrative Fund~~

1 ~~created by the Clerk of the Circuit Court and 50 cents of the~~
2 ~~fee shall be deposited into the Prisoner Review Board Vehicle~~
3 ~~and Equipment Fund in the State treasury.~~

4 (m) (Blank). ~~Any person convicted of, pleading guilty to,~~
5 ~~or placed on supervision for a serious traffic violation, as~~
6 ~~defined in Section 1-187.001 of the Illinois Vehicle Code, a~~
7 ~~violation of Section 11-501 of the Illinois Vehicle Code, or a~~
8 ~~violation of a similar provision of a local ordinance shall pay~~
9 ~~an additional fee of \$35, to be disbursed as provided in~~
10 ~~Section 16-104d of that Code.~~

11 ~~This subsection (m) becomes inoperative on January 1, 2020.~~

12 (n) The provisions of paragraph (c) shall not apply to any
13 person under the age of 18 who commits an offense against
14 traffic regulations governing the movement of vehicles or any
15 violation of Section 6-107 or Section 12-603.1 of the Illinois
16 Vehicle Code, except upon personal appearance of the defendant
17 in court and upon the written consent of the defendant's parent
18 or legal guardian, executed before the presiding judge. The
19 presiding judge shall have the authority to waive this
20 requirement upon the showing of good cause by the defendant.

21 (o) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the suspension was for a violation of Section 11-501.1 of the
25 Illinois Vehicle Code and when:

26 (1) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code and the defendant failed to obtain a monitoring device
4 driving permit; or

5 (2) at the time of the violation of Section 11-501.1 of
6 the Illinois Vehicle Code, the defendant was a first
7 offender pursuant to Section 11-500 of the Illinois Vehicle
8 Code, had subsequently obtained a monitoring device
9 driving permit, but was driving a vehicle not equipped with
10 a breath alcohol ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code.

12 (p) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 11-601.5 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance when the defendant has previously been:

16 (1) convicted for a violation of Section 11-601.5 of
17 the 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 11-601.5 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance or any similar law or
23 ordinance of another state.

24 (q) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating subsection (b) of Section
26 11-601 or Section 11-601.5 of the Illinois Vehicle Code when

1 the defendant was operating a vehicle, in an urban district, at
2 a speed that is 26 miles per hour or more in excess of the
3 applicable maximum speed limit established under Chapter 11 of
4 the Illinois Vehicle Code.

5 (r) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating any provision of the Illinois
7 Vehicle Code or a similar provision of a local ordinance if the
8 violation was the proximate cause of the death of another and
9 the defendant's driving abstract contains a prior conviction or
10 disposition of court supervision for any violation of the
11 Illinois Vehicle Code, other than an equipment violation, or a
12 suspension, revocation, or cancellation of the driver's
13 license.

14 (s) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating subsection (i) of Section 70
16 of the Firearm Concealed Carry Act.

17 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;
18 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.
19 1-1-16.)

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

21 Sec. 5-6-3. Conditions of Probation and of Conditional
22 Discharge.

23 (a) The conditions of probation and of conditional
24 discharge shall be that the person:

25 (1) not violate any criminal statute of any

1 jurisdiction;

2 (2) report to or appear in person before such person or
3 agency as directed by the court;

4 (3) refrain from possessing a firearm or other
5 dangerous weapon where the offense is a felony or, if a
6 misdemeanor, the offense involved the intentional or
7 knowing infliction of bodily harm or threat of bodily harm;

8 (4) not leave the State without the consent of the
9 court or, in circumstances in which the reason for the
10 absence is of such an emergency nature that prior consent
11 by the court is not possible, without the prior
12 notification and approval of the person's probation
13 officer. Transfer of a person's probation or conditional
14 discharge supervision to another state is subject to
15 acceptance by the other state pursuant to the Interstate
16 Compact for Adult Offender Supervision;

17 (5) permit the probation officer to visit him at his
18 home or elsewhere to the extent necessary to discharge his
19 duties;

20 (6) perform no less than 30 hours of community service
21 and not more than 120 hours of community service, if
22 community service is available in the jurisdiction and is
23 funded and approved by the county board where the offense
24 was committed, where the offense was related to or in
25 furtherance of the criminal activities of an organized gang
26 and was motivated by the offender's membership in or

1 allegiance to an organized gang. The community service
2 shall include, but not be limited to, the cleanup and
3 repair of any damage caused by a violation of Section
4 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
5 2012 and similar damage to property located within the
6 municipality or county in which the violation occurred.
7 When possible and reasonable, the community service should
8 be performed in the offender's neighborhood. For purposes
9 of this Section, "organized gang" has the meaning ascribed
10 to it in Section 10 of the Illinois Streetgang Terrorism
11 Omnibus Prevention Act;

12 (7) if he or she is at least 17 years of age and has
13 been sentenced to probation or conditional discharge for a
14 misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and has not been previously convicted of a
16 misdemeanor or felony, may be required by the sentencing
17 court to attend educational courses designed to prepare the
18 defendant for a high school diploma and to work toward a
19 high school diploma or to work toward passing high school
20 equivalency testing or to work toward completing a
21 vocational training program approved by the court. The
22 person on probation or conditional discharge must attend a
23 public institution of education to obtain the educational
24 or vocational training required by this clause (7). The
25 court shall revoke the probation or conditional discharge
26 of a person who wilfully fails to comply with this clause

1 (7). The person on probation or conditional discharge shall
2 be required to pay for the cost of the educational courses
3 or high school equivalency testing if a fee is charged for
4 those courses or testing. The court shall resentence the
5 offender whose probation or conditional discharge has been
6 revoked as provided in Section 5-6-4. This clause (7) does
7 not apply to a person who has a high school diploma or has
8 successfully passed high school equivalency testing. This
9 clause (7) does not apply to a person who is determined by
10 the court to be a person with a developmental disability or
11 otherwise mentally incapable of completing the educational
12 or vocational program;

13 (8) if convicted of possession of a substance
14 prohibited by the Cannabis Control Act, the Illinois
15 Controlled Substances Act, or the Methamphetamine Control
16 and Community Protection Act after a previous conviction or
17 disposition of supervision for possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act or after a sentence of probation
20 under Section 10 of the Cannabis Control Act, Section 410
21 of the Illinois Controlled Substances Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act
23 and upon a finding by the court that the person is
24 addicted, undergo treatment at a substance abuse program
25 approved by the court;

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall
2 undergo and successfully complete sex offender treatment
3 by a treatment provider approved by the Board and conducted
4 in conformance with the standards developed under the Sex
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders;

17 (8.7) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) that
19 would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961 or the Criminal Code of 2012, refrain from
22 communicating with or contacting, by means of the Internet,
23 a person who is not related to the accused and whom the
24 accused reasonably believes to be under 18 years of age;
25 for purposes of this paragraph (8.7), "Internet" has the
26 meaning ascribed to it in Section 16-0.1 of the Criminal

1 Code of 2012; and a person is not related to the accused if
2 the person is not: (i) the spouse, brother, or sister of
3 the accused; (ii) a descendant of the accused; (iii) a
4 first or second cousin of the accused; or (iv) a step-child
5 or adopted child of the accused;

6 (8.8) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983):

13 (i) not access or use a computer or any other
14 device with Internet capability without the prior
15 written approval of the offender's probation officer,
16 except in connection with the offender's employment or
17 search for employment with the prior approval of the
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's probation
22 officer, a law enforcement officer, or assigned
23 computer or information technology specialist,
24 including the retrieval and copying of all data from
25 the computer or device and any internal or external
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough
2 inspection;

3 (iii) submit to the installation on the offender's
4 computer or device with Internet capability, at the
5 offender's expense, of one or more hardware or software
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions
8 concerning the offender's use of or access to a
9 computer or any other device with Internet capability
10 imposed by the offender's probation officer;

11 (8.9) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after January
13 1, 2010 (the effective date of Public Act 96-262), refrain
14 from accessing or using a social networking website as
15 defined in Section 17-0.5 of the Criminal Code of 2012;

16 (9) if convicted of a felony or of any misdemeanor
17 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
18 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
19 2012 that was determined, pursuant to Section 112A-11.1 of
20 the Code of Criminal Procedure of 1963, to trigger the
21 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
22 at a time and place designated by the court, his or her
23 Firearm Owner's Identification Card and any and all
24 firearms in his or her possession. The Court shall return
25 to the Department of State Police Firearm Owner's
26 Identification Card Office the person's Firearm Owner's

1 Identification Card;

2 (10) if convicted of a sex offense as defined in
3 subsection (a-5) of Section 3-1-2 of this Code, unless the
4 offender is a parent or guardian of the person under 18
5 years of age present in the home and no non-familial minors
6 are present, not participate in a holiday event involving
7 children under 18 years of age, such as distributing candy
8 or other items to children on Halloween, wearing a Santa
9 Claus costume on or preceding Christmas, being employed as
10 a department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter;

12 (11) if convicted of a sex offense as defined in
13 Section 2 of the Sex Offender Registration Act committed on
14 or after January 1, 2010 (the effective date of Public Act
15 96-362) that requires the person to register as a sex
16 offender under that Act, may not knowingly use any computer
17 scrub software on any computer that the sex offender uses;
18 and

19 (12) if convicted of a violation of the Methamphetamine
20 Control and Community Protection Act, the Methamphetamine
21 Precursor Control Act, or a methamphetamine related
22 offense:

23 (A) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 pseudoephedrine unless prescribed by a physician; and

26 (B) prohibited from purchasing, possessing, or

1 having under his or her control any product containing
2 ammonium nitrate.

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 made a
9 ward of the State under the Juvenile Court Act of 1987 while
10 the minor is in placement. The fee shall be imposed only upon
11 an offender who is actively supervised by the probation and
12 court services department. The fee shall be collected by the
13 clerk of the circuit court. The clerk of the circuit court
14 shall pay all monies collected from this fee 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 A circuit court may not impose a probation fee under this
18 subsection (i) in excess of \$25 per month unless the circuit
19 court has adopted, by administrative order issued by the chief
20 judge, a standard probation fee guide determining an offender's
21 ability to pay. Of the amount collected as a probation fee, up
22 to \$5 of that fee collected per month may be used to provide
23 services to crime victims and their families.

24 The Court may only waive probation fees based on an
25 offender's ability to pay. The probation department may
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the
2 Chief Probation Officer, adjust the monthly fee amount. An
3 offender may elect to pay probation fees due in a lump sum. Any
4 offender that has been assigned to the supervision of a
5 probation department, or has been transferred either under
6 subsection (h) of this Section or under any interstate compact,
7 shall be required to pay probation fees to the department
8 supervising the offender, based on the offender's ability to
9 pay.

10 This amendatory Act of the 93rd General Assembly deletes
11 the \$10 increase in the fee under this subsection that was
12 imposed by Public Act 93-616. This deletion is intended to
13 control over any other Act of the 93rd General Assembly that
14 retains or incorporates that fee increase.

15 (i-5) In addition to the fees imposed under subsection (i)
16 of this Section, in the case of an offender convicted of a
17 felony sex offense (as defined in the Sex Offender Management
18 Board Act) or an offense that the court or probation department
19 has determined to be sexually motivated (as defined in the Sex
20 Offender Management Board Act), the court or the probation
21 department shall assess additional fees to pay for all costs of
22 treatment, assessment, evaluation for risk and treatment, and
23 monitoring the offender, based on that offender's ability to
24 pay those costs either as they occur or under a payment plan.

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under the Criminal
5 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
6 ~~Act.~~

7 (k) Any offender who is sentenced to probation or
8 conditional discharge for a felony sex offense as defined in
9 the Sex Offender Management Board Act or any offense that the
10 court or probation department has determined to be sexually
11 motivated as defined in the Sex Offender Management Board Act
12 shall be required to refrain from any contact, directly or
13 indirectly, with any persons specified by the court and shall
14 be available for all evaluations and treatment programs
15 required by the court or the probation department.

16 (l) The court may order an offender who is sentenced to
17 probation or conditional discharge for a violation of an order
18 of protection be placed under electronic surveillance as
19 provided in Section 5-8A-7 of this Code.

20 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
21 eff. 7-27-15; 99-797, eff. 8-12-16.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

23 Sec. 5-6-3.1. Incidents and conditions of supervision.

24 (a) When a defendant is placed on supervision, the court
25 shall enter an order for supervision specifying the period of

1 such supervision, and shall defer further proceedings in the
2 case until the conclusion of the period.

3 (b) The period of supervision shall be reasonable under all
4 of the circumstances of the case, but may not be longer than 2
5 years, unless the defendant has failed to pay the assessment
6 required by Section 10.3 of the Cannabis Control Act, Section
7 411.2 of the Illinois Controlled Substances Act, or Section 80
8 of the Methamphetamine Control and Community Protection Act, in
9 which case the court may extend supervision beyond 2 years.
10 Additionally, the court shall order the defendant to perform no
11 less than 30 hours of community service and not more than 120
12 hours of community service, if community service is available
13 in the jurisdiction and is funded and approved by the county
14 board where the offense was committed, when the offense (1) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the defendant's membership
17 in or allegiance to an organized gang; or (2) is a violation of
18 any Section of Article 24 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 where a disposition of supervision is not
20 prohibited by Section 5-6-1 of this Code. The community service
21 shall include, but not be limited to, the cleanup and repair of
22 any damage caused by violation of Section 21-1.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 and similar
24 damages to property located within the municipality or county
25 in which the violation occurred. Where possible and reasonable,
26 the community service should be performed in the offender's

1 neighborhood.

2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (c) The court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the court require that
9 the person:

10 (1) make a report to and appear in person before or
11 participate with the court or such courts, person, or
12 social service agency as directed by the court in the order
13 of supervision;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

24 (8) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home; or

4 (v) with the consent of the superintendent of the
5 facility, attend an educational program at a facility
6 other than the school in which the offense was
7 committed if he or she is placed on supervision for a
8 crime of violence as defined in Section 2 of the Crime
9 Victims Compensation Act committed in a school, on the
10 real property comprising a school, or within 1,000 feet
11 of the real property comprising a school;

12 (9) make restitution or reparation in an amount not to
13 exceed actual loss or damage to property and pecuniary loss
14 or make restitution under Section 5-5-6 to a domestic
15 violence shelter. The court shall determine the amount and
16 conditions of payment;

17 (10) perform some reasonable public or community
18 service;

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory. If the court has ordered the defendant to
24 make a report and appear in person under paragraph (1) of
25 this subsection, a copy of the order of protection shall be
26 transmitted to the person or agency so designated by the

1 court;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of person, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or the
5 Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of his
7 or her blood or urine or both for tests to determine the
8 presence of any illicit drug;

9 (17) refrain from operating any motor vehicle not
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code; under this
12 condition the court may allow a defendant who is not
13 self-employed to operate a vehicle owned by the defendant's
14 employer that is not equipped with an ignition interlock
15 device in the course and scope of the defendant's
16 employment; and

17 (18) if placed on supervision for a sex offense as
18 defined in subsection (a-5) of Section 3-1-2 of this Code,
19 unless the offender is a parent or guardian of the person
20 under 18 years of age present in the home and no
21 non-familial minors are present, not participate in a
22 holiday event involving children under 18 years of age,
23 such as distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter.

2 (c-5) If payment of restitution as ordered has not been
3 made, the victim shall file a petition notifying the sentencing
4 court, any other person to whom restitution is owed, and the
5 State's Attorney of the status of the ordered restitution
6 payments unpaid at least 90 days before the supervision
7 expiration date. If payment as ordered has not been made, the
8 court shall hold a review hearing prior to the expiration date,
9 unless the hearing is voluntarily waived by the defendant with
10 the knowledge that waiver may result in an extension of the
11 supervision period or in a revocation of supervision. If the
12 court does not extend supervision, it shall issue a judgment
13 for the unpaid restitution and direct the clerk of the circuit
14 court to file and enter the judgment in the judgment and lien
15 docket, without fee, unless it finds that the victim has
16 recovered a judgment against the defendant for the amount
17 covered by the restitution order. If the court issues a
18 judgment for the unpaid restitution, the court shall send to
19 the defendant at his or her last known address written
20 notification that a civil judgment has been issued for the
21 unpaid restitution.

22 (d) The court shall defer entering any judgment on the
23 charges until the conclusion of the supervision.

24 (e) At the conclusion of the period of supervision, if the
25 court determines that the defendant has successfully complied
26 with all of the conditions of supervision, the court shall

1 discharge the defendant and enter a judgment dismissing the
2 charges.

3 (f) Discharge and dismissal upon a successful conclusion of
4 a disposition of supervision shall be deemed without
5 adjudication of guilt and shall not be termed a conviction for
6 purposes of disqualification or disabilities imposed by law
7 upon conviction of a crime. Two years after the discharge and
8 dismissal under this Section, unless the disposition of
9 supervision was for a violation of Sections 3-707, 3-708,
10 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, or for a violation of
12 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
13 or the Criminal Code of 2012, in which case it shall be 5 years
14 after discharge and dismissal, a person may have his record of
15 arrest sealed or expunged as may be provided by law. However,
16 any defendant placed on supervision before January 1, 1980, may
17 move for sealing or expungement of his arrest record, as
18 provided by law, at any time after discharge and dismissal
19 under this Section. A person placed on supervision for a sexual
20 offense committed against a minor as defined in clause
21 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or
22 for a violation of Section 11-501 of the Illinois Vehicle Code
23 or a similar provision of a local ordinance shall not have his
24 or her record of arrest sealed or expunged.

25 (g) A defendant placed on supervision and who during the
26 period of supervision undergoes mandatory drug or alcohol

1 testing, or both, or is assigned to be placed on an approved
2 electronic monitoring device, shall be ordered to pay the costs
3 incidental to such mandatory drug or alcohol testing, or both,
4 and costs 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 defendants placed on
12 supervision. The concurrence of the Chief Judge shall be in the
13 form of an administrative order. The fees shall be collected by
14 the clerk of the circuit court, except as provided in an
15 administrative order of the Chief Judge of the circuit court.
16 The clerk of the circuit court shall pay all moneys collected
17 from these fees to the county treasurer who shall use the
18 moneys collected to defray the costs of drug testing, alcohol
19 testing, and electronic monitoring. The county treasurer shall
20 deposit the fees collected in the county working cash fund
21 under Section 6-27001 or Section 6-29002 of the Counties Code,
22 as the case may be.

23 The Chief Judge of the circuit court of the county may by
24 administrative order establish a program for electronic
25 monitoring of offenders, in which a vendor supplies and
26 monitors the operation of the electronic monitoring device, and

1 collects the fees on behalf of the county. The program shall
2 include provisions for indigent offenders and the collection of
3 unpaid fees. The program shall not unduly burden the offender
4 and shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any
6 additional charges or fees for late payment, interest, or
7 damage to any device.

8 (h) A disposition of supervision is a final order for the
9 purposes of appeal.

10 (i) The court shall impose upon a defendant placed on
11 supervision after January 1, 1992 or to community service under
12 the supervision of a probation or court services department
13 after January 1, 2004, as a condition of supervision or
14 supervised community service, a fee of \$50 for each month of
15 supervision or supervised community service ordered by the
16 court, unless after determining the inability of the person
17 placed on supervision or supervised community service to pay
18 the fee, the court assesses a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State under
20 the Juvenile Court Act of 1987 while the minor is in placement.
21 The fee shall be imposed only upon a defendant who is actively
22 supervised by the probation and court services department. The
23 fee shall be collected by the clerk of the circuit court. The
24 clerk of the circuit court shall pay all monies collected from
25 this fee to the county treasurer for deposit in the probation
26 and court services fund pursuant to Section 15.1 of the

1 Probation and Probation Officers Act.

2 A circuit court may not impose a probation fee in excess of
3 \$25 per month unless the circuit court has adopted, by
4 administrative order issued by the chief judge, a standard
5 probation fee guide determining an offender's ability to pay.
6 Of the amount collected as a probation fee, not to exceed \$5 of
7 that fee collected per month may be used to provide services to
8 crime victims and their families.

9 The Court may only waive probation fees based on an
10 offender's ability to pay. The probation department may
11 re-evaluate an offender's ability to pay every 6 months, and,
12 with the approval of the Director of Court Services or the
13 Chief Probation Officer, adjust the monthly fee amount. An
14 offender may elect to pay probation fees due in a lump sum. Any
15 offender that has been assigned to the supervision of a
16 probation department, or has been transferred either under
17 subsection (h) of this Section or under any interstate compact,
18 shall be required to pay probation fees to the department
19 supervising the offender, based on the offender's ability to
20 pay.

21 (j) All fines and costs imposed under this Section for any
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
23 Code, or a similar provision of a local ordinance, and any
24 violation of the Child Passenger Protection Act, or a similar
25 provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under the Criminal

1 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~
2 ~~Act.~~

3 (k) A defendant at least 17 years of age who is placed on
4 supervision for a misdemeanor in a county of 3,000,000 or more
5 inhabitants and who has not been previously convicted of a
6 misdemeanor or felony may as a condition of his or her
7 supervision be required by the court to attend educational
8 courses designed to prepare the defendant for a high school
9 diploma and to work toward a high school diploma or to work
10 toward passing high school equivalency testing or to work
11 toward completing a vocational training program approved by the
12 court. The defendant placed on supervision must attend a public
13 institution of education to obtain the educational or
14 vocational training required by this subsection (k). The
15 defendant placed on supervision shall be required to pay for
16 the cost of the educational courses or high school equivalency
17 testing if a fee is charged for those courses or testing. The
18 court shall revoke the supervision of a person who wilfully
19 fails to comply with this subsection (k). The court shall
20 resentence the defendant upon revocation of supervision as
21 provided in Section 5-6-4. This subsection (k) does not apply
22 to a defendant who has a high school diploma or has
23 successfully passed high school equivalency testing. This
24 subsection (k) does not apply to a defendant who is determined
25 by the court to be a person with a developmental disability or
26 otherwise mentally incapable of completing the educational or

1 vocational program.

2 (l) The court shall require a defendant placed on
3 supervision for possession of a substance prohibited by the
4 Cannabis Control Act, the Illinois Controlled Substances Act,
5 or the Methamphetamine Control and Community Protection Act
6 after a previous conviction or disposition of supervision for
7 possession of a substance prohibited by the Cannabis Control
8 Act, the Illinois Controlled Substances Act, or the
9 Methamphetamine Control and Community Protection Act or a
10 sentence of probation under Section 10 of the Cannabis Control
11 Act or Section 410 of the Illinois Controlled Substances Act
12 and after a finding by the court that the person is addicted,
13 to undergo treatment at a substance abuse program approved by
14 the court.

15 (m) The Secretary of State shall require anyone placed on
16 court supervision for a violation of Section 3-707 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance to give proof of his or her financial responsibility
19 as defined in Section 7-315 of the Illinois Vehicle Code. The
20 proof shall be maintained by the individual in a manner
21 satisfactory to the Secretary of State for a minimum period of
22 3 years after the date the proof is first filed. The proof
23 shall be limited to a single action per arrest and may not be
24 affected by any post-sentence disposition. The Secretary of
25 State shall suspend the driver's license of any person
26 determined by the Secretary to be in violation of this

1 subsection.

2 (n) Any offender placed on supervision for any offense that
3 the court or probation department has determined to be sexually
4 motivated as defined in the Sex Offender Management Board Act
5 shall be required to refrain from any contact, directly or
6 indirectly, with any persons specified by the court and shall
7 be available for all evaluations and treatment programs
8 required by the court or the probation department.

9 (o) An offender placed on supervision for a sex offense as
10 defined in the Sex Offender Management Board Act shall refrain
11 from residing at the same address or in the same condominium
12 unit or apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has been
15 placed on supervision for a sex offense. The provisions of this
16 subsection (o) do not apply to a person convicted of a sex
17 offense who is placed in a Department of Corrections licensed
18 transitional housing facility for sex offenders.

19 (p) An offender placed on supervision for an offense
20 committed on or after June 1, 2008 (the effective date of
21 Public Act 95-464) that would qualify the accused as a child
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 shall
24 refrain from communicating with or contacting, by means of the
25 Internet, a person who is not related to the accused and whom
26 the accused reasonably believes to be under 18 years of age.

1 For purposes of this subsection (p), "Internet" has the meaning
2 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
3 and a person is not related to the accused if the person is
4 not: (i) the spouse, brother, or sister of the accused; (ii) a
5 descendant of the accused; (iii) a first or second cousin of
6 the accused; or (iv) a step-child or adopted child of the
7 accused.

8 (q) An offender placed on supervision for an offense
9 committed on or after June 1, 2008 (the effective date of
10 Public Act 95-464) that would qualify the accused as a child
11 sex offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
13 ordered by the court, refrain from communicating with or
14 contacting, by means of the Internet, a person who is related
15 to the accused and whom the accused reasonably believes to be
16 under 18 years of age. For purposes of this subsection (q),
17 "Internet" has the meaning ascribed to it in Section 16-0.1 of
18 the Criminal Code of 2012; and a person is related to the
19 accused if the person is: (i) the spouse, brother, or sister of
20 the accused; (ii) a descendant of the accused; (iii) a first or
21 second cousin of the accused; or (iv) a step-child or adopted
22 child of the accused.

23 (r) An offender placed on supervision for an offense under
24 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
25 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
26 11-21 of the Criminal Code of 1961 or the Criminal Code of

1 2012, or any attempt to commit any of these offenses, committed
2 on or after June 1, 2009 (the effective date of Public Act
3 95-983) ~~this amendatory Act of the 95th General Assembly~~ shall:

4 (i) not access or use a computer or any other device
5 with Internet capability without the prior written
6 approval of the court, except in connection with the
7 offender's employment or search for employment with the
8 prior approval of the court;

9 (ii) submit to periodic unannounced examinations of
10 the offender's computer or any other device with Internet
11 capability by the offender's probation officer, a law
12 enforcement officer, or assigned computer or information
13 technology specialist, including the retrieval and copying
14 of all data from the computer or device and any internal or
15 external peripherals and removal of such information,
16 equipment, or device to conduct a more thorough inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a computer or
23 any other device with Internet capability imposed by the
24 court.

25 (s) An offender placed on supervision for an offense that
26 is a sex offense as defined in Section 2 of the Sex Offender

1 Registration Act that is committed on or after January 1, 2010
2 (the effective date of Public Act 96-362) that requires the
3 person to register as a sex offender under that Act, may not
4 knowingly use any computer scrub software on any computer that
5 the sex offender uses.

6 (t) An offender placed on supervision for a sex offense as
7 defined in the Sex Offender Registration Act committed on or
8 after January 1, 2010 (the effective date of Public Act 96-262)
9 shall refrain from accessing or using a social networking
10 website as defined in Section 17-0.5 of the Criminal Code of
11 2012.

12 (u) Jurisdiction over an offender may be transferred from
13 the sentencing court to the court of another circuit with the
14 concurrence of both courts. Further transfers or retransfers of
15 jurisdiction are also authorized in the same manner. The court
16 to which jurisdiction has been transferred shall have the same
17 powers as the sentencing court. The probation department within
18 the circuit to which jurisdiction has been transferred may
19 impose probation fees upon receiving the transferred offender,
20 as provided in subsection (i). The probation department from
21 the original sentencing court shall retain all probation fees
22 collected prior to the transfer.

23 (Source: P.A. 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; 99-78,
24 eff. 7-20-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;
25 99-797, eff. 8-12-16; revised 9-1-16.)

1 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

2 Sec. 5-7-1. Sentence of Periodic Imprisonment.

3 (a) A sentence of periodic imprisonment is a sentence of
4 imprisonment during which the committed person may be released
5 for periods of time during the day or night or for periods of
6 days, or both, or if convicted of a felony, other than first
7 degree murder, a Class X or Class 1 felony, committed to any
8 county, municipal, or regional correctional or detention
9 institution or facility in this State for such periods of time
10 as the court may direct. Unless the court orders otherwise, the
11 particular times and conditions of release shall be determined
12 by the Department of Corrections, the sheriff, or the
13 Superintendent of the house of corrections, who is
14 administering the program.

15 (b) A sentence of periodic imprisonment may be imposed to
16 permit the defendant to:

17 (1) seek employment;

18 (2) work;

19 (3) conduct a business or other self-employed
20 occupation including housekeeping;

21 (4) attend to family needs;

22 (5) attend an educational institution, including
23 vocational education;

24 (6) obtain medical or psychological treatment;

25 (7) perform work duties at a county, municipal, or
26 regional correctional or detention institution or

1 facility;

2 (8) continue to reside at home with or without
3 supervision involving the use of an approved electronic
4 monitoring device, subject to Article 8A of Chapter V; or

5 (9) for any other purpose determined by the court.

6 (c) Except where prohibited by other provisions of this
7 Code, the court may impose a sentence of periodic imprisonment
8 for a felony or misdemeanor on a person who is 17 years of age
9 or older. The court shall not impose a sentence of periodic
10 imprisonment if it imposes a sentence of imprisonment upon the
11 defendant in excess of 90 days.

12 (d) A sentence of periodic imprisonment shall be for a
13 definite term of from 3 to 4 years for a Class 1 felony, 18 to
14 30 months for a Class 2 felony, and up to 18 months, or the
15 longest sentence of imprisonment that could be imposed for the
16 offense, whichever is less, for all other offenses; however, no
17 person shall be sentenced to a term of periodic imprisonment
18 longer than one year if he is committed to a county
19 correctional institution or facility, and in conjunction with
20 that sentence participate in a county work release program
21 comparable to the work and day release program provided for in
22 Article 13 of the Unified Code of Corrections in State
23 facilities. The term of the sentence shall be calculated upon
24 the basis of the duration of its term rather than upon the
25 basis of the actual days spent in confinement. No sentence of
26 periodic imprisonment shall be subject to the good time credit

1 provisions of Section 3-6-3 of this Code.

2 (e) When the court imposes a sentence of periodic
3 imprisonment, it shall state:

4 (1) the term of such sentence;

5 (2) the days or parts of days which the defendant is to
6 be confined;

7 (3) the conditions.

8 (f) The court may issue an order of protection pursuant to
9 the Illinois Domestic Violence Act of 1986 as a condition of a
10 sentence of periodic imprisonment. The Illinois Domestic
11 Violence Act of 1986 shall govern the issuance, enforcement and
12 recording of orders of protection issued under this Section. A
13 copy of the order of protection shall be transmitted to the
14 person or agency having responsibility for the case.

15 (f-5) An offender sentenced to a term of periodic
16 imprisonment for a felony sex offense as defined in the Sex
17 Offender Management Board Act shall be required to undergo and
18 successfully complete sex offender treatment by a treatment
19 provider approved by the Board and conducted in conformance
20 with the standards developed under the Sex Offender Management
21 Board Act.

22 (g) An offender sentenced to periodic imprisonment who
23 undergoes mandatory drug or alcohol testing, or both, or is
24 assigned to be placed on an approved electronic monitoring
25 device, shall be ordered to pay the costs incidental to such
26 mandatory drug or alcohol testing, or both, and costs

1 incidental to such approved electronic monitoring in
2 accordance with the defendant's ability to pay those costs. The
3 county board with the concurrence of the Chief Judge of the
4 judicial circuit in which the county is located shall establish
5 reasonable fees for the cost of maintenance, testing, and
6 incidental expenses related to the mandatory drug or alcohol
7 testing, or both, and all costs incidental to approved
8 electronic monitoring, of all offenders with a sentence of
9 periodic imprisonment. The concurrence of the Chief Judge shall
10 be in the form of an administrative order. The fees shall be
11 collected by the clerk of the circuit court, except as provided
12 in an administrative order of the Chief Judge of the circuit
13 court. The clerk of the circuit court shall pay all moneys
14 collected from these fees to the county treasurer who shall use
15 the moneys collected to defray the costs of drug testing,
16 alcohol testing, and electronic monitoring. The county
17 treasurer shall deposit the fees collected in the county
18 working cash fund under Section 6-27001 or Section 6-29002 of
19 the Counties Code, as the case may be.

20 (h) All fees and costs imposed under this Section for any
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
22 Code, or a similar provision of a local ordinance, and any
23 violation of the Child Passenger Protection Act, or a similar
24 provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under the Criminal
26 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~

1 ~~Act.~~

2 The Chief Judge of the circuit court of the county may by
3 administrative order establish a program for electronic
4 monitoring of offenders, in which a vendor supplies and
5 monitors the operation of the electronic monitoring device, and
6 collects the fees on behalf of the county. The program shall
7 include provisions for indigent offenders and the collection of
8 unpaid fees. The program shall not unduly burden the offender
9 and shall be subject to review by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any
11 additional charges or fees for late payment, interest, or
12 damage to any device.

13 (i) A defendant at least 17 years of age who is convicted
14 of a misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and who has not been previously convicted of a
16 misdemeanor or a felony and who is sentenced to a term of
17 periodic imprisonment may as a condition of his or her sentence
18 be required by the court to attend educational courses designed
19 to prepare the defendant for a high school diploma and to work
20 toward receiving a high school diploma or to work toward
21 passing high school equivalency testing or to work toward
22 completing a vocational training program approved by the court.
23 The defendant sentenced to periodic imprisonment must attend a
24 public institution of education to obtain the educational or
25 vocational training required by this subsection (i). The
26 defendant sentenced to a term of periodic imprisonment shall be

1 required to pay for the cost of the educational courses or high
2 school equivalency testing if a fee is charged for those
3 courses or testing. The court shall revoke the sentence of
4 periodic imprisonment of the defendant who wilfully fails to
5 comply with this subsection (i). The court shall resentence the
6 defendant whose sentence of periodic imprisonment has been
7 revoked as provided in Section 5-7-2. This subsection (i) does
8 not apply to a defendant who has a high school diploma or has
9 successfully passed high school equivalency testing. This
10 subsection (i) does not apply to a defendant who is determined
11 by the court to be a person with a developmental disability or
12 otherwise mentally incapable of completing the educational or
13 vocational program.

14 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15;
15 99-797, eff. 8-12-16.)

16 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

17 Sec. 5-9-1. Authorized fines.

18 (a) An offender may be sentenced to pay a fine as provided
19 in Article 4.5 of Chapter V.

20 (b) ~~(Blank)~~.

21 (c) ~~(Blank)~~. ~~There shall be added to every fine imposed in~~
22 ~~sentencing for a criminal or traffic offense, except an offense~~
23 ~~relating to parking or registration, or offense by a~~
24 ~~pedestrian, an additional penalty of \$15 for each \$40, or~~
25 ~~fraction thereof, of fine imposed. The additional penalty of~~

1 ~~\$15 for each \$40, or fraction thereof, of fine imposed, if not~~
2 ~~otherwise assessed, shall also be added to every fine imposed~~
3 ~~upon a plea of guilty, stipulation of facts or findings of~~
4 ~~guilty, resulting in a judgment of conviction, or order of~~
5 ~~supervision in criminal, traffic, local ordinance, county~~
6 ~~ordinance, and conservation cases (except parking,~~
7 ~~registration, or pedestrian violations), or upon a sentence of~~
8 ~~probation without entry of judgment under Section 10 of the~~
9 ~~Cannabis Control Act, Section 410 of the Illinois Controlled~~
10 ~~Substances Act, or Section 70 of the Methamphetamine Control~~
11 ~~and Community Protection Act.~~

12 ~~Such additional amounts shall be assessed by the court~~
13 ~~imposing the fine and shall be collected by the Circuit Clerk~~
14 ~~in addition to the fine and costs in the case. Each such~~
15 ~~additional penalty shall be remitted by the Circuit Clerk~~
16 ~~within one month after receipt to the State Treasurer. The~~
17 ~~State Treasurer shall deposit \$1 for each \$40, or fraction~~
18 ~~thereof, of fine imposed into the LEADS Maintenance Fund. The~~
19 ~~State Treasurer shall deposit \$3 for each \$40, or fraction~~
20 ~~thereof, of fine imposed into the Law Enforcement Camera Grant~~
21 ~~Fund. The remaining surcharge amount shall be deposited into~~
22 ~~the Traffic and Criminal Conviction Surcharge Fund, unless the~~
23 ~~fine, costs or additional amounts are subject to disbursement~~
24 ~~by the circuit clerk under Section 27.5 of the Clerks of Courts~~
25 ~~Act. Such additional penalty 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. Not later than March~~
2 ~~1 of each year the Circuit Clerk shall submit a report of the~~
3 ~~amount of funds remitted to the State Treasurer under this~~
4 ~~subsection (c) during the preceding calendar year. Except as~~
5 ~~otherwise provided by Supreme Court Rules, if a court in~~
6 ~~imposing a fine against an offender levies a gross amount for~~
7 ~~fine, costs, fees and penalties, the amount of the additional~~
8 ~~penalty provided for herein shall be computed on the amount~~
9 ~~remaining after deducting from the gross amount levied all fees~~
10 ~~of the Circuit Clerk, the State's Attorney and the Sheriff.~~
11 ~~After deducting from the gross amount levied the fees and~~
12 ~~additional penalty provided for herein, less any other~~
13 ~~additional penalties provided by law, the clerk shall remit the~~
14 ~~net balance remaining to the entity authorized by law to~~
15 ~~receive the fine imposed in the case. For purposes of this~~
16 ~~Section "fees of the Circuit Clerk" shall include, if~~
17 ~~applicable, the fee provided for under Section 27.3a of the~~
18 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~
19 ~~county in which the violation occurred pursuant to Section~~
20 ~~5-1101 of the Counties Code.~~

21 (c-5) (Blank). ~~In addition to the fines imposed by~~
22 ~~subsection (c), any person convicted or receiving an order of~~
23 ~~supervision for driving under the influence of alcohol or drugs~~
24 ~~shall pay an additional \$100 fee to the clerk. This additional~~
25 ~~fee, less 2 1/2% that shall be used to defray administrative~~
26 ~~costs incurred by the clerk, shall be remitted by the clerk to~~

1 ~~the Treasurer within 60 days after receipt for deposit into the~~
2 ~~Trauma Center Fund. This additional fee of \$100 shall not be~~
3 ~~considered a part of the fine for purposes of any reduction in~~
4 ~~the fine for time served either before or after sentencing. Not~~
5 ~~later than March 1 of each year the Circuit Clerk shall submit~~
6 ~~a report of the amount of funds remitted to the State Treasurer~~
7 ~~under this subsection (c 5) during the preceding calendar year.~~

8 ~~The Circuit Clerk may accept payment of fines and costs by~~
9 ~~credit card from an offender who has been convicted of a~~
10 ~~traffic offense, petty offense or misdemeanor and may charge~~
11 ~~the service fee permitted where fines and costs are paid by~~
12 ~~credit card provided for in Section 27.3b of the Clerks of~~
13 ~~Courts Act.~~

14 ~~(c-7) (Blank). In addition to the fines imposed by~~
15 ~~subsection (c), any person convicted or receiving an order of~~
16 ~~supervision for driving under the influence of alcohol or drugs~~
17 ~~shall pay an additional \$5 fee to the clerk. This additional~~
18 ~~fee, less 2 1/2% that shall be used to defray administrative~~
19 ~~costs incurred by the clerk, shall be remitted by the clerk to~~
20 ~~the Treasurer within 60 days after receipt for deposit into the~~
21 ~~Spinal Cord Injury Paralysis Cure Research Trust Fund. This~~
22 ~~additional fee of \$5 shall not be considered a part of the fine~~
23 ~~for purposes of any reduction in the fine for time served~~
24 ~~either before or after sentencing. Not later than March 1 of~~
25 ~~each year the Circuit Clerk shall submit a report of the amount~~
26 ~~of funds remitted to the State Treasurer under this subsection~~

1 ~~(c-7) during the preceding calendar year.~~

2 (c-9) (Blank).

3 (d) In determining the amount and method of payment of a
4 fine, except for those fines established for violations of
5 Chapter 15 of the Illinois Vehicle Code, the court shall
6 consider:

7 (1) the financial resources and future ability of the
8 offender to pay the fine; and

9 (2) whether the fine will prevent the offender from
10 making court ordered restitution or reparation to the
11 victim of the offense; and

12 (3) in a case where the accused is a dissolved
13 corporation and the court has appointed counsel to
14 represent the corporation, the costs incurred either by the
15 county or the State for such representation.

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

18 (f) (Blank). ~~All fines, costs and additional amounts~~
19 ~~imposed under this Section for any violation of Chapters 3, 4,~~
20 ~~6, and 11 of the Illinois Vehicle Code, or a similar provision~~
21 ~~of a local ordinance, and any violation of the Child Passenger~~
22 ~~Protection Act, or a similar provision of a local ordinance,~~
23 ~~shall be collected and disbursed by the circuit clerk as~~
24 ~~provided under Section 27.5 of the Clerks of Courts Act.~~

25 (Source: P.A. 99-352, eff. 1-1-16.)

1 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

2 Sec. 5-9-1.4. (a) "Crime laboratory" means any
3 not-for-profit laboratory registered with the Drug Enforcement
4 Administration of the United States Department of Justice,
5 substantially funded by a unit or combination of units of local
6 government or the State of Illinois, which regularly employs at
7 least one person engaged in the analysis of controlled
8 substances, cannabis, methamphetamine, or steroids for
9 criminal justice agencies in criminal matters and provides
10 testimony with respect to such examinations.

11 (b) (Blank). ~~When a person has been adjudged guilty of an~~
12 ~~offense in violation of the Cannabis Control Act, the Illinois~~
13 ~~Controlled Substances Act, the Methamphetamine Control and~~
14 ~~Community Protection Act, or the Steroid Control Act, in~~
15 ~~addition to any other disposition, penalty or fine imposed, a~~
16 ~~criminal laboratory analysis fee of \$100 for each offense for~~
17 ~~which he was convicted shall be levied by the court. Any person~~
18 ~~placed on probation pursuant to Section 10 of the Cannabis~~
19 ~~Control Act, Section 410 of the Illinois Controlled Substances~~
20 ~~Act, Section 70 of the Methamphetamine Control and Community~~
21 ~~Protection Act, or Section 10 of the Steroid Control Act or~~
22 ~~placed on supervision for a violation of the Cannabis Control~~
23 ~~Act, the Illinois Controlled Substances Act or the Steroid~~
24 ~~Control Act shall be assessed a criminal laboratory analysis~~
25 ~~fee of \$100 for each offense for which he was charged. Upon~~
26 ~~verified petition of the person, the court may suspend payment~~

1 ~~of all or part of the fee if it finds that the person does not~~
2 ~~have the ability to pay the fee.~~

3 (c) In addition to any other disposition made pursuant to
4 the provisions of the Juvenile Court Act of 1987, any minor
5 adjudicated delinquent for an offense which if committed by an
6 adult would constitute a violation of the Cannabis Control Act,
7 the Illinois Controlled Substances Act, the Methamphetamine
8 Control and Community Protection Act, or the Steroid Control
9 Act shall be required to pay ~~assessed~~ a criminal laboratory
10 analysis assessment ~~fee~~ of \$100 for each adjudication. Upon
11 verified petition of the minor, the court may suspend payment
12 of all or part of the assessment ~~fee~~ if it finds that the minor
13 does not have the ability to pay the assessment ~~fee~~. The
14 parent, guardian or legal custodian of the minor may pay some
15 or all of such assessment ~~fee~~ on the minor's behalf.

16 (d) All criminal laboratory analysis fees provided for by
17 this Section shall be collected by the clerk of the court and
18 forwarded to the appropriate crime laboratory fund as provided
19 in subsection (f).

20 (e) Crime laboratory funds shall be established as follows:

21 (1) Any unit of local government which maintains a
22 crime laboratory may establish a crime laboratory fund
23 within the office of the county or municipal treasurer.

24 (2) Any combination of units of local government which
25 maintains a crime laboratory may establish a crime
26 laboratory fund within the office of the treasurer of the

1 county where the crime laboratory is situated.

2 (3) The State Crime Laboratory Fund is hereby created
3 as a special fund in the State Treasury.

4 (f) The analysis assessment fee provided for in subsection
5 ~~subsections (b) and (c)~~ of this Section shall be forwarded to
6 the office of the treasurer of the unit of local government
7 that performed the analysis if that unit of local government
8 has established a crime laboratory fund, or to the State Crime
9 Laboratory Fund if the analysis was performed by a laboratory
10 operated by the Illinois State Police. If the analysis was
11 performed by a crime laboratory funded by a combination of
12 units of local government, the analysis assessment fee shall be
13 forwarded to the treasurer of the county where the crime
14 laboratory is situated if a crime laboratory fund has been
15 established in that county. If the unit of local government or
16 combination of units of local government has not established a
17 crime laboratory fund, then the analysis assessment fee shall
18 be forwarded to the State Crime Laboratory Fund. ~~The clerk of~~
19 ~~the circuit court may retain the amount of \$10 from each~~
20 ~~collected analysis fee to offset administrative costs incurred~~
21 ~~in carrying out the clerk's responsibilities under this~~
22 ~~Section.~~

23 (g) Moneys Fees deposited into a crime laboratory fund
24 created pursuant to paragraphs (1) or (2) of subsection (e) of
25 this Section shall be in addition to any allocations made
26 pursuant to existing law and shall be designated for the

1 exclusive use of the crime laboratory. These uses may include,
2 but are not limited to, the following:

3 (1) costs incurred in providing analysis for
4 controlled substances in connection with criminal
5 investigations conducted within this State;

6 (2) purchase and maintenance of equipment for use in
7 performing analyses; and

8 (3) continuing education, training and professional
9 development of forensic scientists regularly employed by
10 these laboratories.

11 (h) Moneys ~~Fees~~ deposited in the State Crime Laboratory
12 Fund created pursuant to paragraph (3) of subsection (d) of
13 this Section shall be used by State crime laboratories as
14 designated by the Director of State Police. These funds shall
15 be in addition to any allocations made pursuant to existing law
16 and shall be designated for the exclusive use of State crime
17 laboratories. These uses may include those enumerated in
18 subsection (g) of this Section.

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

20 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

21 Sec. 5-9-1.7. Sexual assault fines.

22 (a) Definitions. The terms used in this Section shall have
23 the following meanings ascribed to them:

24 (1) "Sexual assault" means the commission or attempted
25 commission of the following: sexual exploitation of a

1 child, criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual assault,
3 criminal sexual abuse, aggravated criminal sexual abuse,
4 indecent solicitation of a child, public indecency, sexual
5 relations within families, promoting juvenile
6 prostitution, soliciting for a juvenile prostitute,
7 keeping a place of juvenile prostitution, patronizing a
8 juvenile prostitute, juvenile pimping, exploitation of a
9 child, obscenity, child pornography, aggravated child
10 pornography, harmful material, or ritualized abuse of a
11 child, as those offenses are defined in the Criminal Code
12 of 1961 or the Criminal Code of 2012.

13 (2) (Blank). ~~"Family member" shall have the meaning~~
14 ~~ascribed to it in Section 11 0.1 of the Criminal Code of~~
15 ~~2012.~~

16 (3) "Sexual assault organization" means any
17 not-for-profit organization providing comprehensive,
18 community-based services to victims of sexual assault.
19 "Community-based services" include, but are not limited
20 to, direct crisis intervention through a 24-hour response,
21 medical and legal advocacy, counseling, information and
22 referral services, training, and community education.

23 (b) (Blank). ~~Sexual assault fine; collection by clerk.~~

24 ~~(1) In addition to any other penalty imposed, a fine of~~
25 ~~\$200 shall be imposed upon any person who pleads guilty or~~
26 ~~who is convicted of, or who receives a disposition of court~~

1 ~~supervision for, a sexual assault or attempt of a sexual~~
2 ~~assault. Upon request of the victim or the victim's~~
3 ~~representative, the court shall determine whether the fine~~
4 ~~will impose an undue burden on the victim of the offense.~~
5 ~~For purposes of this paragraph, the defendant may not be~~
6 ~~considered the victim's representative. If the court finds~~
7 ~~that the fine would impose an undue burden on the victim,~~
8 ~~the court may reduce or waive the fine. The court shall~~
9 ~~order that the defendant may not use funds belonging solely~~
10 ~~to the victim of the offense for payment of the fine.~~

11 ~~(2) Sexual assault fines shall be assessed by the court~~
12 ~~imposing the sentence and shall be collected by the circuit~~
13 ~~clerk. The circuit clerk shall retain 10% of the penalty to~~
14 ~~cover the costs involved in administering and enforcing~~
15 ~~this Section. The circuit clerk shall remit the remainder~~
16 ~~of each fine within one month of its receipt to the State~~
17 ~~Treasurer for deposit as follows:~~

18 ~~(i) for family member offenders, one half to the~~
19 ~~Sexual Assault Services Fund, and one half to the~~
20 ~~Domestic Violence Shelter and Service Fund; and~~

21 ~~(ii) for other than family member offenders, the~~
22 ~~full amount to the Sexual Assault Services Fund.~~

23 (c) Sexual Assault Services Fund; administration. There is
24 created a Sexual Assault Services Fund. Moneys deposited into
25 the Fund under Section 15-20 and 15-40 of the Criminal and
26 Traffic Assessment Act ~~this Section~~ shall be appropriated to

1 the Department of Public Health. Upon appropriation of moneys
2 from the Sexual Assault Services Fund, the Department of Public
3 Health shall make grants of these moneys from the Fund to
4 sexual assault organizations with whom the Department has
5 contracts for the purpose of providing community-based
6 services to victims of sexual assault. Grants made under this
7 Section are in addition to, and are not substitutes for, other
8 grants authorized and made by the Department.

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;
10 97-1150, eff. 1-25-13.)

11 (730 ILCS 5/5-9-1.9)

12 Sec. 5-9-1.9. DUI analysis fee.

13 (a) "Crime laboratory" means a not-for-profit laboratory
14 substantially funded by a single unit or combination of units
15 of local government or the State of Illinois that regularly
16 employs at least one person engaged in the DUI analysis of
17 blood, other bodily substance, and urine for criminal justice
18 agencies in criminal matters and provides testimony with
19 respect to such examinations.

20 "DUI analysis" means an analysis of blood, other bodily
21 substance, or urine for purposes of determining whether a
22 violation of Section 11-501 of the Illinois Vehicle Code has
23 occurred.

24 (b) (Blank). ~~When a person has been adjudged guilty of an~~
25 ~~offense in violation of Section 11-501 of the Illinois Vehicle~~

1 ~~Code, in addition to any other disposition, penalty, or fine~~
2 ~~imposed, a crime laboratory DUI analysis fee of \$150 for each~~
3 ~~offense for which the person was convicted shall be levied by~~
4 ~~the court for each case in which a laboratory analysis~~
5 ~~occurred. Upon verified petition of the person, the court may~~
6 ~~suspend payment of all or part of the fee if it finds that the~~
7 ~~person does not have the ability to pay the fee.~~

8 (c) In addition to any other disposition made under the
9 provisions of the Juvenile Court Act of 1987, any minor
10 adjudicated delinquent for an offense which if committed by an
11 adult would constitute a violation of Section 11-501 of the
12 Illinois Vehicle Code shall pay ~~be assessed~~ a crime laboratory
13 DUI analysis assessment ~~fee~~ of \$150 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 the assessment ~~fee~~ on the minor's behalf.

19 (d) All crime laboratory DUI analysis assessments ~~fees~~
20 provided for by this Section shall be collected by the clerk of
21 the court and forwarded to the appropriate crime laboratory DUI
22 fund as provided in subsection (f).

23 (e) Crime laboratory funds shall be established as follows:

24 (1) A unit of local government that maintains a crime
25 laboratory may establish a crime laboratory DUI fund within
26 the office of the county or municipal treasurer.

1 (2) Any combination of units of local government that
2 maintains a crime laboratory may establish a crime
3 laboratory DUI fund within the office of the treasurer of
4 the county where the crime laboratory is situated.

5 (3) The State Police DUI Fund is created as a special
6 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 DUI fund, or to the State
12 Treasurer for deposit into the State Police Operations
13 Assistance ~~DUI~~ Fund if the analysis was performed by a
14 laboratory operated by the Department of State Police. If the
15 analysis was performed by a crime laboratory funded by a
16 combination of units of local government, the analysis
17 assessment fee shall be forwarded to the treasurer of the
18 county where the crime laboratory is situated if a crime
19 laboratory DUI fund has been established in that county. If the
20 unit of local government or combination of units of local
21 government has not established a crime laboratory DUI fund,
22 then the analysis assessment fee shall be forwarded to the
23 State Treasurer for deposit into the State Police Operations
24 Assistance Fund ~~DUI Fund. The clerk of the circuit court may~~
25 ~~retain the amount of \$10 from each collected analysis fee to~~
26 ~~offset administrative costs incurred in carrying out the~~

1 ~~clerk's responsibilities under this Section.~~

2 (g) Moneys Fees deposited into a crime laboratory DUI fund
3 created under paragraphs (1) and (2) of subsection (e) of this
4 Section shall be in addition to any allocations made pursuant
5 to existing law and shall be designated for the exclusive use
6 of the crime laboratory. These uses may include, but are not
7 limited to, the following:

8 (1) Costs incurred in providing analysis for DUI
9 investigations conducted within this State.

10 (2) Purchase and maintenance of equipment for use in
11 performing analyses.

12 (3) Continuing education, training, and professional
13 development of forensic scientists regularly employed by
14 these laboratories.

15 (h) Moneys Fees deposited in the State Police Operations
16 Assistance DUI Fund ~~created under paragraph (3) of subsection~~
17 ~~(e) of this Section~~ shall be used by State crime laboratories
18 as designated by the Director of State Police. These funds
19 shall be in addition to any allocations made according to
20 existing law and shall be designated for the exclusive use of
21 State crime laboratories. These uses may include those
22 enumerated in subsection (g) of this Section.

23 (Source: P.A. 99-697, eff. 7-29-16.)

24 (730 ILCS 5/5-9-1.11)

25 Sec. 5-9-1.11. Domestic Violence Abuser Services Violation

1 ~~of an order of protection;~~ Fund.

2 (a) (Blank). ~~In addition to any other penalty imposed, a~~
3 ~~fine of \$20 shall be imposed upon any person who is convicted~~
4 ~~of or placed on supervision for violation of an order of~~
5 ~~protection; provided that the offender and victim are family or~~
6 ~~household members as defined in Section 103 of the Illinois~~
7 ~~Domestic Violence Act of 1986.~~

8 ~~The additional amount shall be assessed by the court~~
9 ~~imposing sentence and shall be collected by the Circuit Clerk~~
10 ~~in addition to the fine, if any, and costs in the case. Each~~
11 ~~such additional penalty shall be remitted by the Circuit Clerk~~
12 ~~within one month after receipt to the State Treasurer for~~
13 ~~deposit into the Domestic Violence Abuser Services Fund. The~~
14 ~~Circuit Clerk shall retain 10% of the penalty to cover the~~
15 ~~costs incurred in administering and enforcing this Section. The~~
16 ~~additional penalty shall not be considered a part of the fine~~
17 ~~for purposes of any reduction in the fine for time served~~
18 ~~either before or after sentencing.~~

19 ~~The State Treasurer shall deposit into the Domestic~~
20 ~~Violence Abuser Services Fund each fine received from circuit~~
21 ~~clerks under Section 5-9-1.5 of the Unified Code of~~
22 ~~Corrections.~~

23 ~~Upon request of the victim or the victim's representative,~~
24 ~~the court shall determine whether the fine will impose an undue~~
25 ~~burden on the victim of the offense. For purposes of this~~
26 ~~paragraph, the defendant may not be considered the victim's~~

1 ~~representative. If the court finds that the fine would impose~~
2 ~~an undue burden on the victim, the court may reduce or waive~~
3 ~~the fine. The court shall order that the defendant may not use~~
4 ~~funds belonging solely to the victim of the offense for payment~~
5 ~~of the fine.~~

6 ~~Not later than March 1 of each year the Clerk of the~~
7 ~~Circuit Court shall submit to the State Comptroller a report of~~
8 ~~the amount of funds remitted by her or him to the State~~
9 ~~Treasurer under this Section during the preceding calendar~~
10 ~~year. Except as otherwise provided by Supreme Court Rules, if a~~
11 ~~court in sentencing an offender levies a gross amount for fine,~~
12 ~~costs, fees and penalties, the amount of the additional penalty~~
13 ~~provided for in this Section shall be collected from the amount~~
14 ~~remaining after deducting from the gross amount levied all fees~~
15 ~~of the Circuit Clerk, the State's Attorney, and the Sheriff.~~
16 ~~After deducting from the gross amount levied the fees and~~
17 ~~additional penalty provided for in this Section, less any other~~
18 ~~additional penalties provided by law, the clerk shall remit the~~
19 ~~net balance remaining to the entity authorized by law to~~
20 ~~receive the fine imposed in the case. For purposes of this~~
21 ~~Section "Fees of the Circuit Clerk" shall include, if~~
22 ~~applicable, the fee provided for under Section 27.3a of the~~
23 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~
24 ~~county in which the violation occurred under Section 5-1101 of~~
25 ~~the Counties Code.~~

26 (b) Domestic Violence Abuser Services Fund;

1 administration. There is created a Domestic Violence Abuser
2 Services Fund in the State Treasury. Moneys deposited into the
3 Fund under Section 15-70 of the Criminal and Traffic
4 Assessments Act ~~this Section~~ shall be appropriated to the
5 Department of Human Services for the purpose of providing
6 services specified by this Section. Upon appropriation of
7 moneys from the Domestic Violence Abuser Services Fund, the
8 Department of Human Services shall set aside 10% of all
9 appropriated funds for the purposes of program training,
10 development and assessment. The Department shall make grants of
11 all remaining moneys from the Fund to qualified domestic
12 violence abuser services programs through a competitive
13 application process. A "qualified domestic violence abuser
14 services program" is one which the Department determines is in
15 compliance with protocols for abuser services promulgated by
16 the Department. To the extent possible the Department shall
17 ensure that moneys received from penalties imposed by courts in
18 judicial districts are returned to qualified abuser services
19 programs serving those districts.

20 (Source: P.A. 90-241, eff. 1-1-98.)

21 (730 ILCS 5/5-9-1.16)

22 Sec. 5-9-1.16. Protective order violation service provider
23 fees.

24 (a) (Blank). ~~There shall be added to every penalty imposed~~
25 ~~in sentencing for a violation of an order of protection under~~

1 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~
2 ~~Criminal Code of 2012 an additional fee to be set in an amount~~
3 ~~not less than \$200 to be imposed upon a plea of guilty or~~
4 ~~finding of guilty resulting in a judgment of conviction.~~

5 (b) (Blank). ~~Such additional amount shall be assessed by~~
6 ~~the court imposing sentence and shall be collected by the~~
7 ~~Circuit Clerk in addition to the fine, if any, and costs in the~~
8 ~~case to be used by the supervising authority in implementing~~
9 ~~the domestic violence surveillance program. The clerk of the~~
10 ~~circuit court shall pay all monies collected from this fee to~~
11 ~~the county treasurer for deposit in the probation and court~~
12 ~~services fund under Section 15.1 of the Probation and~~
13 ~~Probations Officers Act.~~

14 (c) The supervising authority of a domestic violence
15 surveillance program under Section 5-8A-7 of this Act shall
16 assess a person either convicted of, or charged with, the
17 violation of an order of protection an additional service
18 provider fee to cover the costs of providing the equipment used
19 and the additional supervision needed for such domestic
20 violence surveillance program. If the court finds that the fee
21 would impose an undue burden on the victim, the court may
22 reduce or waive the fee. The court shall order that the
23 defendant may not use funds belonging solely to the victim of
24 the offense for payment of the fee.

25 When the supervising authority is the court or the
26 probation and court services department, the fee shall be

1 collected by the circuit court clerk. The clerk of the circuit
2 court shall pay all monies collected from this fee and all
3 other required probation fees that are assessed to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probations Officers
6 Act. In counties with a population of 2 million or more, when
7 the supervising authority is the court or the probation and
8 court services department, the fee shall be collected by the
9 supervising authority. In these counties, the supervising
10 authority shall pay all monies collected from this fee and all
11 other required probation fees that are assessed, to the county
12 treasurer for deposit in the probation and court services fund
13 under Section 15.1 of the Probation and Probation Officers Act.

14 When the supervising authority is the Department of
15 Corrections, the Department shall collect the fee for deposit
16 into the Department of Corrections Reimbursement and Education
17 Fund. ~~The Circuit Clerk shall retain 10% of such penalty and~~
18 ~~deposit that percentage into the Circuit Court Clerk Operation~~
19 ~~and Administrative Fund to cover the costs incurred in~~
20 ~~administering and enforcing this Section.~~

21 (d) (Blank).

22 (e) (Blank).

23 (Source: P.A. 99-933, eff. 1-27-17.)

24 (730 ILCS 5/5-9-1.21)

25 Sec. 5-9-1.21. Specialized Services for Survivors of Human

1 Trafficking Fund.

2 (a) There is created in the State treasury a Specialized
3 Services for Survivors of Human Trafficking Fund. Moneys
4 deposited into the Fund under this Section shall be available
5 for the Department of Human Services for the purposes in this
6 Section.

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

14 (c) If imposed, the fine shall be collected by the circuit
15 court clerk in addition to any other imposed fee. The circuit
16 court clerk shall retain \$50 to cover the costs in
17 administering and enforcing this Section. The circuit court
18 clerk shall remit the remainder of the fine within one month of
19 its receipt as follows:

20 (1) \$300 to the State Treasurer who shall deposit the
21 portion as follows:

22 (A) if the arresting or investigating agency is the
23 Department of State Police, into the State Police
24 Operations Assistance Fund;

25 (B) if the arresting or investigating agency is the
26 Department of Natural Resources, into the Conservation

1 Police Operations Assistance Fund;

2 (C) if the arresting or investigating agency is the
3 Secretary of State, into the Secretary of State Police
4 Services Fund;

5 (D) if the arresting or investigating agency is the
6 Illinois Commerce Commission, into the Public Utility
7 Fund; or

8 (E) if more than one of the State agencies in this
9 paragraph (1) is the arresting or investigating
10 agency, then equal shares with the shares deposited as
11 provided in the applicable subparagraph (A) through
12 (D) of this paragraph (1) shall be distributed equally
13 ~~between all State law enforcement agencies whose~~
14 ~~officers or employees conducted the investigation or~~
15 ~~prosecution that resulted in the finding of guilt; and~~

16 (2) the remainder of the fine shall be remitted to the
17 Department of Human Services for deposit into the
18 Specialized Services for Survivors of Human Trafficking
19 Fund.

20 (d) Upon appropriation of moneys from the Specialized
21 Services for Survivors of Human Trafficking Fund, the
22 Department of Human Services shall use these moneys to make
23 grants to non-governmental organizations to provide
24 specialized, trauma-informed services specifically designed to
25 address the priority service needs associated with
26 prostitution and human trafficking. Priority services include,

1 but are not limited to, community based drop-in centers,
2 emergency housing, and long-term safe homes. The Department
3 shall consult with prostitution and human trafficking
4 advocates, survivors, and service providers to identify
5 priority service needs in their respective communities.

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

9 (f) Notwithstanding any other law to the contrary, the
10 Specialized Services for Survivors of Human Trafficking Fund is
11 not subject to sweeps, administrative charge-backs, or any
12 other fiscal maneuver that would in any way transfer any
13 amounts from the Specialized Services for Survivors of Human
14 Trafficking Fund into any other fund of the State.

15 (Source: P.A. 98-1013, eff. 1-1-15.)

16 (730 ILCS 5/5-9-1.1 rep.)

17 (730 ILCS 5/5-9-1.1-5 rep.)

18 (730 ILCS 5/5-9-1.5 rep.)

19 (730 ILCS 5/5-9-1.6 rep.)

20 (730 ILCS 5/5-9-1.10 rep.)

21 (730 ILCS 5/5-9-1.12 rep.)

22 (730 ILCS 5/5-9-1.14 rep.)

23 (730 ILCS 5/5-9-1.15 rep.)

24 (730 ILCS 5/5-9-1.17 rep.)

25 (730 ILCS 5/5-9-1.18 rep.)

1 (730 ILCS 5/5-9-1.19 rep.)

2 (730 ILCS 5/5-9-1.20 rep.)

3 Section 905-93. The Unified Code of Corrections is amended
4 by repealing Sections 5-9-1.1, 5-9-1.1-5, 5-9-1.5, 5-9-1.6,
5 5-9-1.10, 5-9-1.12, 5-9-1.14, 5-9-1.15, 5-9-1.17, 5-9-1.18,
6 5-9-1.19, and 5-9-1.20.

7 Section 905-95. The County Jail Act is amended by changing
8 Section 17 as follows:

9 (730 ILCS 125/17) (from Ch. 75, par. 117)

10 Sec. 17. Bedding, clothing, fuel, and medical aid;
11 reimbursement for medical expenses. The Warden of the jail
12 shall furnish necessary bedding, clothing, fuel, and medical
13 services for all prisoners under his charge, and keep an
14 accurate account of the same. When services that result in
15 qualified medical expenses are required by any person held in
16 custody, the county, private hospital, physician or any public
17 agency which provides such services shall be entitled to obtain
18 reimbursement from the county for the cost of such services.
19 The county board of a county may adopt an ordinance or
20 resolution providing for reimbursement for the cost of those
21 services at the Department of Healthcare and Family Services'
22 rates for medical assistance. To the extent that such person is
23 reasonably able to pay for such care, including reimbursement
24 from any insurance program or from other medical benefit

1 programs available to such person, he or she shall reimburse
2 the county or arresting authority. If such person has already
3 been determined eligible for medical assistance under the
4 Illinois Public Aid Code at the time the person is detained,
5 the cost of such services, to the extent such cost exceeds
6 \$500, shall be reimbursed by the Department of Healthcare and
7 Family Services under that Code. A reimbursement under any
8 public or private program authorized by this Section shall be
9 paid to the county or arresting authority to the same extent as
10 would have been obtained had the services been rendered in a
11 non-custodial environment.

12 The sheriff or his or her designee may cause an application
13 for medical assistance under the Illinois Public Aid Code to be
14 completed for an arrestee who is a hospital inpatient. If such
15 arrestee is determined eligible, he or she shall receive
16 medical assistance under the Code for hospital inpatient
17 services only. An arresting authority shall be responsible for
18 any qualified medical expenses relating to the arrestee until
19 such time as the arrestee is placed in the custody of the
20 sheriff. However, the arresting authority shall not be so
21 responsible if the arrest was made pursuant to a request by the
22 sheriff. When medical expenses are required by any person held
23 in custody, the county shall be entitled to obtain
24 reimbursement from the County Jail Medical Costs Fund to the
25 extent moneys are available from the Fund. To the extent that
26 the person is reasonably able to pay for that care, including

1 reimbursement from any insurance program or from other medical
2 benefit programs available to the person, he or she shall
3 reimburse the county.

4 ~~The county shall be entitled to a \$10 fee for each~~
5 ~~conviction or order of supervision for a criminal violation,~~
6 ~~other than a petty offense or business offense. The fee shall~~
7 ~~be taxed as costs to be collected from the defendant, if~~
8 ~~possible, upon conviction or entry of an order of supervision.~~
9 ~~The fee shall not be considered a part of the fine for purposes~~
10 ~~of any reduction in the fine.~~

11 ~~All such fees collected shall be deposited by the county in~~
12 ~~a fund to be established and known as the County Jail Medical~~
13 ~~Costs Fund. Moneys in the Fund shall be used solely for~~
14 ~~reimbursement to the county of costs for medical expenses and~~
15 ~~administration of the Fund.~~

16 For the purposes of this Section, "arresting authority"
17 means a unit of local government, other than a county, which
18 employs peace officers and whose peace officers have made the
19 arrest of a person. For the purposes of this Section,
20 "qualified medical expenses" include medical and hospital
21 services but do not include (i) expenses incurred for medical
22 care or treatment provided to a person on account of a
23 self-inflicted injury incurred prior to or in the course of an
24 arrest, (ii) expenses incurred for medical care or treatment
25 provided to a person on account of a health condition of that
26 person which existed prior to the time of his or her arrest, or

1 (iii) expenses for hospital inpatient services for arrestees
2 enrolled for medical assistance under the Illinois Public Aid
3 Code.

4 (Source: P.A. 95-842, eff. 8-15-08; 96-1280, eff. 7-26-10.)

5 Section 905-100. The Code of Civil Procedure is amended by
6 changing Section 5-105 as follows:

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

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

10 (a) As used in this Section:

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

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

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

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

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

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

1 hardship to the person or his or her family.

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

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

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

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

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

21 (i) the court shall waive 75% of all fees, costs,
22 and charges if the available income of the applicant is
23 greater than 200% but does not exceed 250% of the
24 poverty level, unless the assets of the applicant that
25 are not exempt under Part 9 or 10 of Article XII of
26 this Code are such that the applicant is able, without

1 undue hardship, to pay a greater portion of the fees,
2 costs, and charges;

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

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

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

1 established by Supreme Court Rule. Factors to consider in
2 evaluating an application shall include:

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

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

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

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

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

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

26 (c-5) The court shall provide, through the office of the

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

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

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

1 ~~court shall promptly mail or deliver a copy of the order to the~~
2 ~~applicant.~~

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

25 (f) The ~~court may~~ order granting a full or partial fees,
26 costs, and charges waiver shall expire after one year. Upon

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

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

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

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

1 accordance with subsection (e) of this Section. The court shall
2 not conduct a hearing under this subsection more often than
3 once every 6 months.

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

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

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

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

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

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

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

10 and

11 Article 999. Nonacceleration; Effective Date

12 Section 999-95. No acceleration or delay. Where this Act
13 makes changes in a statute that is represented in this Act by
14 text that is not yet or no longer in effect (for example, a
15 Section represented by multiple versions), the use of that text
16 does not accelerate or delay the taking effect of (i) the
17 changes made by this Act or (ii) provisions derived from any
18 other Public Act.

19 Section 999-99. Effective date. This Act takes effect July
20 1, 2017, except that Articles 1, 5, 10, 15, 25, and 905 take
21 effect on July 1, 2019."