

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 3. The Illinois Vehicle Code is amended by
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

7 Sec. 6-308. Procedures for traffic violations.

8 (a) Any person cited for violating this Code or a similar
9 provision of a local ordinance for which a violation is a petty
10 offense as defined by Section 5-1-17 of the Unified Code of
11 Corrections, excluding business offenses as defined by Section
12 5-1-2 of the Unified Code of Corrections or a violation of
13 Section 15-111 or subsection (d) of Section 3-401 of this
14 Code, shall not be required to sign the citation or post bond
15 to secure bail for his or her release. All other provisions of
16 this Code or similar provisions of local ordinances shall be
17 governed by the bail provisions of the Illinois Supreme Court
18 Rules when it is not practical or feasible to take the person
19 before a judge to have bail set or to avoid undue delay because
20 of the hour or circumstances.

21 (b) Whenever a person fails to appear in court, the court
22 may continue the case for a minimum of 30 days and the clerk of
23 the court shall send notice of the continued court date to the

1 person's last known address. If the person does not appear in
2 court on or before the continued court date or satisfy the
3 court that the person's appearance in and surrender to the
4 court is impossible for no fault of the person, the court shall
5 enter an order of failure to appear. The clerk of the court
6 shall notify the Secretary of State, on a report prescribed by
7 the Secretary, of the court's order. The Secretary, when
8 notified by the clerk of the court that an order of failure to
9 appear has been entered, shall immediately suspend the
10 person's driver's license, which shall be designated by the
11 Secretary as a Failure to Appear suspension. The Secretary
12 shall not remove the suspension, nor issue any permit or
13 privileges to the person whose license has been suspended,
14 until notified by the ordering court that the person has
15 appeared and resolved the violation. Upon compliance, the
16 clerk of the court shall present the person with a notice of
17 compliance containing the seal of the court, and shall notify
18 the Secretary that the person has appeared and resolved the
19 violation. For purposes of this Section, a violation shall be
20 deemed resolved if the person has appeared in court and the
21 court entered any final disposition, including: (i) a final
22 order regarding the person's guilt or innocence; or (ii) an
23 order granting a request by the State or local governmental
24 body that initiated the charges for permission not to
25 prosecute the charges.

26 (c) Illinois Supreme Court Rules shall govern bail and

1 appearance procedures when a person who is a resident of
2 another state that is not a member of the Nonresident Violator
3 Compact of 1977 is cited for violating this Code or a similar
4 provision of a local ordinance.

5 (Source: P.A. 100-674, eff. 1-1-19.)

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

8 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

9 Sec. 5-9-3. Default.

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

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

19 (2) the docket number of the case in which the fine was
20 assessed;

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

22 (4) instructions as to how payment of the fine may be
23 made;

24 (5) an explanation that willful refusal to pay the

1 fine may result in imprisonment; and

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

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

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

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

1 failure of such persons to do so shall render them subject to
2 proceedings under paragraphs (a) and (b) of this 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
7 judgments. The State's Attorney of the county in which the
8 fine, fee, cost, order of restitution, judgment of bond
9 forfeiture, or judgment order of forfeiture was imposed may
10 retain attorneys and private collection agents for the purpose
11 of collecting any default in payment of any fine, fee, cost,
12 order of restitution, judgment of bond forfeiture, judgment
13 order of forfeiture, or installment thereof. An additional fee
14 of 30% of the delinquent amount and each taxable court cost
15 including, without limitation, costs of service of process,
16 shall be charged to the offender for any amount of the fine,
17 fee, cost, restitution, or judgment of bond forfeiture or
18 installment of the fine, fee, cost, restitution, or judgment
19 of bond forfeiture that remains unpaid after the time fixed
20 for payment of the fine, fee, cost, restitution, or judgment
21 of bond forfeiture by the court. The additional fee shall be
22 payable to the State's Attorney in order to compensate the
23 State's Attorney for costs incurred in collecting the
24 delinquent amount. The State's Attorney may enter into
25 agreements assigning any portion of the fee to the retained
26 attorneys or the private collection agent retained by the

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.