

# HB3123



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3123

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Provides that a \$5 fee on a judgment of guilty or a grant of supervision does not apply to reckless driving or aggravated reckless driving under the Illinois Vehicle Code. Provides that a \$30 fee on a judgment of guilty or a grant of supervision applies to reckless driving or aggravated reckless driving under the Illinois Vehicle Code. Deletes a reference that limits a \$5 fee collection in all civil cases to a county of having a population of 1,000,000 or less.

LRB101 09649 AWJ 54748 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section  
5 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 (Section scheduled to be repealed on July 1, 2019)

8 Sec. 5-1101. Additional fees to finance court system. A  
9 county board may enact by ordinance or resolution the following  
10 fees:

11 (a) A \$5 fee to be paid by the defendant on a judgment of  
12 guilty or a grant of supervision for violation of the Illinois  
13 Vehicle Code other than Section 11-501 or 11-503 or violations  
14 of similar provisions contained in county or municipal  
15 ordinances committed in the county, and up to a \$30 fee to be  
16 paid by the defendant on a judgment of guilty or a grant of  
17 supervision for violation of Section 11-501 or 11-503 of the  
18 Illinois Vehicle Code or a violation of a similar provision  
19 contained in county or municipal ordinances committed in the  
20 county.

21 (b) ~~A In the case of a county having a population of~~  
22 ~~1,000,000 or less, a \$5 fee to be collected in all civil cases~~  
23 ~~by the clerk of the circuit court.~~

1 (c) A fee to be paid by the defendant on a judgment of  
2 guilty or a grant of supervision, as follows:

- 3 (1) for a felony, \$50;  
4 (2) for a class A misdemeanor, \$25;  
5 (3) for a class B or class C misdemeanor, \$15;  
6 (4) for a petty offense, \$10;  
7 (5) for a business offense, \$10.

8 (d) A \$100 fee for the second and subsequent violations of  
9 Section 11-501 of the Illinois Vehicle Code or violations of  
10 similar provisions contained in county or municipal ordinances  
11 committed in the county. The proceeds of this fee shall be  
12 placed in the county general fund and used to finance education  
13 programs related to driving under the influence of alcohol or  
14 drugs.

15 (d-5) A \$10 fee to be paid by the defendant on a judgment  
16 of guilty or a grant of supervision under Section 5-9-1 of the  
17 Unified Code of Corrections to be placed in the county general  
18 fund and used to finance the county mental health court, the  
19 county drug court, the Veterans and Servicemembers Court, or  
20 any or all of the above.

21 (e) In each county in which a teen court, peer court, peer  
22 jury, youth court, or other youth diversion program has been  
23 created, a county may adopt a mandatory fee of up to \$5 to be  
24 assessed as provided in this subsection. Assessments collected  
25 by the clerk of the circuit court pursuant to this subsection  
26 must be deposited into an account specifically for the

1 operation and administration of a teen court, peer court, peer  
2 jury, youth court, or other youth diversion program. The clerk  
3 of the circuit court shall collect the fees established in this  
4 subsection and must remit the fees to the teen court, peer  
5 court, peer jury, youth court, or other youth diversion program  
6 monthly, less 5%, which is to be retained as fee income to the  
7 office of the clerk of the circuit court. The fees are to be  
8 paid as follows:

9 (1) a fee of up to \$5 paid by the defendant on a  
10 judgment of guilty or grant of supervision for violation of  
11 the Illinois Vehicle Code or violations of similar  
12 provisions contained in county or municipal ordinances  
13 committed in the county;

14 (2) a fee of up to \$5 paid by the defendant on a  
15 judgment of guilty or grant of supervision under Section  
16 5-9-1 of the Unified Code of Corrections for a felony; for  
17 a Class A, Class B, or Class C misdemeanor; for a petty  
18 offense; and for a business offense.

19 (f) In each county in which a drug court has been created,  
20 the county may adopt a mandatory fee of up to \$5 to be assessed  
21 as provided in this subsection. Assessments collected by the  
22 clerk of the circuit court pursuant to this subsection must be  
23 deposited into an account specifically for the operation and  
24 administration of the drug court. The clerk of the circuit  
25 court shall collect the fees established in this subsection and  
26 must remit the fees to the drug court, less 5%, which is to be

1 retained as fee income to the office of the clerk of the  
2 circuit court. The fees are to be paid as follows:

3 (1) a fee of up to \$5 paid by the defendant on a  
4 judgment of guilty or grant of supervision for a violation  
5 of the Illinois Vehicle Code or a violation of a similar  
6 provision contained in a county or municipal ordinance  
7 committed in the county; or

8 (2) a fee of up to \$5 paid by the defendant on a  
9 judgment of guilty or a grant of supervision under Section  
10 5-9-1 of the Unified Code of Corrections for a felony; for  
11 a Class A, Class B, or Class C misdemeanor; for a petty  
12 offense; and for a business offense.

13 The clerk of the circuit court shall deposit the 5%  
14 retained under this subsection into the Circuit Court Clerk  
15 Operation and Administrative Fund to be used to defray the  
16 costs of collection and disbursement of the drug court fee.

17 (f-5) In each county in which a Children's Advocacy Center  
18 provides services, the county board may adopt a mandatory fee  
19 of between \$5 and \$30 to be paid by the defendant on a judgment  
20 of guilty or a grant of supervision under Section 5-9-1 of the  
21 Unified Code of Corrections for a felony; for a Class A, Class  
22 B, or Class C misdemeanor; for a petty offense; and for a  
23 business offense. Assessments shall be collected by the clerk  
24 of the circuit court and must be deposited into an account  
25 specifically for the operation and administration of the  
26 Children's Advocacy Center. The clerk of the circuit court

1 shall collect the fees as provided in this subsection, and must  
2 remit the fees to the Children's Advocacy Center.

3 (f-10) In each county in which the Court Appointed Special  
4 Advocates provide services, the county board may, in addition  
5 to any fine imposed under Section 5-9-1 of the Unified Code of  
6 Corrections, adopt a mandatory fee of between \$10 and \$30 to be  
7 paid by the defendant on a judgment of guilty or a grant of  
8 supervision for a felony; for a Class A, Class B, or Class C  
9 misdemeanor; for a petty offense; and for a business offense;  
10 where a court appearance is required. Assessments shall be  
11 collected by the clerk of the circuit court and must be  
12 deposited into an account specifically for the operations of  
13 the Court Appointed Special Advocates. The clerk of the circuit  
14 court shall collect the fees as provided in this subsection and  
15 must remit the fees to the Court Appointed Special Advocates  
16 Fund that the county board shall create for the receipt of  
17 funds collected under this subsection, and from which the  
18 county board shall make grants to support the activities and  
19 services of the Court Appointed Special Advocates within that  
20 county. The term "Court Appointed Special Advocates" is  
21 copyrighted and is used with permission of the holder of the  
22 copyright.

23 (g) The proceeds of all fees enacted under this Section  
24 must, except as provided in subsections (d), (d-5), (e), (f),  
25 and (f-10) be placed in the county general fund and used to  
26 finance the court system in the county, unless the fee is

1 subject to disbursement by the circuit clerk as provided under  
2 Section 27.5 of the Clerks of Courts Act.

3 (Source: P.A. 98-331, eff. 8-13-13. Repealed by P.A. 100-987,  
4 eff. 7-1-19.)