



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0051

Introduced 1/9/2019, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Provides that if an offender defaults in the payment of a fine or any installment of that fine, no less than 30 days before the issuance of a warrant, a notice shall be mailed to the offender by first class mail to the most recent address which the offender has provided to the court. Provides that the notice shall contain the following information: (1) the amount of the fine which is due and owing; (2) the docket number of the case in which the fine was assessed; (3) the due date for payment of the fine; (4) instructions as to how payment of the fine may be made; (5) an explanation that intentional refusal to pay the fine may result in imprisonment; and (6) instructions as to how the offender may request a hearing to present evidence that the offender did not intentionally refuse to pay the fine and that failure to pay was the result of the offender's inability to pay the fine. Makes technical changes.

LRB101 04573 SLF 49581 b

1 AN ACT concerning criminal law.

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

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

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his or her appearance or a warrant of arrest. No less than 30
12 days before the issuance of a warrant under this subsection, a
13 notice shall be mailed to the offender by first class mail to
14 the most recent address which the offender has provided to the
15 court. The notice shall contain the following information:

16 (1) the amount of the fine which is due and owing;

17 (2) the docket number of the case in which the fine was
18 assessed;

19 (3) the due date for payment of the fine;

20 (4) instructions as to how payment of the fine may be
21 made;

22 (5) an explanation that intentional refusal to pay the
23 fine may result in imprisonment; and

1 (6) instructions as to how the offender may request a
2 hearing to present evidence that the offender did not
3 intentionally refuse to pay the fine, and that failure to
4 pay was the result of the offender's inability to pay the
5 fine.

6 (b) Unless the offender shows that his or her default was
7 not due to his or her intentional refusal to pay, or not due to
8 a failure on his or her part to make a good faith effort to pay,
9 the court may order the offender imprisoned for a term not to
10 exceed 6 months if the fine was for a felony, or 30 days if the
11 fine was for a misdemeanor, a petty offense, or a business
12 offense. Payment of the fine at any time will entitle the
13 offender to be released, but imprisonment under this Section
14 shall not satisfy the payment of the fine.

15 (c) If it appears that the default in the payment of a fine
16 is not intentional under subsection ~~paragraph~~ (b) of this
17 Section, the court may enter an order allowing the offender
18 additional time for payment, reducing the amount of the fine or
19 of each installment, or revoking the fine or the unpaid
20 portion.

21 (d) When a fine is imposed on a corporation or
22 unincorporated organization or association, it is the duty of
23 the person or persons authorized to make disbursement of
24 assets, and their superiors, to pay the fine from assets of the
25 corporation or unincorporated organization or association. The
26 failure of such persons to do so shall render them subject to

1 proceedings under subsections ~~paragraphs~~ (a) and (b) of this
2 Section.

3 (e) A default in the payment of a fine, fee, cost, order of
4 restitution, judgment of bond forfeiture, judgment order of
5 forfeiture, or any installment thereof may be collected by any
6 and all means authorized for the collection of money judgments.
7 The State's Attorney of the county in which the fine, fee,
8 cost, order of restitution, judgment of bond forfeiture, or
9 judgment order of forfeiture was imposed may retain attorneys
10 and private collection agents for the purpose of collecting any
11 default in payment of any fine, fee, cost, order of
12 restitution, judgment of bond forfeiture, judgment order of
13 forfeiture, or installment thereof. An additional fee of 30% of
14 the delinquent amount and each taxable court cost including,
15 without limitation, costs of service of process, shall be
16 charged to the offender for any amount of the fine, fee, cost,
17 restitution, or judgment of bond forfeiture or installment of
18 the fine, fee, cost, restitution, or judgment of bond
19 forfeiture that remains unpaid after the time fixed for payment
20 of the fine, fee, cost, restitution, or judgment of bond
21 forfeiture by the court. The additional fee shall be payable to
22 the State's Attorney in order to compensate the State's
23 Attorney for costs incurred in collecting the delinquent
24 amount. The State's Attorney may enter into agreements
25 assigning any portion of the fee to the retained attorneys or
26 the private collection agent retained by the State's Attorney.

1 Any agreement between the State's Attorney and the retained
2 attorneys or collection agents shall require the approval of
3 the Circuit Clerk of that county. A default in payment of a
4 fine, fee, cost, restitution, or judgment of bond forfeiture
5 shall draw interest at the rate of 9% per annum.

6 (Source: P.A. 98-373, eff. 1-1-14.)