



Sen. John G. Mulroe

**Filed: 4/20/2018**

10000SB2590sam001

LRB100 17152 MRW 39040 a

1 AMENDMENT TO SENATE BILL 2590

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2590 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 schedules 1 through 13 of this Act.

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

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

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

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 a  
7 term of imprisonment in a penitentiary for one year or more is  
8 provided.

9 "Fine" means a pecuniary punishment for a conviction as  
10 ordered by a court of law.

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

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

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

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

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

25 "Service provider costs" means costs incurred as a result  
26 of services provided by an entity including, but not limited

1 to, traffic safety programs, laboratories, ambulance  
2 companies, and fire departments. "Service provider costs"  
3 includes conditional amounts under this Act that are  
4 reimbursements for services provided.

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

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

19 Article 5. Assessment Procedures

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

1 Section 5-10. Schedules; payment.

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

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

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

1 installments.

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

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

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

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

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



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

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

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

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

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

4 Article 10. Funds

5 Section 10-5. Funds.

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

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

1 need not create the fund and may instead deposit the money  
2 intended for the fund into the general fund of the county or  
3 unit of local government for use in financing the court system.

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

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

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

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

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

18 (d) Fund descriptions and provisions:

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

1 to the automation of court records including hardware,  
2 software, research and development costs, and personnel  
3 costs related to the foregoing, provided that the  
4 expenditure is approved by the clerk of the court and by  
5 the chief judge of the circuit court or his or her  
6 designee.

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

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

26 (4) The State's Attorney Records Automation Fund is to

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

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

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

1 crime, including, but not limited to, DUI training; and  
2 police officer salaries, including, but not limited to,  
3 salaries for hire back funding for safety checkpoints,  
4 saturation patrols, and liquor store sting operations. Any  
5 moneys received by the Department of State Police shall be  
6 deposited into the State Police Operations Assistance Fund  
7 and those moneys and moneys in the State Police DUI Fund  
8 shall be used to purchase law enforcement equipment that  
9 will assist in the prevention of alcohol related criminal  
10 violence throughout the State. The money shall be remitted  
11 monthly by the clerk to the State or local treasurer for  
12 deposit as provided by law.

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

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

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

25 (10) The Drug Treatment Fund is a special fund in the  
26 State treasury. Moneys in the Fund shall be expended as

1 provided in Section 411.2 of the Illinois Controlled  
2 Substances Act.

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

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

25 (13) The Sexual Assault Services Fund shall be  
26 appropriated to the Department of Public Health. Upon

1 appropriation of moneys from the Sexual Assault Services  
2 Fund, the Department of Public Health shall make grants of  
3 these moneys to sexual assault organizations with whom the  
4 Department has contracts for the purpose of providing  
5 community-based services to victims of sexual assault.  
6 Grants are in addition to, and are not substitutes for,  
7 other grants authorized and made by the Department.

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

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

19 (16) In each county in which Court Appointed Special  
20 Advocates provide services, a Child Advocacy Center Fund,  
21 specifically for the operations of the Court Appointed  
22 Special Advocates, from which the county board shall make  
23 grants to support the activities and services of the Court  
24 Appointed Special Advocates within that county. The term  
25 "Court Appointed Special Advocates" is copyrighted and is  
26 used with permission of the holder of the copyright.



1 Article 15. Assessment Schedules

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

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

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

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

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

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

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

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

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

22 (A) \$50 into the State Police Operations Assistance  
23 Fund;

24 (B) \$100 into the Violent Crime Victims Assistance

1 Fund;

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

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

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

12 (1) As the county's portion, \$399 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) \$300 into the county's General Fund;

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

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

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

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

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

1           (2) As the State's portion, \$1,010 to the State Treasurer,  
2 who shall deposit the money as follows:

3           (A) \$730 into the State Police Operations Assistance  
4 Fund;

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

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

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

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

11           (F) \$160 into the Traffic and Criminal Conviction  
12 Surcharge Fund; and

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

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

22           Section 15-15. SCHEDULE 3; felony drug offenses. SCHEDULE  
23 3: For a felony under the Illinois Controlled Substances Act,  
24 the Cannabis Control Act, or the Methamphetamine Control and  
25 Community Protection Act, the Clerk of the Circuit Court shall

1 collect \$2,215 and remit as follows:

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

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

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

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

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

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

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

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

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

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

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

18 (A) \$50 into the State Police Operations Assistance  
19 Fund;

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

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

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

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

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

1 Fund;

2 (G) \$38 into the Prescription Pill and Drug Disposal  
3 Fund;

4 (H) \$28 into the Criminal Justice Information Projects  
5 Fund; and

6 (I) \$35 into the Traffic and Criminal Conviction  
7 Surcharge Fund.

8 Section 15-20. SCHEDULE 4; felony sex offenses. SCHEDULE 4:  
9 For a felony or attempted felony under Article 11 or Section  
10 12-33 of the Criminal Code of 2012, the Clerk of the Circuit  
11 Court shall collect \$1,314 and remit as follows:

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

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

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

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

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

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

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

3           (A) \$520 into the State Police Operations Assistance  
4 Fund;

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

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

8           (D) \$100 into the Domestic Violence Shelter and  
9 Services Fund;

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

12           (F) \$35 into the Traffic and Criminal Conviction  
13 Surcharge Fund.

14           Section 15-25. SCHEDULE 5; generic misdemeanor offenses.  
15 SCHEDULE 5: Unless assessments are imposed under another  
16 schedule of this Act, for a misdemeanor offense, the Clerk of  
17 the Circuit Court shall collect \$449 and remit as follows:

18           (1) As the county's portion, \$282 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) \$8 into the Circuit Court Clerk Electronic Citation  
25 Fund;

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

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

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

5 (H) \$2 into the Public Defender Records Automation  
6 Fund;

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

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

9 (2) As the State's portion, \$165 to the State Treasurer,  
10 who shall deposit the money as follows:

11 (A) \$50 into the State Police Operations Assistance  
12 Fund;

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

15 (C) \$85 into the Violent Crime Victims Assistance Fund;  
16 and

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

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

1           Section 15-30. SCHEDULE 6; misdemeanor DUI offenses.  
2 SCHEDULE 6: For a misdemeanor under Section 11-501 of the  
3 Illinois Vehicle Code, Section 5-7 of the Snowmobile  
4 Registration and Safety Act, Section 5-16 of the Boat  
5 Registration and Safety Act, or a similar provision of a local  
6 ordinance, the Clerk of the Circuit Court shall collect \$1,306  
7 and remit as follows:

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

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

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

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

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

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

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

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

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

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

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

24           (2) As the State's portion, \$632 to the State Treasurer,  
25 who shall deposit the money as follows:



1 (A) \$330 into the State Police Operations Assistance  
2 Fund;

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

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

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

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

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

10 (G) \$160 into the Traffic and Criminal Conviction  
11 Surcharge Fund; and

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

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

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

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

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

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

1 Section 15-35. SCHEDULE 7; misdemeanor drug offenses.  
2 SCHEDULE 7: For a misdemeanor under the Illinois Controlled  
3 Substances Act, the Cannabis Control Act, or the  
4 Methamphetamine Control and Community Protection Act, the  
5 Clerk of the Circuit Court shall collect \$915 and remit as  
6 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (B) \$85 into the Violent Crime Victims Assistance Fund;  
2 (C) \$100 into the Trauma Center Fund;  
3 (D) \$5 into the Spinal Cord Injury Paralysis Cure  
4 Research Trust Fund;  
5 (E) \$300 into the Drug Treatment Fund;  
6 (F) \$38 into the Prescription Pill and Drug Disposal  
7 Fund;  
8 (G) \$28 into the Criminal Justice Information Projects  
9 Fund;  
10 (H) \$5 into the State Police Merit Board Public Safety  
11 Fund; and  
12 (I) \$20 into the Traffic and Criminal Conviction  
13 Surcharge Fund.

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

22 Section 15-40. SCHEDULE 8; misdemeanor sex offenses.  
23 SCHEDULE 8: For a misdemeanor or attempted misdemeanor under  
24 Article 11 of the Criminal Code of 2012, the Clerk of the  
25 Circuit Court shall collect \$1,194 and remit as follows:

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

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

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

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

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

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

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

17 (2) As the State's portion, \$910 to the State Treasurer,  
18 who shall deposit the money as follows:

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

21 (B) \$85 into the Violent Crime Victims Assistance Fund;

22 (C) \$200 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) \$20 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 \$320 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, \$203 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) \$150 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 \$37 to be remitted to the  
3 county treasurer of which \$5 shall be deposited into the Court  
4 Automation Fund, \$5 shall be deposited into the Court Document  
5 Storage Fund, \$2 shall be deposited into the State's Attorneys  
6 Records Automation Fund, \$2 shall be deposited into the Public  
7 Defenders Records Automation Fund, \$10 shall be deposited into  
8 the Probation and Court Services Fund, and the remainder shall  
9 be used for purposes related to the operation of the court  
10 system.

11 (2) As the State's portion, \$92 to the State Treasurer, who  
12 shall deposit the money as follows:

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

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

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

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

19 (E) \$40 into the Traffic and Criminal Conviction  
20 Surcharge Fund.

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

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

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

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

10 Section 15-50. SCHEDULE 10; minor traffic offenses.  
11 SCHEDULE 10: For a minor traffic offense, the Clerk of the  
12 Circuit Court shall collect \$223 plus, if applicable, the  
13 amount established under paragraph (1.5) of this Section and  
14 remit as follows:

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

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

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

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

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

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

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

1 additional assessment not to exceed \$28 to be remitted to the  
2 county treasurer of which \$5 shall be deposited into the Court  
3 Automation Fund, \$5 shall be deposited into the Court Document  
4 Storage Fund, \$2 shall be deposited into the State's Attorneys  
5 Records Automation Fund, \$2 shall be deposited into the Public  
6 Defenders Records Automation Fund, \$10 shall be deposited into  
7 the Probation and Court Services Fund, and the remainder shall  
8 be used for purposes related to the operation of the court  
9 system.

10 (2) As the State's portion, \$43 to the State Treasurer, who  
11 shall deposit the money as follows:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

24 (2) As the State's portion, \$92 to the State Treasurer, who  
25 shall deposit the money as follows:

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

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

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

7 Section 15-55. SCHEDULE 11; conservation offenses.  
8 SCHEDULE 11: For a conservation offense, the Clerk of the  
9 Circuit Court shall collect \$195 and remit as follows:

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

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

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

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

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

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

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

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

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

5 Section 15-60. SCHEDULE 12; dispositions under Supreme  
6 Court Rule 529. SCHEDULE 12: For a disposition under Supreme  
7 Court Rule 529, the Clerk of the Circuit Court shall collect  
8 \$160 and remit as follows:

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

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

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

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

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

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

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

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

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

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

25 (D) \$1 into the Law Enforcement Camera Grant Fund.

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

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

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

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

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

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

18           (1) As the county's portion, \$75, 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) \$8 into the Circuit Court Clerk Electronic Citation  
25 Fund; and

1 (E) \$22 into the county's General Fund.

2 (2) As the arresting agency's portion, \$25 as follows,  
3 unless more than one agency is responsible for the arrest in  
4 which case the amount shall be remitted to each unit of  
5 government equally:

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

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

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

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

15 Section 15-70. Conditional Assessments.

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

23 (1) arson, residential arson, or aggravated arson,  
24 \$500 per conviction to the State Treasurer for deposit into  
25 the Fire Prevention Fund;

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

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

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

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

26           (4) DNA analysis, \$250 on each conviction in which it

1 was used to the State Treasurer for deposit into the State  
2 Offender DNA Identification System Fund as set forth in  
3 Section 5-4-3 of the Unified Code of Corrections;

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 be disbursed as follows:

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

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

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

26 (D) if the arrest was made in combination with

1 multiple law enforcement agencies, the clerk shall  
2 equitably allocate the portion in subparagraph (C) of  
3 this paragraph (6) among the law enforcement agencies  
4 involved in the arrest;

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

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



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

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

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

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

22 (D) if the arrest was made in combination with  
23 multiple law enforcement agencies, the clerk shall  
24 equitably allocate the portion in subparagraph (C) of  
25 this paragraph (6) among the law enforcement agencies  
26 involved in the arrest;

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

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

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

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

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

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

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

5 (13) victim and offender are family or household  
6 members as defined in Section 103 of the Illinois Domestic  
7 Violence Act of 1986 and offender pleads guilty or no  
8 contest to or is convicted of murder, voluntary  
9 manslaughter, involuntary manslaughter, burglary,  
10 residential burglary, criminal trespass to residence,  
11 criminal trespass to vehicle, criminal trespass to land,  
12 criminal damage to property, telephone harassment,  
13 kidnapping, aggravated kidnaping, unlawful restraint,  
14 forcible detention, child abduction, indecent solicitation  
15 of a child, sexual relations between siblings,  
16 exploitation of a child, child pornography, assault,  
17 aggravated assault, battery, aggravated battery, heinous  
18 battery, aggravated battery of a child, domestic battery,  
19 reckless conduct, intimidation, criminal sexual assault,  
20 predatory criminal sexual assault of a child, aggravated  
21 criminal sexual assault, criminal sexual abuse, aggravated  
22 criminal sexual abuse, violation of an order of protection,  
23 disorderly conduct, endangering the life or health of a  
24 child, child abandonment, contributing to dependency or  
25 neglect of child, or cruelty to children and others, \$200  
26 for each sentenced violation to the State Treasurer for

1 deposit as follows: (i) for sexual assault, as defined in  
2 Section 5-9-1.7 of the Unified Code of Corrections, when  
3 the offender and victim are family members, one-half to the  
4 Domestic Violence Shelter and Service Fund, and one-half to  
5 the Sexual Assault Services Fund; (ii) for the remaining  
6 offenses to the Domestic Violence Shelter and Service Fund;

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

20 (15) violation of Section 401, 407, or 407.2 of the  
21 Illinois Controlled Substances Act that proximately caused  
22 any incident resulting in an appropriate drug-related  
23 emergency response, \$1,000 as reimbursement for the  
24 emergency response to the law enforcement agency that made  
25 the arrest, and if more than one agency is responsible for  
26 the arrest, the amount payable to law enforcement agencies

1 shall be shared equally;

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

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

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

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

23 (i) if the arresting or investigating agency  
24 is the Department of State Police, into the State  
25 Police Operations Assistance Fund;

26 (ii) if the arresting or investigating agency

1 is the Department of Natural Resources, into the  
2 Conservation Police Operations Assistance Fund;

3 (iii) if the arresting or investigating agency  
4 is the Secretary of State, into the Secretary of  
5 State Police Services Fund;

6 (iv) if the arresting or investigating agency  
7 is the Illinois Commerce Commission, into the  
8 Public Utility Fund; or

9 (v) if more than one of the State agencies in  
10 this subparagraph (B) is the arresting or  
11 investigating agency, then equal shares with the  
12 shares deposited as provided in the applicable  
13 items (i) through (iv) of this subparagraph (B);  
14 and

15 (C) the remainder for deposit into the Specialized  
16 Services for Survivors of Human Trafficking Fund; and

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

21 Article 20. Repeal

22 Section 20-5. Repeal. This Act is repealed on January 1,  
23 2021.

1 Article 900. Amendatory Provisions effective July 1, 2018

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

4 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

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

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

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

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

21 (b) In addition to any penalty imposed under subsection (a)  
22 of this Section, a fine of \$100 shall be levied by the court,  
23 the proceeds of which shall be collected by the Circuit Clerk  
24 and remitted to the State Treasurer under Section 27.6 of the

1 Clerks of Courts Act for deposit into the Trauma Center Fund  
2 for distribution as provided under Section 3.225 of the  
3 Emergency Medical Services (EMS) Systems Act.

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

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



1 ~~after June 30, 2011.~~

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

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

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

2 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,  
3 97-545, 98-537, and 99-480)

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

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

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

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

25 (c) In addition to any penalty imposed under subsection (a)

1 of this Section, a fee of \$5 shall be assessed by the court,  
2 the proceeds of which shall be collected by the Circuit Clerk  
3 and remitted to the State Treasurer under Section 27.6 of the  
4 Clerks of Courts Act for deposit into the Spinal Cord Injury  
5 Paralysis Cure Research Trust Fund. This additional fee of \$5  
6 shall not be considered a part of the fine for purposes of any  
7 reduction in the fine for time served either before or after  
8 sentencing.

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

24 (e) In addition to any penalty imposed under subsection (a)  
25 of this Section, a \$25 assessment shall be assessed by the  
26 court, the proceeds of which shall be collected by the Circuit

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

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

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

24 (730 ILCS 5/5-9-1.1-5)

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

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

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

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

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

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

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

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

1 Article 905. Amendatory Provisions effective July 1, 2019

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

4 (20 ILCS 1310/3.2) (from Ch. 40, par. 2403.2)

5 Sec. 3.2. All funds collected pursuant to P.A. 82-645,  
6 which are held in escrow for refund and for which a refund is  
7 not approved by September 1, 1988, shall be forwarded to the  
8 State Treasurer for deposit into the Domestic Violence Shelter  
9 and Service Fund. The Domestic Violence Shelter and Service  
10 Fund shall also include assessments ~~finer~~ received by the State  
11 Treasurer from circuit clerks under the Criminal and Traffic  
12 Assessment Act ~~in accordance with Section 5-9-1.5 of the~~  
13 ~~Unified Code of Corrections~~. Monies deposited in the Fund  
14 pursuant to this Section and the income tax check-off for the  
15 Domestic Violence Shelter and Service Fund authorized by  
16 Section 507F of the Illinois Income Tax Act shall be  
17 appropriated to the Department of Human Services for the  
18 purpose of providing services specified by this Act; however,  
19 the Department may waive the matching funds requirement of this  
20 Act with respect to such monies. Any such waiver shall be  
21 uniform throughout the State. This amendatory Act of 1987  
22 applies to all funds collected pursuant to PA 82-645, held in  
23 escrow and for which no refund is approved by September 1,

1 1988, whether those funds are administered by the State, a  
2 county, a court, or any other unit or agency of government.  
3 (Source: P.A. 89-507, eff. 7-1-97.)

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

6 (20 ILCS 1410/10)

7 Sec. 10. Payments to the George Bailey Memorial Fund. The  
8 George Bailey Memorial Fund is created as a special fund in the  
9 State treasury. ~~The George Bailey Memorial Fund shall be funded~~  
10 ~~pursuant to subsection (p) of Section 27.6 of the Clerks of~~  
11 ~~Courts Act and Section 16-104d of the Illinois Vehicle Code.~~  
12 Funds received under Section 16-104d of the Illinois Vehicle  
13 Code shall be repaid in full to the Fire Truck Revolving Loan  
14 Fund, without the deduction of the 20% administrative fee  
15 authorized in subsection (b) of Section 5, upon receipt by the  
16 George Bailey Memorial Fund from the person or his or her  
17 estate, trust, or heirs of any moneys from a settlement for the  
18 injury that is the proximate cause of the person's disability  
19 under this Act or moneys received from Social Security  
20 disability benefits. Moneys in the George Bailey Memorial Fund  
21 may only be used for the purposes set forth in this Act.  
22 (Source: P.A. 99-455, eff. 1-1-16.)

23 Section 905-15. The State Police Act is amended by changing



1 Section 7.2 as follows:

2 (20 ILCS 2610/7.2)

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

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

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

18 (c) The administration of this Fund shall be the  
19 responsibility of the State Police Merit Board. The Board shall  
20 establish terms and conditions for the operation of the Fund.  
21 The Board shall establish and implement fiscal controls and  
22 accounting periods for programs operated using the Fund. All  
23 fees or moneys received by the State Treasurer under the  
24 Criminal and Traffic Assessment Act ~~subsection (n) of Section~~  
25 ~~27.6 of the Clerks of Courts Act~~ shall be deposited into the

1 Fund. The moneys deposited in the State Police Merit Board  
2 Public Safety Fund shall be appropriated to the State Police  
3 Merit Board for expenses of the Board for the administration  
4 and conduct of all its programs for State Police personnel.

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

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

8 (20 ILCS 3930/9.1)

9 Sec. 9.1. Criminal Justice Information Projects Fund. The  
10 Criminal Justice Information Projects Fund is hereby created as  
11 a special fund in the State Treasury. Grants and other moneys  
12 obtained by the Authority from governmental entities (other  
13 than the federal government), private sources, and  
14 not-for-profit organizations for use in investigating criminal  
15 justice issues or undertaking other criminal justice  
16 information projects shall be deposited into the Fund. Moneys  
17 in the Fund may be used by the Authority, subject to  
18 appropriation, for undertaking such projects and for the  
19 operating and other expenses of the Authority incidental to  
20 those projects, and for the costs associated with making grants  
21 from the Prescription Pill and Drug Disposal Fund. The moneys  
22 deposited into the Criminal Justice Information Projects Fund  
23 under Sections 15-15 and 15-35 of the Criminal and Traffic  
24 Assessment Act shall be appropriated to and administered by the

1 Illinois Criminal Justice Information Authority for  
2 distribution to fund Department of State Police drug task  
3 forces and Metropolitan Enforcement Groups by dividing the  
4 funds equally by the total number of Department of State Police  
5 drug task forces and Illinois Metropolitan Enforcement Groups.

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

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

10 (30 ILCS 105/5.886 new)

11 Sec. 5.886. The State Police Law Enforcement  
12 Administration Fund.

13 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

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

1 certificates to the Child Abuse Prevention Fund and one-half of  
2 the amount to the Domestic Violence Shelter and Service Fund.

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

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

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

14 (30 ILCS 105/6z-82)

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

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

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

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

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

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

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

14	State Police Vehicle Fund .....	\$2,250,000
15	State Police Wireless Service	
16	Emergency Fund .....	\$2,500,000
17	State Police Services Fund .....	\$3,500,000

18 (Source: P.A. 96-1029, eff. 7-13-10; 97-333, eff. 8-12-11;  
19 97-732, eff. 6-30-12.)

20 (30 ILCS 105/6z-87)

21 Sec. 6z-87. Conservation Police Operations Assistance  
22 Fund.

23 (a) There is created in the State treasury a special fund  
24 known as the Conservation Police Operations Assistance Fund.  
25 The Fund shall receive revenue under the Criminal and Traffic

1 ~~Assessment Act pursuant to Section 27.3a of the Clerks of~~  
2 ~~Courts Act.~~ The Fund may also receive revenue from grants,  
3 donations, appropriations, and any other legal source.

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

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

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

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

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

15 (30 ILCS 105/6z-105 new)

16 Sec. 6z-105. State Police Law Enforcement Administration  
17 Fund.

18 (a) There is created in the State treasury a special fund  
19 known as the State Police Law Enforcement Administration Fund.  
20 The Fund shall receive revenue under subsection (c) of Section  
21 10-5 of the Criminal and Traffic Assessment Act. The Fund may  
22 also receive revenue from grants, donations, appropriations,  
23 and any other legal source.

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

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

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

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

8       (30 ILCS 105/8p)

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

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

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

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

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

22       (30 ILCS 105/8q)

23       Sec. 8q. Illinois Department of Corrections Parole  
24 Division Offender Supervision Fund.

1 (a) The Illinois Department of Corrections Parole Division  
2 Offender Supervision Fund is created as a special fund in the  
3 State treasury.

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

11 (c) The Illinois Department of Corrections Parole Division  
12 Offender Supervision Fund shall not be subject to  
13 administrative chargebacks.

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

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

17 (30 ILCS 605/7c)

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

24 (1) for the acquisition of vehicles for that



1 Department; or

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

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

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

7 (50 ILCS 705/9) (from Ch. 85, par. 509)

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

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

20 (2) a portion of the total amount deposited in the Fund  
21 shall be appropriated for the reimbursement of local  
22 governmental agencies participating in training programs  
23 certified by the Board, in an amount equaling 1/2 of the  
24 total sum paid by such agencies during the State's previous

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

17 (3) a portion of the total amount deposited in the Fund  
18 may be used to fund the Intergovernmental Law Enforcement  
19 Officer's In-Service Training Act, veto overridden October  
20 29, 1981, as now or hereafter amended, at a rate and method  
21 to be determined by the board;

22 (4) a portion of the Fund also may be used by the  
23 Illinois Department of State Police for expenses incurred  
24 in the training of employees from any State, county or  
25 municipal agency whose function includes enforcement of  
26 criminal or traffic law;

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

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

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

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

26          (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14;

1 98-743, eff. 1-1-15; 99-78, eff. 7-20-15; 99-523, eff.  
2 6-30-16.)

3 (50 ILCS 705/9.1 rep.)

4 Section 905-37. Illinois Police Training Act is amended by  
5 repealing Section 9.1.

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

8 (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

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

1 for services of the sheriff and from any court services fees  
2 collected by the county under the Criminal and Traffic  
3 Assessment Act ~~pursuant to Section 5-1103, as now or hereafter~~  
4 ~~amended.~~

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

6 (55 ILCS 5/4-2004) (from Ch. 34, par. 4-2004)

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

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

21 (55 ILCS 5/4-2005) (from Ch. 34, par. 4-2005)

22 Sec. 4-2005. Payment of salaries; disposition of fees. The  
23 salaries of the State's attorneys, excepting that part which is  
24 to be paid out of the State treasury as now provided for by

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

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

20 (55 ILCS 5/4-2006) (from Ch. 34, par. 4-2006)

21 Sec. 4-2006. Report of fees.

22 (a) It is hereby made the duty of all State's attorneys to  
23 report to the circuit court at such times as the court shall  
24 determine by rule, the payment and collection of all fees,  
25 fines, forfeitures and penalties and to satisfy the court by

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

1 attorney shall have complied with the provisions of this  
2 Division or the orders of the court in regard thereto. The  
3 court, for the purpose of carrying out the provisions of this  
4 Section shall have the power to examine books and papers and to  
5 issue subpoenas to compel the appearance of persons and the  
6 production of books and records: Provided, however, no order  
7 entered under this Section shall be a bar to any proper  
8 proceedings against such State's attorney and his bondsman to  
9 require him to account for moneys collected and not paid over  
10 by him as required by law.

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

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

20 55 ILCS 5/3-4012 rep.

21 55 ILCS 5/4-2002 rep.

22 55 ILCS 5/4-2002.1 rep.

23 55 ILCS 5/5-1101 rep.

24 55 ILCS 5/5-1101.5 rep.

25 55 ILCS 5/5-1103 rep.



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

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

7 (625 ILCS 5/2-120) (from Ch. 95 1/2, par. 2-120)

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

9 (a) ~~Fines Except as provided in subsection (f) of Section~~  
10 ~~11-605 and subsection (c) of Section 11-1002.5 of this Code,~~  
11 ~~fines~~ and penalties recovered under the provisions of this Act  
12 administered by the Secretary of State, except those fines,  
13 assessments, and penalties subject to disbursement by the  
14 circuit clerk under the Criminal and Traffic Assessment Act  
15 ~~Section 27.5 of the Clerks of Courts Act,~~ shall be paid over  
16 and used as follows:

17 1. For violations of this Act committed within the  
18 limits of an incorporated city or village, to the treasurer  
19 of the particular city or village, if arrested by the  
20 authorities of the city or village and reasonably  
21 prosecuted for all fines and penalties under this Act by  
22 the police officers and officials of the city or village.

23 2. For violations of this Act committed outside the  
24 limits of an incorporated city or village to the county

1 treasurer of the court where the offense was committed.

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

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

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

15 (625 ILCS 5/6-118)

16 Sec. 6-118. Fees.

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

19	Original driver's license .....	\$30
20	Original or renewal driver's license	
21	issued to 18, 19 and 20 year olds .....	5
22	All driver's licenses for persons	
23	age 69 through age 80 .....	5
24	All driver's licenses for persons	
25	age 81 through age 86 .....	2

1 All driver's licenses for persons

2 age 87 or older ..... 0

3 Renewal driver's license (except for

4 applicants ages 18, 19 and 20 or

5 age 69 and older) ..... 30

6 Original instruction permit issued to

7 persons (except those age 69 and older)

8 who do not hold or have not previously

9 held an Illinois instruction permit or

10 driver's license ..... 20

11 Instruction permit issued to any person

12 holding an Illinois driver's license

13 who wishes a change in classifications,

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

15 Any instruction permit issued to a person

16 age 69 and older ..... 5

17 Instruction permit issued to any person,

18 under age 69, not currently holding a

19 valid Illinois driver's license or

20 instruction permit but who has

21 previously been issued either document

22 in Illinois ..... 10

23 Restricted driving permit ..... 8

24 Monitoring device driving permit ..... 8

25 Duplicate or corrected driver's license

26 or permit ..... 5

1 Duplicate or corrected restricted  
2 driving permit ..... 5  
3 Duplicate or corrected monitoring  
4 device driving permit ..... 5  
5 Duplicate driver's license or permit issued to  
6 an active-duty member of the  
7 United States Armed Forces,  
8 the member's spouse, or  
9 the dependent children living  
10 with the member ..... 0  
11 Original or renewal M or L endorsement..... 5

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

15 Commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 17 (Commercial Driver's License Information
- 18 System/American Association of Motor Vehicle
- 19 Administrators network/National Motor Vehicle
- 20 Title Information Service Trust Fund);
- 21 \$20 for the Motor Carrier Safety Inspection Fund;
- 22 \$10 for the driver's license;
- 23 and \$24 for the CDL: ..... \$60

24 Renewal commercial driver's license:

- 25 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
- 26 \$20 for the Motor Carrier Safety Inspection Fund;

1	\$10 for the driver's license; and	
2	\$24 for the CDL: .....	\$60
3	Commercial learner's permit	
4	issued to any person holding a valid	
5	Illinois driver's license for the	
6	purpose of changing to a	
7	CDL classification: \$6 for the	
8	CDLIS/AAMVAnet/NMVTIS Trust Fund;	
9	\$20 for the Motor Carrier	
10	Safety Inspection Fund; and	
11	\$24 for the CDL classification .....	\$50
12	Commercial learner's permit	
13	issued to any person holding a valid	
14	Illinois CDL for the purpose of	
15	making a change in a classification,	
16	endorsement or restriction .....	\$5
17	CDL duplicate or corrected license .....	\$5

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

23 The fee for any duplicate license or permit shall be waived  
 24 for any person who presents the Secretary of State's office  
 25 with a police report showing that his license or permit was  
 26 stolen.

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

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

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

14	Suspension under Section 3-707 .....	\$100
15	Suspension under Section 11-1431 .....	\$100
16	Summary suspension under Section 11-501.1 .....	\$250
17	Suspension under Section 11-501.9 .....	\$250
18	Summary revocation under Section 11-501.1 .....	\$500
19	Other suspension .....	\$70
20	Revocation .....	\$500

21 However, any person whose license or privilege to operate a  
22 motor vehicle in this State has been suspended or revoked for a  
23 second or subsequent time for a violation of Section 11-501,  
24 11-501.1, or 11-501.9 of this Code or a similar provision of a  
25 local ordinance or a similar out-of-state offense or Section  
26 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012

1 and each suspension or revocation was for a violation of  
 2 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar  
 3 provision of a local ordinance or a similar out-of-state  
 4 offense or Section 9-3 of the Criminal Code of 1961 or the  
 5 Criminal Code of 2012 shall pay, in addition to any other fees  
 6 required by this Code, a reinstatement fee as follows:

7	Summary suspension under Section 11-501.1 .....	\$500
8	Suspension under Section 11-501.9 .....	\$500
9	Summary revocation under Section 11-501.1 .....	\$500
10	Revocation .....	\$500

11 (c) All fees collected under the provisions of this Chapter  
 12 6 shall be disbursed under subsection (g) of Section 2-119 of  
 13 this Code, except as follows:

14 1. The following amounts shall be paid into the Drivers  
 15 Education Fund:

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

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

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

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

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

26 2. \$30 of the \$250 fee for reinstatement of a license

1 summarily suspended under Section 11-501.1 or suspended  
2 under Section 11-501.9 shall be deposited into the Drunk  
3 and Drugged Driving Prevention Fund. However, for a person  
4 whose license or privilege to operate a motor vehicle in  
5 this State has been suspended or revoked for a second or  
6 subsequent time for a violation of Section 11-501,  
7 11-501.1, or 11-501.9 of this Code or Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of  
9 the \$500 fee for reinstatement of a license summarily  
10 suspended under Section 11-501.1 or suspended under  
11 Section 11-501.9, and \$190 of the \$500 fee for  
12 reinstatement of a revoked license shall be deposited into  
13 the Drunk and Drugged Driving Prevention Fund. \$190 of the  
14 \$500 fee for reinstatement of a license summarily revoked  
15 pursuant to Section 11-501.1 shall be deposited into the  
16 Drunk and Drugged Driving Prevention Fund.

17 3. \$6 of the original or renewal fee for a commercial  
18 driver's license and \$6 of the commercial learner's permit  
19 fee when the permit is issued to any person holding a valid  
20 Illinois driver's license, shall be paid into the  
21 CDLIS/AAMVAnet/NMVTIS Trust Fund.

22 4. \$30 of the \$70 fee for reinstatement of a license  
23 suspended under the Family Financial Responsibility Law  
24 shall be paid into the Family Responsibility Fund.

25 5. The \$5 fee for each original or renewal M or L  
26 endorsement shall be deposited into the Cycle Rider Safety



1 Training Fund.

2 6. \$20 of any original or renewal fee for a commercial  
3 driver's license or commercial learner's permit shall be  
4 paid into the Motor Carrier Safety Inspection Fund.

5 7. The following amounts shall be paid into the General  
6 Revenue Fund:

7 (A) \$190 of the \$250 reinstatement fee for a  
8 summary suspension under Section 11-501.1 or a  
9 suspension under Section 11-501.9;

10 (B) \$40 of the \$70 reinstatement fee for any other  
11 suspension provided in subsection (b) of this Section;  
12 and

13 (C) \$440 of the \$500 reinstatement fee for a first  
14 offense revocation and \$310 of the \$500 reinstatement  
15 fee for a second or subsequent revocation.

16 8. Fees collected under paragraph (4) of subsection (d)  
17 and subsection (h) of Section 6-205 of this Code;  
18 subparagraph (C) of paragraph 3 of subsection (c) of  
19 Section 6-206 of this Code; and paragraph (4) of subsection  
20 (a) of Section 6-206.1 of this Code, shall be paid into the  
21 funds set forth in those Sections.

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

25 (e) The additional fees imposed by this amendatory Act of  
26 the 96th General Assembly shall become effective 90 days after

1 becoming law.

2 (f) As used in this Section, "active-duty member of the  
3 United States Armed Forces" means a member of the Armed  
4 Services or Reserve Forces of the United States or a member of  
5 the Illinois National Guard who is called to active duty  
6 pursuant to an executive order of the President of the United  
7 States, an act of the Congress of the United States, or an  
8 order of the Governor.

9 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section  
10 10 of P.A. 99-414 for the effective date of changes made by  
11 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
12 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.  
13 1-1-16; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17.)

14 (625 ILCS 5/11-501.01)

15 Sec. 11-501.01. Additional administrative sanctions.

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

1 for by the individual required to undergo the professional  
2 evaluation.

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

13 (c) (Blank). ~~Every person found guilty of violating Section~~  
14 ~~11-501, whose operation of a motor vehicle while in violation~~  
15 ~~of that Section proximately caused any incident resulting in an~~  
16 ~~appropriate emergency response, shall be liable for the expense~~  
17 ~~of an emergency response as provided in subsection (i) of this~~  
18 ~~Section.~~

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

22 (e) The Secretary of State shall require the use of  
23 ignition interlock devices for a period not less than 5 years  
24 on all vehicles owned by a person who has been convicted of a  
25 second or subsequent offense of Section 11-501 or a similar  
26 provision of a local ordinance. The person must pay to the

1 Secretary of State DUI Administration Fund an amount not to  
2 exceed \$30 for each month that he or she uses the device. The  
3 Secretary shall establish by rule and regulation the procedures  
4 for certification and use of the interlock system, the amount  
5 of the fee, and the procedures, terms, and conditions relating  
6 to these fees. During the time period in which a person is  
7 required to install an ignition interlock device under this  
8 subsection (e), that person shall only operate vehicles in  
9 which ignition interlock devices have been installed, except as  
10 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of  
11 this Code.

12 (f) (Blank). ~~In addition to any other penalties and~~  
13 ~~liabilities, a person who is found guilty of or pleads guilty~~  
14 ~~to violating Section 11-501, including any person placed on~~  
15 ~~court supervision for violating Section 11-501, shall be~~  
16 ~~assessed \$750, payable to the circuit clerk, who shall~~  
17 ~~distribute the money as follows: \$350 to the law enforcement~~  
18 ~~agency that made the arrest, and \$400 shall be forwarded to the~~  
19 ~~State Treasurer for deposit into the General Revenue Fund. If~~  
20 ~~the person has been previously convicted of violating Section~~  
21 ~~11-501 or a similar provision of a local ordinance, the fine~~  
22 ~~shall be \$1,000, and the circuit clerk shall distribute \$200 to~~  
23 ~~the law enforcement agency that made the arrest and \$800 to the~~  
24 ~~State Treasurer for deposit into the General Revenue Fund. In~~  
25 ~~the event that more than one agency is responsible for the~~  
26 ~~arrest, the amount payable to law enforcement agencies shall be~~

1 ~~shared equally. Any moneys received by a law enforcement agency~~  
2 ~~under this subsection (f) shall be used for enforcement and~~  
3 ~~prevention of driving while under the influence of alcohol,~~  
4 ~~ether drug or drugs, intoxicating compound or compounds or any~~  
5 ~~combination thereof, as defined by Section 11 501 of this Code,~~  
6 ~~including but not limited to the purchase of law enforcement~~  
7 ~~equipment and commodities that will assist in the prevention of~~  
8 ~~alcohol related criminal violence throughout the State; police~~  
9 ~~officer training and education in areas related to alcohol~~  
10 ~~related crime, including but not limited to DUI training; and~~  
11 ~~police officer salaries, including but not limited to salaries~~  
12 ~~for hire back funding for safety checkpoints, saturation~~  
13 ~~patrols, and liquor store sting operations. Any moneys received~~  
14 ~~by the Department of State Police under this subsection (f)~~  
15 ~~shall be deposited into the State Police DUI Fund and shall be~~  
16 ~~used to purchase law enforcement equipment that will assist in~~  
17 ~~the prevention of alcohol related criminal violence throughout~~  
18 ~~the State.~~

19 (g) The Secretary of State Police DUI Fund is created as a  
20 special fund in the State treasury. ~~All moneys received by the~~  
21 ~~Secretary of State Police under subsection (f) of this Section~~  
22 ~~shall be deposited into the Secretary of State Police DUI Fund~~  
23 and, subject to appropriation, shall be used for enforcement  
24 and prevention of driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any  
26 combination thereof, as defined by Section 11-501 of this Code,

1 including but not limited to the purchase of law enforcement  
2 equipment and commodities to assist in the prevention of  
3 alcohol related criminal violence throughout the State; police  
4 officer training and education in areas related to alcohol  
5 related crime, including but not limited to DUI training; and  
6 police officer salaries, including but not limited to salaries  
7 for hire back funding for safety checkpoints, saturation  
8 patrols, and liquor store sting operations.

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

26 (i) (Blank). ~~In addition to any other fine or penalty~~

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

23 (j) A person that is subject to a chemical test or tests of  
24 blood under subsection (a) of Section 11-501.1 or subdivision  
25 (c) (2) of Section 11-501.2 of this Code, whether or not that  
26 person consents to testing, shall be liable for the expense up

1 to \$500 for blood withdrawal by a physician authorized to  
2 practice medicine, a licensed physician assistant, a licensed  
3 advanced practice registered nurse, a registered nurse, a  
4 trained phlebotomist, a licensed paramedic, or a qualified  
5 person other than a police officer approved by the Department  
6 of State Police to withdraw blood, who responds, whether at a  
7 law enforcement facility or a health care facility, to a police  
8 department request for the drawing of blood based upon refusal  
9 of the person to submit to a lawfully requested breath test or  
10 probable cause exists to believe the test would disclose the  
11 ingestion, consumption, or use of drugs or intoxicating  
12 compounds if:

13 (1) the person is found guilty of violating Section  
14 11-501 of this Code or a similar provision of a local  
15 ordinance; or

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

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

24 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

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



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

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

4 (2) A primary or secondary school operated by a  
5 religious institution.

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

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

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

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

25 (b) (Blank).

26 (c) Nothing in this Chapter shall prohibit the use of

1 electronic speed-detecting devices within 500 feet of signs  
2 within a special school speed zone indicating such zone, as  
3 defined in this Section, nor shall evidence obtained thereby be  
4 inadmissible in any prosecution for speeding provided the use  
5 of such device shall apply only to the enforcement of the speed  
6 limit in such special school speed zone.

7 (d) (Blank).

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

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

16 (1) 26 miles per hour or more but less than 35 miles  
17 per hour in excess of the applicable special speed limit  
18 established under this Section or a similar provision of a  
19 local ordinance and is guilty of a Class B misdemeanor; or

20 (2) 35 miles per hour or more in excess of the  
21 applicable special speed limit established under this  
22 Section or a similar provision of a local ordinance and is  
23 guilty of a Class A misdemeanor.

24 (f) (Blank). ~~When a fine for a violation of subsection (a)~~  
25 ~~is \$150 or greater, the person who violates subsection (a)~~  
26 ~~shall be charged an additional \$50 to be paid to the unit~~

1 ~~school district where the violation occurred for school safety~~  
2 ~~purposes. If the violation occurred in a dual school district,~~  
3 ~~\$25 of the surcharge shall be paid to the elementary school~~  
4 ~~district for school safety purposes and \$25 of the surcharge~~  
5 ~~shall be paid to the high school district for school safety~~  
6 ~~purposes. Notwithstanding any other provision of law, the~~  
7 ~~entire \$50 surcharge shall be paid to the appropriate school~~  
8 ~~district or districts.~~

9 ~~For purposes of this subsection (f), "school safety~~  
10 ~~purposes" includes the costs associated with school zone safety~~  
11 ~~education, the Safe Routes to School Program under Section~~  
12 ~~2705-317 of the Department of Transportation Law of the Civil~~  
13 ~~Administrative Code of Illinois, safety programs within the~~  
14 ~~School Safety and Educational Improvement Block Grant Program~~  
15 ~~under Section 2-3.51.5 of the School Code, and the purchase,~~  
16 ~~installation, and maintenance of caution lights which are~~  
17 ~~mounted on school speed zone signs.~~

18 (g) (Blank).

19 (h) (Blank).

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

21 (625 ILCS 5/11-605.1)

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

24 (a) A person may not operate a motor vehicle in a  
25 construction or maintenance speed zone at a speed in excess of

1 the posted speed limit when workers are present.

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

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

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

25 If it is determined that the preexisting established speed  
26 limit is safe with respect to the conditions expected to exist

1 in the construction or maintenance speed zone, additional speed  
2 limit signs which conform to the requirements of this  
3 subsection (c) shall be posted.

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

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

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

19 (1) 26 miles per hour or more but less than 35 miles  
20 per hour in excess of the applicable special speed limit  
21 established under this Section or a similar provision of a  
22 local ordinance and is guilty of a Class B misdemeanor; or

23 (2) 35 miles per hour or more in excess of the  
24 applicable special speed limit established under this  
25 Section or a similar provision of a local ordinance and is  
26 guilty of a Class A misdemeanor.

1           (e) (Blank). ~~If a fine for a violation of this Section is~~  
2 ~~\$250 or greater, the person who violated this Section shall be~~  
3 ~~charged an additional \$125, which shall be deposited into the~~  
4 ~~Transportation Safety Highway Hire-back Fund in the State~~  
5 ~~treasury, unless (i) the violation occurred on a highway other~~  
6 ~~than an interstate highway and (ii) a county police officer~~  
7 ~~wrote the ticket for the violation, in which case the \$125~~  
8 ~~shall be deposited into that county's Transportation Safety~~  
9 ~~Highway Hire-back Fund. In the case of a second or subsequent~~  
10 ~~violation of this Section, if the fine is \$750 or greater, the~~  
11 ~~person who violated this Section shall be charged an additional~~  
12 ~~\$250, which shall be deposited into the Transportation Safety~~  
13 ~~Highway Hire-back Fund in the State treasury, unless (i) the~~  
14 ~~violation occurred on a highway other than an interstate~~  
15 ~~highway and (ii) a county police officer wrote the ticket for~~  
16 ~~the violation, in which case the \$250 shall be deposited into~~  
17 ~~that county's Transportation Safety Highway Hire-back Fund.~~

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

21           (f) The Transportation Safety Highway Hire-back Fund,  
22 which was created by Public Act 92-619, shall continue to be a  
23 special fund in the State treasury. Subject to appropriation by  
24 the General Assembly and approval by the Secretary, the  
25 Secretary of Transportation shall use all moneys in the  
26 Transportation Safety Highway Hire-back Fund to hire off-duty

1 Department of State Police officers to monitor construction or  
2 maintenance zones.

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

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

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

23 (625 ILCS 5/11-605.3)

24 Sec. 11-605.3. Special traffic protections while passing  
25 parks and recreation facilities and areas.

1 (a) As used in this Section:

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

3 (A) any park district organized under the Park  
4 District Code;

5 (B) any park district organized under the Chicago  
6 Park District Act; and

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

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

20 (3) "Park zone street" means that portion of any street  
21 or intersection under the control of a local unit of  
22 government, adjacent to a park zone, where the local unit  
23 of government has, by ordinance or resolution, designated  
24 and approved the street or intersection as a park zone  
25 street. If, before the effective date of this amendatory  
26 Act of the 94th General Assembly, a street already had a



1 posted speed limit lower than 20 miles per hour, then the  
2 lower limit may be used for that park zone street.

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

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

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

19 (d) This Section does not apply unless appropriate signs  
20 are posted upon park zone streets maintained by the Department  
21 or by the unit of local government in which the park zone is  
22 located. With regard to the special speed limit on park zone  
23 streets, the signs must give proper due warning that a park  
24 zone is being approached and must indicate the maximum speed  
25 limit on the park zone street.

26 (e) A first violation of this Section is a petty offense

1 with a minimum fine of \$250. A second or subsequent violation  
2 of this Section is a petty offense with a minimum fine of \$500.

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

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

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

16 (625 ILCS 5/11-1002.5)

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

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

21 On a school day when school children are present and so  
22 close thereto that a potential hazard exists because of the  
23 close proximity of the motorized traffic and when traffic  
24 control signals are not in place or not in operation, the  
25 driver of a vehicle shall stop and yield the right-of-way to a

1 pedestrian crossing the roadway within a crosswalk when the  
2 pedestrian is upon the half of the roadway upon which the  
3 vehicle is traveling, or when the pedestrian is approaching so  
4 closely from the opposite half of the roadway as to be in  
5 danger.

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

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

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

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

25 ~~For purposes of this subsection (c), "school safety~~  
26 ~~purposes" has the meaning ascribed to that term in Section~~

1 ~~11-605.~~

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

3 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

4 Sec. 15-113. Violations; Penalties.

5 (a) Whenever any vehicle is operated in violation of the  
6 provisions of Section 15-111 or subsection (d) of Section  
7 3-401, the owner or driver of such vehicle shall be deemed  
8 guilty of such violation and either the owner or the driver of  
9 such vehicle may be prosecuted for such violation. Any person  
10 charged with a violation of any of these provisions who pleads  
11 not guilty shall be present in court for the trial on the  
12 charge. Any person, firm or corporation convicted of any  
13 violation of Section 15-111 including, but not limited to, a  
14 maximum axle or gross limit specified on a regulatory sign  
15 posted in accordance with paragraph (e) or (f) of Section  
16 15-111, shall be fined according to the following schedule:

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

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

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

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

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

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

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

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

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

15 (b) Whenever any vehicle is operated in violation of the  
16 provisions of Sections 15-102, 15-103 or 15-107, the owner or  
17 driver of such vehicle shall be deemed guilty of such violation  
18 and either may be prosecuted for such violation. Any person,  
19 firm or corporation convicted of any violation of Sections  
20 15-102, 15-103 or 15-107 shall be fined for the first or second  
21 conviction an amount equal to not less than \$50 nor more than  
22 \$500, and for the third and subsequent convictions by the same

1 person, firm or corporation within a period of one year after  
2 the date of the first offense, not less than \$500 nor more than  
3 \$1,000.

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

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

10 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

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

12 (a) Except as provided in Section 15-113 ~~and Section~~  
13 ~~16-104a~~ of this Act ~~and except for those amounts required to be~~  
14 ~~paid into the Traffic and Criminal Conviction Surcharge Fund in~~  
15 ~~the State Treasury pursuant to Section 9.1 of the Illinois~~  
16 ~~Police Training Act and Section 5-9-1 of the Unified Code of~~  
17 ~~Corrections~~ and except those amounts subject to disbursement by  
18 the circuit clerk under the Criminal and Traffic Assessment Act  
19 ~~Section 27.5 of the Clerks of Courts Act~~, fines and penalties  
20 recovered under the provisions of Chapters 3 11 through 17 and  
21 18b 16 inclusive of this Code shall be paid and used as  
22 follows:

23 1. For offenses committed upon a highway within the  
24 limits of a city, village, or incorporated town or under  
25 the jurisdiction of any park district, to the treasurer of

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

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



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

15           4. With regard to violations of overweight and overload  
16 limits found in Sections 15-101 through 15-203 of this Code  
17 committed by operators of vehicles registered as Special  
18 Hauling Vehicles, for offenses committed upon a highway  
19 within the limits of a city, village, or incorporated town  
20 or under the jurisdiction of any park district, all fines  
21 and penalties shall be paid over or retained as required in  
22 paragraph 1. However, with regard to the above offenses  
23 committed by operators of vehicles registered as Special  
24 Hauling Vehicles upon any highway outside the limits of a  
25 city, village, incorporated town or park district, fines  
26 and penalties shall be paid over or retained by the entity

1           having jurisdiction over the road or highway upon which the  
2           offense occurred, except that if the violation is  
3           prosecuted by the State's Attorney, 10% of the fine or  
4           penalty recovered shall be paid to the State's Attorney as  
5           a fee of his office.

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

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

13           (625 ILCS 5/16-104a rep.)

14           (625 ILCS 5/16-104b rep.)

15           (625 ILCS 5/16-104c rep.)

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

17           (625 ILCS 5/16-104d-1 rep.)

18          Section 905-47. The Illinois Vehicle Code is amended by  
19          repealing Sections 16-104a, 16-104b, 16-104c, 16-104d, and  
20          16-104d-1.

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

23           (705 ILCS 95/15)

1           Sec. 15. Access to Justice Fund.

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

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

17           (c) The governing board of the Foundation must prepare and  
18 submit an annual report to the Governor, the President of the  
19 Senate, the Minority Leader of the Senate, the Speaker of the  
20 House of Representatives, the Minority Leader of the House of  
21 Representatives, and the Justices of the Illinois Supreme  
22 Court. The report must include: (i) a statement of the total  
23 receipts and a breakdown by source during each of the previous  
24 2 calendar years; (ii) a list of the names and addresses of the  
25 recipients that are currently receiving grants or  
26 distributions and that received grants or distributions in the

1 previous year and the amounts committed to recipients for the  
2 current year and paid in the previous year; (iii) a breakdown  
3 of the amounts of grants or distributions paid during the  
4 previous year to recipients and the amounts committed to each  
5 recipient for the current year; (iv) a breakdown of the  
6 Foundation's costs in administering the Fund; (v) a statement  
7 of the Fund balance at the start and at the close of the  
8 previous year and the interest earned during the previous year;  
9 and (vi) any notices the Foundation issued denying applications  
10 for grants or distributions under this Act. The report, in its  
11 entirety, is a public record, and the Foundation and the  
12 Governor shall make the report available for inspection upon  
13 request.

14 (d) The Foundation may annually retain a portion of the  
15 disbursements it receives under this Section to reimburse the  
16 Foundation for the actual cost of administering the Council and  
17 for making the grants and distributions pursuant to this Act  
18 during that year.

19 (e) No moneys distributed by the Foundation from the Access  
20 to Justice Fund may be directly or indirectly used for lobbying  
21 activities, as defined in Section 2 of the Lobbyist  
22 Registration Act or as defined in any ordinance or resolution  
23 of a municipality, county, or other unit of local government in  
24 Illinois.

25 (f) The Foundation may make, enter into, and execute  
26 contracts, agreements, leases, and other instruments with any

1 person, including without limitation any federal, State, or  
2 local governmental agency, and may take other actions that may  
3 be necessary or convenient to accomplish any purpose authorized  
4 by this Act.

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

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

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

16 (705 ILCS 105/27.1b new)

17 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any  
18 other provision of law, all fees charged by the clerks of the  
19 circuit court for the services described in this Section shall  
20 be established, collected, and disbursed in accordance with  
21 this Section. All fees under this Section shall be paid in  
22 advance and disbursed by each clerk on a monthly basis. Unless  
23 otherwise specified in this Section, the amount of a fee shall  
24 be determined by ordinance or resolution of the county board

1 and remitted to the county treasurer to be used for purposes  
2 related to the operation of the court system in the county. In  
3 a county with population of over 3,000,000, any amount retained  
4 by the clerk of the circuit court or remitted to the county  
5 treasurer shall be subject to appropriation by the county  
6 board.

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

12 (1) SCHEDULE 1: not to exceed a total of \$366 in a  
13 county with a population of 3,000,000 or more and \$316 in  
14 any other county, except as applied to units of local  
15 government and school districts in counties with more than  
16 3,000,000 inhabitants an amount not to exceed \$190 through  
17 December 31, 2021 and \$184 on and after January 1, 2022.  
18 The fees collected under this schedule shall be disbursed  
19 as follows:

20 (A) The clerk shall retain a sum, in an amount not  
21 to exceed \$55 in a county with a population of  
22 3,000,000 or more and \$45 in any other county  
23 determined by the clerk with the approval of the  
24 Supreme Court, to be used for court automation, court  
25 document storage, and administrative purposes.

26 (B) The clerk shall remit up to \$21 to the State

1           Treasurer. The State Treasurer shall deposit the  
2           appropriate amounts, in accordance with the clerk's  
3           instructions, as follows:

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

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

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

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

18                  (2) SCHEDULE 2: not to exceed a total of \$357 in a  
19                  county with a population of 3,000,000 or more and \$266 in  
20                  any other county, except as applied to units of local  
21                  government and school districts in counties with more than  
22                  3,000,000 inhabitants an amount not to exceed \$190 through  
23                  December 31, 2021 and \$184 on and after January 1, 2022.  
24                  The fees collected under this schedule shall be disbursed  
25                  as follows:

26                   (A) The clerk shall retain a sum, in an amount not

1           to exceed \$55 in a county with a population of  
2           3,000,000 or more and \$45 in any other county  
3           determined by the clerk with the approval of the  
4           Supreme Court, to be used for court automation, court  
5           document storage, and administrative purposes.

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

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

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

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

17           (C) The clerk shall remit a sum to the County  
18           Treasurer, in an amount not to exceed \$281 in a county  
19           with a population of 3,000,000 or more and in an amount  
20           not to exceed \$200 in any other county, as specified by  
21           ordinance or resolution passed by the county board, for  
22           purposes related to the operation of the court system  
23           in the county.

24           (3) SCHEDULE 3: not to exceed a total of \$265 in a  
25           county with a population of 3,000,000 or more and \$89 in  
26           any other county, except as applied to units of local



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

6 (A) The clerk shall retain a sum, in an amount not  
7 to exceed \$55 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 in an amount  
22 not to exceed \$56 in any other county, as specified by  
23 ordinance or resolution passed by the county board, for  
24 purposes related to the operation of the court system  
25 in the county.

26 (4) SCHEDULE 4: \$0.

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

6       (1) SCHEDULE 1: not to exceed a total of \$230 in a  
7 county with a population of 3,000,000 or more and \$191 in  
8 any other county, except as applied to units of local  
9 government and school districts in counties with more than  
10 3,000,000 inhabitants an amount not to exceed \$75. The fees  
11 collected under this schedule shall be disbursed as  
12 follows:

13       (A) The clerk shall retain a sum, in an amount not  
14 to exceed \$50 in a county with a population of  
15 3,000,000 or more and \$45 in any other county  
16 determined by the clerk with the approval of the  
17 Supreme Court, to be used for court automation, court  
18 document storage, and administrative purposes.

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

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

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

2                   (iii) \$9 into the Supreme Court Special  
3                   Purposes Fund.

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

11                   (2) SCHEDULE 2: not to exceed a total of \$130 in a  
12                   county with a population of 3,000,000 or more and \$109 in  
13                   any other county, except as applied to units of local  
14                   government and school districts in counties with more than  
15                   3,000,000 inhabitants an amount not to exceed \$75. The fees  
16                   collected under this schedule shall be disbursed as  
17                   follows:

18                   (A) The clerk shall retain a sum, in an amount not  
19                   to exceed \$50 in a county with a population of  
20                   3,000,000 or more and \$10 in any other county  
21                   determined by the clerk with the approval of the  
22                   Supreme Court, to be used for court automation, court  
23                   document storage, and administrative purposes.

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

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

8           (3) SCHEDULE 3: \$0.

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

18          (c) Counterclaim or third party complaint. When any  
19          defendant files a counterclaim or third party complaint, as  
20          part of the defendant's answer or otherwise, the defendant  
21          shall pay a filing fee for each counterclaim or third party  
22          complaint in an amount equal to the filing fee the defendant  
23          would have had to pay had the defendant brought a separate  
24          action for the relief sought in the counterclaim or third party  
25          complaint, less the amount of the appearance fee, if any, that  
26          the defendant has already paid in the action in which the

1 counterclaim or third party complaint is filed.

2 (d) Alias summons. The clerk shall collect a fee not to  
3 exceed \$6 in a county with a population of 3,000,000 or more  
4 and \$5 in any other county for each alias summons or citation  
5 issued by the clerk, except as applied to units of local  
6 government and school districts in counties with more than  
7 3,000,000 inhabitants an amount not to exceed \$5 for each alias  
8 summons or citation issued by the clerk.

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

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

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

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

1       (g) Petition to vacate or modify.

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

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

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

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

4           (1) if the record contains no more than 100 pages, the  
5 fee shall not exceed \$70 in a county with a population of  
6 3,000,000 or more and \$50 in any other county;

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

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

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

22       (j) Garnishment, wage deduction, and citation. In  
23 garnishment affidavit, wage deduction affidavit, and citation  
24 petition proceedings:

25           (1) if the amount in controversy in the proceeding is  
26 not more than \$1,000, the fee may not exceed \$35 in a

1       county with a population of 3,000,000 or more and \$15 in  
2       any other county, except as applied to units of local  
3       government and school districts in counties with more than  
4       3,000,000 inhabitants an amount not to exceed \$15;

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

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

18       (k) Collections.

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

23       (2) In child support and maintenance cases, the clerk  
24       may collect an annual fee of up to \$36 from the person  
25       making payment for maintaining child support records and  
26       the processing of support orders to the State of Illinois



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

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

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

26       (1) Mailing. The fee for the clerk mailing documents shall

1 not exceed \$10 plus the cost of postage.

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

4 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

23 (q) Index inquiry and other records. No fee shall be  
24 charged for a single plaintiff and defendant index inquiry or  
25 single case record inquiry when this request is made in person  
26 and the records are maintained in a current automated medium,

1 and when no hard copy print output is requested. The fees to be  
2 charged for management records, multiple case records, and  
3 multiple journal records may be specified by the Chief Judge  
4 pursuant to the guidelines for access and dissemination of  
5 information approved by the Supreme Court.

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

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

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

25 (u) Transcripts of judgment. For the filing of a transcript  
26 of judgment, the clerk may collect the same fee as if it were

1 the commencement of a new suit.

2 (v) Probate filings.

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

6 (2) For filing a claim in an estate when the amount  
7 claimed is greater than \$150 and not more than \$500, the  
8 fee shall not exceed \$40 in a county with a population of  
9 3,000,000 or more and \$25 in any other county; when the  
10 amount claimed is greater than \$500 and not more than  
11 \$10,000, the fee shall not exceed \$55 in a county with a  
12 population of 3,000,000 or more and \$40 in any other  
13 county; and when the amount claimed is more than \$10,000,  
14 the fee shall not exceed \$75 in a county with a population  
15 of 3,000,000 or more and \$60 in any other county; except  
16 the court in allowing a claim may add to the amount allowed  
17 the filing fee paid by the claimant.

18 (3) For filing in an estate a claim, petition, or  
19 supplemental proceeding based upon an action seeking  
20 equitable relief including the construction or contest of a  
21 will, enforcement of a contract to make a will, and  
22 proceedings involving testamentary trusts or the  
23 appointment of testamentary trustees, the fee shall not  
24 exceed \$60.

25 (4) There shall be no fee for filing in an estate: (i)  
26 the appearance of any person for the purpose of consent; or

1       (ii) the appearance of an executor, administrator,  
2       administrator to collect, guardian, guardian ad litem, or  
3       special administrator.

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

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

9       (7) For each exemplification, the fee shall not exceed  
10       \$2, plus the fee for certification.

11       (8) The executor, administrator, guardian, petitioner,  
12       or other interested person or his or her attorney shall pay  
13       the cost of publication by the clerk directly to the  
14       newspaper.

15       (9) The person on whose behalf a charge is incurred for  
16       witness, court reporter, appraiser, or other miscellaneous  
17       fees shall pay the same directly to the person entitled  
18       thereto.

19       (10) The executor, administrator, guardian,  
20       petitioner, or other interested person or his or her  
21       attorney shall pay to the clerk all postage charges  
22       incurred by the clerk in mailing petitions, orders,  
23       notices, or other documents pursuant to the provisions of  
24       the Probate Act of 1975.

25       (w) Corrections of numbers. For correction of the case  
26       number, case title, or attorney computer identification

1 number, if required by rule of court, on any document filed in  
2 the clerk's office, to be charged against the party that filed  
3 the document, the fee shall not exceed \$25.

4 (x) Miscellaneous.

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

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

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

21 (y-5) Unpaid fees. Unless a court ordered payment schedule  
22 is implemented or the fee requirements of this Section are  
23 waived under a court order, the clerk of the circuit court may  
24 add to any unpaid fees and costs under this Section a  
25 delinquency amount equal to 5% of the unpaid fees that remain  
26 unpaid after 30 days, 10% of the unpaid fees that remain unpaid

1 after 60 days, and 15% of the unpaid fees that remain unpaid  
2 after 90 days. Notice to those parties may be made by signage  
3 posting or publication. The additional delinquency amounts  
4 collected under this Section shall be used to defray additional  
5 administrative costs incurred by the clerk of the circuit court  
6 in collecting unpaid fees and costs.

7 (z) Exceptions.

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

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

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

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

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

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

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

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

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

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

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



1 (705 ILCS 105/27.2b)

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

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

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

1 Department at the same time, priority of collection shall be as  
2 provided in Section 911.3 of the Illinois Income Tax Act.

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

4 (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

5 Sec. 27.3. Compensation.

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

11 In counties where the population is:

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

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

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

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

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

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

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

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

16           (1) \$3,500 per year before January 1, 1997.

17           (2) \$4,500 per year beginning January 1, 1997.

18           (3) \$5,500 per year beginning January 1, 1998.

19           (4) \$6,500 per year beginning January 1, 1999.

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

1 Circuit Court.

2 (e) (Blank).

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

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

9 (705 ILCS 105/27.1a rep.)

10 (705 ILCS 105/27.2 rep.)

11 (705 ILCS 105/27.2a rep.)

12 (705 ILCS 105/27.3a rep.)

13 (705 ILCS 105/27.3c rep.)

14 (705 ILCS 105/27.3e rep.)

15 (705 ILCS 105/27.3g rep.)

16 (705 ILCS 105/27.4 rep.)

17 (705 ILCS 105/27.5 rep.)

18 (705 ILCS 105/27.6 rep.)

19 Section 905-57. The Clerks of Courts Act is amended by  
20 repealing Sections 27.1a, 27.2, 27.2a, 27.3a, 27.3c, 27.3e,  
21 27.3g, 27.4, 27.5, and 27.6.

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

1 (705 ILCS 405/5-915)

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

4 (0.05) For purposes of this Section:

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

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

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

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

25 (b) all documents relating to a specific incident,  
26 proceeding, or individual made available to or maintained

1 by probation officers;

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

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

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

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

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

26 (2) no petition for delinquency or criminal charges

1           were filed with the clerk of the circuit court relating to  
2           the arrest or law enforcement interaction documented in the  
3           records; and

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

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

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

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

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

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



1 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of  
2 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
3 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
4 subparagraph (i) of paragraph (1) of subsection (a) of Section  
5 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
6 Section 24-1.6, paragraph (1) of subsection (a) of Section  
7 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
8 of 2012.

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

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

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

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

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

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

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

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

21 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of  
22 State Police shall allow a person to use the Access and Review  
23 process, established in the Department of State Police, for  
24 verifying that his or her law enforcement records relating to  
25 incidents occurring before his or her 18th birthday eligible  
26 under this Act have been expunged.

1 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637) January~~  
2 ~~1, 2015 (Public Act 98-637)~~

3 (1.7) (Blank).

4 (1.8) (Blank).

5 (2) Any person whose delinquency adjudications are not  
6 eligible for automatic expungement under subsection (0.3) of  
7 this Section may petition the court to expunge all law  
8 enforcement records relating to any incidents occurring before  
9 his or her 18th birthday which did not result in proceedings in  
10 criminal court and all juvenile court records with respect to  
11 any adjudications except those based upon first degree murder  
12 or an offense under Article 11 of the Criminal Code of 2012 if  
13 the person is required to register under the Sex Offender  
14 Registration Act; provided that:

15 (a) (blank); or

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

20 (2.5) If a minor is arrested and no petition for  
21 delinquency is filed with the clerk of the circuit court at the  
22 time the minor is released from custody, the youth officer, if  
23 applicable, or other designated person from the arresting  
24 agency, shall notify verbally and in writing to the minor or  
25 the minor's parents or guardians that the minor shall have an  
26 arrest record and shall provide the minor and the minor's

1 parents or guardians with an expungement information packet,  
2 information regarding this State's expungement laws including  
3 a petition to expunge juvenile records obtained from the clerk  
4 of the circuit court.

5 (2.6) If a minor is referred to court then at the time of  
6 sentencing or dismissal of the case, or successful completion  
7 of supervision, the judge shall inform the delinquent minor of  
8 his or her rights regarding expungement and the clerk of the  
9 circuit court shall provide an expungement information packet  
10 to the minor, written in plain language, including information  
11 regarding this State's expungement laws and a petition for  
12 expungement, a sample of a completed petition, expungement  
13 instructions that shall include information informing the  
14 minor that (i) once the case is expunged, it shall be treated  
15 as if it never occurred, (ii) he or she may apply to have  
16 petition fees waived, (iii) once he or she obtains an  
17 expungement, he or she may not be required to disclose that he  
18 or she had a juvenile record, and (iv) if petitioning he or she  
19 may file the petition on his or her own or with the assistance  
20 of an attorney. The failure of the judge to inform the  
21 delinquent minor of his or her right to petition for  
22 expungement as provided by law does not create a substantive  
23 right, nor is that failure grounds for: (i) a reversal of an  
24 adjudication of delinquency, (ii) a new trial; or (iii) an  
25 appeal.

26 (2.7) (Blank).

1 (2.8) The petition for expungement for subsection (1) and  
2 (2) may include multiple offenses on the same petition and  
3 shall be substantially in 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 PETITION TO EXPUNGE JUVENILE RECORDS  
12 (705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

13 Now comes ....., petitioner, and respectfully requests  
14 that this Honorable Court enter an order expunging all juvenile  
15 law enforcement and court records of petitioner and in support  
16 thereof states that: Petitioner was arrested on ..... by the  
17 ..... Police Department for the offense or offenses of  
18 ....., and:

19 (Check All That Apply:)

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

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

24 ( ) c. a petition or petitions were filed and the petition or

1 petitions were dismissed without a finding of delinquency on  
2 .....

3 ( ) d. on ..... placed under supervision pursuant to Section  
4 5-615 of the Juvenile Court Act of 1987 and such order of  
5 supervision successfully terminated on .....

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

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

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

18 Charge(s): .....

19 Arresting Agency or Agencies: .....

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

21 WHEREFORE, the petitioner respectfully requests this Honorable  
22 Court to (1) order all law enforcement agencies to expunge all  
23 records of petitioner to this incident or incidents, and (2) to  
24 order the Clerk of the Court to expunge all records concerning  
25 the petitioner regarding this incident or incidents.

1 .....  
.....

2 Petitioner (Signature)

3 .....  
.....

4 Petitioner's Street Address

5 .....  
.....

6 City, State, Zip Code

7 .....  
.....

8 Petitioner's Telephone Number

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

13 .....  
.....

14 Petitioner (Signature)

15 ~~first degree~~

16 (3) The chief judge of the circuit in which an arrest was  
17 made or a charge was brought or any judge of that circuit  
18 designated by the chief judge may, upon verified petition of a  
19 person who is the subject of an arrest or a juvenile court  
20 proceeding under subsection (1) or (2) of this Section, order  
21 the law enforcement records or official court file, or both, to

1 be expunged from the official records of the arresting  
2 authority, the clerk of the circuit court and the Department of  
3 State Police. The person whose records are to be expunged shall  
4 petition the court using the appropriate form containing his or  
5 her current address and shall promptly notify the clerk of the  
6 circuit court of any change of address. Notice of the petition  
7 shall be served upon the State's Attorney or prosecutor charged  
8 with the duty of prosecuting the offense, the Department of  
9 State Police, and the arresting agency or agencies by the clerk  
10 of the circuit court. If an objection is filed within 45 days  
11 of the notice of the petition, the clerk of the circuit court  
12 shall set a date for hearing after the 45-day objection period.  
13 At the hearing the court shall hear evidence on whether the  
14 expungement should or should not be granted. Unless the State's  
15 Attorney or prosecutor, the Department of State Police, or an  
16 arresting agency objects to the expungement within 45 days of  
17 the notice, the court may enter an order granting expungement.  
18 The clerk shall forward a certified copy of the order to the  
19 Department of State Police and deliver a certified copy of the  
20 order to the arresting agency.

21 (3.1) The Notice of Expungement shall be in substantially  
22 the following form:

23 IN THE CIRCUIT COURT OF ....., ILLINOIS  
24 ..... JUDICIAL CIRCUIT

25 IN THE INTEREST OF ) NO.



1 )  
 2 )  
 3 .....)  
 4 (Name of Petitioner)

NOTICE

6 TO: State's Attorney

7 TO: Arresting Agency

9 .....

10 .....

12 .....

13 .....

14 TO: Illinois State Police

16 .....

18 .....

19 ATTENTION: Expungement

20 You are hereby notified that on ....., at ....., in courtroom  
 21 ..., located at ..., before the Honorable ..., Judge, or any  
 22 judge sitting in his/her stead, I shall then and there present  
 23 a Petition to Expunge Juvenile records in the above-entitled  
 24 matter, at which time and place you may appear.

25 .....

1 Petitioner's Signature

2 .....

3 Petitioner's Street Address

4 .....

5 City, State, Zip Code

6 .....

7 Petitioner's Telephone Number

8 PROOF OF SERVICE

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

12 (Check One:)

13 delivering copies personally to each entity to whom they are  
14 directed;

15 or

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

20 .....

21  
22 Signature

23 Clerk of the Circuit Court or Deputy Clerk

24 Printed Name of Delinquent Minor/Petitioner: ....

25 Address: .....

26 Telephone Number: .....

1 (3.2) The Order of Expungement shall be in substantially  
2 the following form:

3 IN THE CIRCUIT COURT OF ....., ILLINOIS  
4 ..... JUDICIAL CIRCUIT

5 IN THE INTEREST OF ) NO.  
6 )  
7 )  
8 .....)  
9 (Name of Petitioner)

10 DOB .....

11 Arresting Agency/Agencies .....

12 ORDER OF EXPUNGEMENT  
13 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

20 ( ) 2. The Illinois State Police Bureau of Identification  
21 and the following law enforcement agencies expunge all records  
22 of petitioner relating to an arrest dated ..... for the  
23 offense of .....

24 Law Enforcement Agencies:

1 .....  
2 .....

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

5 ENTER: .....

6  
7 JUDGE

8 DATED: .....

9 Name:

10 Attorney for:

11 Address: City/State/Zip:

12 Attorney Number:

13 (3.3) The Notice of Objection shall be in substantially the  
14 following form:

15 IN THE CIRCUIT COURT OF ....., ILLINOIS  
16 ..... JUDICIAL CIRCUIT

17 IN THE INTEREST OF ) NO.

18 )

19 )

20 .....)

21 (Name of Petitioner)

22 NOTICE OF OBJECTION

23 TO: (Attorney, Public Defender, Minor)

24 .....

1 .....

2 TO: (Illinois State Police)

3 .....

4 .....

5 TO: (Clerk of the Court)

6 .....

7 .....

8 TO: (Judge)

9 .....

10 .....

11 TO: (Arresting Agency/Agencies)

12 .....

13 .....

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

17 ( ) State's Attorney's Office;

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

20 ( ) Department of Illinois State Police; or

21 ( ) Arresting Agency or Agencies.

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

25 DATED: .....

26 Name:

1 Attorney For:

2 Address:

3 City/State/Zip:

4 Telephone:

5 Attorney No.:

6 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

7 This matter has been set for hearing on the foregoing  
8 objection, on ..... in room ....., located at ....., before the  
9 Honorable ....., Judge, or any judge sitting in his/her stead.  
10 (Only one hearing shall be set, regardless of the number of  
11 Notices of Objection received on the same case).

12 A copy of this completed Notice of Objection containing the  
13 court date, time, and location, has been sent via regular U.S.  
14 Mail to the following entities. (If more than one Notice of  
15 Objection is received on the same case, each one must be  
16 completed with the court date, time and location and mailed to  
17 the following entities):

18 ( ) Attorney, Public Defender or Minor;

19 ( ) State's Attorney's Office;

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

22 ( ) Department of Illinois State Police; and

23 ( ) Arresting agency or agencies.

24 Date: .....

25 Initials of Clerk completing this section: .....

26 (4) (a) Upon entry of an order expunging records or files,

1 the offense, which the records or files concern shall be  
2 treated as if it never occurred. Law enforcement officers and  
3 other public offices and agencies shall properly reply on  
4 inquiry that no record or file exists with respect to the  
5 person.

6 (a-5) Local law enforcement agencies shall send written  
7 notice to the minor of the expungement of any records within 60  
8 days of automatic expungement or the date of service of an  
9 expungement order, whichever applies. If a minor's court file  
10 has been expunged, the clerk of the circuit court shall send  
11 written notice to the minor of the expungement of any records  
12 within 60 days of automatic expungement or the date of service  
13 of an expungement order, whichever applies.

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

1 records of adjudication or arrest, shall be treated as  
2 dissemination of an expunged record by the employer.

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

6 (5) (Blank).7

7 (5.5) Whether or not expunged, records eligible for  
8 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
9 (0.3) (a) may be treated as expunged by the individual subject  
10 to the records.

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

17 (6.5) The Department of State Police or any employee of the  
18 Department shall be immune from civil or criminal liability for  
19 failure to expunge any records of arrest that are subject to  
20 expungement under this Section because of inability to verify a  
21 record. Nothing in this Section shall create Department of  
22 State Police liability or responsibility for the expungement of  
23 law enforcement records it does not possess.

24 (7) (a) The State Appellate Defender shall establish,  
25 maintain, and carry out, by December 31, 2004, a juvenile  
26 expungement program to provide information and assistance to



1 minors eligible to have their juvenile records expunged.

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

6 (i) An explanation of the State's juvenile expungement  
7 laws, including both automatic expungement and expungement  
8 by petition;

9 (ii) The circumstances under which juvenile  
10 expungement may occur;

11 (iii) The juvenile offenses that may be expunged;

12 (iv) The steps necessary to initiate and complete the  
13 juvenile expungement process; and

14 (v) Directions on how to contact the State Appellate  
15 Defender.

16 (c) The State Appellate Defender shall establish and  
17 maintain a statewide toll-free telephone number that a person  
18 may use to receive information or assistance concerning the  
19 expungement of juvenile records. The State Appellate Defender  
20 shall advertise the toll-free telephone number statewide. The  
21 State Appellate Defender shall develop an expungement  
22 information packet that may be sent to eligible persons seeking  
23 expungement of their juvenile records, which may include, but  
24 is not limited to, a pre-printed expungement petition with  
25 instructions on how to complete the petition and a pamphlet  
26 containing information that would assist individuals through

1 the juvenile expungement process.

2 (d) The State Appellate Defender shall compile a statewide  
3 list of volunteer attorneys willing to assist eligible  
4 individuals through the juvenile expungement process.

5 (e) This Section shall be implemented from funds  
6 appropriated by the General Assembly to the State Appellate  
7 Defender for this purpose. The State Appellate Defender shall  
8 employ the necessary staff and adopt the necessary rules for  
9 implementation of this Section.

10 (7.5) (a) Willful dissemination of any information  
11 contained in an expunged record shall be treated as a Class C  
12 misdemeanor and punishable by a fine of \$1,000 per violation.

13 (b) Willful dissemination for financial gain of any  
14 information contained in an expunged record shall be treated as  
15 a Class 4 felony. Dissemination for financial gain by an  
16 employee of any municipal, county, or State agency, including  
17 law enforcement, shall result in immediate termination.

18 (c) The person whose record was expunged has a right of  
19 action against any person who intentionally disseminates an  
20 expunged record. In the proceeding, punitive damages up to an  
21 amount of \$1,000 may be sought in addition to any actual  
22 damages. The prevailing party shall be entitled to costs and  
23 reasonable attorney fees.

24 (d) The punishments for dissemination of an expunged record  
25 shall never apply to the person whose record was expunged.

26 (8) (a) An expunged juvenile record may not be considered by

1 any private or public entity in employment matters,  
2 certification, licensing, revocation of certification or  
3 licensure, or registration. Applications for employment must  
4 contain specific language that states that the applicant is not  
5 obligated to disclose expunged juvenile records of  
6 adjudication, conviction, or arrest. Employers may not ask if  
7 an applicant has had a juvenile record expunged. Effective  
8 January 1, 2005, the Department of Labor shall develop a link  
9 on the Department's website to inform employers that employers  
10 may not ask if an applicant had a juvenile record expunged and  
11 that application for employment must contain specific language  
12 that states that the applicant is not obligated to disclose  
13 expunged juvenile records of adjudication, arrest, or  
14 conviction.

15 (b) (Blank). ~~Public Act 93-912~~

16 (c) The expungement of juvenile records under subsection  
17 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by  
18 appropriation by the General Assembly for that purpose ~~the~~  
19 ~~additional fine imposed under Section 5-9-1.17 of the Unified~~  
20 ~~Code of Corrections.~~

21 (9) (Blank).

22 (10) (Blank). ~~Public Act 98-637 Public Act 98-637~~

23 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;  
24 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised  
25 10-10-17.)

1 Section 905-65. The Criminal Code of 2012 is amended by  
2 changing Section 12-3.4 as follows:

3 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

4 Sec. 12-3.4. Violation of an order of protection.

5 (a) A person commits violation of an order of protection  
6 if:

7 (1) He or she knowingly commits an act which was  
8 prohibited by a court or fails to commit an act which was  
9 ordered by a court in violation of:

10 (i) a remedy in a valid order of protection  
11 authorized under paragraphs (1), (2), (3), (14), or  
12 (14.5) of subsection (b) of Section 214 of the Illinois  
13 Domestic Violence Act of 1986,

14 (ii) a remedy, which is substantially similar to  
15 the remedies authorized under paragraphs (1), (2),  
16 (3), (14) or (14.5) of subsection (b) of Section 214 of  
17 the Illinois Domestic Violence Act of 1986, in a valid  
18 order of protection, which is authorized under the laws  
19 of another state, tribe or United States territory,

20 (iii) any other remedy when the act constitutes a  
21 crime against the protected parties as the term  
22 protected parties is defined in Section 112A-4 of the  
23 Code of Criminal Procedure of 1963; and

24 (2) Such violation occurs after the offender has been  
25 served notice of the contents of the order, pursuant to the

1 Illinois Domestic Violence Act of 1986 or any substantially  
2 similar statute of another state, tribe or United States  
3 territory, or otherwise has acquired actual knowledge of  
4 the contents of the order.

5 An order of protection issued by a state, tribal or  
6 territorial court related to domestic or family violence shall  
7 be deemed valid if the issuing court had jurisdiction over the  
8 parties and matter under the law of the state, tribe or  
9 territory. There shall be a presumption of validity where an  
10 order is certified and appears authentic on its face. For  
11 purposes of this Section, an "order of protection" may have  
12 been issued in a criminal or civil proceeding.

13 (a-5) Failure to provide reasonable notice and opportunity  
14 to be heard shall be an affirmative defense to any charge or  
15 process filed seeking enforcement of a foreign order of  
16 protection.

17 (b) Nothing in this Section shall be construed to diminish  
18 the inherent authority of the courts to enforce their lawful  
19 orders through civil or criminal contempt proceedings.

20 (c) The limitations placed on law enforcement liability by  
21 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
22 to actions taken under this Section.

23 (d) Violation of an order of protection is a Class A  
24 misdemeanor. Violation of an order of protection is a Class 4  
25 felony if the defendant has any prior conviction under this  
26 Code for domestic battery (Section 12-3.2) or violation of an

1 order of protection (Section 12-3.4 or 12-30) or any prior  
2 conviction under the law of another jurisdiction for an offense  
3 that could be charged in this State as a domestic battery or  
4 violation of an order of protection. Violation of an order of  
5 protection is a Class 4 felony if the defendant has any prior  
6 conviction under this Code for first degree murder (Section  
7 9-1), attempt to commit first degree murder (Section 8-4),  
8 aggravated domestic battery (Section 12-3.3), aggravated  
9 battery (Section 12-3.05 or 12-4), heinous battery (Section  
10 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
11 aggravated battery with a machine gun or a firearm equipped  
12 with a silencer (Section 12-4.2-5), aggravated battery of a  
13 child (Section 12-4.3), aggravated battery of an unborn child  
14 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
15 aggravated battery of a senior citizen (Section 12-4.6),  
16 stalking (Section 12-7.3), aggravated stalking (Section  
17 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),  
18 aggravated criminal sexual assault (Section 11-1.30 or 12-14),  
19 kidnapping (Section 10-1), aggravated kidnapping (Section  
20 10-2), predatory criminal sexual assault of a child (Section  
21 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section  
22 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
23 aggravated unlawful restraint (Section 10-3.1), aggravated  
24 arson (Section 20-1.1), aggravated discharge of a firearm  
25 (Section 24-1.2), or a violation of any former law of this  
26 State that is substantially similar to any listed offense, or

1 any prior conviction under the law of another jurisdiction for  
2 an offense that could be charged in this State as one of the  
3 offenses listed in this Section, when any of these offenses  
4 have been committed against a family or household member as  
5 defined in Section 112A-3 of the Code of Criminal Procedure of  
6 1963. The court shall impose a minimum penalty of 24 hours  
7 imprisonment for defendant's second or subsequent violation of  
8 any order of protection; unless the court explicitly finds that  
9 an increased penalty or such period of imprisonment would be  
10 manifestly unjust. In addition to any other penalties, the  
11 court may order the defendant to pay a fine as authorized under  
12 Section 5-9-1 of the Unified Code of Corrections or to make  
13 restitution to the victim under Section 5-5-6 of the Unified  
14 Code of Corrections. ~~In addition to any other penalties,  
15 including those imposed by Section 5-9-1.5 of the Unified Code  
16 of Corrections, the court shall impose an additional fine of  
17 \$20 as authorized by Section 5-9-1.11 of the Unified Code of  
18 Corrections upon any person convicted of or placed on  
19 supervision for a violation of this Section. The additional  
20 fine shall be imposed for each violation of this Section.~~

21 (e) (Blank).

22 (f) A defendant who directed the actions of a third party  
23 to violate this Section, under the principles of accountability  
24 set forth in Article 5 of this Code, is guilty of violating  
25 this Section as if the same had been personally done by the  
26 defendant, without regard to the mental state of the third

1 party acting at the direction of the defendant.

2 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;  
3 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates  
4 97-311, eff. 8-11-11; 97-919, eff. 8-10-12; 97-1109, eff.  
5 1-1-13.)

6 (720 ILCS 550/10.3 rep.)

7 Section 905-67. The Cannabis Control Act is amended by  
8 repealing Section 10.3.

9 Section 905-70. The Illinois Controlled Substances Act is  
10 amended by changing Section 411.2 as follows:

11 (720 ILCS 570/411.2) (from Ch. 56 1/2, par. 1411.2)

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

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

17 ~~(1) \$3,000 for a Class X felony;~~

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

19 ~~(3) \$1,000 for a Class 2 felony;~~

20 ~~(4) \$500 for a Class 3 or Class 4 felony;~~

21 ~~(5) \$300 for a Class A misdemeanor;~~

22 ~~(6) \$200 for a Class B or Class C misdemeanor.~~

23 (b) (Blank). ~~The assessment under this Section is in~~



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

1 ~~any other fines, restitution costs, forfeitures or assessments~~  
2 ~~imposed under this or any other Act.~~

3 (g) (Blank). ~~The court shall not impose more than one~~  
4 ~~assessment per complaint, indictment or information. If the~~  
5 ~~person is convicted of more than one offense in a complaint,~~  
6 ~~indictment or information, the assessment shall be based on the~~  
7 ~~highest class offense for which the person is convicted.~~

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

1 controlled substances. The Department may adopt such rules as  
2 it deems appropriate for the administration of such grants.

3 (i) (Blank). ~~In counties over 3,000,000, all moneys~~  
4 ~~collected under this Section shall be forwarded to the County~~  
5 ~~Treasurer for deposit into the County Health Fund. The County~~  
6 ~~Treasurer shall, no later than the 15th day of each month,~~  
7 ~~forward to the State Treasurer 30 percent of all moneys~~  
8 ~~collected under this Act and received into the County Health~~  
9 ~~Fund since the prior remittance to the State Treasurer. Funds~~  
10 ~~retained by the County shall be used for community-based~~  
11 ~~treatment of pregnant women who are addicted to alcohol,~~  
12 ~~cannabis, or controlled substances or for the needed care of~~  
13 ~~minor, unemancipated children of these women. Funds forwarded~~  
14 ~~to the State Treasurer shall be deposited into the State Drug~~  
15 ~~Treatment Fund maintained by the State Treasurer from which the~~  
16 ~~Department of Human Services may make grants to persons~~  
17 ~~licensed under Section 15-10 of the Alcoholism and Other Drug~~  
18 ~~Abuse and Dependency Act or to municipalities or counties from~~  
19 ~~funds appropriated to the Department from the Drug Treatment~~  
20 ~~Fund, provided that the moneys collected from each county be~~  
21 ~~returned proportionately to the counties through grants to~~  
22 ~~licensees located within the county from which the assessment~~  
23 ~~was received and moneys in the State Drug Treatment Fund shall~~  
24 ~~not supplant other local, State or federal funds. If the~~  
25 ~~Department of Human Services grants funds to a municipality or~~  
26 ~~county that the Department determines is not experiencing a~~

1 ~~problem with pregnant women addicted to alcohol, cannabis or~~  
2 ~~controlled substances, or with care for minor, unemancipated~~  
3 ~~children or women undergoing residential drug treatment, the~~  
4 ~~funds shall be used for the treatment of any person addicted to~~  
5 ~~alcohol, cannabis or controlled substances. The Department may~~  
6 ~~adopt such rules as it deems appropriate for the administration~~  
7 ~~of such grants.~~

8 (Source: P.A. 97-334, eff. 1-1-12.)

9 (720 ILCS 570/411.4 rep.)

10 Section 905-73. The Illinois Controlled Substances Act is  
11 amended by repealing Section 411.4.

12 Section 905-75. The Methamphetamine Control and Community  
13 Protection Act is amended by changing Sections 80 and 90 as  
14 follows:

15 (720 ILCS 646/80)

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

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

21 ~~(1) \$3,000 for a Class X felony;~~

22 ~~(2) \$2,000 for a Class 1 felony;~~

23 ~~(3) \$1,000 for a Class 2 felony;~~

1           ~~(4) \$500 for a Class 3 or Class 4 felony.~~

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

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

21           (d) (Blank). ~~If an assessment for a violation of this Act~~  
22 ~~is imposed on an organization, it is the duty of each~~  
23 ~~individual authorized to make disbursements of the assets of~~  
24 ~~the organization to pay the assessment from assets of the~~  
25 ~~organization.~~

26           (e) (Blank). ~~A defendant who has been ordered to pay an~~

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

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

1 ~~assessment imposed under this Section shall be enforced.~~  
2 ~~Nothing in this Section shall be deemed to affect or suspend~~  
3 ~~any other fines, restitution costs, forfeitures, or~~  
4 ~~assessments imposed under this or any other Act.~~

5 (g) (Blank). ~~The court shall not impose more than one~~  
6 ~~assessment per complaint, indictment, or information. If the~~  
7 ~~person is convicted of more than one offense in a complaint,~~  
8 ~~indictment, or information, the assessment shall be based on~~  
9 ~~the highest class offense for which the person is convicted.~~

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



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

4 (i) (Blank). ~~In counties with a population of 3,000,000 or~~  
5 ~~more, all moneys collected under this Section shall be~~  
6 ~~forwarded to the County Treasurer for deposit into the County~~  
7 ~~Health Fund. The County Treasurer shall, no later than the 15th~~  
8 ~~day of each month, forward to the State Treasurer 30 percent of~~  
9 ~~all moneys collected under this Act and received into the~~  
10 ~~County Health Fund since the prior remittance to the State~~  
11 ~~Treasurer. Funds retained by the County shall be used for~~  
12 ~~community-based treatment of pregnant women who are addicted to~~  
13 ~~alcohol, cannabis, or controlled substances or for the needed~~  
14 ~~care of minor, unemancipated children of these women. Funds~~  
15 ~~forwarded to the State Treasurer shall be deposited into the~~  
16 ~~State Drug Treatment Fund maintained by the State Treasurer~~  
17 ~~from which the Department of Human Services may make grants to~~  
18 ~~persons licensed under Section 15-10 of the Alcoholism and~~  
19 ~~Other Drug Abuse and Dependency Act or to municipalities or~~  
20 ~~counties from funds appropriated to the Department from the~~  
21 ~~Drug Treatment Fund, provided that the moneys collected from~~  
22 ~~each county be returned proportionately to the counties through~~  
23 ~~grants to licensees located within the county from which the~~  
24 ~~assessment was received and moneys in the State Drug Treatment~~  
25 ~~Fund shall not supplant other local, State or federal funds. If~~  
26 ~~the Department of Human Services grants funds to a municipality~~

1 ~~or county that the Department determines is not experiencing a~~  
2 ~~problem with pregnant women addicted to alcohol, cannabis or~~  
3 ~~controlled substances, or with care for minor, unemancipated~~  
4 ~~children or women undergoing residential drug treatment, the~~  
5 ~~funds shall be used for the treatment of any person addicted to~~  
6 ~~alcohol, cannabis or controlled substances. The Department may~~  
7 ~~adopt such rules as it deems appropriate for the administration~~  
8 ~~of such grants.~~

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

10 (720 ILCS 646/90)

11 Sec. 90. Methamphetamine restitution.

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

22 (b) Any restitution payments made under this Section shall  
23 be disbursed equitably by the circuit clerk in the following  
24 order:

25 (1) first, to the agency responsible for the mitigation

1 of the incident;

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

4 (3) third, to the State agencies involved in the  
5 emergency response; and

6 (4) fourth, to the federal agencies involved in the  
7 emergency response.

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

23 Any moneys collected for the Illinois State Police shall be  
24 remitted to the State Treasurer and deposited into the State  
25 Police Operations Assistance Fund ~~Traffic and Criminal~~  
26 ~~Conviction Surcharge Fund.~~

1 (Source: P.A. 97-434, eff. 1-1-12.)

2 Section 905-80. The Code of Criminal Procedure of 1963 is  
3 amended by adding Section 124A-20 as follows:

4 (725 ILCS 5/124A-20 new)

5 Sec. 124A-20. Assessment waiver.

6 (a) As used in this Section:

7 "Assessments" means any costs imposed on a criminal  
8 defendant under Article 15 of the Criminal and Traffic  
9 Assessment Act, but does not include violation of the  
10 Illinois Vehicle Code assessments.

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

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

20 (2) His or her available personal income is 200% or  
21 less of the current poverty level, unless the  
22 applicant's assets that are not exempt under Part 9 or  
23 10 of Article XII of the Code of Civil Procedure are of  
24 a nature and value that the court determines that the

1           applicant is able to pay the assessments.

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

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

10          (b) Upon the application of any defendant, after the  
11          commencement of an action, but no later than 30 days after  
12          sentencing:

13           (1) If the court finds that the applicant is an  
14           indigent person, the court shall grant the applicant a full  
15           assessment waiver exempting him or her from the payment of  
16           any assessments.

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

19           (A) 75% of all assessments shall be waived if the  
20           applicant's available income is greater than 200% but  
21           no more than 250% of the poverty level, unless the  
22           applicant's assets that are not exempt under Part 9 or  
23           10 of Article XII of the Code of Civil Procedure are  
24           such that the applicant is able, without undue  
25           hardship, to pay the total assessments.

26           (B) 50% of all assessments shall be waived if the

1           applicant's available income is greater than 250% but  
2           no more than 300% of the poverty level, unless the  
3           applicant's assets that are not exempt under Part 9 or  
4           10 of Article XII of the Code of Civil Procedure are  
5           such that the court determines that the applicant is  
6           able, without undue hardship, to pay a greater portion  
7           of the assessments.

8           (C) 25% of all assessments shall be waived if the  
9           applicant's available income is greater than 300% but  
10           no more than 400% of the poverty level, unless the  
11           applicant's assets that are not exempt under Part 9 or  
12           10 of Article XII of the Code of Civil Procedure are  
13           such that the court determines that the applicant is  
14           able, without undue hardship, to pay a greater portion  
15           of the assessments.

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

24           (1) the applicant's receipt of needs based  
25           governmental public benefits, including Supplemental  
26           Security Income (SSI); Aid to the Aged, Blind and Disabled

1       (ADBD); Temporary Assistance for Needy Families (TANF);  
2       Supplemental Nutrition Assistance Program (SNAP or "food  
3       stamps"); General Assistance; Transitional Assistance; or  
4       State Children and Family Assistance;

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

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

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

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

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

21       (d) The clerk of court shall provide the application for a  
22       waiver of assessments to any defendant who indicates an  
23       inability to pay the assessments. The clerk of the court shall  
24       post in a conspicuous place in the courthouse a notice, no  
25       smaller than 8.5 x 11 inches and using no smaller than 30-point  
26       typeface printed in English and in Spanish, advising criminal

1 defendants they may ask the court for a waiver of any court  
2 ordered assessments. The notice shall be substantially as  
3 follows:

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

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

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

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

18 Section 905-85. The Violent Crime Victims Assistance Act is  
19 amended by changing Section 10 as follows:

20 (725 ILCS 240/10) (from Ch. 70, par. 510)

21 Sec. 10. Violent Crime Victims Assistance Fund.

22 (a) The "Violent Crime Victims Assistance Fund" is created  
23 as a special fund in the State Treasury to provide monies for  
24 the grants to be awarded under this Act.



1           (b) (Blank). ~~When any person is convicted in Illinois of an~~  
2 ~~offense listed below, or placed on supervision for that offense~~  
3 ~~on or after July 1, 2012, the court shall impose the following~~  
4 ~~finer:~~

5           ~~(1) \$100 for any felony;~~

6           ~~(2) \$50 for any offense under the Illinois Vehicle~~  
7 ~~Code, exclusive of offenses enumerated in paragraph (a) (2)~~  
8 ~~of Section 6-204 of that Code, and exclusive of any offense~~  
9 ~~enumerated in Article VI of Chapter 11 of that Code~~  
10 ~~relating to restrictions, regulations, and limitations on~~  
11 ~~the speed at which a motor vehicle is driven or operated;~~  
12 ~~and~~

13           ~~(3) \$75 for any misdemeanor, excluding a conservation~~  
14 ~~offense.~~

15           ~~Notwithstanding any other provision of this Section, the~~  
16 ~~penalty established in this Section shall be assessed for any~~  
17 ~~violation of Section 11-601.5, 11-605.2, or 11-605.3 of the~~  
18 ~~Illinois Vehicle Code.~~

19           ~~The Clerk of the Circuit Court shall remit moneys collected~~  
20 ~~under this subsection (b) within one month after receipt to the~~  
21 ~~State Treasurer for deposit into the Violent Crime Victims~~  
22 ~~Assistance Fund, except as provided in subsection (g) of this~~  
23 ~~Section. Such additional penalty shall not be considered a part~~  
24 ~~of the fine for purposes of any reduction made in the fine for~~  
25 ~~time served either before or after sentencing. Not later than~~  
26 ~~March 1 of each year the Clerk of the Circuit Court shall~~

1 ~~submit to the State Comptroller a report of the amount of funds~~  
2 ~~remitted by him to the State Treasurer under this Section~~  
3 ~~during the preceding calendar year.~~

4 (c) (Blank). ~~The charge imposed by subsection (b) shall not~~  
5 ~~be subject to the provisions of Section 110 14 of the Code of~~  
6 ~~Criminal Procedure of 1963.~~

7 (d) Monies forfeited, and proceeds from the sale of  
8 property forfeited and seized, under the forfeiture provisions  
9 set forth in Part 500 of Article 124B of the Code of Criminal  
10 Procedure of 1963 shall be accepted for the Violent Crime  
11 Victims Assistance Fund.

12 (e) Investment income which is attributable to the  
13 investment of monies in the Violent Crime Victims Assistance  
14 Fund shall be credited to that fund for uses specified in this  
15 Act. The Treasurer shall provide the Attorney General a monthly  
16 status report on the amount of money in the Fund.

17 (f) Monies from the fund may be granted on and after July  
18 1, 1984.

19 (g) (Blank). ~~All amounts and charges imposed under this~~  
20 ~~Section for any violation of Chapters 3, 4, 6, and 11 of the~~  
21 ~~Illinois Vehicle Code, or a similar provision of a local~~  
22 ~~ordinance, or any violation of the Child Passenger Protection~~  
23 ~~Act, or a similar provision of a local ordinance, shall be~~  
24 ~~collected and disbursed by the circuit clerk as provided under~~  
25 ~~Section 27.5 of the Clerks of Courts Act.~~

26 (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11;

1 97-816, eff. 7-16-12.)

2 Section 905-90. The Unified Code of Corrections is amended  
3 by changing Sections 5-4-3, 5-4.5-50, 5-4.5-55, 5-4.5-60,  
4 5-4.5-65, 5-4.5-75, 5-4.5-80, 5-5-3, 5-5-6, 5-6-1, 5-6-3,  
5 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,  
6 5-9-1.16, and 5-9-1.21 as follows:

7 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

8 Sec. 5-4-3. Specimens; genetic marker groups.

9 (a) Any person convicted of, found guilty under the  
10 Juvenile Court Act of 1987 for, or who received a disposition  
11 of court supervision for, a qualifying offense or attempt of a  
12 qualifying offense, convicted or found guilty of any offense  
13 classified as a felony under Illinois law, convicted or found  
14 guilty of any offense requiring registration under the Sex  
15 Offender Registration Act, found guilty or given supervision  
16 for any offense classified as a felony under the Juvenile Court  
17 Act of 1987, convicted or found guilty of, under the Juvenile  
18 Court Act of 1987, any offense requiring registration under the  
19 Sex Offender Registration Act, or institutionalized as a  
20 sexually dangerous person under the Sexually Dangerous Persons  
21 Act, or committed as a sexually violent person under the  
22 Sexually Violent Persons Commitment Act shall, regardless of  
23 the sentence or disposition imposed, be required to submit  
24 specimens of blood, saliva, or tissue to the Illinois

1 Department of State Police in accordance with the provisions of  
2 this Section, provided such person is:

3 (1) convicted of a qualifying offense or attempt of a  
4 qualifying offense on or after July 1, 1990 and sentenced  
5 to a term of imprisonment, periodic imprisonment, fine,  
6 probation, conditional discharge or any other form of  
7 sentence, or given a disposition of court supervision for  
8 the offense;

9 (1.5) found guilty or given supervision under the  
10 Juvenile Court Act of 1987 for a qualifying offense or  
11 attempt of a qualifying offense on or after January 1,  
12 1997;

13 (2) ordered institutionalized as a sexually dangerous  
14 person on or after July 1, 1990;

15 (3) convicted of a qualifying offense or attempt of a  
16 qualifying offense before July 1, 1990 and is presently  
17 confined as a result of such conviction in any State  
18 correctional facility or county jail or is presently  
19 serving a sentence of probation, conditional discharge or  
20 periodic imprisonment as a result of such conviction;

21 (3.5) convicted or found guilty of any offense  
22 classified as a felony under Illinois law or found guilty  
23 or given supervision for such an offense under the Juvenile  
24 Court Act of 1987 on or after August 22, 2002;

25 (4) presently institutionalized as a sexually  
26 dangerous person or presently institutionalized as a

1 person found guilty but mentally ill of a sexual offense or  
2 attempt to commit a sexual offense; or

3 (4.5) ordered committed as a sexually violent person on  
4 or after the effective date of the Sexually Violent Persons  
5 Commitment Act.

6 (a-1) Any person incarcerated in a facility of the Illinois  
7 Department of Corrections or the Illinois Department of  
8 Juvenile Justice on or after August 22, 2002, whether for a  
9 term of years, natural life, or a sentence of death, who has  
10 not yet submitted a specimen of blood, saliva, or tissue shall  
11 be required to submit a specimen of blood, saliva, or tissue  
12 prior to his or her final discharge, or release on parole,  
13 aftercare release, or mandatory supervised release, as a  
14 condition of his or her parole, aftercare release, or mandatory  
15 supervised release, or within 6 months from August 13, 2009  
16 (the effective date of Public Act 96-426), whichever is sooner.  
17 A person incarcerated on or after August 13, 2009 (the  
18 effective date of Public Act 96-426) shall be required to  
19 submit a specimen within 45 days of incarceration, or prior to  
20 his or her final discharge, or release on parole, aftercare  
21 release, or mandatory supervised release, as a condition of his  
22 or her parole, aftercare release, or mandatory supervised  
23 release, whichever is sooner. These specimens shall be placed  
24 into the State or national DNA database, to be used in  
25 accordance with other provisions of this Section, by the  
26 Illinois State Police.

1           (a-2) Any person sentenced to life imprisonment in a  
2 facility of the Illinois Department of Corrections after the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly or sentenced to death after the effective date of this  
5 amendatory Act of the 94th General Assembly shall be required  
6 to provide a specimen of blood, saliva, or tissue within 45  
7 days after sentencing or disposition at a collection site  
8 designated by the Illinois Department of State Police. Any  
9 person serving a sentence of life imprisonment in a facility of  
10 the Illinois Department of Corrections on the effective date of  
11 this amendatory Act of the 94th General Assembly or any person  
12 who is under a sentence of death on the effective date of this  
13 amendatory Act of the 94th General Assembly shall be required  
14 to provide a specimen of blood, saliva, or tissue upon request  
15 at a collection site designated by the Illinois Department of  
16 State Police.

17           (a-3) Any person seeking transfer to or residency in  
18 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
19 Code, the Interstate Compact for Adult Offender Supervision, or  
20 the Interstate Agreements on Sexually Dangerous Persons Act  
21 shall be required to provide a specimen of blood, saliva, or  
22 tissue within 45 days after transfer to or residency in  
23 Illinois at a collection site designated by the Illinois  
24 Department of State Police.

25           (a-3.1) Any person required by an order of the court to  
26 submit a DNA specimen shall be required to provide a specimen

1 of blood, saliva, or tissue within 45 days after the court  
2 order at a collection site designated by the Illinois  
3 Department of State Police.

4 (a-3.2) On or after January 1, 2012 (the effective date of  
5 Public Act 97-383), any person arrested for any of the  
6 following offenses, after an indictment has been returned by a  
7 grand jury, or following a hearing pursuant to Section 109-3 of  
8 the Code of Criminal Procedure of 1963 and a judge finds there  
9 is probable cause to believe the arrestee has committed one of  
10 the designated offenses, or an arrestee has waived a  
11 preliminary hearing shall be required to provide a specimen of  
12 blood, saliva, or tissue within 14 days after such indictment  
13 or hearing at a collection site designated by the Illinois  
14 Department of State Police:

15 (A) first degree murder;

16 (B) home invasion;

17 (C) predatory criminal sexual assault of a child;

18 (D) aggravated criminal sexual assault; or

19 (E) criminal sexual assault.

20 (a-3.3) Any person required to register as a sex offender  
21 under the Sex Offender Registration Act, regardless of the date  
22 of conviction as set forth in subsection (c-5.2) shall be  
23 required to provide a specimen of blood, saliva, or tissue  
24 within the time period prescribed in subsection (c-5.2) at a  
25 collection site designated by the Illinois Department of State  
26 Police.

1 (a-5) Any person who was otherwise convicted of or received  
2 a disposition of court supervision for any other offense under  
3 the Criminal Code of 1961 or the Criminal Code of 2012 or who  
4 was found guilty or given supervision for such a violation  
5 under the Juvenile Court Act of 1987, may, regardless of the  
6 sentence imposed, be required by an order of the court to  
7 submit specimens of blood, saliva, or tissue to the Illinois  
8 Department of State Police in accordance with the provisions of  
9 this Section.

10 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
11 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
12 saliva, or tissue shall provide specimens of blood, saliva, or  
13 tissue within 45 days after sentencing or disposition at a  
14 collection site designated by the Illinois Department of State  
15 Police.

16 (c) Any person required by paragraphs (a)(3), (a)(4), and  
17 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
18 be required to provide such specimens prior to final discharge  
19 or within 6 months from August 13, 2009 (the effective date of  
20 Public Act 96-426), whichever is sooner. These specimens shall  
21 be placed into the State or national DNA database, to be used  
22 in accordance with other provisions of this Act, by the  
23 Illinois State Police.

24 (c-5) Any person required by paragraph (a-3) to provide  
25 specimens of blood, saliva, or tissue shall, where feasible, be  
26 required to provide the specimens before being accepted for



1 conditioned residency in Illinois under the interstate compact  
2 or agreement, but no later than 45 days after arrival in this  
3 State.

4 (c-5.2) Unless it is determined that a registered sex  
5 offender has previously submitted a specimen of blood, saliva,  
6 or tissue that has been placed into the State DNA database, a  
7 person registering as a sex offender shall be required to  
8 submit a specimen at the time of his or her initial  
9 registration pursuant to the Sex Offender Registration Act or,  
10 for a person registered as a sex offender on or prior to  
11 January 1, 2012 (the effective date of Public Act 97-383),  
12 within one year of January 1, 2012 (the effective date of  
13 Public Act 97-383) or at the time of his or her next required  
14 registration.

15 (c-6) The Illinois Department of State Police may determine  
16 which type of specimen or specimens, blood, saliva, or tissue,  
17 is acceptable for submission to the Division of Forensic  
18 Services for analysis. The Illinois Department of State Police  
19 may require the submission of fingerprints from anyone required  
20 to give a specimen under this Act.

21 (d) The Illinois Department of State Police shall provide  
22 all equipment and instructions necessary for the collection of  
23 blood specimens. The collection of specimens shall be performed  
24 in a medically approved manner. Only a physician authorized to  
25 practice medicine, a registered nurse or other qualified person  
26 trained in venipuncture may withdraw blood for the purposes of

1 this Act. The specimens shall thereafter be forwarded to the  
2 Illinois Department of State Police, Division of Forensic  
3 Services, for analysis and categorizing into genetic marker  
4 groupings.

5 (d-1) The Illinois Department of State Police shall provide  
6 all equipment and instructions necessary for the collection of  
7 saliva specimens. The collection of saliva specimens shall be  
8 performed in a medically approved manner. Only a person trained  
9 in the instructions promulgated by the Illinois State Police on  
10 collecting saliva may collect saliva for the purposes of this  
11 Section. The specimens shall thereafter be forwarded to the  
12 Illinois Department of State Police, Division of Forensic  
13 Services, for analysis and categorizing into genetic marker  
14 groupings.

15 (d-2) The Illinois Department of State Police shall provide  
16 all equipment and instructions necessary for the collection of  
17 tissue specimens. The collection of tissue specimens shall be  
18 performed in a medically approved manner. Only a person trained  
19 in the instructions promulgated by the Illinois State Police on  
20 collecting tissue may collect tissue for the purposes of this  
21 Section. The specimens shall thereafter be forwarded to the  
22 Illinois Department of State Police, Division of Forensic  
23 Services, for analysis and categorizing into genetic marker  
24 groupings.

25 (d-5) To the extent that funds are available, the Illinois  
26 Department of State Police shall contract with qualified

1 personnel and certified laboratories for the collection,  
2 analysis, and categorization of known specimens, except as  
3 provided in subsection (n) of this Section.

4 (d-6) Agencies designated by the Illinois Department of  
5 State Police and the Illinois Department of State Police may  
6 contract with third parties to provide for the collection or  
7 analysis of DNA, or both, of an offender's blood, saliva, and  
8 tissue specimens, except as provided in subsection (n) of this  
9 Section.

10 (e) The genetic marker groupings shall be maintained by the  
11 Illinois Department of State Police, Division of Forensic  
12 Services.

13 (f) The genetic marker grouping analysis information  
14 obtained pursuant to this Act shall be confidential and shall  
15 be released only to peace officers of the United States, of  
16 other states or territories, of the insular possessions of the  
17 United States, of foreign countries duly authorized to receive  
18 the same, to all peace officers of the State of Illinois and to  
19 all prosecutorial agencies, and to defense counsel as provided  
20 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
21 genetic marker grouping analysis information obtained pursuant  
22 to this Act shall be used only for (i) valid law enforcement  
23 identification purposes and as required by the Federal Bureau  
24 of Investigation for participation in the National DNA  
25 database, (ii) technology validation purposes, (iii) a  
26 population statistics database, (iv) quality assurance

1 purposes if personally identifying information is removed, (v)  
2 assisting in the defense of the criminally accused pursuant to  
3 Section 116-5 of the Code of Criminal Procedure of 1963, or  
4 (vi) identifying and assisting in the prosecution of a person  
5 who is suspected of committing a sexual assault as defined in  
6 Section 1a of the Sexual Assault Survivors Emergency Treatment  
7 Act. Notwithstanding any other statutory provision to the  
8 contrary, all information obtained under this Section shall be  
9 maintained in a single State data base, which may be uploaded  
10 into a national database, and which information may be subject  
11 to expungement only as set forth in subsection (f-1).

12 (f-1) Upon receipt of notification of a reversal of a  
13 conviction based on actual innocence, or of the granting of a  
14 pardon pursuant to Section 12 of Article V of the Illinois  
15 Constitution, if that pardon document specifically states that  
16 the reason for the pardon is the actual innocence of an  
17 individual whose DNA record has been stored in the State or  
18 national DNA identification index in accordance with this  
19 Section by the Illinois Department of State Police, the DNA  
20 record shall be expunged from the DNA identification index, and  
21 the Department shall by rule prescribe procedures to ensure  
22 that the record and any specimens, analyses, or other documents  
23 relating to such record, whether in the possession of the  
24 Department or any law enforcement or police agency, or any  
25 forensic DNA laboratory, including any duplicates or copies  
26 thereof, are destroyed and a letter is sent to the court

1 verifying the expungement is completed. For specimens required  
2 to be collected prior to conviction, unless the individual has  
3 other charges or convictions that require submission of a  
4 specimen, the DNA record for an individual shall be expunged  
5 from the DNA identification databases and the specimen  
6 destroyed upon receipt of a certified copy of a final court  
7 order for each charge against an individual in which the charge  
8 has been dismissed, resulted in acquittal, or that the charge  
9 was not filed within the applicable time period. The Department  
10 shall by rule prescribe procedures to ensure that the record  
11 and any specimens in the possession or control of the  
12 Department are destroyed and a letter is sent to the court  
13 verifying the expungement is completed.

14 (f-5) Any person who intentionally uses genetic marker  
15 grouping analysis information, or any other information  
16 derived from a DNA specimen, beyond the authorized uses as  
17 provided under this Section, or any other Illinois law, is  
18 guilty of a Class 4 felony, and shall be subject to a fine of  
19 not less than \$5,000.

20 (f-6) The Illinois Department of State Police may contract  
21 with third parties for the purposes of implementing this  
22 amendatory Act of the 93rd General Assembly, except as provided  
23 in subsection (n) of this Section. Any other party contracting  
24 to carry out the functions of this Section shall be subject to  
25 the same restrictions and requirements of this Section insofar  
26 as applicable, as the Illinois Department of State Police, and

1 to any additional restrictions imposed by the Illinois  
2 Department of State Police.

3 (g) For the purposes of this Section, "qualifying offense"  
4 means any of the following:

5 (1) any violation or inchoate violation of Section  
6 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
7 12-16 of the Criminal Code of 1961 or the Criminal Code of  
8 2012;

9 (1.1) any violation or inchoate violation of Section  
10 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
11 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 for which persons are  
13 convicted on or after July 1, 2001;

14 (2) any former statute of this State which defined a  
15 felony sexual offense;

16 (3) (blank);

17 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
18 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012; or

20 (5) any violation or inchoate violation of Article 29D  
21 of the Criminal Code of 1961 or the Criminal Code of 2012.

22 (g-5) (Blank).

23 (h) The Illinois Department of State Police shall be the  
24 State central repository for all genetic marker grouping  
25 analysis information obtained pursuant to this Act. The  
26 Illinois Department of State Police may promulgate rules for

1 the form and manner of the collection of blood, saliva, or  
2 tissue specimens and other procedures for the operation of this  
3 Act. The provisions of the Administrative Review Law shall  
4 apply to all actions taken under the rules so promulgated.

5 (i) (1) A person required to provide a blood, saliva, or  
6 tissue specimen shall cooperate with the collection of the  
7 specimen and any deliberate act by that person intended to  
8 impede, delay or stop the collection of the blood, saliva,  
9 or tissue specimen is a Class 4 felony.

10 (2) In the event that a person's DNA specimen is not  
11 adequate for any reason, the person shall provide another  
12 DNA specimen for analysis. Duly authorized law enforcement  
13 and corrections personnel may employ reasonable force in  
14 cases in which an individual refuses to provide a DNA  
15 specimen required under this Act.

16 (j) (Blank). ~~Any person required by subsection (a), or any~~  
17 ~~person who was previously required by subsection (a 3.2), to~~  
18 ~~submit specimens of blood, saliva, or tissue to the Illinois~~  
19 ~~Department of State Police for analysis and categorization into~~  
20 ~~genetic marker grouping, in addition to any other disposition,~~  
21 ~~penalty, or fine imposed, shall pay an analysis fee of \$250. If~~  
22 ~~the analysis fee is not paid at the time of sentencing, the~~  
23 ~~court shall establish a fee schedule by which the entire amount~~  
24 ~~of the analysis fee shall be paid in full, such schedule not to~~  
25 ~~exceed 24 months from the time of conviction. The inability to~~  
26 ~~pay this analysis fee shall not be the sole ground to~~

1 ~~incarcerate the person.~~

2 (k) All analysis and categorization assessments fees  
3 provided under the Criminal and Traffic Assessments Act to the  
4 State Offender DNA Identification System Fund ~~for by subsection~~  
5 ~~(j)~~ shall be regulated as follows:

6 (1) The State Offender DNA Identification System Fund  
7 is hereby created as a special fund in the State Treasury.

8 (2) (Blank). ~~All fees shall be collected by the clerk~~  
9 ~~of the court and forwarded to the State Offender DNA~~  
10 ~~Identification System Fund for deposit. The clerk of the~~  
11 ~~circuit court may retain the amount of \$10 from each~~  
12 ~~collected analysis fee to offset administrative costs~~  
13 ~~incurred in carrying out the clerk's responsibilities~~  
14 ~~under this Section.~~

15 (3) Moneys Fees deposited into the State Offender DNA  
16 Identification System Fund shall be used by Illinois State  
17 Police crime laboratories as designated by the Director of  
18 State Police. These funds shall be in addition to any  
19 allocations made pursuant to existing laws and shall be  
20 designated for the exclusive use of State crime  
21 laboratories. These uses may include, but are not limited  
22 to, the following:

23 (A) Costs incurred in providing analysis and  
24 genetic marker categorization as required by  
25 subsection (d).

26 (B) Costs incurred in maintaining genetic marker



1 groupings as required by subsection (e).

2 (C) Costs incurred in the purchase and maintenance  
3 of equipment for use in performing analyses.

4 (D) Costs incurred in continuing research and  
5 development of new techniques for analysis and genetic  
6 marker categorization.

7 (E) Costs incurred in continuing education,  
8 training, and professional development of forensic  
9 scientists regularly employed by these laboratories.

10 (l) The failure of a person to provide a specimen, or of  
11 any person or agency to collect a specimen, shall in no way  
12 alter the obligation of the person to submit such specimen, or  
13 the authority of the Illinois Department of State Police or  
14 persons designated by the Department to collect the specimen,  
15 or the authority of the Illinois Department of State Police to  
16 accept, analyze and maintain the specimen or to maintain or  
17 upload results of genetic marker grouping analysis information  
18 into a State or national database.

19 (m) If any provision of this amendatory Act of the 93rd  
20 General Assembly is held unconstitutional or otherwise  
21 invalid, the remainder of this amendatory Act of the 93rd  
22 General Assembly is not affected.

23 (n) Neither the Department of State Police, the Division of  
24 Forensic Services, nor any laboratory of the Division of  
25 Forensic Services may contract out forensic testing for the  
26 purpose of an active investigation or a matter pending before a

1 court of competent jurisdiction without the written consent of  
2 the prosecuting agency. For the purposes of this subsection  
3 (n), "forensic testing" includes the analysis of physical  
4 evidence in an investigation or other proceeding for the  
5 prosecution of a violation of the Criminal Code of 1961 or the  
6 Criminal Code of 2012 or for matters adjudicated under the  
7 Juvenile Court Act of 1987, and includes the use of forensic  
8 databases and databanks, including DNA, firearm, and  
9 fingerprint databases, and expert testimony.

10 (o) Mistake does not invalidate a database match. The  
11 detention, arrest, or conviction of a person based upon a  
12 database match or database information is not invalidated if it  
13 is determined that the specimen was obtained or placed in the  
14 database by mistake.

15 (p) This Section may be referred to as the Illinois DNA  
16 Database Law of 2011.

17 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;  
18 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

19 (730 ILCS 5/5-4.5-50)

20 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
21 as otherwise provided, for all felonies:

22 (a) NO SUPERVISION. The court, upon a plea of guilty or a  
23 stipulation by the defendant of the facts supporting the charge  
24 or a finding of guilt, may not defer further proceedings and  
25 the imposition of a sentence and may not enter an order for

1 supervision of the defendant.

2 (b) FELONY FINES. Unless otherwise specified by law, the  
3 minimum fine is \$25. An offender may be sentenced to pay a fine  
4 not to exceed, for each offense, \$25,000 or the amount  
5 specified in the offense, whichever is greater, or if the  
6 offender is a corporation, \$50,000 or the amount specified in  
7 the offense, whichever is greater. A fine may be imposed in  
8 addition to a sentence of conditional discharge, probation,  
9 periodic imprisonment, or imprisonment. See Article 9 of  
10 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of  
11 additional amounts and determination of amounts and payment. If  
12 the court finds that the fine would impose an undue burden on  
13 the victim, the court may reduce or waive the fine.

14 (c) REASONS FOR SENTENCE STATED. The sentencing judge in  
15 each felony conviction shall set forth his or her reasons for  
16 imposing the particular sentence entered in the case, as  
17 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may  
18 include any mitigating or aggravating factors specified in this  
19 Code, or the lack of any such factors, as well as any other  
20 mitigating or aggravating factors that the judge sets forth on  
21 the record that are consistent with the purposes and principles  
22 of sentencing set out in this Code.

23 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a  
24 sentence may be made, or the court may reduce a sentence  
25 without motion, within 30 days after the sentence is imposed. A  
26 defendant's challenge to the correctness of a sentence or to

1 any aspect of the sentencing hearing shall be made by a written  
2 motion filed with the circuit court clerk within 30 days  
3 following the imposition of sentence. A motion not filed within  
4 that 30-day period is not timely. The court may not increase a  
5 sentence once it is imposed. A notice of motion must be filed  
6 with the motion. The notice of motion shall set the motion on  
7 the court's calendar on a date certain within a reasonable time  
8 after the date of filing.

9 If a motion filed pursuant to this subsection is timely  
10 filed, the proponent of the motion shall exercise due diligence  
11 in seeking a determination on the motion and the court shall  
12 thereafter decide the motion within a reasonable time.

13 If a motion filed pursuant to this subsection is timely  
14 filed, then for purposes of perfecting an appeal, a final  
15 judgment is not considered to have been entered until the  
16 motion to reduce the sentence has been decided by order entered  
17 by the trial court.

18 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
19 OTHER-STATE SENTENCE. A defendant who has a previous and  
20 unexpired sentence of imprisonment imposed by another state or  
21 by any district court of the United States and who, after  
22 sentence for a crime in Illinois, must return to serve the  
23 unexpired prior sentence may have his or her sentence by the  
24 Illinois court ordered to be concurrent with the prior  
25 other-state or federal sentence. The court may order that any  
26 time served on the unexpired portion of the other-state or

1 federal sentence, prior to his or her return to Illinois, shall  
2 be credited on his or her Illinois sentence. The appropriate  
3 official of the other state or the United States shall be  
4 furnished with a copy of the order imposing sentence, which  
5 shall provide that, when the offender is released from  
6 other-state or federal confinement, whether by parole or by  
7 termination of sentence, the offender shall be transferred by  
8 the Sheriff of the committing Illinois county to the Illinois  
9 Department of Corrections. The court shall cause the Department  
10 of Corrections to be notified of the sentence at the time of  
11 commitment and to be provided with copies of all records  
12 regarding the sentence.

13 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A  
14 defendant who has a previous and unexpired sentence of  
15 imprisonment imposed by an Illinois circuit court for a crime  
16 in this State and who is subsequently sentenced to a term of  
17 imprisonment by another state or by any district court of the  
18 United States and who has served a term of imprisonment imposed  
19 by the other state or district court of the United States, and  
20 must return to serve the unexpired prior sentence imposed by  
21 the Illinois circuit court, may apply to the Illinois circuit  
22 court that imposed sentence to have his or her sentence  
23 reduced.

24 The circuit court may order that any time served on the  
25 sentence imposed by the other state or district court of the  
26 United States be credited on his or her Illinois sentence. The

1 application for reduction of a sentence under this subsection  
2 shall be made within 30 days after the defendant has completed  
3 the sentence imposed by the other state or district court of  
4 the United States.

5 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a  
6 sentence or disposition that requires the defendant to be  
7 implanted or injected with or to use any form of birth control.  
8 (Source: P.A. 95-1052, eff. 7-1-09.)

9 (730 ILCS 5/5-4.5-55)

10 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class  
11 A misdemeanor:

12 (a) TERM. The sentence of imprisonment shall be a  
13 determinate sentence of less than one year.

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
15 imprisonment shall be for a definite term of less than one  
16 year, except as otherwise provided in Section 5-5-3 or 5-7-1  
17 (730 ILCS 5/5-5-3 or 5/5-7-1).

18 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
19 5/5-8-1.2) concerning eligibility for the county impact  
20 incarceration program.

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
23 period of probation or conditional discharge shall not exceed 2  
24 years. The court shall specify the conditions of probation or  
25 conditional discharge as set forth in Section 5-6-3 (730 ILCS

1 5/5-6-3).

2 (e) FINE. Unless otherwise specified by law, the minimum  
3 fine is \$25. A fine not to exceed \$2,500 for each offense or  
4 the amount specified in the offense, whichever is greater, may  
5 be imposed. A fine may be imposed in addition to a sentence of  
6 conditional discharge, probation, periodic imprisonment, or  
7 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
8 Art. 9) for imposition of additional amounts and determination  
9 of amounts and payment. If the court finds that the fine would  
10 impose an undue burden on the victim, the court may reduce or  
11 waive the fine.

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
15 be concurrent or consecutive as provided in Section 5-8-4 (730  
16 ILCS 5/5-8-4).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
18 Act (730 ILCS 166/20) concerning eligibility for a drug court  
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
21 ILCS 5/5-4.5-100) concerning credit for time spent in home  
22 detention prior to judgment.

23 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
24 Behavior Allowance Act (730 ILCS 130/) for rules and  
25 regulations for good behavior allowance.

26 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section

1 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
2 electronic monitoring and home detention.

3 (Source: P.A. 100-431, eff. 8-25-17.)

4 (730 ILCS 5/5-4.5-60)

5 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class  
6 B misdemeanor:

7 (a) TERM. The sentence of imprisonment shall be a  
8 determinate sentence of not more than 6 months.

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
10 imprisonment shall be for a definite term of up to 6 months or  
11 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

12 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
13 5/5-8-1.2) concerning eligibility for the county impact  
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
16 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or  
17 conditional discharge shall not exceed 2 years. The court shall  
18 specify the conditions of probation or conditional discharge as  
19 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

20 (e) FINE. Unless otherwise specified by law, the minimum  
21 fine is \$25. A fine not to exceed \$1,500 for each offense or  
22 the amount specified in the offense, whichever is greater, may  
23 be imposed. A fine may be imposed in addition to a sentence of  
24 conditional discharge, probation, periodic imprisonment, or  
25 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,



1 Art. 9) for imposition of additional amounts and determination  
2 of amounts and payment. If the court finds that the fine would  
3 impose an undue burden on the victim, the court may reduce or  
4 waive the fine.

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
8 be concurrent or consecutive as provided in Section 5-8-4 (730  
9 ILCS 5/5-8-4).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
11 Act (730 ILCS 166/20) concerning eligibility for a drug court  
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
14 ILCS 5/5-4.5-100) concerning credit for time spent in home  
15 detention prior to judgment.

16 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
17 Behavior Allowance Act (730 ILCS 130/) for rules and  
18 regulations for good behavior allowance.

19 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
20 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
21 electronic monitoring and home detention.

22 (Source: P.A. 100-431, eff. 8-25-17.)

23 (730 ILCS 5/5-4.5-65)

24 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class  
25 C misdemeanor:

1 (a) TERM. The sentence of imprisonment shall be a  
2 determinate sentence of not more than 30 days.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
4 imprisonment shall be for a definite term of up to 30 days or  
5 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
7 5/5-8-1.2) concerning eligibility for the county impact  
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
10 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or  
11 conditional discharge shall not exceed 2 years. The court shall  
12 specify the conditions of probation or conditional discharge as  
13 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

14 (e) FINE. Unless otherwise specified by law, the minimum  
15 fine is \$25. A fine not to exceed \$1,500 for each offense or  
16 the amount specified in the offense, whichever is greater, may  
17 be imposed. A fine may be imposed in addition to a sentence of  
18 conditional discharge, probation, periodic imprisonment, or  
19 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
20 Art. 9) for imposition of additional amounts and determination  
21 of amounts and payment. If the court finds that the fine would  
22 impose an undue burden on the victim, the court may reduce or  
23 waive the fine.

24 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
25 concerning restitution.

26 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall

1 be concurrent or consecutive as provided in Section 5-8-4 (730  
2 ILCS 5/5-8-4).

3 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
4 Act (730 ILCS 166/20) concerning eligibility for a drug court  
5 program.

6 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
7 ILCS 5/5-4.5-100) concerning credit for time spent in home  
8 detention prior to judgment.

9 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
10 Behavior Allowance Act (730 ILCS 130/) for rules and  
11 regulations for good behavior allowance.

12 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
13 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
14 electronic monitoring and home detention.

15 (Source: P.A. 100-431, eff. 8-25-17.)

16 (730 ILCS 5/5-4.5-75)

17 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as  
18 otherwise provided, for a petty offense:

19 (a) FINE. Unless otherwise specified by law, the minimum  
20 fine is \$25. A defendant may be sentenced to pay a fine not to  
21 exceed \$1,000 for each offense or the amount specified in the  
22 offense, whichever is less. A fine may be imposed in addition  
23 to a sentence of conditional discharge or probation. See  
24 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for  
25 imposition of additional amounts and determination of amounts

1 and payment. If the court finds that the fine would impose an  
2 undue burden on the victim, the court may reduce or waive the  
3 fine.

4 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
5 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be  
6 sentenced to a period of probation or conditional discharge not  
7 to exceed 6 months. The court shall specify the conditions of  
8 probation or conditional discharge as set forth in Section  
9 5-6-3 (730 ILCS 5/5-6-3).

10 (c) RESTITUTION. A defendant may be sentenced to make  
11 restitution to the victim under Section 5-5-6 (730 ILCS  
12 5/5-5-6).

13 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or  
14 a stipulation by the defendant of the facts supporting the  
15 charge or a finding of guilt, may defer further proceedings and  
16 the imposition of a sentence and may enter an order for  
17 supervision of the defendant. If the defendant is not barred  
18 from receiving an order for supervision under Section 5-6-1  
19 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order  
20 for supervision after considering the circumstances of the  
21 offense, and the history, character, and condition of the  
22 offender, if the court is of the opinion that:

23 (1) the defendant is not likely to commit further  
24 crimes;

25 (2) the defendant and the public would be best served  
26 if the defendant were not to receive a criminal record; and

1           (3) in the best interests of justice, an order of  
2           supervision is more appropriate than a sentence otherwise  
3           permitted under this Code.

4           (e) SUPERVISION; PERIOD. When a defendant is placed on  
5           supervision, the court shall enter an order for supervision  
6           specifying the period of supervision, and shall defer further  
7           proceedings in the case until the conclusion of the period. The  
8           period of supervision shall be reasonable under all of the  
9           circumstances of the case, and except as otherwise provided,  
10          may not be longer than 2 years. The court shall specify the  
11          conditions of supervision as set forth in Section 5-6-3.1 (730  
12          ILCS 5/5-6-3.1).

13          (Source: P.A. 95-1052, eff. 7-1-09.)

14           (730 ILCS 5/5-4.5-80)

15          Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as  
16          otherwise provided, for a business offense:

17          (a) FINE. Unless otherwise specified by law, the minimum  
18          fine is \$25. A defendant may be sentenced to pay a fine not to  
19          exceed for each offense the amount specified in the statute  
20          defining that offense. A fine may be imposed in addition to a  
21          sentence of conditional discharge. See Article 9 of Chapter V  
22          (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts  
23          and determination of amounts and payment. If the court finds  
24          that the fine would impose an undue burden on the victim, the  
25          court may reduce or waive the fine.

1 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to  
2 a period of conditional discharge. The court shall specify the  
3 conditions of conditional discharge as set forth in Section  
4 5-6-3 (730 ILCS 5/5-6-3).

5 (c) RESTITUTION. A defendant may be sentenced to make  
6 restitution to the victim under Section 5-5-6 (730 ILCS  
7 5/5-5-6).

8 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or  
9 a stipulation by the defendant of the facts supporting the  
10 charge or a finding of guilt, may defer further proceedings and  
11 the imposition of a sentence and may enter an order for  
12 supervision of the defendant. If the defendant is not barred  
13 from receiving an order for supervision under Section 5-6-1  
14 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order  
15 for supervision after considering the circumstances of the  
16 offense, and the history, character, and condition of the  
17 offender, if the court is of the opinion that:

18 (1) the defendant is not likely to commit further  
19 crimes;

20 (2) the defendant and the public would be best served  
21 if the defendant were not to receive a criminal record; and

22 (3) in the best interests of justice, an order of  
23 supervision is more appropriate than a sentence otherwise  
24 permitted under this Code.

25 (e) SUPERVISION; PERIOD. When a defendant is placed on  
26 supervision, the court shall enter an order for supervision

1 specifying the period of supervision, and shall defer further  
2 proceedings in the case until the conclusion of the period. The  
3 period of supervision shall be reasonable under all of the  
4 circumstances of the case, and except as otherwise provided,  
5 may not be longer than 2 years. The court shall specify the  
6 conditions of supervision as set forth in Section 5-6-3.1 (730  
7 ILCS 5/5-6-3.1).

8 (Source: P.A. 95-1052, eff. 7-1-09.)

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic imprisonment  
15 or conditional discharge shall not be imposed for the following  
16 offenses. The court shall sentence the offender to not less  
17 than the minimum term of imprisonment set forth in this Code  
18 for the following offenses, and may order a fine or restitution  
19 or both in conjunction with such term of imprisonment:

20 (A) First degree murder where the death penalty is not  
21 imposed.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the Illinois  
25 Controlled Substances Act, or a violation of subdivision

1 (c) (1.5) of Section 401 of that Act which relates to more  
2 than 5 grams of a substance containing fentanyl or an  
3 analog thereof.

4 (D-5) A violation of subdivision (c) (1) of Section 401  
5 of the Illinois Controlled Substances Act which relates to  
6 3 or more grams of a substance containing heroin or an  
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had  
10 been convicted of a Class 1 or greater felony, including  
11 any state or federal conviction for an offense that  
12 contained, at the time it was committed, the same elements  
13 as an offense now (the date of the offense committed after  
14 the prior Class 1 or greater felony) classified as a Class  
15 1 or greater felony, within 10 years of the date on which  
16 the offender committed the offense for which he or she is  
17 being sentenced, except as otherwise provided in Section  
18 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
19 Act.

20 (F-3) A Class 2 or greater felony sex offense or felony  
21 firearm offense if the offender had been convicted of a  
22 Class 2 or greater felony, including any state or federal  
23 conviction for an offense that contained, at the time it  
24 was committed, the same elements as an offense now (the  
25 date of the offense committed after the prior Class 2 or  
26 greater felony) classified as a Class 2 or greater felony,



1 within 10 years of the date on which the offender committed  
2 the offense for which he or she is being sentenced, except  
3 as otherwise provided in Section 40-10 of the Alcoholism  
4 and Other Drug Abuse and Dependency Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
6 the Criminal Code of 1961 or the Criminal Code of 2012 for  
7 which imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise provided  
9 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
10 Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as described  
13 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05  
14 of the Criminal Code of 1961 or the Criminal Code of 2012.

15 (J) A forcible felony if the offense was related to the  
16 activities of an organized gang.

17 Before July 1, 1994, for the purposes of this  
18 paragraph, "organized gang" means an association of 5 or  
19 more persons, with an established hierarchy, that  
20 encourages members of the association to perpetrate crimes  
21 or provides support to the members of the association who  
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this  
24 paragraph, "organized gang" has the meaning ascribed to it  
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense  
3 of hate crime when the underlying offense upon which the  
4 hate crime is based is felony aggravated assault or felony  
5 mob action.

6 (M) A second or subsequent conviction for the offense  
7 of institutional vandalism if the damage to the property  
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of  
10 subsection (a) of Section 2 of the Firearm Owners  
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),  
15 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012.

17 (Q) A violation of subsection (b) or (b-5) of Section  
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal Code  
21 of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303  
25 of the Illinois Vehicle Code committed while his or her  
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961  
2 or the Criminal Code of 2012, relating to the offense of  
3 reckless homicide, or a similar provision of a law of  
4 another state.

5 (V) A violation of paragraph (4) of subsection (c) of  
6 Section 11-20.1B or paragraph (4) of subsection (c) of  
7 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
8 (6) of subsection (a) of Section 11-20.1 of the Criminal  
9 Code of 2012 when the victim is under 13 years of age and  
10 the defendant has previously been convicted under the laws  
11 of this State or any other state of the offense of child  
12 pornography, aggravated child pornography, aggravated  
13 criminal sexual abuse, aggravated criminal sexual assault,  
14 predatory criminal sexual assault of a child, or any of the  
15 offenses formerly known as rape, deviate sexual assault,  
16 indecent liberties with a child, or aggravated indecent  
17 liberties with a child where the victim was under the age  
18 of 18 years or an offense that is substantially equivalent  
19 to those offenses.

20 (W) A violation of Section 24-3.5 of the Criminal Code  
21 of 1961 or the Criminal Code of 2012.

22 (X) A violation of subsection (a) of Section 31-1a of  
23 the Criminal Code of 1961 or the Criminal Code of 2012.

24 (Y) A conviction for unlawful possession of a firearm  
25 by a street gang member when the firearm was loaded or  
26 contained firearm ammunition.

1           (Z) A Class 1 felony committed while he or she was  
2           serving a term of probation or conditional discharge for a  
3           felony.

4           (AA) Theft of property exceeding \$500,000 and not  
5           exceeding \$1,000,000 in value.

6           (BB) Laundering of criminally derived property of a  
7           value exceeding \$500,000.

8           (CC) Knowingly selling, offering for sale, holding for  
9           sale, or using 2,000 or more counterfeit items or  
10          counterfeit items having a retail value in the aggregate of  
11          \$500,000 or more.

12          (DD) A conviction for aggravated assault under  
13          paragraph (6) of subsection (c) of Section 12-2 of the  
14          Criminal Code of 1961 or the Criminal Code of 2012 if the  
15          firearm is aimed toward the person against whom the firearm  
16          is being used.

17          (EE) A conviction for a violation of paragraph (2) of  
18          subsection (a) of Section 24-3B of the Criminal Code of  
19          2012.

20          (3) (Blank).

21          (4) A minimum term of imprisonment of not less than 10  
22          consecutive days or 30 days of community service shall be  
23          imposed for a violation of paragraph (c) of Section 6-303 of  
24          the Illinois Vehicle Code.

25          (4.1) (Blank).

26          (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community  
2 service shall be imposed for a second violation of Section  
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300  
5 hours of community service, as determined by the court, shall  
6 be imposed for a second violation of subsection (c) of Section  
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
9 (4.9) of this subsection (c), a minimum term of imprisonment of  
10 30 days or 300 hours of community service, as determined by the  
11 court, shall be imposed for a third or subsequent violation of  
12 Section 6-303 of the Illinois Vehicle Code. The court may give  
13 credit toward the fulfillment of community service hours for  
14 participation in activities and treatment as determined by  
15 court services.

16 (4.5) A minimum term of imprisonment of 30 days shall be  
17 imposed for a third violation of subsection (c) of Section  
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this  
20 subsection (c), a minimum term of imprisonment of 180 days  
21 shall be imposed for a fourth or subsequent violation of  
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30  
24 consecutive days, or 300 hours of community service, shall be  
25 imposed for a violation of subsection (a-5) of Section 6-303 of  
26 the Illinois Vehicle Code, as provided in subsection (b-5) of

1 that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a  
3 second violation of subsection (a-5) of Section 6-303 of the  
4 Illinois Vehicle Code, as provided in subsection (c-5) of that  
5 Section. The person's driving privileges shall be revoked for a  
6 period of not less than 5 years from the date of his or her  
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and  
9 not more than 15 years shall be imposed for a third violation  
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
11 Code, as provided in subsection (d-2.5) of that Section. The  
12 person's driving privileges shall be revoked for the remainder  
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony  
15 shall be imposed, and the person shall be eligible for an  
16 extended term sentence, for a fourth or subsequent violation of  
17 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
18 as provided in subsection (d-3.5) of that Section. The person's  
19 driving privileges shall be revoked for the remainder of his or  
20 her life.

21 (5) The court may sentence a corporation or unincorporated  
22 association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section 5-5-6  
26 of this Code.

1           (5.1) In addition to any other penalties imposed, and  
2 except as provided in paragraph (5.2) or (5.3), a person  
3 convicted of violating subsection (c) of Section 11-907 of the  
4 Illinois Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for at least 90 days but not  
6 more than one year, if the violation resulted in damage to the  
7 property of another person.

8           (5.2) In addition to any other penalties imposed, and  
9 except as provided in paragraph (5.3), a person convicted of  
10 violating subsection (c) of Section 11-907 of the Illinois  
11 Vehicle Code shall have his or her driver's license, permit, or  
12 privileges suspended for at least 180 days but not more than 2  
13 years, if the violation resulted in injury to another person.

14           (5.3) In addition to any other penalties imposed, 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 2 years, if the violation  
18 resulted in the death of another person.

19           (5.4) In addition to any other penalties imposed, a person  
20 convicted of violating Section 3-707 of the Illinois Vehicle  
21 Code shall have his or her driver's license, permit, or  
22 privileges suspended for 3 months and until he or she has paid  
23 a reinstatement fee of \$100.

24           (5.5) In addition to any other penalties imposed, a person  
25 convicted of violating Section 3-707 of the Illinois Vehicle  
26 Code during a period in which his or her driver's license,

1 permit, or privileges were suspended for a previous violation  
2 of that Section shall have his or her driver's license, permit,  
3 or privileges suspended for an additional 6 months after the  
4 expiration of the original 3-month suspension and until he or  
5 she has paid a reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

9 (9) A defendant convicted of a second or subsequent offense  
10 of ritualized abuse of a child may be sentenced to a term of  
11 natural life imprisonment.

12 (10) (Blank).

13 (11) The court shall impose a minimum fine of \$1,000 for a  
14 first offense and \$2,000 for a second or subsequent offense  
15 upon a person convicted of or placed on supervision for battery  
16 when the individual harmed was a sports official or coach at  
17 any level of competition and the act causing harm to the sports  
18 official or coach occurred within an athletic facility or  
19 within the immediate vicinity of the athletic facility at which  
20 the sports official or coach was an active participant of the  
21 athletic contest held at the athletic facility. For the  
22 purposes of this paragraph (11), "sports official" means a  
23 person at an athletic contest who enforces the rules of the  
24 contest, such as an umpire or referee; "athletic facility"  
25 means an indoor or outdoor playing field or recreational area  
26 where sports activities are conducted; and "coach" means a



1 person recognized as a coach by the sanctioning authority that  
2 conducted the sporting event.

3 (12) A person may not receive a disposition of court  
4 supervision for a violation of Section 5-16 of the Boat  
5 Registration and Safety Act if that person has previously  
6 received a disposition of court supervision for a violation of  
7 that Section.

8 (13) A person convicted of or placed on court supervision  
9 for an assault or aggravated assault when the victim and the  
10 offender are family or household members as defined in Section  
11 103 of the Illinois Domestic Violence Act of 1986 or convicted  
12 of domestic battery or aggravated domestic battery may be  
13 required to attend a Partner Abuse Intervention Program under  
14 protocols set forth by the Illinois Department of Human  
15 Services under such terms and conditions imposed by the court.  
16 The costs of such classes shall be paid by the offender.

17 (d) In any case in which a sentence originally imposed is  
18 vacated, the case shall be remanded to the trial court. The  
19 trial court shall hold a hearing under Section 5-4-1 of the  
20 Unified Code of Corrections which may include evidence of the  
21 defendant's life, moral character and occupation during the  
22 time since the original sentence was passed. The trial court  
23 shall then impose sentence upon the defendant. The trial court  
24 may impose any sentence which could have been imposed at the  
25 original trial subject to Section 5-5-4 of the Unified Code of  
26 Corrections. If a sentence is vacated on appeal or on

1 collateral attack due to the failure of the trier of fact at  
2 trial to determine beyond a reasonable doubt the existence of a  
3 fact (other than a prior conviction) necessary to increase the  
4 punishment for the offense beyond the statutory maximum  
5 otherwise applicable, either the defendant may be re-sentenced  
6 to a term within the range otherwise provided or, if the State  
7 files notice of its intention to again seek the extended  
8 sentence, the defendant shall be afforded a new trial.

9 (e) In cases where prosecution for aggravated criminal  
10 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 results in conviction  
12 of a defendant who was a family member of the victim at the  
13 time of the commission of the offense, the court shall consider  
14 the safety and welfare of the victim and may impose a sentence  
15 of probation only where:

16 (1) the court finds (A) or (B) or both are appropriate:

17 (A) the defendant is willing to undergo a court  
18 approved counseling program for a minimum duration of 2  
19 years; or

20 (B) the defendant is willing to participate in a  
21 court approved plan including but not limited to the  
22 defendant's:

23 (i) removal from the household;

24 (ii) restricted contact with the victim;

25 (iii) continued financial support of the  
26 family;

1                   (iv) restitution for harm done to the victim;  
2                   and  
3                   (v) compliance with any other measures that  
4                   the court may deem appropriate; and

5                   (2) the court orders the defendant to pay for the  
6                   victim's counseling services, to the extent that the court  
7                   finds, after considering the defendant's income and  
8                   assets, that the defendant is financially capable of paying  
9                   for such services, if the victim was under 18 years of age  
10                  at the time the offense was committed and requires  
11                  counseling as a result of the offense.

12                  Probation may be revoked or modified pursuant to Section  
13                  5-6-4; except where the court determines at the hearing that  
14                  the defendant violated a condition of his or her probation  
15                  restricting contact with the victim or other family members or  
16                  commits another offense with the victim or other family  
17                  members, the court shall revoke the defendant's probation and  
18                  impose a term of imprisonment.

19                  For the purposes of this Section, "family member" and  
20                  "victim" shall have the meanings ascribed to them in Section  
21                  11-0.1 of the Criminal Code of 2012.

22                  (f) (Blank).

23                  (g) Whenever a defendant is convicted of an offense under  
24                  Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
25                  11-14.3, 11-14.4 except for an offense that involves keeping a  
26                  place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,

1 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, the defendant shall undergo medical  
4 testing to determine whether the defendant has any sexually  
5 transmissible disease, including a test for infection with  
6 human immunodeficiency virus (HIV) or any other identified  
7 causative agent of acquired immunodeficiency syndrome (AIDS).  
8 Any such medical test shall be performed only by appropriately  
9 licensed medical practitioners and may include an analysis of  
10 any bodily fluids as well as an examination of the defendant's  
11 person. Except as otherwise provided by law, the results of  
12 such test shall be kept strictly confidential by all medical  
13 personnel involved in the testing and must be personally  
14 delivered in a sealed envelope to the judge of the court in  
15 which the conviction was entered for the judge's inspection in  
16 camera. Acting in accordance with the best interests of the  
17 victim and the public, the judge shall have the discretion to  
18 determine to whom, if anyone, the results of the testing may be  
19 revealed. The court shall notify the defendant of the test  
20 results. The court shall also notify the victim if requested by  
21 the victim, and if the victim is under the age of 15 and if  
22 requested by the victim's parents or legal guardian, the court  
23 shall notify the victim's parents or legal guardian of the test  
24 results. The court shall provide information on the  
25 availability of HIV testing and counseling at Department of  
26 Public Health facilities to all parties to whom the results of

1 the testing are revealed and shall direct the State's Attorney  
2 to provide the information to the victim when possible. A  
3 State's Attorney may petition the court to obtain the results  
4 of any HIV test administered under this Section, and the court  
5 shall grant the disclosure if the State's Attorney shows it is  
6 relevant in order to prosecute a charge of criminal  
7 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 against the  
9 defendant. The court shall order that the cost of any such test  
10 shall be paid by the county and may be taxed as costs against  
11 the convicted defendant.

12 (g-5) When an inmate is tested for an airborne communicable  
13 disease, as determined by the Illinois Department of Public  
14 Health including but not limited to tuberculosis, the results  
15 of the test shall be personally delivered by the warden or his  
16 or her designee in a sealed envelope to the judge of the court  
17 in which the inmate must appear for the judge's inspection in  
18 camera if requested by the judge. Acting in accordance with the  
19 best interests of those in the courtroom, the judge shall have  
20 the discretion to determine what if any precautions need to be  
21 taken to prevent transmission of the disease in the courtroom.

22 (h) Whenever a defendant is convicted of an offense under  
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
24 defendant shall undergo medical testing to determine whether  
25 the defendant has been exposed to human immunodeficiency virus  
26 (HIV) or any other identified causative agent of acquired

1 immunodeficiency syndrome (AIDS). Except as otherwise provided  
2 by law, the results of such test shall be kept strictly  
3 confidential by all medical personnel involved in the testing  
4 and must be personally delivered in a sealed envelope to the  
5 judge of the court in which the conviction was entered for the  
6 judge's inspection in camera. Acting in accordance with the  
7 best interests of the public, the judge shall have the  
8 discretion to determine to whom, if anyone, the results of the  
9 testing may be revealed. The court shall notify the defendant  
10 of a positive test showing an infection with the human  
11 immunodeficiency virus (HIV). The court shall provide  
12 information on the availability of HIV testing and counseling  
13 at Department of Public Health facilities to all parties to  
14 whom the results of the testing are revealed and shall direct  
15 the State's Attorney to provide the information to the victim  
16 when possible. A State's Attorney may petition the court to  
17 obtain the results of any HIV test administered under this  
18 Section, and the court shall grant the disclosure if the  
19 State's Attorney shows it is relevant in order to prosecute a  
20 charge of criminal transmission of HIV under Section 12-5.01 or  
21 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
22 2012 against the defendant. The court shall order that the cost  
23 of any such test shall be paid by the county and may be taxed as  
24 costs against the convicted defendant.

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar 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 (j) In cases when prosecution for any violation of Section  
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
11 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
12 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012, any violation of the Illinois Controlled  
14 Substances Act, any violation of the Cannabis Control Act, or  
15 any violation of the Methamphetamine Control and Community  
16 Protection Act results in conviction, a disposition of court  
17 supervision, or an order of probation granted under Section 10  
18 of the Cannabis Control Act, Section 410 of the Illinois  
19 Controlled Substances Act, or Section 70 of the Methamphetamine  
20 Control and Community Protection Act of a defendant, the court  
21 shall determine whether the defendant is employed by a facility  
22 or center as defined under the Child Care Act of 1969, a public  
23 or private elementary or secondary school, or otherwise works  
24 with children under 18 years of age on a daily basis. When a  
25 defendant is so employed, the court shall order the Clerk of  
26 the Court to send a copy of the judgment of conviction or order

1 of supervision or probation to the defendant's employer by  
2 certified mail. If the employer of the defendant is a school,  
3 the Clerk of the Court shall direct the mailing of a copy of  
4 the judgment of conviction or order of supervision or probation  
5 to the appropriate regional superintendent of schools. The  
6 regional superintendent of schools shall notify the State Board  
7 of Education of any notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted  
9 of a felony and who has not been previously convicted of a  
10 misdemeanor or felony and who is sentenced to a term of  
11 imprisonment in the Illinois Department of Corrections shall as  
12 a condition of his or her sentence be required by the court to  
13 attend educational courses designed to prepare the defendant  
14 for a high school diploma and to work toward a high school  
15 diploma or to work toward passing high school equivalency  
16 testing or to work toward completing a vocational training  
17 program offered by the Department of Corrections. If a  
18 defendant fails to complete the educational training required  
19 by his or her sentence during the term of incarceration, the  
20 Prisoner Review Board shall, as a condition of mandatory  
21 supervised release, require the defendant, at his or her own  
22 expense, to pursue a course of study toward a high school  
23 diploma or passage of high school equivalency testing. The  
24 Prisoner Review Board shall revoke the mandatory supervised  
25 release of a defendant who wilfully fails to comply with this  
26 subsection (j-5) upon his or her release from confinement in a



1 penal institution while serving a mandatory supervised release  
2 term; however, the inability of the defendant after making a  
3 good faith effort to obtain financial aid or pay for the  
4 educational training shall not be deemed a wilful failure to  
5 comply. The Prisoner Review Board shall recommit the defendant  
6 whose mandatory supervised release term has been revoked under  
7 this subsection (j-5) as provided in Section 3-3-9. This  
8 subsection (j-5) does not apply to a defendant who has a high  
9 school diploma or has successfully passed high school  
10 equivalency testing. This subsection (j-5) does not apply to a  
11 defendant who is determined by the court to be a person with a  
12 developmental disability or otherwise mentally incapable of  
13 completing the educational or vocational program.

14 (k) (Blank).

15 (l) (A) Except as provided in paragraph (C) of subsection  
16 (l), whenever a defendant, who is an alien as defined by the  
17 Immigration and Nationality Act, is convicted of any felony or  
18 misdemeanor offense, the court after sentencing the defendant  
19 may, upon motion of the State's Attorney, hold sentence in  
20 abeyance and remand the defendant to the custody of the  
21 Attorney General of the United States or his or her designated  
22 agent to be deported when:

23 (1) a final order of deportation has been issued  
24 against the defendant pursuant to proceedings under the  
25 Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct and  
2 would not be inconsistent with the ends of justice.

3 Otherwise, the defendant shall be sentenced as provided in  
4 this Chapter V.

5 (B) If the defendant has already been sentenced for a  
6 felony or misdemeanor offense, or has been placed on probation  
7 under Section 10 of the Cannabis Control Act, Section 410 of  
8 the Illinois Controlled Substances Act, or Section 70 of the  
9 Methamphetamine Control and Community Protection Act, the  
10 court may, upon motion of the State's Attorney to suspend the  
11 sentence imposed, commit the defendant to the custody of the  
12 Attorney General of the United States or his or her designated  
13 agent when:

14 (1) a final order of deportation has been issued  
15 against the defendant pursuant to proceedings under the  
16 Immigration and Nationality Act, and

17 (2) the deportation of the defendant would not  
18 deprecate the seriousness of the defendant's conduct and  
19 would not be inconsistent with the ends of justice.

20 (C) This subsection (1) does not apply to offenders who are  
21 subject to the provisions of paragraph (2) of subsection (a) of  
22 Section 3-6-3.

23 (D) Upon motion of the State's Attorney, if a defendant  
24 sentenced under this Section returns to the jurisdiction of the  
25 United States, the defendant shall be recommitted to the  
26 custody of the county from which he or she was sentenced.

1       Thereafter, the defendant shall be brought before the  
2       sentencing court, which may impose any sentence that was  
3       available under Section 5-5-3 at the time of initial  
4       sentencing. In addition, the defendant shall not be eligible  
5       for additional earned sentence credit as provided under Section  
6       3-6-3.

7           (m) A person convicted of criminal defacement of property  
8       under Section 21-1.3 of the Criminal Code of 1961 or the  
9       Criminal Code of 2012, in which the property damage exceeds  
10      \$300 and the property damaged is a school building, shall be  
11      ordered to perform community service that may include cleanup,  
12      removal, or painting over the defacement.

13          (n) The court may sentence a person convicted of a  
14      violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
15      subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
16      of 1961 or the Criminal Code of 2012 (i) to an impact  
17      incarceration program if the person is otherwise eligible for  
18      that program under Section 5-8-1.1, (ii) to community service,  
19      or (iii) if the person is an addict or alcoholic, as defined in  
20      the Alcoholism and Other Drug Abuse and Dependency Act, to a  
21      substance or alcohol abuse program licensed under that Act.

22          (o) Whenever a person is convicted of a sex offense as  
23      defined in Section 2 of the Sex Offender Registration Act, the  
24      defendant's driver's license or permit shall be subject to  
25      renewal on an annual basis in accordance with the provisions of  
26      license renewal established by the Secretary of State.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;  
2 99-938, eff. 1-1-18; 100-575, eff. 1-8-18.)

3 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

4 Sec. 5-5-6. In all convictions for offenses in violation of  
5 the Criminal Code of 1961 or the Criminal Code of 2012 or of  
6 Section 11-501 of the Illinois Vehicle Code in which the person  
7 received any injury to his or her person or damage to his or  
8 her real or personal property as a result of the criminal act  
9 of the defendant, the court shall order restitution as provided  
10 in this Section. In all other cases, except cases in which  
11 restitution is required under this Section, the court must at  
12 the sentence hearing determine whether restitution is an  
13 appropriate sentence to be imposed on each defendant convicted  
14 of an offense. If the court determines that an order directing  
15 the offender to make restitution is appropriate, the offender  
16 may be sentenced to make restitution. The court may consider  
17 restitution an appropriate sentence to be imposed on each  
18 defendant convicted of an offense in addition to a sentence of  
19 imprisonment. The sentence of the defendant to a term of  
20 imprisonment is not a mitigating factor that prevents the court  
21 from ordering the defendant to pay restitution. If the offender  
22 is sentenced to make restitution the Court shall determine the  
23 restitution as hereinafter set forth:

24 (a) At the sentence hearing, the court shall determine  
25 whether the property may be restored in kind to the

1 possession of the owner or the person entitled to  
2 possession thereof; or whether the defendant is possessed  
3 of sufficient skill to repair and restore property damaged;  
4 or whether the defendant should be required to make  
5 restitution in cash, for out-of-pocket expenses, damages,  
6 losses, or injuries found to have been proximately caused  
7 by the conduct of the defendant or another for whom the  
8 defendant is legally accountable under the provisions of  
9 Article 5 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012.

11 (b) In fixing the amount of restitution to be paid in  
12 cash, the court shall allow credit for property returned in  
13 kind, for property damages ordered to be repaired by the  
14 defendant, and for property ordered to be restored by the  
15 defendant; and after granting the credit, the court shall  
16 assess the actual out-of-pocket expenses, losses, damages,  
17 and injuries suffered by the victim named in the charge and  
18 any other victims who may also have suffered out-of-pocket  
19 expenses, losses, damages, and injuries proximately caused  
20 by the same criminal conduct of the defendant, and  
21 insurance carriers who have indemnified the named victim or  
22 other victims for the out-of-pocket expenses, losses,  
23 damages, or injuries, provided that in no event shall  
24 restitution be ordered to be paid on account of pain and  
25 suffering. When a victim's out-of-pocket expenses have  
26 been paid pursuant to the Crime Victims Compensation Act,

1 the court shall order restitution be paid to the  
2 compensation program. If a defendant is placed on  
3 supervision for, or convicted of, domestic battery, the  
4 defendant shall be required to pay restitution to any  
5 domestic violence shelter in which the victim and any other  
6 family or household members lived because of the domestic  
7 battery. The amount of the restitution shall equal the  
8 actual expenses of the domestic violence shelter in  
9 providing housing and any other services for the victim and  
10 any other family or household members living at the  
11 shelter. If a defendant fails to pay restitution in the  
12 manner or within the time period specified by the court,  
13 the court may enter an order directing the sheriff to seize  
14 any real or personal property of a defendant to the extent  
15 necessary to satisfy the order of restitution and dispose  
16 of the property by public sale. All proceeds from such sale  
17 in excess of the amount of restitution plus court costs and  
18 the costs of the sheriff in conducting the sale shall be  
19 paid to the defendant. The defendant convicted of domestic  
20 battery, if a person under 18 years of age was present and  
21 witnessed the domestic battery of the victim, is liable to  
22 pay restitution for the cost of any counseling required for  
23 the child at the discretion of the court.

24 (c) In cases where more than one defendant is  
25 accountable for the same criminal conduct that results in  
26 out-of-pocket expenses, losses, damages, or injuries, each

1 defendant shall be ordered to pay restitution in the amount  
2 of the total actual out-of-pocket expenses, losses,  
3 damages, or injuries to the victim proximately caused by  
4 the conduct of all of the defendants who are legally  
5 accountable for the offense.

6 (1) In no event shall the victim be entitled to  
7 recover restitution in excess of the actual  
8 out-of-pocket expenses, losses, damages, or injuries,  
9 proximately caused by the conduct of all of the  
10 defendants.

11 (2) As between the defendants, the court may  
12 apportion the restitution that is payable in  
13 proportion to each co-defendant's culpability in the  
14 commission of the offense.

15 (3) In the absence of a specific order apportioning  
16 the restitution, each defendant shall bear his pro rata  
17 share of the restitution.

18 (4) As between the defendants, each defendant  
19 shall be entitled to a pro rata reduction in the total  
20 restitution required to be paid to the victim for  
21 amounts of restitution actually paid by co-defendants,  
22 and defendants who shall have paid more than their pro  
23 rata share shall be entitled to refunds to be computed  
24 by the court as additional amounts are paid by  
25 co-defendants.

26 (d) In instances where a defendant has more than one

1 criminal charge pending against him in a single case, or  
2 more than one case, and the defendant stands convicted of  
3 one or more charges, a plea agreement negotiated by the  
4 State's Attorney and the defendants may require the  
5 defendant to make restitution to victims of charges that  
6 have been dismissed or which it is contemplated will be  
7 dismissed under the terms of the plea agreement, and under  
8 the agreement, the court may impose a sentence of  
9 restitution on the charge or charges of which the defendant  
10 has been convicted that would require the defendant to make  
11 restitution to victims of other offenses as provided in the  
12 plea agreement.

13 (e) The court may require the defendant to apply the  
14 balance of the cash bond, after payment of court costs, and  
15 any fine that may be imposed to the payment of restitution.

16 (f) Taking into consideration the ability of the  
17 defendant to pay, including any real or personal property  
18 or any other assets of the defendant, the court shall  
19 determine whether restitution shall be paid in a single  
20 payment or in installments, and shall fix a period of time  
21 not in excess of 5 years, except for violations of Sections  
22 16-1.3 and 17-56 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, or the period of time specified in  
24 subsection (f-1), not including periods of incarceration,  
25 within which payment of restitution is to be paid in full.  
26 Complete restitution shall be paid in as short a time



1 period as possible. However, if the court deems it  
2 necessary and in the best interest of the victim, the court  
3 may extend beyond 5 years the period of time within which  
4 the payment of restitution is to be paid. If the defendant  
5 is ordered to pay restitution and the court orders that  
6 restitution is to be paid over a period greater than 6  
7 months, the court shall order that the defendant make  
8 monthly payments; the court may waive this requirement of  
9 monthly payments only if there is a specific finding of  
10 good cause for waiver.

11 (f-1) (1) In addition to any other penalty prescribed by  
12 law and any restitution ordered under this Section that did  
13 not include long-term physical health care costs, the court  
14 may, upon conviction of any misdemeanor or felony, order a  
15 defendant to pay restitution to a victim in accordance with  
16 the provisions of this subsection (f-1) if the victim has  
17 suffered physical injury as a result of the offense that is  
18 reasonably probable to require or has required long-term  
19 physical health care for more than 3 months. As used in  
20 this subsection (f-1) "long-term physical health care"  
21 includes mental health care.

22 (2) The victim's estimate of long-term physical health  
23 care costs may be made as part of a victim impact statement  
24 under Section 6 of the Rights of Crime Victims and  
25 Witnesses Act or made separately. The court shall enter the  
26 long-term physical health care restitution order at the

1 time of sentencing. An order of restitution made under this  
2 subsection (f-1) shall fix a monthly amount to be paid by  
3 the defendant for as long as long-term physical health care  
4 of the victim is required as a result of the offense. The  
5 order may exceed the length of any sentence imposed upon  
6 the defendant for the criminal activity. The court shall  
7 include as a special finding in the judgment of conviction  
8 its determination of the monthly cost of long-term physical  
9 health care.

10 (3) After a sentencing order has been entered, the  
11 court may from time to time, on the petition of either the  
12 defendant or the victim, or upon its own motion, enter an  
13 order for restitution for long-term physical care or modify  
14 the existing order for restitution for long-term physical  
15 care as to the amount of monthly payments. Any modification  
16 of the order shall be based only upon a substantial change  
17 of circumstances relating to the cost of long-term physical  
18 health care or the financial condition of either the  
19 defendant or the victim. The petition shall be filed as  
20 part of the original criminal docket.

21 (g) In addition to the sentences provided for in  
22 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
23 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,  
24 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of  
25 Section 11-14.4, of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, the court may order any person who

1 is convicted of violating any of those Sections or who was  
2 charged with any of those offenses and which charge was  
3 reduced to another charge as a result of a plea agreement  
4 under subsection (d) of this Section to meet all or any  
5 portion of the financial obligations of treatment,  
6 including but not limited to medical, psychiatric, or  
7 rehabilitative treatment or psychological counseling,  
8 prescribed for the victim or victims of the offense.

9 The payments shall be made by the defendant to the  
10 clerk of the circuit court and transmitted by the clerk to  
11 the appropriate person or agency as directed by the court.  
12 Except as otherwise provided in subsection (f-1), the order  
13 may require such payments to be made for a period not to  
14 exceed 5 years after sentencing, not including periods of  
15 incarceration.

16 (h) The judge may enter an order of withholding to  
17 collect the amount of restitution owed in accordance with  
18 Part 8 of Article XII of the Code of Civil Procedure.

19 (i) A sentence of restitution may be modified or  
20 revoked by the court if the offender commits another  
21 offense, or the offender fails to make restitution as  
22 ordered by the court, but no sentence to make restitution  
23 shall be revoked unless the court shall find that the  
24 offender has had the financial ability to make restitution,  
25 and he has wilfully refused to do so. When the offender's  
26 ability to pay restitution was established at the time an

1 order of restitution was entered or modified, or when the  
2 offender's ability to pay was based on the offender's  
3 willingness to make restitution as part of a plea agreement  
4 made at the time the order of restitution was entered or  
5 modified, there is a rebuttable presumption that the facts  
6 and circumstances considered by the court at the hearing at  
7 which the order of restitution was entered or modified  
8 regarding the offender's ability or willingness to pay  
9 restitution have not materially changed. If the court shall  
10 find that the defendant has failed to make restitution and  
11 that the failure is not wilful, the court may impose an  
12 additional period of time within which to make restitution.  
13 The length of the additional period shall not be more than  
14 2 years. The court shall retain all of the incidents of the  
15 original sentence, including the authority to modify or  
16 enlarge the conditions, and to revoke or further modify the  
17 sentence if the conditions of payment are violated during  
18 the additional period.

19 (j) The procedure upon the filing of a Petition to  
20 Revoke a sentence to make restitution shall be the same as  
21 the procedures set forth in Section 5-6-4 of this Code  
22 governing violation, modification, or revocation of  
23 Probation, of Conditional Discharge, or of Supervision.

24 (k) Nothing contained in this Section shall preclude  
25 the right of any party to proceed in a civil action to  
26 recover for any damages incurred due to the criminal

1 misconduct of the defendant.

2 (l) Restitution ordered under this Section shall not be  
3 subject to disbursement by the circuit clerk under the  
4 Criminal and Traffic Assessment Act ~~Section 27.5 of the~~  
5 ~~Clerks of Courts Act.~~

6 (m) A restitution order under this Section is a  
7 judgment lien in favor of the victim that:

8 (1) Attaches to the property of the person subject  
9 to the order;

10 (2) May be perfected in the same manner as provided  
11 in Part 3 of Article 9 of the Uniform Commercial Code;

12 (3) May be enforced to satisfy any payment that is  
13 delinquent under the restitution order by the person in  
14 whose favor the order is issued or the person's  
15 assignee; and

16 (4) Expires in the same manner as a judgment lien  
17 created in a civil proceeding.

18 When a restitution order is issued under this Section,  
19 the issuing court shall send a certified copy of the order  
20 to the clerk of the circuit court in the county where the  
21 charge was filed. Upon receiving the order, the clerk shall  
22 enter and index the order in the circuit court judgment  
23 docket.

24 (n) An order of restitution under this Section does not  
25 bar a civil action for:

26 (1) Damages that the court did not require the

1 person to pay to the victim under the restitution order  
2 but arise from an injury or property damages that is  
3 the basis of restitution ordered by the court; and

4 (2) Other damages suffered by the victim.

5 The restitution order is not discharged by the completion  
6 of the sentence imposed for the offense.

7 A restitution order under this Section is not discharged by  
8 the liquidation of a person's estate by a receiver. A  
9 restitution order under this Section may be enforced in the  
10 same manner as judgment liens are enforced under Article XII of  
11 the Code of Civil Procedure.

12 The provisions of Section 2-1303 of the Code of Civil  
13 Procedure, providing for interest on judgments, apply to  
14 judgments for restitution entered under this Section.

15 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;  
16 97-482, eff. 1-1-12; 97-817, eff. 1-1-13; 97-1150, eff.  
17 1-25-13.)

18 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

19 Sec. 5-6-1. Sentences of Probation and of Conditional  
20 Discharge and Disposition of Supervision. The General Assembly  
21 finds that in order to protect the public, the criminal justice  
22 system must compel compliance with the conditions of probation  
23 by responding to violations with swift, certain and fair  
24 punishments and intermediate sanctions. The Chief Judge of each  
25 circuit shall adopt a system of structured, intermediate

1 sanctions for violations of the terms and conditions of a  
2 sentence of probation, conditional discharge or disposition of  
3 supervision.

4 (a) Except where specifically prohibited by other  
5 provisions of this Code, the court shall impose a sentence of  
6 probation or conditional discharge upon an offender unless,  
7 having regard to the nature and circumstance of the offense,  
8 and to the history, character and condition of the offender,  
9 the court is of the opinion that:

10 (1) his imprisonment or periodic imprisonment is  
11 necessary for the protection of the public; or

12 (2) probation or conditional discharge would deprecate  
13 the seriousness of the offender's conduct and would be  
14 inconsistent with the ends of justice; or

15 (3) a combination of imprisonment with concurrent or  
16 consecutive probation when an offender has been admitted  
17 into a drug court program under Section 20 of the Drug  
18 Court Treatment Act is necessary for the protection of the  
19 public and for the rehabilitation of the offender.

20 The court shall impose as a condition of a sentence of  
21 probation, conditional discharge, or supervision, that the  
22 probation agency may invoke any sanction from the list of  
23 intermediate sanctions adopted by the chief judge of the  
24 circuit court for violations of the terms and conditions of the  
25 sentence of probation, conditional discharge, or supervision,  
26 subject to the provisions of Section 5-6-4 of this Act.

1           (b) The court may impose a sentence of conditional  
2 discharge for an offense if the court is of the opinion that  
3 neither a sentence of imprisonment nor of periodic imprisonment  
4 nor of probation supervision is appropriate.

5           (b-1) Subsections (a) and (b) of this Section do not apply  
6 to a defendant charged with a misdemeanor or felony under the  
7 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
9 defendant within the past 12 months has been convicted of or  
10 pleaded guilty to a misdemeanor or felony under the Illinois  
11 Vehicle Code or reckless homicide under Section 9-3 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13           (c) The court may, upon a plea of guilty or a stipulation  
14 by the defendant of the facts supporting the charge or a  
15 finding of guilt, defer further proceedings and the imposition  
16 of a sentence, and enter an order for supervision of the  
17 defendant, if the defendant is not charged with: (i) a Class A  
18 misdemeanor, as defined by the following provisions of the  
19 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
20 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
21 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
22 paragraph (1) through (5), (8), (10), and (11) of subsection  
23 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
24 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
25 Act; or (iii) a felony. If the defendant is not barred from  
26 receiving an order for supervision as provided in this



1 subsection, the court may enter an order for supervision after  
2 considering the circumstances of the offense, and the history,  
3 character and condition of the offender, if the court is of the  
4 opinion that:

5 (1) the offender is not likely to commit further  
6 crimes;

7 (2) the defendant and the public would be best served  
8 if the defendant were not to receive a criminal record; and

9 (3) in the best interests of justice an order of  
10 supervision is more appropriate than a sentence otherwise  
11 permitted under this Code.

12 (c-5) Subsections (a), (b), and (c) of this Section do not  
13 apply to a defendant charged with a second or subsequent  
14 violation of Section 6-303 of the Illinois Vehicle Code  
15 committed while his or her driver's license, permit or  
16 privileges were revoked because of a violation of Section 9-3  
17 of the Criminal Code of 1961 or the Criminal Code of 2012,  
18 relating to the offense of reckless homicide, or a similar  
19 provision of a law of another state.

20 (d) The provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating Section 11-501 of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance when  
23 the defendant has previously been:

24 (1) convicted for a violation of Section 11-501 of the  
25 Illinois Vehicle Code or a similar provision of a local  
26 ordinance or any similar law or ordinance of another state;

1 or

2 (2) assigned supervision for a violation of Section  
3 11-501 of the Illinois Vehicle Code or a similar provision  
4 of a local ordinance or any similar law or ordinance of  
5 another state; or

6 (3) pleaded guilty to or stipulated to the facts  
7 supporting a charge or a finding of guilty to a violation  
8 of Section 11-503 of the Illinois Vehicle Code or a similar  
9 provision of a local ordinance or any similar law or  
10 ordinance of another state, and the plea or stipulation was  
11 the result of a plea agreement.

12 The court shall consider the statement of the prosecuting  
13 authority with regard to the standards set forth in this  
14 Section.

15 (e) The provisions of paragraph (c) shall not apply to a  
16 defendant charged with violating Section 16-25 or 16A-3 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 if said  
18 defendant has within the last 5 years been:

19 (1) convicted for a violation of Section 16-25 or 16A-3  
20 of the Criminal Code of 1961 or the Criminal Code of 2012;  
21 or

22 (2) assigned supervision for a violation of Section  
23 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012.

25 The court shall consider the statement of the prosecuting  
26 authority with regard to the standards set forth in this

1 Section.

2 (f) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating Sections 15-111, 15-112,  
4 15-301, paragraph (b) of Section 6-104, Section 11-605,  
5 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or  
6 Section 11-1414 of the Illinois Vehicle Code or a similar  
7 provision of a local ordinance.

8 (g) Except as otherwise provided in paragraph (i) of this  
9 Section, the provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 3-707, 3-708, 3-710,  
11 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
12 of a local ordinance if the defendant has within the last 5  
13 years been:

14 (1) convicted for a violation of Section 3-707, 3-708,  
15 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
16 provision of a local ordinance; or

17 (2) assigned supervision for a violation of Section  
18 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
19 Code or a similar provision of a local ordinance.

20 The court shall consider the statement of the prosecuting  
21 authority with regard to the standards set forth in this  
22 Section.

23 (h) The provisions of paragraph (c) shall not apply to a  
24 defendant under the age of 21 years charged with violating a  
25 serious traffic offense as defined in Section 1-187.001 of the  
26 Illinois Vehicle Code:

1 (1) unless the defendant, upon payment of the fines,  
2 penalties, and costs provided by law, agrees to attend and  
3 successfully complete a traffic safety program approved by  
4 the court under standards set by the Conference of Chief  
5 Circuit Judges. The accused shall be responsible for  
6 payment of any traffic safety program fees. If the accused  
7 fails to file a certificate of successful completion on or  
8 before the termination date of the supervision order, the  
9 supervision shall be summarily revoked and conviction  
10 entered. The provisions of Supreme Court Rule 402 relating  
11 to pleas of guilty do not apply in cases when a defendant  
12 enters a guilty plea under this provision; or

13 (2) if the defendant has previously been sentenced  
14 under the provisions of paragraph (c) on or after January  
15 1, 1998 for any serious traffic offense as defined in  
16 Section 1-187.001 of the Illinois Vehicle Code.

17 (h-1) The provisions of paragraph (c) shall not apply to a  
18 defendant under the age of 21 years charged with an offense  
19 against traffic regulations governing the movement of vehicles  
20 or any violation of Section 6-107 or Section 12-603.1 of the  
21 Illinois Vehicle Code, unless the defendant, upon payment of  
22 the fines, penalties, and costs provided by law, agrees to  
23 attend and successfully complete a traffic safety program  
24 approved by the court under standards set by the Conference of  
25 Chief Circuit Judges. The accused shall be responsible for  
26 payment of any traffic safety program fees. If the accused

1 fails to file a certificate of successful completion on or  
2 before the termination date of the supervision order, the  
3 supervision shall be summarily revoked and conviction entered.  
4 The provisions of Supreme Court Rule 402 relating to pleas of  
5 guilty do not apply in cases when a defendant enters a guilty  
6 plea under this provision.

7 (i) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating Section 3-707 of the Illinois  
9 Vehicle Code or a similar provision of a local ordinance if the  
10 defendant has been assigned supervision for a violation of  
11 Section 3-707 of the Illinois Vehicle Code or a similar  
12 provision of a local ordinance.

13 (j) The provisions of paragraph (c) shall not apply to a  
14 defendant charged with violating Section 6-303 of the Illinois  
15 Vehicle Code or a similar provision of a local ordinance when  
16 the revocation or suspension was for a violation of Section  
17 11-501 or a similar provision of a local ordinance or a  
18 violation of Section 11-501.1 or paragraph (b) of Section  
19 11-401 of the Illinois Vehicle Code if the defendant has within  
20 the last 10 years been:

21 (1) convicted for a violation of Section 6-303 of the  
22 Illinois Vehicle Code or a similar provision of a local  
23 ordinance; or

24 (2) assigned supervision for a violation of Section  
25 6-303 of the Illinois Vehicle Code or a similar provision  
26 of a local ordinance.

1 (k) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating any provision of the Illinois  
3 Vehicle Code or a similar provision of a local ordinance that  
4 governs the movement of vehicles if, within the 12 months  
5 preceding the date of the defendant's arrest, the defendant has  
6 been assigned court supervision on 2 occasions for a violation  
7 that governs the movement of vehicles under the Illinois  
8 Vehicle Code or a similar provision of a local ordinance. The  
9 provisions of this paragraph (k) do not apply to a defendant  
10 charged with violating Section 11-501 of the Illinois Vehicle  
11 Code or a similar provision of a local ordinance.

12 (l) (Blank). ~~A defendant charged with violating any~~  
13 ~~provision of the Illinois Vehicle Code or a similar provision~~  
14 ~~of a local ordinance who receives a disposition of supervision~~  
15 ~~under subsection (c) shall pay an additional fee of \$29, to be~~  
16 ~~collected as provided in Sections 27.5 and 27.6 of the Clerks~~  
17 ~~of Courts Act. In addition to the \$29 fee, the person shall~~  
18 ~~also pay a fee of \$6, which, if not waived by the court, shall~~  
19 ~~be collected as provided in Sections 27.5 and 27.6 of the~~  
20 ~~Clerks of Courts Act. The \$29 fee shall be disbursed as~~  
21 ~~provided in Section 16-104e of the Illinois Vehicle Code. If~~  
22 ~~the \$6 fee is collected, \$5.50 of the fee shall be deposited~~  
23 ~~into the Circuit Court Clerk Operation and Administrative Fund~~  
24 ~~created by the Clerk of the Circuit Court and 50 cents of the~~  
25 ~~fee shall be deposited into the Prisoner Review Board Vehicle~~  
26 ~~and Equipment Fund in the State treasury.~~

1           (m) (Blank). ~~Any person convicted of, pleading guilty to,~~  
2 ~~or placed on supervision for a serious traffic violation, as~~  
3 ~~defined in Section 1-187.001 of the Illinois Vehicle Code, a~~  
4 ~~violation of Section 11-501 of the Illinois Vehicle Code, or a~~  
5 ~~violation of a similar provision of a local ordinance shall pay~~  
6 ~~an additional fee of \$35, to be disbursed as provided in~~  
7 ~~Section 16-104d of that Code.~~

8           ~~This subsection (m) becomes inoperative on January 1, 2020.~~

9           (n) The provisions of paragraph (c) shall not apply to any  
10 person under the age of 18 who commits an offense against  
11 traffic regulations governing the movement of vehicles or any  
12 violation of Section 6-107 or Section 12-603.1 of the Illinois  
13 Vehicle Code, except upon personal appearance of the defendant  
14 in court and upon the written consent of the defendant's parent  
15 or legal guardian, executed before the presiding judge. The  
16 presiding judge shall have the authority to waive this  
17 requirement upon the showing of good cause by the defendant.

18           (o) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 6-303 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance when  
21 the suspension was for a violation of Section 11-501.1 of the  
22 Illinois Vehicle Code and when:

23           (1) at the time of the violation of Section 11-501.1 of  
24 the Illinois Vehicle Code, the defendant was a first  
25 offender pursuant to Section 11-500 of the Illinois Vehicle  
26 Code and the defendant failed to obtain a monitoring device

1 driving permit; or

2 (2) at the time of the violation of Section 11-501.1 of  
3 the Illinois Vehicle Code, the defendant was a first  
4 offender pursuant to Section 11-500 of the Illinois Vehicle  
5 Code, had subsequently obtained a monitoring device  
6 driving permit, but was driving a vehicle not equipped with  
7 a breath alcohol ignition interlock device as defined in  
8 Section 1-129.1 of the Illinois Vehicle Code.

9 (p) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 11-601.5 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance when the defendant has previously been:

13 (1) convicted for a violation of Section 11-601.5 of  
14 the Illinois Vehicle Code or a similar provision of a local  
15 ordinance or any similar law or ordinance of another state;  
16 or

17 (2) assigned supervision for a violation of Section  
18 11-601.5 of the Illinois Vehicle Code or a similar  
19 provision of a local ordinance or any similar law or  
20 ordinance of another state.

21 (q) The provisions of paragraph (c) shall not apply to a  
22 defendant charged with violating subsection (b) of Section  
23 11-601 or Section 11-601.5 of the Illinois Vehicle Code when  
24 the defendant was operating a vehicle, in an urban district, at  
25 a speed that is 26 miles per hour or more in excess of the  
26 applicable maximum speed limit established under Chapter 11 of



1 the Illinois Vehicle Code.

2 (r) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating any provision of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance if the  
5 violation was the proximate cause of the death of another and  
6 the defendant's driving abstract contains a prior conviction or  
7 disposition of court supervision for any violation of the  
8 Illinois Vehicle Code, other than an equipment violation, or a  
9 suspension, revocation, or cancellation of the driver's  
10 license.

11 (s) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating subsection (i) of Section 70  
13 of the Firearm Concealed Carry Act.

14 (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;  
15 98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.  
16 1-1-16.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of probation and of conditional  
19 discharge.

20 (a) The conditions of probation and of conditional  
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any  
23 jurisdiction;

24 (2) report to or appear in person before such person or  
25 agency as directed by the court;

1           (3) refrain from possessing a firearm or other  
2 dangerous weapon where the offense is a felony or, if a  
3 misdemeanor, the offense involved the intentional or  
4 knowing infliction of bodily harm or threat of bodily harm;

5           (4) not leave the State without the consent of the  
6 court or, in circumstances in which the reason for the  
7 absence is of such an emergency nature that prior consent  
8 by the court is not possible, without the prior  
9 notification and approval of the person's probation  
10 officer. Transfer of a person's probation or conditional  
11 discharge supervision to another state is subject to  
12 acceptance by the other state pursuant to the Interstate  
13 Compact for Adult Offender Supervision;

14           (5) permit the probation officer to visit him at his  
15 home or elsewhere to the extent necessary to discharge his  
16 duties;

17           (6) perform no less than 30 hours of community service  
18 and not more than 120 hours of community service, if  
19 community service is available in the jurisdiction and is  
20 funded and approved by the county board where the offense  
21 was committed, where the offense was related to or in  
22 furtherance of the criminal activities of an organized gang  
23 and was motivated by the offender's membership in or  
24 allegiance to an organized gang. The community service  
25 shall include, but not be limited to, the cleanup and  
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 and similar damage to property located within the  
3 municipality or county in which the violation occurred.  
4 When possible and reasonable, the community service should  
5 be performed in the offender's neighborhood. For purposes  
6 of this Section, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang Terrorism  
8 Omnibus Prevention Act. The court may give credit toward  
9 the fulfillment of community service hours for  
10 participation in activities and treatment as determined by  
11 court services;

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 paragraph (7). The  
25 court shall revoke the probation or conditional discharge  
26 of a person who wilfully fails to comply with this

1 paragraph (7). The person on probation or conditional  
2 discharge shall be required to pay for the cost of the  
3 educational courses or high school equivalency testing if a  
4 fee is charged for those courses or testing. The court  
5 shall resentence the offender whose probation or  
6 conditional discharge has been revoked as provided in  
7 Section 5-6-4. This paragraph (7) does not apply to a  
8 person who has a high school diploma or has successfully  
9 passed high school equivalency testing. This paragraph (7)  
10 does not apply to a person who is determined by the court  
11 to be a person with a developmental disability or otherwise  
12 mentally incapable of completing the educational or  
13 vocational program;

14 (8) if convicted of possession of a substance  
15 prohibited by the Cannabis Control Act, the Illinois  
16 Controlled Substances Act, or the Methamphetamine Control  
17 and Community Protection Act after a previous conviction or  
18 disposition of supervision for possession of a substance  
19 prohibited by the Cannabis Control Act or Illinois  
20 Controlled Substances Act or after a sentence of probation  
21 under Section 10 of the Cannabis Control Act, Section 410  
22 of the Illinois Controlled Substances Act, or Section 70 of  
23 the Methamphetamine Control and Community Protection Act  
24 and upon a finding by the court that the person is  
25 addicted, undergo treatment at a substance abuse program  
26 approved by the court;

1           (8.5) if convicted of a felony sex offense as defined  
2           in the Sex Offender Management Board Act, the person shall  
3           undergo and successfully complete sex offender treatment  
4           by a treatment provider approved by the Board and conducted  
5           in conformance with the standards developed under the Sex  
6           Offender Management Board Act;

7           (8.6) if convicted of a sex offense as defined in the  
8           Sex Offender Management Board Act, refrain from residing at  
9           the same address or in the same condominium unit or  
10          apartment unit or in the same condominium complex or  
11          apartment complex with another person he or she knows or  
12          reasonably should know is a convicted sex offender or has  
13          been placed on supervision for a sex offense; the  
14          provisions of this paragraph do not apply to a person  
15          convicted of a sex offense who is placed in a Department of  
16          Corrections licensed transitional housing facility for sex  
17          offenders;

18          (8.7) if convicted for an offense committed on or after  
19          June 1, 2008 (the effective date of Public Act 95-464) that  
20          would qualify the accused as a child sex offender as  
21          defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
22          1961 or the Criminal Code of 2012, refrain from  
23          communicating with or contacting, by means of the Internet,  
24          a person who is not related to the accused and whom the  
25          accused reasonably believes to be under 18 years of age;  
26          for purposes of this paragraph (8.7), "Internet" has the

1 meaning ascribed to it in Section 16-0.1 of the Criminal  
2 Code of 2012; and a person is not related to the accused if  
3 the person is not: (i) the spouse, brother, or sister of  
4 the accused; (ii) a descendant of the accused; (iii) a  
5 first or second cousin of the accused; or (iv) a step-child  
6 or adopted child of the accused;

7 (8.8) if convicted for an offense under Section 11-6,  
8 11-9.1, 11-14.4 that involves soliciting for a juvenile  
9 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 or any attempt to commit any of these offenses, committed  
12 on or after June 1, 2009 (the effective date of Public Act  
13 95-983):

14 (i) not access or use a computer or any other  
15 device with Internet capability without the prior  
16 written approval of the offender's probation officer,  
17 except in connection with the offender's employment or  
18 search for employment with the prior approval of the  
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations  
21 of the offender's computer or any other device with  
22 Internet capability by the offender's probation  
23 officer, a law enforcement officer, or assigned  
24 computer or information technology specialist,  
25 including the retrieval and copying of all data from  
26 the computer or device and any internal or external

1 peripherals and removal of such information,  
2 equipment, or device to conduct a more thorough  
3 inspection;

4 (iii) submit to the installation on the offender's  
5 computer or device with Internet capability, at the  
6 offender's expense, of one or more hardware or software  
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions  
9 concerning the offender's use of or access to a  
10 computer or any other device with Internet capability  
11 imposed by the offender's probation officer;

12 (8.9) if convicted of a sex offense as defined in the  
13 Sex Offender Registration Act committed on or after January  
14 1, 2010 (the effective date of Public Act 96-262), refrain  
15 from accessing or using a social networking website as  
16 defined in Section 17-0.5 of the Criminal Code of 2012;

17 (9) if convicted of a felony or of any misdemeanor  
18 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
19 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
20 2012 that was determined, pursuant to Section 112A-11.1 of  
21 the Code of Criminal Procedure of 1963, to trigger the  
22 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
23 at a time and place designated by the court, his or her  
24 Firearm Owner's Identification Card and any and all  
25 firearms in his or her possession. The Court shall return  
26 to the Department of State Police Firearm Owner's

1 Identification Card Office the person's Firearm Owner's  
2 Identification Card;

3 (10) if convicted of a sex offense as defined in  
4 subsection (a-5) of Section 3-1-2 of this Code, unless the  
5 offender is a parent or guardian of the person under 18  
6 years of age present in the home and no non-familial minors  
7 are present, not participate in a holiday event involving  
8 children under 18 years of age, such as distributing candy  
9 or other items to children on Halloween, wearing a Santa  
10 Claus costume on or preceding Christmas, being employed as  
11 a department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter;

13 (11) if convicted of a sex offense as defined in  
14 Section 2 of the Sex Offender Registration Act committed on  
15 or after January 1, 2010 (the effective date of Public Act  
16 96-362) that requires the person to register as a sex  
17 offender under that Act, may not knowingly use any computer  
18 scrub software on any computer that the sex offender uses;

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; and

3           (13) if convicted of a hate crime involving the  
4           protected class identified in subsection (a) of Section  
5           12-7.1 of the Criminal Code of 2012 that gave rise to the  
6           offense the offender committed, perform public or  
7           community service of no less than 200 hours and enroll in  
8           an educational program discouraging hate crimes that  
9           includes racial, ethnic, and cultural sensitivity training  
10          ordered by the court.

11          (b) The Court may in addition to other reasonable  
12          conditions relating to the nature of the offense or the  
13          rehabilitation of the defendant as determined for each  
14          defendant in the proper discretion of the Court require that  
15          the person:

16               (1) serve a term of periodic imprisonment under Article  
17               7 for a period not to exceed that specified in paragraph  
18               (d) of Section 5-7-1;

19               (2) pay a fine and costs;

20               (3) work or pursue a course of study or vocational  
21               training;

22               (4) undergo medical, psychological or psychiatric  
23               treatment; or treatment for drug addiction or alcoholism;

24               (5) attend or reside in a facility established for the  
25               instruction or residence of defendants on probation;

26               (6) support his dependents;

- 1           (7) and in addition, if a minor:
- 2                 (i) reside with his parents or in a foster home;
- 3                 (ii) attend school;
- 4                 (iii) attend a non-residential program for youth;
- 5                 (iv) contribute to his own support at home or in a
- 6 foster home;
- 7                 (v) with the consent of the superintendent of the
- 8 facility, attend an educational program at a facility
- 9 other than the school in which the offense was
- 10 committed if he or she is convicted of a crime of
- 11 violence as defined in Section 2 of the Crime Victims
- 12 Compensation Act committed in a school, on the real
- 13 property comprising a school, or within 1,000 feet of
- 14 the real property comprising a school;
- 15           (8) make restitution as provided in Section 5-5-6 of
- 16 this Code;
- 17           (9) perform some reasonable public or community
- 18 service;
- 19           (10) serve a term of home confinement. In addition to
- 20 any other applicable condition of probation or conditional
- 21 discharge, the conditions of home confinement shall be that
- 22 the offender:
- 23                 (i) remain within the interior premises of the
- 24 place designated for his confinement during the hours
- 25 designated by the court;
- 26                 (ii) admit any person or agent designated by the

1 court into the offender's place of confinement at any  
2 time for purposes of verifying the offender's  
3 compliance with the conditions of his confinement; and

4 (iii) if further deemed necessary by the court or  
5 the Probation or Court Services Department, be placed  
6 on an approved electronic monitoring device, subject  
7 to Article 8A of Chapter V;

8 (iv) for persons convicted of any alcohol,  
9 cannabis or controlled substance violation who are  
10 placed on an approved monitoring device as a condition  
11 of probation or conditional discharge, the court shall  
12 impose a reasonable fee for each day of the use of the  
13 device, as established by the county board in  
14 subsection (g) of this Section, unless after  
15 determining the inability of the offender to pay the  
16 fee, the court assesses a lesser fee or no fee as the  
17 case may be. This fee shall be imposed in addition to  
18 the fees imposed under subsections (g) and (i) of this  
19 Section. The fee shall be collected by the clerk of the  
20 circuit court, except as provided in an administrative  
21 order of the Chief Judge of the circuit court. The  
22 clerk of the circuit court shall pay all monies  
23 collected from this fee to the county treasurer for  
24 deposit in the substance abuse services fund under  
25 Section 5-1086.1 of the Counties Code, except as  
26 provided in an administrative order of the Chief Judge

1 of the circuit court.

2 The Chief Judge of the circuit court of the county  
3 may by administrative order establish a program for  
4 electronic monitoring of offenders, in which a vendor  
5 supplies and monitors the operation of the electronic  
6 monitoring device, and collects the fees on behalf of  
7 the county. The program shall include provisions for  
8 indigent offenders and the collection of unpaid fees.  
9 The program shall not unduly burden the offender and  
10 shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend  
12 any additional charges or fees for late payment,  
13 interest, or damage to any device; and

14 (v) for persons convicted of offenses other than  
15 those referenced in clause (iv) above and who are  
16 placed on an approved monitoring device as a condition  
17 of probation or conditional discharge, the court shall  
18 impose a reasonable fee for each day of the use of the  
19 device, as established by the county board in  
20 subsection (g) of this Section, unless after  
21 determining the inability of the defendant to pay the  
22 fee, the court assesses a lesser fee or no fee as the  
23 case may be. This fee shall be imposed in addition to  
24 the fees imposed under subsections (g) and (i) of this  
25 Section. The fee shall be collected by the clerk of the  
26 circuit court, except as provided in an administrative

1 order of the Chief Judge of the circuit court. The  
2 clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer who  
4 shall use the monies collected to defray the costs of  
5 corrections. The county treasurer shall deposit the  
6 fee collected in the probation and court services fund.  
7 The Chief Judge of the circuit court of the county may  
8 by administrative order establish a program for  
9 electronic monitoring of offenders, in which a vendor  
10 supplies and monitors the operation of the electronic  
11 monitoring device, and collects the fees on behalf of  
12 the county. The program shall include provisions for  
13 indigent offenders and the collection of unpaid fees.  
14 The program shall not unduly burden the offender and  
15 shall be subject to review by the Chief Judge.

16 The Chief Judge of the circuit court may suspend  
17 any additional charges or fees for late payment,  
18 interest, or damage to any device.

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, as now or hereafter amended,  
22 or an order of protection issued by the court of another  
23 state, tribe, or United States territory. A copy of the  
24 order of protection shall be transmitted to the probation  
25 officer or agency having responsibility for the case;

26 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council Act  
2 for any reasonable expenses incurred by the program on the  
3 offender's case, not to exceed the maximum amount of the  
4 fine authorized for the offense for which the defendant was  
5 sentenced;

6 (13) contribute a reasonable sum of money, not to  
7 exceed the maximum amount of the fine authorized for the  
8 offense for which the defendant was sentenced, (i) to a  
9 "local anti-crime program", as defined in Section 7 of the  
10 Anti-Crime Advisory Council Act, or (ii) for offenses under  
11 the jurisdiction of the Department of Natural Resources, to  
12 the fund established by the Department of Natural Resources  
13 for the purchase of evidence for investigation purposes and  
14 to conduct investigations as outlined in Section 805-105 of  
15 the Department of Natural Resources (Conservation) Law;

16 (14) refrain from entering into a designated  
17 geographic area except upon such terms as the court finds  
18 appropriate. Such terms may include consideration of the  
19 purpose of the entry, the time of day, other persons  
20 accompanying the defendant, and advance approval by a  
21 probation officer, if the defendant has been placed on  
22 probation or advance approval by the court, if the  
23 defendant was placed on conditional discharge;

24 (15) refrain from having any contact, directly or  
25 indirectly, with certain specified persons or particular  
26 types of persons, 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) if convicted for an offense committed on or after  
10 June 1, 2008 (the effective date of Public Act 95-464) that  
11 would qualify the accused as a child sex offender as  
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, refrain from  
14 communicating with or contacting, by means of the Internet,  
15 a person who is related to the accused and whom the accused  
16 reasonably believes to be under 18 years of age; for  
17 purposes of this paragraph (17), "Internet" has the meaning  
18 ascribed to it in Section 16-0.1 of the Criminal Code of  
19 2012; and a person is related to the accused if the person  
20 is: (i) the spouse, brother, or sister of the accused; (ii)  
21 a descendant of the accused; (iii) a first or second cousin  
22 of the accused; or (iv) a step-child or adopted child of  
23 the accused;

24 (18) if convicted for an offense committed on or after  
25 June 1, 2009 (the effective date of Public Act 95-983) that  
26 would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other  
3 device with Internet capability without the prior  
4 written approval of the offender's probation officer,  
5 except in connection with the offender's employment or  
6 search for employment with the prior approval of the  
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations  
9 of the offender's computer or any other device with  
10 Internet capability by the offender's probation  
11 officer, a law enforcement officer, or assigned  
12 computer or information technology specialist,  
13 including the retrieval and copying of all data from  
14 the computer or device and any internal or external  
15 peripherals and removal of such information,  
16 equipment, or device to conduct a more thorough  
17 inspection;

18 (iii) submit to the installation on the offender's  
19 computer or device with Internet capability, at the  
20 subject's expense, of one or more hardware or software  
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions  
23 concerning the offender's use of or access to a  
24 computer or any other device with Internet capability  
25 imposed by the offender's probation officer; and

26 (19) refrain from possessing a firearm or other



1 dangerous weapon where the offense is a misdemeanor that  
2 did not involve the intentional or knowing infliction of  
3 bodily harm or threat of bodily harm.

4 (c) The court may as a condition of probation or of  
5 conditional discharge require that a person under 18 years of  
6 age found guilty of any alcohol, cannabis or controlled  
7 substance violation, refrain from acquiring a driver's license  
8 during the period of probation or conditional discharge. If  
9 such person is in possession of a permit or license, the court  
10 may require that the minor refrain from driving or operating  
11 any motor vehicle during the period of probation or conditional  
12 discharge, except as may be necessary in the course of the  
13 minor's lawful employment.

14 (d) An offender sentenced to probation or to conditional  
15 discharge shall be given a certificate setting forth the  
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or  
18 subsequent violation of subsection (c) of Section 6-303 of the  
19 Illinois Vehicle Code, the court shall not require as a  
20 condition of the sentence of probation or conditional discharge  
21 that the offender be committed to a period of imprisonment in  
22 excess of 6 months. This 6-month limit shall not include  
23 periods of confinement given pursuant to a sentence of county  
24 impact incarceration under Section 5-8-1.2.

25 Persons committed to imprisonment as a condition of  
26 probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic  
3 imprisonment under Article 7 or a sentence to a county impact  
4 incarceration program under Article 8 with a sentence of  
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional  
7 discharge and who during the term of either undergoes mandatory  
8 drug or alcohol testing, or both, or is assigned to be placed  
9 on an approved electronic monitoring device, shall be ordered  
10 to pay all costs incidental to such mandatory drug or alcohol  
11 testing, or both, and all costs incidental to such approved  
12 electronic monitoring in accordance with the defendant's  
13 ability to pay those costs. The county board with the  
14 concurrence of the Chief Judge of the judicial circuit in which  
15 the county is located shall establish reasonable fees for the  
16 cost of maintenance, testing, and incidental expenses related  
17 to the mandatory drug or alcohol testing, or both, and all  
18 costs incidental to approved electronic monitoring, involved  
19 in a successful probation program for the county. The  
20 concurrence of the Chief Judge shall be in the form of an  
21 administrative order. The fees shall be collected by the clerk  
22 of the circuit court, except as provided in an administrative  
23 order of the Chief Judge of the circuit court. The clerk of the  
24 circuit court shall pay all moneys collected from these fees to  
25 the county treasurer who shall use the moneys collected to  
26 defray the costs of drug testing, alcohol testing, and

1 electronic monitoring. The county treasurer shall deposit the  
2 fees collected in the county working cash fund under Section  
3 6-27001 or Section 6-29002 of the Counties Code, as the case  
4 may be. The Chief Judge of the circuit court of the county may  
5 by administrative order establish a program for electronic  
6 monitoring of offenders, in which a vendor supplies and  
7 monitors the operation of the electronic monitoring device, and  
8 collects the fees on behalf of the county. The program shall  
9 include provisions for indigent offenders and the collection of  
10 unpaid fees. The program shall not unduly burden the offender  
11 and shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any  
13 additional charges or fees for late payment, interest, or  
14 damage to any device.

15 (h) Jurisdiction over an offender may be transferred from  
16 the sentencing court to the court of another circuit with the  
17 concurrence of both courts. Further transfers or retransfers of  
18 jurisdiction are also authorized in the same manner. The court  
19 to which jurisdiction has been transferred shall have the same  
20 powers as the sentencing court. The probation department within  
21 the circuit to which jurisdiction has been transferred, or  
22 which has agreed to provide supervision, may impose probation  
23 fees upon receiving the transferred offender, as provided in  
24 subsection (i). For all transfer cases, as defined in Section  
25 9b of the Probation and Probation Officers Act, the probation  
26 department from the original sentencing court shall retain all

1 probation fees collected prior to the transfer. After the  
2 transfer, all probation fees shall be paid to the probation  
3 department within the circuit to which jurisdiction has been  
4 transferred.

5 (i) The court shall impose upon an offender sentenced to  
6 probation after January 1, 1989 or to conditional discharge  
7 after January 1, 1992 or to community service under the  
8 supervision of a probation or court services department after  
9 January 1, 2004, as a condition of such probation or  
10 conditional discharge or supervised community service, a fee of  
11 \$50 for each month of probation or conditional discharge  
12 supervision or supervised community service ordered by the  
13 court, unless after determining the inability of the person  
14 sentenced to probation or conditional discharge or supervised  
15 community service to pay the fee, the court assesses a lesser  
16 fee. The court may not impose the fee on a minor who is placed  
17 in the guardianship or custody of the Department of Children  
18 and Family Services under the Juvenile Court Act of 1987 while  
19 the minor is in placement. The fee shall be imposed only upon  
20 an offender who is actively supervised by the probation and  
21 court services department. The fee shall be collected by the  
22 clerk of the circuit court. The clerk of the circuit court  
23 shall pay all monies collected from this fee to the county  
24 treasurer for deposit in the probation and court services fund  
25 under Section 15.1 of the Probation and Probation Officers Act.

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless the circuit  
2 court has adopted, by administrative order issued by the chief  
3 judge, a standard probation fee guide determining an offender's  
4 ability to pay. Of the amount collected as a probation fee, up  
5 to \$5 of that fee collected per month may be used to provide  
6 services to crime victims and their families.

7 The Court may only waive probation fees based on an  
8 offender's ability to pay. The probation department may  
9 re-evaluate an offender's ability to pay every 6 months, and,  
10 with the approval of the Director of Court Services or the  
11 Chief Probation Officer, adjust the monthly fee amount. An  
12 offender may elect to pay probation fees due in a lump sum. Any  
13 offender that has been assigned to the supervision of a  
14 probation department, or has been transferred either under  
15 subsection (h) of this Section or under any interstate compact,  
16 shall be required to pay probation fees to the department  
17 supervising the offender, based on the offender's ability to  
18 pay.

19 Public Act 93-970 deletes the \$10 increase in the fee under  
20 this subsection that was imposed by Public Act 93-616. This  
21 deletion is intended to control over any other Act of the 93rd  
22 General Assembly that retains or incorporates that fee  
23 increase.

24 (i-5) In addition to the fees imposed under subsection (i)  
25 of this Section, in the case of an offender convicted of a  
26 felony sex offense (as defined in the Sex Offender Management

1 Board Act) or an offense that the court or probation department  
2 has determined to be sexually motivated (as defined in the Sex  
3 Offender Management Board Act), the court or the probation  
4 department shall assess additional fees to pay for all costs of  
5 treatment, assessment, evaluation for risk and treatment, and  
6 monitoring the offender, based on that offender's ability to  
7 pay those costs either as they occur or under a payment plan.

8 (j) All fines and costs imposed under this Section for any  
9 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
10 Code, or a similar provision of a local ordinance, and any  
11 violation of the Child Passenger Protection Act, or a similar  
12 provision of a local ordinance, shall be collected and  
13 disbursed by the circuit clerk as provided under the Criminal  
14 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
15 ~~Act~~.

16 (k) Any offender who is sentenced to probation or  
17 conditional discharge for a felony sex offense as defined in  
18 the Sex Offender Management Board Act or any offense that the  
19 court or probation department has determined to be sexually  
20 motivated as defined in the Sex Offender Management Board Act  
21 shall be required to refrain from any contact, directly or  
22 indirectly, with any persons specified by the court and shall  
23 be available for all evaluations and treatment programs  
24 required by the court or the probation department.

25 (l) The court may order an offender who is sentenced to  
26 probation or conditional discharge for a violation of an order

1 of protection be placed under electronic surveillance as  
2 provided in Section 5-8A-7 of this Code.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
4 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
5 1-8-18.)

6 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)  
7 Sec. 5-6-3.1. Incidents and conditions of supervision.

8 (a) When a defendant is placed on supervision, the court  
9 shall enter an order for supervision specifying the period of  
10 such supervision, and shall defer further proceedings in the  
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all  
13 of the circumstances of the case, but may not be longer than 2  
14 years, unless the defendant has failed to pay the assessment  
15 required by Section 10.3 of the Cannabis Control Act, Section  
16 411.2 of the Illinois Controlled Substances Act, or Section 80  
17 of the Methamphetamine Control and Community Protection Act, in  
18 which case the court may extend supervision beyond 2 years.  
19 Additionally, the court shall order the defendant to perform no  
20 less than 30 hours of community service and not more than 120  
21 hours of community service, if community service is available  
22 in the jurisdiction and is funded and approved by the county  
23 board where the offense was committed, when the offense (1) was  
24 related to or in furtherance of the criminal activities of an  
25 organized gang or was motivated by the defendant's membership

1 in or allegiance to an organized gang; or (2) is a violation of  
2 any Section of Article 24 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 where a disposition of supervision is not  
4 prohibited by Section 5-6-1 of this Code. The community service  
5 shall include, but not be limited to, the cleanup and repair of  
6 any damage caused by violation of Section 21-1.3 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
8 damages to property located within the municipality or county  
9 in which the violation occurred. Where possible and reasonable,  
10 the community service should be performed in the offender's  
11 neighborhood.

12 For the purposes of this Section, "organized gang" has the  
13 meaning ascribed to it in Section 10 of the Illinois Streetgang  
14 Terrorism Omnibus Prevention Act.

15 (c) The court may in addition to other reasonable  
16 conditions relating to the nature of the offense or the  
17 rehabilitation of the defendant as determined for each  
18 defendant in the proper discretion of the court require that  
19 the person:

20 (1) make a report to and appear in person before or  
21 participate with the court or such courts, person, or  
22 social service agency as directed by the court in the order  
23 of supervision;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational  
26 training;



1           (4) undergo medical, psychological or psychiatric  
2 treatment; or treatment for drug addiction or alcoholism;

3           (5) attend or reside in a facility established for the  
4 instruction or residence of defendants on probation;

5           (6) support his dependents;

6           (7) refrain from possessing a firearm or other  
7 dangerous weapon;

8           (8) and in addition, if a minor:

9               (i) reside with his parents or in a foster home;

10              (ii) attend school;

11              (iii) attend a non-residential program for youth;

12              (iv) contribute to his own support at home or in a  
13 foster home; or

14              (v) with the consent of the superintendent of the  
15 facility, attend an educational program at a facility  
16 other than the school in which the offense was  
17 committed if he or she is placed on supervision for a  
18 crime of violence as defined in Section 2 of the Crime  
19 Victims Compensation Act committed in a school, on the  
20 real property comprising a school, or within 1,000 feet  
21 of the real property comprising a school;

22           (9) make restitution or reparation in an amount not to  
23 exceed actual loss or damage to property and pecuniary loss  
24 or make restitution under Section 5-5-6 to a domestic  
25 violence shelter. The court shall determine the amount and  
26 conditions of payment;

1           (10) perform some reasonable public or community  
2 service;

3           (11) comply with the terms and conditions of an order  
4 of protection issued by the court pursuant to the Illinois  
5 Domestic Violence Act of 1986 or an order of protection  
6 issued by the court of another state, tribe, or United  
7 States territory. If the court has ordered the defendant to  
8 make a report and appear in person under paragraph (1) of  
9 this subsection, a copy of the order of protection shall be  
10 transmitted to the person or agency so designated by the  
11 court;

12           (12) reimburse any "local anti-crime program" as  
13 defined in Section 7 of the Anti-Crime Advisory Council Act  
14 for any reasonable expenses incurred by the program on the  
15 offender's case, not to exceed the maximum amount of the  
16 fine authorized for the offense for which the defendant was  
17 sentenced;

18           (13) contribute a reasonable sum of money, not to  
19 exceed the maximum amount of the fine authorized for the  
20 offense for which the defendant was sentenced, (i) to a  
21 "local anti-crime program", as defined in Section 7 of the  
22 Anti-Crime Advisory Council Act, or (ii) for offenses under  
23 the jurisdiction of the Department of Natural Resources, to  
24 the fund established by the Department of Natural Resources  
25 for the purchase of evidence for investigation purposes and  
26 to conduct investigations as outlined in Section 805-105 of

1 the Department of Natural Resources (Conservation) Law;

2 (14) refrain from entering into a designated  
3 geographic area except upon such terms as the court finds  
4 appropriate. Such terms may include consideration of the  
5 purpose of the entry, the time of day, other persons  
6 accompanying the defendant, and advance approval by a  
7 probation officer;

8 (15) refrain from having any contact, directly or  
9 indirectly, with certain specified persons or particular  
10 types of person, including but not limited to members of  
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the  
13 presence of any illicit drug prohibited by the Cannabis  
14 Control Act, the Illinois Controlled Substances Act, or the  
15 Methamphetamine Control and Community Protection Act,  
16 unless prescribed by a physician, and submit samples of his  
17 or her blood or urine or both for tests to determine the  
18 presence of any illicit drug;

19 (17) refrain from operating any motor vehicle not  
20 equipped with an ignition interlock device as defined in  
21 Section 1-129.1 of the Illinois Vehicle Code; under this  
22 condition the court may allow a defendant who is not  
23 self-employed to operate a vehicle owned by the defendant's  
24 employer that is not equipped with an ignition interlock  
25 device in the course and scope of the defendant's  
26 employment; and

1           (18) if placed on supervision for a sex offense as  
2 defined in subsection (a-5) of Section 3-1-2 of this Code,  
3 unless the offender is a parent or guardian of the person  
4 under 18 years of age present in the home and no  
5 non-familial minors are present, not participate in a  
6 holiday event involving children under 18 years of age,  
7 such as distributing candy or other items to children on  
8 Halloween, wearing a Santa Claus costume on or preceding  
9 Christmas, being employed as a department store Santa  
10 Claus, or wearing an Easter Bunny costume on or preceding  
11 Easter.

12           (c-5) If payment of restitution as ordered has not been  
13 made, the victim shall file a petition notifying the sentencing  
14 court, any other person to whom restitution is owed, and the  
15 State's Attorney of the status of the ordered restitution  
16 payments unpaid at least 90 days before the supervision  
17 expiration date. If payment as ordered has not been made, the  
18 court shall hold a review hearing prior to the expiration date,  
19 unless the hearing is voluntarily waived by the defendant with  
20 the knowledge that waiver may result in an extension of the  
21 supervision period or in a revocation of supervision. If the  
22 court does not extend supervision, it shall issue a judgment  
23 for the unpaid restitution and direct the clerk of the circuit  
24 court to file and enter the judgment in the judgment and lien  
25 docket, without fee, unless it finds that the victim has  
26 recovered a judgment against the defendant for the amount

1 covered by the restitution order. If the court issues a  
2 judgment for the unpaid restitution, the court shall send to  
3 the defendant at his or her last known address written  
4 notification that a civil judgment has been issued for the  
5 unpaid restitution.

6 (d) The court shall defer entering any judgment on the  
7 charges until the conclusion of the supervision.

8 (e) At the conclusion of the period of supervision, if the  
9 court determines that the defendant has successfully complied  
10 with all of the conditions of supervision, the court shall  
11 discharge the defendant and enter a judgment dismissing the  
12 charges.

13 (f) Discharge and dismissal upon a successful conclusion of  
14 a disposition of supervision shall be deemed without  
15 adjudication of guilt and shall not be termed a conviction for  
16 purposes of disqualification or disabilities imposed by law  
17 upon conviction of a crime. Two years after the discharge and  
18 dismissal under this Section, unless the disposition of  
19 supervision was for a violation of Sections 3-707, 3-708,  
20 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
21 similar provision of a local ordinance, or for a violation of  
22 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
23 or the Criminal Code of 2012, in which case it shall be 5 years  
24 after discharge and dismissal, a person may have his record of  
25 arrest sealed or expunged as may be provided by law. However,  
26 any defendant placed on supervision before January 1, 1980, may

1 move for sealing or expungement of his arrest record, as  
2 provided by law, at any time after discharge and dismissal  
3 under this Section. A person placed on supervision for a sexual  
4 offense committed against a minor as defined in clause  
5 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or  
6 for a violation of Section 11-501 of the Illinois Vehicle Code  
7 or a similar provision of a local ordinance shall not have his  
8 or her record of arrest sealed or expunged.

9 (g) A defendant placed on supervision and who during the  
10 period of supervision undergoes mandatory drug or alcohol  
11 testing, or both, or is assigned to be placed on an approved  
12 electronic monitoring device, shall be ordered to pay the costs  
13 incidental to such mandatory drug or alcohol testing, or both,  
14 and costs incidental to such approved electronic monitoring in  
15 accordance with the defendant's ability to pay those costs. The  
16 county board with the concurrence of the Chief Judge of the  
17 judicial circuit in which the county is located shall establish  
18 reasonable fees for the cost of maintenance, testing, and  
19 incidental expenses related to the mandatory drug or alcohol  
20 testing, or both, and all costs incidental to approved  
21 electronic monitoring, of all defendants placed on  
22 supervision. The concurrence of the Chief Judge shall be in the  
23 form of an administrative order. The fees shall be collected by  
24 the clerk of the circuit court, except as provided in an  
25 administrative order of the Chief Judge of the circuit court.  
26 The clerk of the circuit court shall pay all moneys collected

1 from these fees to the county treasurer who shall use the  
2 moneys collected to defray the costs of drug testing, alcohol  
3 testing, and electronic monitoring. The county treasurer shall  
4 deposit the fees collected in the county working cash fund  
5 under Section 6-27001 or Section 6-29002 of the Counties Code,  
6 as the case may be.

7 The Chief Judge of the circuit court of the county may by  
8 administrative order establish a program for electronic  
9 monitoring of offenders, in which a vendor supplies and  
10 monitors the operation of the electronic monitoring device, and  
11 collects the fees on behalf of the county. The program shall  
12 include provisions for indigent offenders and the collection of  
13 unpaid fees. The program shall not unduly burden the offender  
14 and shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend any  
16 additional charges or fees for late payment, interest, or  
17 damage to any device.

18 (h) A disposition of supervision is a final order for the  
19 purposes of appeal.

20 (i) The court shall impose upon a defendant placed on  
21 supervision after January 1, 1992 or to community service under  
22 the supervision of a probation or court services department  
23 after January 1, 2004, as a condition of supervision or  
24 supervised community service, a fee of \$50 for each month of  
25 supervision or supervised community service ordered by the  
26 court, unless after determining the inability of the person

1 placed on supervision or supervised community service to pay  
2 the fee, the court assesses a lesser fee. The court may not  
3 impose the fee on a minor who is placed in the guardianship or  
4 custody of the Department of Children and Family Services under  
5 the Juvenile Court Act of 1987 while the minor is in placement.  
6 The fee shall be imposed only upon a defendant who is actively  
7 supervised by the probation and court services department. The  
8 fee shall be collected by the clerk of the circuit court. The  
9 clerk of the circuit court shall pay all monies collected from  
10 this fee to the county treasurer for deposit in the probation  
11 and court services fund pursuant to Section 15.1 of the  
12 Probation and Probation Officers Act.

13 A circuit court may not impose a probation fee in excess of  
14 \$25 per month unless the circuit court has adopted, by  
15 administrative order issued by the chief judge, a standard  
16 probation fee guide determining an offender's ability to pay.  
17 Of the amount collected as a probation fee, not to exceed \$5 of  
18 that fee collected per month may be used to provide services to  
19 crime victims and their families.

20 The Court may only waive probation fees based on an  
21 offender's ability to pay. The probation department may  
22 re-evaluate an offender's ability to pay every 6 months, and,  
23 with the approval of the Director of Court Services or the  
24 Chief Probation Officer, adjust the monthly fee amount. An  
25 offender may elect to pay probation fees due in a lump sum. Any  
26 offender that has been assigned to the supervision of a



1 probation department, or has been transferred either under  
2 subsection (h) of this Section or under any interstate compact,  
3 shall be required to pay probation fees to the department  
4 supervising the offender, based on the offender's ability to  
5 pay.

6 (j) All fines and costs imposed under this Section for any  
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
8 Code, or a similar provision of a local ordinance, and any  
9 violation of the Child Passenger Protection Act, or a similar  
10 provision of a local ordinance, shall be collected and  
11 disbursed by the circuit clerk as provided under the Criminal  
12 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
13 ~~Act.~~

14 (k) A defendant at least 17 years of age who is placed on  
15 supervision for a misdemeanor in a county of 3,000,000 or more  
16 inhabitants and who has not been previously convicted of a  
17 misdemeanor or felony may as a condition of his or her  
18 supervision be required by the court to attend educational  
19 courses designed to prepare the defendant for a high school  
20 diploma and to work toward a high school diploma or to work  
21 toward passing high school equivalency testing or to work  
22 toward completing a vocational training program approved by the  
23 court. The defendant placed on supervision must attend a public  
24 institution of education to obtain the educational or  
25 vocational training required by this subsection (k). The  
26 defendant placed on supervision shall be required to pay for

1 the cost of the educational courses or high school equivalency  
2 testing if a fee is charged for those courses or testing. The  
3 court shall revoke the supervision of a person who wilfully  
4 fails to comply with this subsection (k). The court shall  
5 resentence the defendant upon revocation of supervision as  
6 provided in Section 5-6-4. This subsection (k) does not apply  
7 to a defendant who has a high school diploma or has  
8 successfully passed high school equivalency testing. This  
9 subsection (k) does not apply to a defendant who is determined  
10 by the court to be a person with a developmental disability or  
11 otherwise mentally incapable of completing the educational or  
12 vocational program.

13 (l) The court shall require a defendant placed on  
14 supervision for possession of a substance prohibited by the  
15 Cannabis Control Act, the Illinois Controlled Substances Act,  
16 or the Methamphetamine Control and Community Protection Act  
17 after a previous conviction or disposition of supervision for  
18 possession of a substance prohibited by the Cannabis Control  
19 Act, the Illinois Controlled Substances Act, or the  
20 Methamphetamine Control and Community Protection Act or a  
21 sentence of probation under Section 10 of the Cannabis Control  
22 Act or Section 410 of the Illinois Controlled Substances Act  
23 and after a finding by the court that the person is addicted,  
24 to undergo treatment at a substance abuse program approved by  
25 the court.

26 (m) The Secretary of State shall require anyone placed on

1 court supervision for a violation of Section 3-707 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance to give proof of his or her financial responsibility  
4 as defined in Section 7-315 of the Illinois Vehicle Code. The  
5 proof shall be maintained by the individual in a manner  
6 satisfactory to the Secretary of State for a minimum period of  
7 3 years after the date the proof is first filed. The proof  
8 shall be limited to a single action per arrest and may not be  
9 affected by any post-sentence disposition. The Secretary of  
10 State shall suspend the driver's license of any person  
11 determined by the Secretary to be in violation of this  
12 subsection.

13 (n) Any offender placed on supervision for any offense that  
14 the court or probation department has determined to be sexually  
15 motivated as defined in the Sex Offender Management Board Act  
16 shall be required to refrain from any contact, directly or  
17 indirectly, with any persons specified by the court and shall  
18 be available for all evaluations and treatment programs  
19 required by the court or the probation department.

20 (o) An offender placed on supervision for a sex offense as  
21 defined in the Sex Offender Management Board Act shall refrain  
22 from residing at the same address or in the same condominium  
23 unit or apartment unit or in the same condominium complex or  
24 apartment complex with another person he or she knows or  
25 reasonably should know is a convicted sex offender or has been  
26 placed on supervision for a sex offense. The provisions of this

1 subsection (o) do not apply to a person convicted of a sex  
2 offense who is placed in a Department of Corrections licensed  
3 transitional housing facility for sex offenders.

4 (p) An offender placed on supervision for an offense  
5 committed on or after June 1, 2008 (the effective date of  
6 Public Act 95-464) that would qualify the accused as a child  
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 shall  
9 refrain from communicating with or contacting, by means of the  
10 Internet, a person who is not related to the accused and whom  
11 the accused reasonably believes to be under 18 years of age.  
12 For purposes of this subsection (p), "Internet" has the meaning  
13 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;  
14 and a person is not related to the accused if the person is  
15 not: (i) the spouse, brother, or sister of the accused; (ii) a  
16 descendant of the accused; (iii) a first or second cousin of  
17 the accused; or (iv) a step-child or adopted child of the  
18 accused.

19 (q) 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, if so  
24 ordered by the court, refrain from communicating with or  
25 contacting, by means of the Internet, a person who is related  
26 to the accused and whom the accused reasonably believes to be

1 under 18 years of age. For purposes of this subsection (q),  
2 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
3 the Criminal Code of 2012; and a person is related to the  
4 accused if the person is: (i) the spouse, brother, or sister of  
5 the accused; (ii) a descendant of the accused; (iii) a first or  
6 second cousin of the accused; or (iv) a step-child or adopted  
7 child of the accused.

8 (r) An offender placed on supervision for an offense under  
9 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
10 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
11 11-21 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, or any attempt to commit any of these offenses, committed  
13 on or after June 1, 2009 (the effective date of Public Act  
14 95-983) shall:

15 (i) not access or use a computer or any other device  
16 with Internet capability without the prior written  
17 approval of the court, except in connection with the  
18 offender's employment or search for employment with the  
19 prior approval of the court;

20 (ii) submit to periodic unannounced examinations of  
21 the offender's computer or any other device with Internet  
22 capability by the offender's probation officer, a law  
23 enforcement officer, or assigned computer or information  
24 technology specialist, including the retrieval and copying  
25 of all data from the computer or device and any internal or  
26 external peripherals and removal of such information,

1 equipment, or device to conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's  
3 computer or device with Internet capability, at the  
4 offender's expense, of one or more hardware or software  
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions  
7 concerning the offender's use of or access to a computer or  
8 any other device with Internet capability imposed by the  
9 court.

10 (s) An offender placed on supervision for an offense that  
11 is a sex offense as defined in Section 2 of the Sex Offender  
12 Registration Act that is committed on or after January 1, 2010  
13 (the effective date of Public Act 96-362) that requires the  
14 person to register as a sex offender under that Act, may not  
15 knowingly use any computer scrub software on any computer that  
16 the sex offender uses.

17 (t) An offender placed on supervision for a sex offense as  
18 defined in the Sex Offender Registration Act committed on or  
19 after January 1, 2010 (the effective date of Public Act 96-262)  
20 shall refrain from accessing or using a social networking  
21 website as defined in Section 17-0.5 of the Criminal Code of  
22 2012.

23 (u) Jurisdiction over an offender may be transferred from  
24 the sentencing court to the court of another circuit with the  
25 concurrence of both courts. Further transfers or retransfers of  
26 jurisdiction are also authorized in the same manner. The court

1 to which jurisdiction has been transferred shall have the same  
2 powers as the sentencing court. The probation department within  
3 the circuit to which jurisdiction has been transferred may  
4 impose probation fees upon receiving the transferred offender,  
5 as provided in subsection (i). The probation department from  
6 the original sentencing court shall retain all probation fees  
7 collected prior to the transfer.

8 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
9 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.  
10 8-18-17; 100-201, eff. 8-18-17.)

11 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

12 Sec. 5-7-1. Sentence of Periodic Imprisonment.

13 (a) A sentence of periodic imprisonment is a sentence of  
14 imprisonment during which the committed person may be released  
15 for periods of time during the day or night or for periods of  
16 days, or both, or if convicted of a felony, other than first  
17 degree murder, a Class X or Class 1 felony, committed to any  
18 county, municipal, or regional correctional or detention  
19 institution or facility in this State for such periods of time  
20 as the court may direct. Unless the court orders otherwise, the  
21 particular times and conditions of release shall be determined  
22 by the Department of Corrections, the sheriff, or the  
23 Superintendent of the house of corrections, who is  
24 administering the program.

25 (b) A sentence of periodic imprisonment may be imposed to

1 permit the defendant to:

2 (1) seek employment;

3 (2) work;

4 (3) conduct a business or other self-employed  
5 occupation including housekeeping;

6 (4) attend to family needs;

7 (5) attend an educational institution, including  
8 vocational education;

9 (6) obtain medical or psychological treatment;

10 (7) perform work duties at a county, municipal, or  
11 regional correctional or detention institution or  
12 facility;

13 (8) continue to reside at home with or without  
14 supervision involving the use of an approved electronic  
15 monitoring device, subject to Article 8A of Chapter V; or

16 (9) for any other purpose determined by the court.

17 (c) Except where prohibited by other provisions of this  
18 Code, the court may impose a sentence of periodic imprisonment  
19 for a felony or misdemeanor on a person who is 17 years of age  
20 or older. The court shall not impose a sentence of periodic  
21 imprisonment if it imposes a sentence of imprisonment upon the  
22 defendant in excess of 90 days.

23 (d) A sentence of periodic imprisonment shall be for a  
24 definite term of from 3 to 4 years for a Class 1 felony, 18 to  
25 30 months for a Class 2 felony, and up to 18 months, or the  
26 longest sentence of imprisonment that could be imposed for the



1 offense, whichever is less, for all other offenses; however, no  
2 person shall be sentenced to a term of periodic imprisonment  
3 longer than one year if he is committed to a county  
4 correctional institution or facility, and in conjunction with  
5 that sentence participate in a county work release program  
6 comparable to the work and day release program provided for in  
7 Article 13 of the Unified Code of Corrections in State  
8 facilities. The term of the sentence shall be calculated upon  
9 the basis of the duration of its term rather than upon the  
10 basis of the actual days spent in confinement. No sentence of  
11 periodic imprisonment shall be subject to the good time credit  
12 provisions of Section 3-6-3 of this Code.

13 (e) When the court imposes a sentence of periodic  
14 imprisonment, it shall state:

15 (1) the term of such sentence;

16 (2) the days or parts of days which the defendant is to  
17 be confined;

18 (3) the conditions.

19 (f) The court may issue an order of protection pursuant to  
20 the Illinois Domestic Violence Act of 1986 as a condition of a  
21 sentence of periodic imprisonment. The Illinois Domestic  
22 Violence Act of 1986 shall govern the issuance, enforcement and  
23 recording of orders of protection issued under this Section. A  
24 copy of the order of protection shall be transmitted to the  
25 person or agency having responsibility for the case.

26 (f-5) An offender sentenced to a term of periodic

1 imprisonment for a felony sex offense as defined in the Sex  
2 Offender Management Board Act shall be required to undergo and  
3 successfully complete sex offender treatment by a treatment  
4 provider approved by the Board and conducted in conformance  
5 with the standards developed under the Sex Offender Management  
6 Board Act.

7 (g) An offender sentenced to periodic imprisonment who  
8 undergoes mandatory drug or alcohol testing, or both, or is  
9 assigned to be placed on an approved electronic monitoring  
10 device, shall be ordered to pay the costs incidental to such  
11 mandatory drug or alcohol testing, or both, and costs  
12 incidental to such approved electronic monitoring in  
13 accordance with the defendant's ability to pay those costs. The  
14 county board with the concurrence of the Chief Judge of the  
15 judicial circuit in which the county is located shall establish  
16 reasonable fees for the cost of maintenance, testing, and  
17 incidental expenses related to the mandatory drug or alcohol  
18 testing, or both, and all costs incidental to approved  
19 electronic monitoring, of all offenders with a sentence of  
20 periodic imprisonment. The concurrence of the Chief Judge shall  
21 be in the form of an administrative order. The fees shall be  
22 collected by the clerk of the circuit court, except as provided  
23 in an administrative order of the Chief Judge of the circuit  
24 court. The clerk of the circuit court shall pay all moneys  
25 collected from these fees to the county treasurer who shall use  
26 the moneys collected to defray the costs of drug testing,

1 alcohol testing, and electronic monitoring. The county  
2 treasurer shall deposit the fees collected in the county  
3 working cash fund under Section 6-27001 or Section 6-29002 of  
4 the Counties Code, as the case may be.

5 (h) All fees and costs imposed under this Section for any  
6 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
7 Code, or a similar provision of a local ordinance, and any  
8 violation of the Child Passenger Protection Act, or a similar  
9 provision of a local ordinance, shall be collected and  
10 disbursed by the circuit clerk as provided under the Criminal  
11 and Traffic Assessment Act ~~Section 27.5 of the Clerks of Courts~~  
12 ~~Act~~.

13 The Chief Judge of the circuit court of the county may by  
14 administrative order establish a program for electronic  
15 monitoring of offenders, in which a vendor supplies and  
16 monitors the operation of the electronic monitoring device, and  
17 collects the fees on behalf of the county. The program shall  
18 include provisions for indigent offenders and the collection of  
19 unpaid fees. The program shall not unduly burden the offender  
20 and shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any  
22 additional charges or fees for late payment, interest, or  
23 damage to any device.

24 (i) A defendant at least 17 years of age who is convicted  
25 of a misdemeanor or felony in a county of 3,000,000 or more  
26 inhabitants and who has not been previously convicted of a

1 misdemeanor or a felony and who is sentenced to a term of  
2 periodic imprisonment may as a condition of his or her sentence  
3 be required by the court to attend educational courses designed  
4 to prepare the defendant for a high school diploma and to work  
5 toward receiving a high school diploma or to work toward  
6 passing high school equivalency testing or to work toward  
7 completing a vocational training program approved by the court.  
8 The defendant sentenced to periodic imprisonment must attend a  
9 public institution of education to obtain the educational or  
10 vocational training required by this subsection (i). The  
11 defendant sentenced to a term of periodic imprisonment shall be  
12 required to pay for the cost of the educational courses or high  
13 school equivalency testing if a fee is charged for those  
14 courses or testing. The court shall revoke the sentence of  
15 periodic imprisonment of the defendant who wilfully fails to  
16 comply with this subsection (i). The court shall resentence the  
17 defendant whose sentence of periodic imprisonment has been  
18 revoked as provided in Section 5-7-2. This subsection (i) does  
19 not apply to a defendant who has a high school diploma or has  
20 successfully passed high school equivalency testing. This  
21 subsection (i) does not apply to a defendant who is determined  
22 by the court to be a person with a developmental disability or  
23 otherwise mentally incapable of completing the educational or  
24 vocational program.

25 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15;  
26 99-797, eff. 8-12-16.)

1 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

2 Sec. 5-9-1. Authorized fines.

3 (a) An offender may be sentenced to pay a fine as provided  
4 in Article 4.5 of Chapter V.

5 (b) ~~(Blank)~~.

6 (c) (Blank). ~~There shall be added to every fine imposed in~~  
7 ~~sentencing for a criminal or traffic offense, except an offense~~  
8 ~~relating to parking or registration, or offense by a~~  
9 ~~pedestrian, an additional penalty of \$15 for each \$40, or~~  
10 ~~fraction thereof, of fine imposed. The additional penalty of~~  
11 ~~\$15 for each \$40, or fraction thereof, of fine imposed, if not~~  
12 ~~otherwise assessed, shall also be added to every fine imposed~~  
13 ~~upon a plea of guilty, stipulation of facts or findings of~~  
14 ~~guilty, resulting in a judgment of conviction, or order of~~  
15 ~~supervision in criminal, traffic, local ordinance, county~~  
16 ~~ordinance, and conservation cases (except parking,~~  
17 ~~registration, or pedestrian violations), or upon a sentence of~~  
18 ~~probation without entry of judgment under Section 10 of the~~  
19 ~~Cannabis Control Act, Section 410 of the Illinois Controlled~~  
20 ~~Substances Act, or Section 70 of the Methamphetamine Control~~  
21 ~~and Community Protection Act.~~

22 ~~Such additional amounts shall be assessed by the court~~  
23 ~~imposing the fine and shall be collected by the Circuit Clerk~~  
24 ~~in addition to the fine and costs in the case. Each such~~  
25 ~~additional penalty shall be remitted by the Circuit Clerk~~

1 ~~within one month after receipt to the State Treasurer. The~~  
2 ~~State Treasurer shall deposit \$1 for each \$40, or fraction~~  
3 ~~thereof, of fine imposed into the LEADS Maintenance Fund. The~~  
4 ~~State Treasurer shall deposit \$3 for each \$40, or fraction~~  
5 ~~thereof, of fine imposed into the Law Enforcement Camera Grant~~  
6 ~~Fund. The remaining surcharge amount shall be deposited into~~  
7 ~~the Traffic and Criminal Conviction Surcharge Fund, unless the~~  
8 ~~fine, costs or additional amounts are subject to disbursement~~  
9 ~~by the circuit clerk under Section 27.5 of the Clerks of Courts~~  
10 ~~Act. Such additional penalty shall not be considered a part of~~  
11 ~~the fine for purposes of any reduction in the fine for time~~  
12 ~~served either before or after sentencing. Not later than March~~  
13 ~~1 of each year the Circuit Clerk shall submit a report of the~~  
14 ~~amount of funds remitted to the State Treasurer under this~~  
15 ~~subsection (c) during the preceding calendar year. Except as~~  
16 ~~otherwise provided by Supreme Court Rules, if a court in~~  
17 ~~imposing a fine against an offender levies a gross amount for~~  
18 ~~fine, costs, fees and penalties, the amount of the additional~~  
19 ~~penalty provided for herein shall be computed on the amount~~  
20 ~~remaining after deducting from the gross amount levied all fees~~  
21 ~~of the Circuit Clerk, the State's Attorney and the Sheriff.~~  
22 ~~After deducting from the gross amount levied the fees and~~  
23 ~~additional penalty provided for herein, less any other~~  
24 ~~additional penalties provided by law, the clerk shall remit the~~  
25 ~~net balance remaining to the entity authorized by law to~~  
26 ~~receive the fine imposed in the case. For purposes of this~~

1 ~~Section "fees of the Circuit Clerk" shall include, if~~  
2 ~~applicable, the fee provided for under Section 27.3a of the~~  
3 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~  
4 ~~county in which the violation occurred pursuant to Section~~  
5 ~~5 1101 of the Counties Code.~~

6 (c-5) (Blank). ~~In addition to the fines imposed by~~  
7 ~~subsection (c), any person convicted or receiving an order of~~  
8 ~~supervision for driving under the influence of alcohol or drugs~~  
9 ~~shall pay an additional \$100 fee to the clerk. This additional~~  
10 ~~fee, less 2 1/2% that shall be used to defray administrative~~  
11 ~~costs incurred by the clerk, shall be remitted by the clerk to~~  
12 ~~the Treasurer within 60 days after receipt for deposit into the~~  
13 ~~Trauma Center Fund. This additional fee of \$100 shall not be~~  
14 ~~considered a part of the fine for purposes of any reduction in~~  
15 ~~the fine for time served either before or after sentencing. Not~~  
16 ~~later than March 1 of each year the Circuit Clerk shall submit~~  
17 ~~a report of the amount of funds remitted to the State Treasurer~~  
18 ~~under this subsection (c-5) during the preceding calendar year.~~

19 ~~The Circuit Clerk may accept payment of fines and costs by~~  
20 ~~credit card from an offender who has been convicted of a~~  
21 ~~traffic offense, petty offense or misdemeanor and may charge~~  
22 ~~the service fee permitted where fines and costs are paid by~~  
23 ~~credit card provided for in Section 27.3b of the Clerks of~~  
24 ~~Courts Act.~~

25 (c-7) (Blank). ~~In addition to the fines imposed by~~  
26 ~~subsection (c), any person convicted or receiving an order of~~

1 ~~supervision for driving under the influence of alcohol or drugs~~  
2 ~~shall pay an additional \$5 fee to the clerk. This additional~~  
3 ~~fee, less 2 1/2% that shall be used to defray administrative~~  
4 ~~costs incurred by the clerk, shall be remitted by the clerk to~~  
5 ~~the Treasurer within 60 days after receipt for deposit into the~~  
6 ~~Spinal Cord Injury Paralysis Cure Research Trust Fund. This~~  
7 ~~additional fee of \$5 shall not be considered a part of the fine~~  
8 ~~for purposes of any reduction in the fine for time served~~  
9 ~~either before or after sentencing. Not later than March 1 of~~  
10 ~~each year the Circuit Clerk shall submit a report of the amount~~  
11 ~~of funds remitted to the State Treasurer under this subsection~~  
12 ~~(c-7) during the preceding calendar year.~~

13 (c-9) (Blank).

14 (d) In determining the amount and method of payment of a  
15 fine, except for those fines established for violations of  
16 Chapter 15 of the Illinois Vehicle Code, the court shall  
17 consider:

18 (1) the financial resources and future ability of the  
19 offender to pay the fine; and

20 (2) whether the fine will prevent the offender from  
21 making court ordered restitution or reparation to the  
22 victim of the offense; and

23 (3) in a case where the accused is a dissolved  
24 corporation and the court has appointed counsel to  
25 represent the corporation, the costs incurred either by the  
26 county or the State for such representation.



1 (e) The court may order the fine to be paid forthwith or  
2 within a specified period of time or in installments.

3 (f) (Blank). ~~All fines, costs and additional amounts~~  
4 ~~imposed under this Section for any violation of Chapters 3, 4,~~  
5 ~~6, and 11 of the Illinois Vehicle Code, or a similar provision~~  
6 ~~of a local ordinance, and any violation of the Child Passenger~~  
7 ~~Protection Act, or a similar provision of a local ordinance,~~  
8 ~~shall be collected and disbursed by the circuit clerk as~~  
9 ~~provided under Section 27.5 of the Clerks of Courts Act.~~

10 (Source: P.A. 99-352, eff. 1-1-16.)

11 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

12 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
13 not-for-profit laboratory registered with the Drug Enforcement  
14 Administration of the United States Department of Justice,  
15 substantially funded by a unit or combination of units of local  
16 government or the State of Illinois, which regularly employs at  
17 least one person engaged in the analysis of controlled  
18 substances, cannabis, methamphetamine, or steroids for  
19 criminal justice agencies in criminal matters and provides  
20 testimony with respect to such examinations.

21 (b) (Blank). ~~When a person has been adjudged guilty of an~~  
22 ~~offense in violation of the Cannabis Control Act, the Illinois~~  
23 ~~Controlled Substances Act, the Methamphetamine Control and~~  
24 ~~Community Protection Act, or the Steroid Control Act, in~~  
25 ~~addition to any other disposition, penalty or fine imposed, a~~

1 ~~criminal laboratory analysis fee of \$100 for each offense for~~  
2 ~~which he was convicted shall be levied by the court. Any person~~  
3 ~~placed on probation pursuant to Section 10 of the Cannabis~~  
4 ~~Control Act, Section 410 of the Illinois Controlled Substances~~  
5 ~~Act, Section 70 of the Methamphetamine Control and Community~~  
6 ~~Protection Act, or Section 10 of the Steroid Control Act or~~  
7 ~~placed on supervision for a violation of the Cannabis Control~~  
8 ~~Act, the Illinois Controlled Substances Act or the Steroid~~  
9 ~~Control Act shall be assessed a criminal laboratory analysis~~  
10 ~~fee of \$100 for each offense for which he was charged. Upon~~  
11 ~~verified petition of the person, the court may suspend payment~~  
12 ~~of all or part of the fee if it finds that the person does not~~  
13 ~~have the ability to pay the fee.~~

14 (c) In addition to any other disposition made pursuant to  
15 the provisions of the Juvenile Court Act of 1987, any minor  
16 adjudicated delinquent for an offense which if committed by an  
17 adult would constitute a violation of the Cannabis Control Act,  
18 the Illinois Controlled Substances Act, the Methamphetamine  
19 Control and Community Protection Act, or the Steroid Control  
20 Act shall be required to pay ~~assessed~~ a criminal laboratory  
21 analysis assessment ~~fee~~ of \$100 for each adjudication. Upon  
22 verified petition of the minor, the court may suspend payment  
23 of all or part of the assessment ~~fee~~ if it finds that the minor  
24 does not have the ability to pay the assessment ~~fee~~. The  
25 parent, guardian or legal custodian of the minor may pay some  
26 or all of such assessment ~~fee~~ on the minor's behalf.

1 (d) All criminal laboratory analysis fees provided for by  
2 this Section shall be collected by the clerk of the court and  
3 forwarded to the appropriate crime laboratory fund as provided  
4 in subsection (f).

5 (e) Crime laboratory funds shall be established as follows:

6 (1) Any unit of local government which maintains a  
7 crime laboratory may establish a crime laboratory fund  
8 within the office of the county or municipal treasurer.

9 (2) Any combination of units of local government which  
10 maintains a crime laboratory may establish a crime  
11 laboratory fund within the office of the treasurer of the  
12 county where the crime laboratory is situated.

13 (3) The State Crime Laboratory Fund is hereby created  
14 as a special fund in the State Treasury.

15 (f) The analysis assessment fee provided for in subsection  
16 ~~subsections (b) and~~ (c) of this Section shall be forwarded to  
17 the office of the treasurer of the unit of local government  
18 that performed the analysis if that unit of local government  
19 has established a crime laboratory fund, or to the State Crime  
20 Laboratory Fund if the analysis was performed by a laboratory  
21 operated by the Illinois State Police. If the analysis was  
22 performed by a crime laboratory funded by a combination of  
23 units of local government, the analysis assessment fee shall be  
24 forwarded to the treasurer of the county where the crime  
25 laboratory is situated if a crime laboratory fund has been  
26 established in that county. If the unit of local government or

1 combination of units of local government has not established a  
2 crime laboratory fund, then the analysis assessment fee shall  
3 be forwarded to the State Crime Laboratory Fund. ~~The clerk of~~  
4 ~~the circuit court may retain the amount of \$10 from each~~  
5 ~~collected analysis fee to offset administrative costs incurred~~  
6 ~~in carrying out the clerk's responsibilities under this~~  
7 ~~Section.~~

8 (g) Moneys Fees deposited into a crime laboratory fund  
9 created pursuant to paragraphs (1) or (2) of subsection (e) of  
10 this Section shall be in addition to any allocations made  
11 pursuant to existing law and shall be designated for the  
12 exclusive use of the crime laboratory. These uses may include,  
13 but are not limited to, the following:

14 (1) costs incurred in providing analysis for  
15 controlled substances in connection with criminal  
16 investigations conducted within this State;

17 (2) purchase and maintenance of equipment for use in  
18 performing analyses; and

19 (3) continuing education, training and professional  
20 development of forensic scientists regularly employed by  
21 these laboratories.

22 (h) Moneys Fees deposited in the State Crime Laboratory  
23 Fund created pursuant to paragraph (3) of subsection (d) of  
24 this Section shall be used by State crime laboratories as  
25 designated by the Director of State Police. These funds shall  
26 be in addition to any allocations made pursuant to existing law

1 and shall be designated for the exclusive use of State crime  
2 laboratories. These uses may include those enumerated in  
3 subsection (g) of this Section.

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

5 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

6 Sec. 5-9-1.7. Sexual assault fines.

7 (a) Definitions. The terms used in this Section shall have  
8 the following meanings ascribed to them:

9 (1) "Sexual assault" means the commission or attempted  
10 commission of the following: sexual exploitation of a  
11 child, criminal sexual assault, predatory criminal sexual  
12 assault of a child, aggravated criminal sexual assault,  
13 criminal sexual abuse, aggravated criminal sexual abuse,  
14 indecent solicitation of a child, public indecency, sexual  
15 relations within families, promoting juvenile  
16 prostitution, soliciting for a juvenile prostitute,  
17 keeping a place of juvenile prostitution, patronizing a  
18 juvenile prostitute, juvenile pimping, exploitation of a  
19 child, obscenity, child pornography, aggravated child  
20 pornography, harmful material, or ritualized abuse of a  
21 child, as those offenses are defined in the Criminal Code  
22 of 1961 or the Criminal Code of 2012.

23 (2) (Blank). ~~"Family member" shall have the meaning~~  
24 ~~ascribed to it in Section 11-0.1 of the Criminal Code of~~  
25 ~~2012.~~

1           (3) "Sexual assault organization" means any  
2 not-for-profit organization providing comprehensive,  
3 community-based services to victims of sexual assault.  
4 "Community-based services" include, but are not limited  
5 to, direct crisis intervention through a 24-hour response,  
6 medical and legal advocacy, counseling, information and  
7 referral services, training, and community education.

8           (b) (Blank). ~~Sexual assault fine; collection by clerk.~~

9           ~~(1) In addition to any other penalty imposed, a fine of~~  
10 ~~\$200 shall be imposed upon any person who pleads guilty or~~  
11 ~~who is convicted of, or who receives a disposition of court~~  
12 ~~supervision for, a sexual assault or attempt of a sexual~~  
13 ~~assault. Upon request of the victim or the victim's~~  
14 ~~representative, the court shall determine whether the fine~~  
15 ~~will impose an undue burden on the victim of the offense.~~  
16 ~~For purposes of this paragraph, the defendant may not be~~  
17 ~~considered the victim's representative. If the court finds~~  
18 ~~that the fine would impose an undue burden on the victim,~~  
19 ~~the court may reduce or waive the fine. The court shall~~  
20 ~~order that the defendant may not use funds belonging solely~~  
21 ~~to the victim of the offense for payment of the fine.~~

22           ~~(2) Sexual assault fines shall be assessed by the court~~  
23 ~~imposing the sentence and shall be collected by the circuit~~  
24 ~~clerk. The circuit clerk shall retain 10% of the penalty to~~  
25 ~~cover the costs involved in administering and enforcing~~  
26 ~~this Section. The circuit clerk shall remit the remainder~~

1 ~~of each fine within one month of its receipt to the State~~  
2 ~~Treasurer for deposit as follows:~~

3 ~~(i) for family member offenders, one half to the~~  
4 ~~Sexual Assault Services Fund, and one half to the~~  
5 ~~Domestic Violence Shelter and Service Fund; and~~

6 ~~(ii) for other than family member offenders, the~~  
7 ~~full amount to the Sexual Assault Services Fund.~~

8 (c) Sexual Assault Services Fund; administration. There is  
9 created a Sexual Assault Services Fund. Moneys deposited into  
10 the Fund under Section 15-20 and 15-40 of the Criminal and  
11 Traffic Assessment Act ~~this Section~~ shall be appropriated to  
12 the Department of Public Health. Upon appropriation of moneys  
13 from the Sexual Assault Services Fund, the Department of Public  
14 Health shall make grants of these moneys from the Fund to  
15 sexual assault organizations with whom the Department has  
16 contracts for the purpose of providing community-based  
17 services to victims of sexual assault. Grants made under this  
18 Section are in addition to, and are not substitutes for, other  
19 grants authorized and made by the Department.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;  
21 97-1150, eff. 1-25-13.)

22 (730 ILCS 5/5-9-1.9)

23 Sec. 5-9-1.9. DUI analysis fee.

24 (a) "Crime laboratory" means a not-for-profit laboratory  
25 substantially funded by a single unit or combination of units

1 of local government or the State of Illinois that regularly  
2 employs at least one person engaged in the DUI analysis of  
3 blood, other bodily substance, and urine for criminal justice  
4 agencies in criminal matters and provides testimony with  
5 respect to such examinations.

6 "DUI analysis" means an analysis of blood, other bodily  
7 substance, or urine for purposes of determining whether a  
8 violation of Section 11-501 of the Illinois Vehicle Code has  
9 occurred.

10 (b) (Blank). ~~When a person has been adjudged guilty of an~~  
11 ~~offense in violation of Section 11-501 of the Illinois Vehicle~~  
12 ~~Code, in addition to any other disposition, penalty, or fine~~  
13 ~~imposed, a crime laboratory DUI analysis fee of \$150 for each~~  
14 ~~offense for which the person was convicted shall be levied by~~  
15 ~~the court for each case in which a laboratory analysis~~  
16 ~~occurred. Upon verified petition of the person, the court may~~  
17 ~~suspend payment of all or part of the fee if it finds that the~~  
18 ~~person does not have the ability to pay the fee.~~

19 (c) In addition to any other disposition made under the  
20 provisions of the Juvenile Court Act of 1987, any minor  
21 adjudicated delinquent for an offense which if committed by an  
22 adult would constitute a violation of Section 11-501 of the  
23 Illinois Vehicle Code shall pay ~~be assessed~~ a crime laboratory  
24 DUI analysis assessment ~~fee~~ of \$150 for each adjudication. Upon  
25 verified petition of the minor, the court may suspend payment  
26 of all or part of the assessment ~~fee~~ if it finds that the minor



1 does not have the ability to pay the assessment ~~fee~~. The  
2 parent, guardian, or legal custodian of the minor may pay some  
3 or all of the assessment ~~fee~~ on the minor's behalf.

4 (d) All crime laboratory DUI analysis assessments ~~fees~~  
5 provided for by this Section shall be collected by the clerk of  
6 the court and forwarded to the appropriate crime laboratory DUI  
7 fund as provided in subsection (f).

8 (e) Crime laboratory funds shall be established as follows:

9 (1) A unit of local government that maintains a crime  
10 laboratory may establish a crime laboratory DUI fund within  
11 the office of the county or municipal treasurer.

12 (2) Any combination of units of local government that  
13 maintains a crime laboratory may establish a crime  
14 laboratory DUI fund within the office of the treasurer of  
15 the county where the crime laboratory is situated.

16 (3) The State Police DUI Fund is created as a special  
17 fund in the State Treasury.

18 (f) The analysis assessment ~~fee~~ provided for in subsection  
19 ~~subsections (b) and~~ (c) of this Section shall be forwarded to  
20 the office of the treasurer of the unit of local government  
21 that performed the analysis if that unit of local government  
22 has established a crime laboratory DUI fund, or to the State  
23 Treasurer for deposit into the State Police Operations  
24 Assistance ~~DUI~~ Fund if the analysis was performed by a  
25 laboratory operated by the Department of State Police. If the  
26 analysis was performed by a crime laboratory funded by a

1 combination of units of local government, the analysis  
2 assessment ~~fee~~ shall be forwarded to the treasurer of the  
3 county where the crime laboratory is situated if a crime  
4 laboratory DUI fund has been established in that county. If the  
5 unit of local government or combination of units of local  
6 government has not established a crime laboratory DUI fund,  
7 then the analysis assessment ~~fee~~ shall be forwarded to the  
8 State Treasurer for deposit into the State Police Operations  
9 Assistance Fund ~~DUI Fund. The clerk of the circuit court may~~  
10 ~~retain the amount of \$10 from each collected analysis fee to~~  
11 ~~offset administrative costs incurred in carrying out the~~  
12 ~~clerk's responsibilities under this Section.~~

13 (g) Moneys ~~Fees~~ deposited into a crime laboratory DUI fund  
14 created under paragraphs (1) and (2) of subsection (e) of this  
15 Section shall be in addition to any allocations made pursuant  
16 to existing law and shall be designated for the exclusive use  
17 of the crime laboratory. These uses may include, but are not  
18 limited to, the following:

19 (1) Costs incurred in providing analysis for DUI  
20 investigations conducted within this State.

21 (2) Purchase and maintenance of equipment for use in  
22 performing analyses.

23 (3) Continuing education, training, and professional  
24 development of forensic scientists regularly employed by  
25 these laboratories.

26 (h) Moneys ~~Fees~~ deposited in the State Police Operations

1 ~~Assistance DUI Fund created under paragraph (3) of subsection~~  
2 ~~(c) of this Section~~ shall be used by State crime laboratories  
3 as designated by the Director of State Police. These funds  
4 shall be in addition to any allocations made according to  
5 existing law and shall be designated for the exclusive use of  
6 State crime laboratories. These uses may include those  
7 enumerated in subsection (g) of this Section.

8 (Source: P.A. 99-697, eff. 7-29-16.)

9 (730 ILCS 5/5-9-1.11)

10 Sec. 5-9-1.11. Domestic Violence Abuser Services Violation  
11 ~~of an order of protection;~~ Fund.

12 (a) (Blank). ~~In addition to any other penalty imposed, a~~  
13 ~~fine of \$20 shall be imposed upon any person who is convicted~~  
14 ~~of or placed on supervision for violation of an order of~~  
15 ~~protection; provided that the offender and victim are family or~~  
16 ~~household members as defined in Section 103 of the Illinois~~  
17 ~~Domestic Violence Act of 1986.~~

18 ~~The additional amount shall be assessed by the court~~  
19 ~~imposing sentence and shall be collected by the Circuit Clerk~~  
20 ~~in addition to the fine, if any, and costs in the case. Each~~  
21 ~~such additional penalty shall be remitted by the Circuit Clerk~~  
22 ~~within one month after receipt to the State Treasurer for~~  
23 ~~deposit into the Domestic Violence Abuser Services Fund. The~~  
24 ~~Circuit Clerk shall retain 10% of the penalty to cover the~~  
25 ~~costs incurred in administering and enforcing this Section. The~~

1 ~~additional penalty shall not be considered a part of the fine~~  
2 ~~for purposes of any reduction in the fine for time served~~  
3 ~~either before or after sentencing.~~

4 ~~The State Treasurer shall deposit into the Domestic~~  
5 ~~Violence Abuser Services Fund each fine received from circuit~~  
6 ~~clerks under Section 5 9 1.5 of the Unified Code of~~  
7 ~~Corrections.~~

8 ~~Upon request of the victim or the victim's representative,~~  
9 ~~the court shall determine whether the fine will impose an undue~~  
10 ~~burden on the victim of the offense. For purposes of this~~  
11 ~~paragraph, the defendant may not be considered the victim's~~  
12 ~~representative. If the court finds that the fine would impose~~  
13 ~~an undue burden on the victim, the court may reduce or waive~~  
14 ~~the fine. The court shall order that the defendant may not use~~  
15 ~~funds belonging solely to the victim of the offense for payment~~  
16 ~~of the fine.~~

17 ~~Not later than March 1 of each year the Clerk of the~~  
18 ~~Circuit Court shall submit to the State Comptroller a report of~~  
19 ~~the amount of funds remitted by her or him to the State~~  
20 ~~Treasurer under this Section during the preceding calendar~~  
21 ~~year. Except as otherwise provided by Supreme Court Rules, if a~~  
22 ~~court in sentencing an offender levies a gross amount for fine,~~  
23 ~~costs, fees and penalties, the amount of the additional penalty~~  
24 ~~provided for in this Section shall be collected from the amount~~  
25 ~~remaining after deducting from the gross amount levied all fees~~  
26 ~~of the Circuit Clerk, the State's Attorney, and the Sheriff.~~

1 ~~After deducting from the gross amount levied the fees and~~  
2 ~~additional penalty provided for in this Section, less any other~~  
3 ~~additional penalties provided by law, the clerk shall remit the~~  
4 ~~net balance remaining to the entity authorized by law to~~  
5 ~~receive the fine imposed in the case. For purposes of this~~  
6 ~~Section "Fees of the Circuit Clerk" shall include, if~~  
7 ~~applicable, the fee provided for under Section 27.3a of the~~  
8 ~~Clerks of Courts Act and the fee, if applicable, payable to the~~  
9 ~~county in which the violation occurred under Section 5-1101 of~~  
10 ~~the Counties Code.~~

11 (b) Domestic Violence Abuser Services Fund;  
12 administration. There is created a Domestic Violence Abuser  
13 Services Fund in the State Treasury. Moneys deposited into the  
14 Fund under Section 15-70 of the Criminal and Traffic  
15 Assessments Act ~~this Section~~ shall be appropriated to the  
16 Department of Human Services for the purpose of providing  
17 services specified by this Section. Upon appropriation of  
18 moneys from the Domestic Violence Abuser Services Fund, the  
19 Department of Human Services shall set aside 10% of all  
20 appropriated funds for the purposes of program training,  
21 development and assessment. The Department shall make grants of  
22 all remaining moneys from the Fund to qualified domestic  
23 violence abuser services programs through a competitive  
24 application process. A "qualified domestic violence abuser  
25 services program" is one which the Department determines is in  
26 compliance with protocols for abuser services promulgated by

1 the Department. To the extent possible the Department shall  
2 ensure that moneys received from penalties imposed by courts in  
3 judicial districts are returned to qualified abuser services  
4 programs serving those districts.

5 (Source: P.A. 90-241, eff. 1-1-98.)

6 (730 ILCS 5/5-9-1.16)

7 Sec. 5-9-1.16. Protective order violation service provider  
8 fees.

9 (a) (Blank). ~~There shall be added to every penalty imposed~~  
10 ~~in sentencing for a violation of an order of protection under~~  
11 ~~Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the~~  
12 ~~Criminal Code of 2012 an additional fee to be set in an amount~~  
13 ~~not less than \$200 to be imposed upon a plea of guilty or~~  
14 ~~finding of guilty resulting in a judgment of conviction.~~

15 (b) (Blank). ~~Such additional amount shall be assessed by~~  
16 ~~the court imposing sentence and shall be collected by the~~  
17 ~~Circuit Clerk in addition to the fine, if any, and costs in the~~  
18 ~~case to be used by the supervising authority in implementing~~  
19 ~~the domestic violence surveillance program. The clerk of the~~  
20 ~~circuit court shall pay all monies collected from this fee to~~  
21 ~~the county treasurer for deposit in the probation and court~~  
22 ~~services fund under Section 15.1 of the Probation and~~  
23 ~~Probations Officers Act.~~

24 (c) The supervising authority of a domestic violence  
25 surveillance program under Section 5-8A-7 of this Act shall

1 assess a person either convicted of, or charged with, the  
2 violation of an order of protection an additional service  
3 provider fee to cover the costs of providing the equipment used  
4 and the additional supervision needed for such domestic  
5 violence surveillance program. If the court finds that the fee  
6 would impose an undue burden on the victim, the court may  
7 reduce or waive the fee. The court shall order that the  
8 defendant may not use funds belonging solely to the victim of  
9 the offense for payment of the fee.

10 When the supervising authority is the court or the  
11 probation and court services department, the fee shall be  
12 collected by the circuit court clerk. The clerk of the circuit  
13 court shall pay all monies collected from this fee and all  
14 other required probation fees that are assessed to the county  
15 treasurer for deposit in the probation and court services fund  
16 under Section 15.1 of the Probation and Probations Officers  
17 Act. In counties with a population of 2 million or more, when  
18 the supervising authority is the court or the probation and  
19 court services department, the fee shall be collected by the  
20 supervising authority. In these counties, the supervising  
21 authority shall pay all monies collected from this fee and all  
22 other required probation fees that are assessed, to the county  
23 treasurer for deposit in the probation and court services fund  
24 under Section 15.1 of the Probation and Probation Officers Act.

25 When the supervising authority is the Department of  
26 Corrections, the Department shall collect the fee for deposit

1 into the Department of Corrections Reimbursement and Education  
2 Fund. ~~The Circuit Clerk shall retain 10% of such penalty and~~  
3 ~~deposit that percentage into the Circuit Court Clerk Operation~~  
4 ~~and Administrative Fund to cover the costs incurred in~~  
5 ~~administering and enforcing this Section.~~

6 (d) (Blank).

7 (e) (Blank).

8 (Source: P.A. 99-933, eff. 1-27-17.)

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

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

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

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

24 (c) (Blank). ~~If imposed, the fine shall be collected by the~~  
25 ~~circuit court clerk in addition to any other imposed fee. The~~



1 ~~circuit court clerk shall retain \$50 to cover the costs in~~  
2 ~~administering and enforcing this Section. The circuit court~~  
3 ~~clerk shall remit the remainder of the fine within one month of~~  
4 ~~its receipt as follows:~~

5 ~~(1) \$300 shall be distributed equally between all State~~  
6 ~~law enforcement agencies whose officers or employees~~  
7 ~~conducted the investigation or prosecution that resulted~~  
8 ~~in the finding of guilt; and~~

9 ~~(2) the remainder of the fine shall be remitted to the~~  
10 ~~Department of Human Services for deposit into the~~  
11 ~~Specialized Services for Survivors of Human Trafficking~~  
12 ~~Fund.~~

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

25 (e) Grants made under this Section are in addition to, and  
26 not substitutes for, other grants authorized and made by the

1 Department.

2 (f) Notwithstanding any other law to the contrary, the  
3 Specialized Services for Survivors of Human Trafficking Fund is  
4 not subject to sweeps, administrative charge-backs, or any  
5 other fiscal maneuver that would in any way transfer any  
6 amounts from the Specialized Services for Survivors of Human  
7 Trafficking Fund into any other fund of the State.

8 (Source: P.A. 98-1013, eff. 1-1-15.)

9 (730 ILCS 5/5-9-1.1 rep.)

10 (730 ILCS 5/5-9-1.1-5 rep.)

11 (730 ILCS 5/5-9-1.5 rep.)

12 (730 ILCS 5/5-9-1.6 rep.)

13 (730 ILCS 5/5-9-1.10 rep.)

14 (730 ILCS 5/5-9-1.12 rep.)

15 (730 ILCS 5/5-9-1.14 rep.)

16 (730 ILCS 5/5-9-1.15 rep.)

17 (730 ILCS 5/5-9-1.17 rep.)

18 (730 ILCS 5/5-9-1.18 rep.)

19 (730 ILCS 5/5-9-1.19 rep.)

20 (730 ILCS 5/5-9-1.20 rep.)

21 Section 905-93. The Unified Code of Corrections is amended  
22 by repealing Sections 5-9-1.1, 5-9-1.1-5, 5-9-1.5, 5-9-1.6,  
23 5-9-1.10, 5-9-1.12, 5-9-1.14, 5-9-1.15, 5-9-1.17, 5-9-1.18,  
24 5-9-1.19, and 5-9-1.20.

1           Section 905-95. The County Jail Act is amended by changing  
2 Section 17 as follows:

3           (730 ILCS 125/17) (from Ch. 75, par. 117)

4           Sec. 17. Bedding, clothing, fuel, and medical aid;  
5 reimbursement for medical expenses. The Warden of the jail  
6 shall furnish necessary bedding, clothing, fuel, and medical  
7 services for all prisoners under his charge, and keep an  
8 accurate account of the same. When services that result in  
9 qualified medical expenses are required by any person held in  
10 custody, the county, private hospital, physician or any public  
11 agency which provides such services shall be entitled to obtain  
12 reimbursement from the county for the cost of such services.  
13 The county board of a county may adopt an ordinance or  
14 resolution providing for reimbursement for the cost of those  
15 services at the Department of Healthcare and Family Services'  
16 rates for medical assistance. To the extent that such person is  
17 reasonably able to pay for such care, including reimbursement  
18 from any insurance program or from other medical benefit  
19 programs available to such person, he or she shall reimburse  
20 the county or arresting authority. If such person has already  
21 been determined eligible for medical assistance under the  
22 Illinois Public Aid Code at the time the person is detained,  
23 the cost of such services, to the extent such cost exceeds  
24 \$500, shall be reimbursed by the Department of Healthcare and  
25 Family Services under that Code. A reimbursement under any

1 public or private program authorized by this Section shall be  
2 paid to the county or arresting authority to the same extent as  
3 would have been obtained had the services been rendered in a  
4 non-custodial environment.

5 The sheriff or his or her designee may cause an application  
6 for medical assistance under the Illinois Public Aid Code to be  
7 completed for an arrestee who is a hospital inpatient. If such  
8 arrestee is determined eligible, he or she shall receive  
9 medical assistance under the Code for hospital inpatient  
10 services only. An arresting authority shall be responsible for  
11 any qualified medical expenses relating to the arrestee until  
12 such time as the arrestee is placed in the custody of the  
13 sheriff. However, the arresting authority shall not be so  
14 responsible if the arrest was made pursuant to a request by the  
15 sheriff. When medical expenses are required by any person held  
16 in custody, the county shall be entitled to obtain  
17 reimbursement from the County Jail Medical Costs Fund to the  
18 extent moneys are available from the Fund. To the extent that  
19 the person is reasonably able to pay for that care, including  
20 reimbursement from any insurance program or from other medical  
21 benefit programs available to the person, he or she shall  
22 reimburse the county.

23 ~~The county shall be entitled to a \$10 fee for each~~  
24 ~~conviction or order of supervision for a criminal violation,~~  
25 ~~other than a petty offense or business offense. The fee shall~~  
26 ~~be taxed as costs to be collected from the defendant, if~~

1 ~~possible, upon conviction or entry of an order of supervision.~~  
2 ~~The fee shall not be considered a part of the fine for purposes~~  
3 ~~of any reduction in the fine.~~

4 ~~All such fees collected shall be deposited by the county in~~  
5 ~~a fund to be established and known as the County Jail Medical~~  
6 ~~Costs Fund. Moneys in the Fund shall be used solely for~~  
7 ~~reimbursement to the county of costs for medical expenses and~~  
8 ~~administration of the Fund.~~

9 For the purposes of this Section, "arresting authority"  
10 means a unit of local government, other than a county, which  
11 employs peace officers and whose peace officers have made the  
12 arrest of a person. For the purposes of this Section,  
13 "qualified medical expenses" include medical and hospital  
14 services but do not include (i) expenses incurred for medical  
15 care or treatment provided to a person on account of a  
16 self-inflicted injury incurred prior to or in the course of an  
17 arrest, (ii) expenses incurred for medical care or treatment  
18 provided to a person on account of a health condition of that  
19 person which existed prior to the time of his or her arrest, or  
20 (iii) expenses for hospital inpatient services for arrestees  
21 enrolled for medical assistance under the Illinois Public Aid  
22 Code.

23 (Source: P.A. 95-842, eff. 8-15-08; 96-1280, eff. 7-26-10.)

24 Section 905-100. The Code of Civil Procedure is amended by  
25 changing Section 5-105 as follows:

1 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

2 Sec. 5-105. Waiver of court fees, costs, and charges ~~leave~~  
3 ~~to sue or defend as an indigent person.~~

4 (a) As used in this Section:

5 (1) "Fees, costs, and charges" means payments imposed  
6 on a party in connection with the prosecution or defense of  
7 a civil action, including, but not limited to: fees set  
8 forth in Section 27.1b of the Clerks of Courts Act ~~filing~~  
9 ~~fees; appearance fees;~~ fees for service of process and  
10 other papers served either within or outside this State,  
11 including service by publication pursuant to Section 2-206  
12 of this Code and publication of necessary legal notices;  
13 motion fees; ~~jury demand fees;~~ charges for participation  
14 in, or attendance at, any mandatory process or procedure  
15 including, but not limited to, conciliation, mediation,  
16 arbitration, counseling, evaluation, "Children First",  
17 "Focus on Children" or similar programs; fees for  
18 supplementary proceedings; charges for translation  
19 services; guardian ad litem fees; ~~charges for certified~~  
20 ~~copies of court documents;~~ and all other processes and  
21 procedures deemed by the court to be necessary to commence,  
22 prosecute, defend, or enforce relief in a civil action.

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

25 (i) He or she is receiving assistance under one or

1 more of the following means based governmental public  
2 benefits programs: Supplemental Security Income (SSI),  
3 Aid to the Aged, Blind and Disabled (AABD), Temporary  
4 Assistance for Needy Families (TANF), Supplemental  
5 Nutrition Assistance Program (SNAP) ~~Food Stamps~~,  
6 General Assistance, Transitional Assistance, or State  
7 Children and Family Assistance.

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

16 (iii) He or she is, in the discretion of the court,  
17 unable to proceed in an action without payment of fees,  
18 costs, and charges and whose payment of those fees,  
19 costs, and charges would result in substantial  
20 hardship to the person or his or her family.

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

23 (3) "Poverty level" means the current poverty level as  
24 established by the United States Department of Health and  
25 Human Services.

26 (b) On the application of any person, before~~7~~ or after the

1 commencement of an action:~~7-a~~

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

7 (2) If the court finds that the applicant satisfies any  
8 of the criteria contained in items (i), (ii), or (iii) of  
9 this subdivision (b) (2), the court shall grant the  
10 applicant a partial fees, costs, and charges waiver  
11 entitling him or her to sue or defend the action upon  
12 payment of the applicable percentage of the assessments,  
13 costs, and charges of the action, as follows:

14 (i) the court shall waive 75% of all fees, costs,  
15 and charges if the available income of the applicant is  
16 greater than 200% but does not exceed 250% of the  
17 poverty level, unless the assets of the applicant that  
18 are not exempt under Part 9 or 10 of Article XII of  
19 this Code are such that the applicant is able, without  
20 undue hardship, to pay a greater portion of the fees,  
21 costs, and charges;

22 (ii) the court shall waive 50% of all fees, costs,  
23 and charges if the available income is greater than  
24 250% but does not exceed 300% of the poverty level,  
25 unless the assets of the applicant that are not exempt  
26 under Part 9 or 10 of Article XII of this Code are such



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

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

12           (c) An application for waiver of court fees, costs, and  
13           charges ~~leave to sue or defend an action as an indigent person~~  
14           shall be in writing and signed ~~supported~~ by the ~~affidavit of~~  
15           ~~the~~ applicant, or, if the applicant is a minor or an  
16           incompetent adult, by ~~the affidavit of~~ another person having  
17           knowledge of the facts. The contents of the application for  
18           waiver of court fees, costs, and charges, and the procedure for  
19           the decision of the applications, affidavit shall be  
20           established by Supreme Court Rule. Factors to consider in  
21           evaluating an application shall include:

22           (1) the applicant's receipt of needs based  
23           governmental public benefits, including Supplemental  
24           Security Income (SSI); Aid to the Aged, Blind and Disabled  
25           (ADBBD); Temporary Assistance for Needy Families (TANF);  
26           Supplemental Nutrition Assistance Program (SNAP or "food

1       stamps"); General Assistance; Transitional Assistance; or  
2       State Children and Family Assistance;

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

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

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

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

14       (6) financial affidavits or other similar supporting  
15       documentation provided by the applicant showing that  
16       payment of the imposed fees, costs, and charges would  
17       result in substantial hardship to the applicant or the  
18       applicant's family.

19       (c-5) The court shall provide, through the office of the  
20       clerk of the court, the application for waiver of court fees,  
21       costs, and charges ~~simplified forms consistent with the~~  
22       ~~requirements of this Section and applicable Supreme Court Rules~~  
23       to any person seeking to sue or defend an action who indicates  
24       an inability to pay the fees, costs, and charges of the action.  
25       ~~The application and supporting affidavit may be incorporated~~  
26       ~~into one simplified form.~~ The clerk of the court shall post in

1 a conspicuous place in the courthouse a notice no smaller than  
2 8.5 x 11 inches, using no smaller than 30-point typeface  
3 printed in English and in Spanish, advising the public that  
4 they may ask the court for permission to sue or defend a civil  
5 action without payment of fees, costs, and charges. The notice  
6 shall be substantially as follows:

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

10 (d) (Blank). ~~The court shall rule on applications under~~  
11 ~~this Section in a timely manner based on information contained~~  
12 ~~in the application unless the court, in its discretion,~~  
13 ~~requires the applicant to personally appear to explain or~~  
14 ~~clarify information contained in the application. If the court~~  
15 ~~finds that the applicant is an indigent person, the court shall~~  
16 ~~enter an order permitting the applicant to sue or defend~~  
17 ~~without payment of fees, costs, or charges. If the application~~  
18 ~~is denied, the court shall enter an order to that effect~~  
19 ~~stating the specific reasons for the denial. The clerk of the~~  
20 ~~court shall promptly mail or deliver a copy of the order to the~~  
21 ~~applicant.~~

22 (e) The clerk of the court shall not refuse to accept and  
23 file any complaint, appearance, or other paper presented by the  
24 applicant if accompanied by an application for waiver of court  
25 fees, costs, and charges ~~to sue or defend in forma pauperis,~~  
26 and those papers shall be considered filed on the date the

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

18 (f) The ~~court may~~ order granting a full or partial fees,  
19 costs, and charges waiver shall expire after one year. Upon  
20 expiration of the waiver, or a reasonable period of time before  
21 expiration, the party whose fees, costs, and charges were  
22 waived may file another application for waiver and the court  
23 shall consider the application in accordance with the  
24 applicable Supreme Court Rule. ~~an indigent person to pay all or~~  
25 ~~a portion of the fees, costs, or charges waived pursuant to~~  
26 ~~this Section out of moneys recovered by the indigent person~~

1 ~~pursuant to a judgment or settlement resulting from the civil~~  
2 ~~action. However, nothing in this Section shall be construed to~~  
3 ~~limit the authority of a court to order another party to the~~  
4 ~~action to pay the fees, costs, or charges of the action.~~

5 (f-5) If, before or at the time of final disposition of the  
6 case, the court obtains information, including information  
7 from the court file, suggesting that a person whose fees,  
8 costs, and charges were initially waived was not entitled to a  
9 full or partial waiver at the time of application, the court  
10 may require the person to appear at a court hearing by giving  
11 the applicant no less than 10 days' written notice of the  
12 hearing and the specific reasons why the initial waiver might  
13 be reconsidered. The court may require the applicant to provide  
14 reasonably available evidence, including financial  
15 information, to support his or her eligibility for the waiver,  
16 but the court shall not require submission of information that  
17 is unrelated to the criteria for eligibility and application  
18 requirements set forth in subdivisions (b) (1) or (b) (2) of this  
19 Section. If the court finds that the person was not initially  
20 entitled to any waiver, the person shall pay all fees, costs,  
21 and charges relating to the civil action, including any  
22 previously-waived fees, costs, and charges. The order may state  
23 terms of payment in accordance with subsection (e). The court  
24 shall not conduct a hearing under this subsection more often  
25 than once every 6 months.

26 (f-10) If, before or at the time of final disposition of

1 the case, the court obtains information, including information  
2 from the court file, suggesting that a person who received a  
3 full or partial waiver has experienced a change in financial  
4 condition so that he or she is no longer eligible for that  
5 waiver, the court may require the person to appear at a court  
6 hearing by giving the applicant no less than 10 days' written  
7 notice of the hearing and the specific reasons why the waiver  
8 might be reconsidered. The court may require the person to  
9 provide reasonably available evidence, including financial  
10 information, to support his or her continued eligibility for  
11 the waiver, but shall not require submission of information  
12 that is unrelated to the criteria for eligibility and  
13 application requirements set forth in subsections (b)(1) and  
14 (b)(2) of this Section. If the court enters an order finding  
15 that the person is no longer entitled to a waiver, or is  
16 entitled to a partial waiver different than that which the  
17 person had previously received, the person shall pay the  
18 requisite fees, costs, and charges from the date of the order  
19 going forward. The order may state terms of payment in  
20 accordance with subsection (e) of this Section. The court shall  
21 not conduct a hearing under this subsection more often than  
22 once every 6 months.

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

26 (h) Nothing in this Section shall be construed to affect

1 the right of a party to sue or defend an action in forma  
2 pauperis without the payment of fees, costs, ~~or~~ charges, or the  
3 right of a party to court-appointed counsel, as authorized by  
4 any other provision of law or by the rules of the Illinois  
5 Supreme Court. Nothing in this Section shall be construed to  
6 limit the authority of a court to order another party to the  
7 action to pay the fees, costs, and charges of the action.

8 (h-5) If a party is represented by a civil legal services  
9 provider or an attorney in a court-sponsored pro bono program  
10 as defined in Section 5-105.5 of this Code, the attorney  
11 representing that party shall file a certification with the  
12 court in accordance with Supreme Court Rule 298 and that party  
13 shall be allowed to sue or defend without payment of fees,  
14 costs, and charges without filing an application under this  
15 Section.

16 (h-10) If an attorney files an appearance on behalf of a  
17 person whose fees, costs, and charges were initially waived  
18 under this Section, the attorney must pay all fees, costs, and  
19 charges relating to the civil action, including any previously  
20 waived fees, costs, and charges, unless the attorney is either  
21 a civil legal services provider, representing his or her client  
22 as part of a court-sponsored pro bono program as defined in  
23 Section 5-105.1 of this Code, or appearing under a limited  
24 scope appearance in accordance with Supreme Court Rule  
25 13(c)(6).

26 (i) The provisions of this Section are severable under

1 Section 1.31 of the Statute on Statutes.

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

3 Article 999. Effective Date

4 Section 999-99. Effective date. This Act takes effect July  
5 1, 2019, except that this Section and Article 900 takes effect  
6 on July 1, 2018."