



Sen. Scott M. Bennett

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1 AMENDMENT TO SENATE BILL 481

2 AMENDMENT NO. _____. Amend Senate Bill 481, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Identification Act is amended by
6 changing Section 5.2 as follows:

7 (20 ILCS 2630/5.2)

8 Sec. 5.2. Expungement, sealing, and immediate sealing.

9 (a) General Provisions.

10 (1) Definitions. In this Act, words and phrases have
11 the meanings set forth in this subsection, except when a
12 particular context clearly requires a different meaning.

13 (A) The following terms shall have the meanings
14 ascribed to them in the Unified Code of Corrections,
15 730 ILCS 5/5-1-2 through 5/5-1-22:

16 (i) Business Offense (730 ILCS 5/5-1-2),

- 1 (ii) Charge (730 ILCS 5/5-1-3),
2 (iii) Court (730 ILCS 5/5-1-6),
3 (iv) Defendant (730 ILCS 5/5-1-7),
4 (v) Felony (730 ILCS 5/5-1-9),
5 (vi) Imprisonment (730 ILCS 5/5-1-10),
6 (vii) Judgment (730 ILCS 5/5-1-12),
7 (viii) Misdemeanor (730 ILCS 5/5-1-14),
8 (ix) Offense (730 ILCS 5/5-1-15),
9 (x) Parole (730 ILCS 5/5-1-16),
10 (xi) Petty Offense (730 ILCS 5/5-1-17),
11 (xii) Probation (730 ILCS 5/5-1-18),
12 (xiii) Sentence (730 ILCS 5/5-1-19),
13 (xiv) Supervision (730 ILCS 5/5-1-21), and
14 (xv) Victim (730 ILCS 5/5-1-22).

15 (B) As used in this Section, "charge not initiated
16 by arrest" means a charge (as defined by 730 ILCS
17 5/5-1-3) brought against a defendant where the
18 defendant is not arrested prior to or as a direct
19 result of the charge.

20 (C) "Conviction" means a judgment of conviction or
21 sentence entered upon a plea of guilty or upon a
22 verdict or finding of guilty of an offense, rendered
23 by a legally constituted jury or by a court of
24 competent jurisdiction authorized to try the case
25 without a jury. An order of supervision successfully
26 completed by the petitioner is not a conviction. An

1 order of qualified probation (as defined in subsection
2 (a) (1) (J)) successfully completed by the petitioner is
3 not a conviction. An order of supervision or an order
4 of qualified probation that is terminated
5 unsatisfactorily is a conviction, unless the
6 unsatisfactory termination is reversed, vacated, or
7 modified and the judgment of conviction, if any, is
8 reversed or vacated.

9 (D) "Criminal offense" means a petty offense,
10 business offense, misdemeanor, felony, or municipal
11 ordinance violation (as defined in subsection
12 (a) (1) (H)). As used in this Section, a minor traffic
13 offense (as defined in subsection (a) (1) (G)) shall not
14 be considered a criminal offense.

15 (E) "Expunge" means to physically destroy the
16 records or return them to the petitioner and to
17 obliterate the petitioner's name from any official
18 index or public record, or both. Nothing in this Act
19 shall require the physical destruction of the circuit
20 court file, but such records relating to arrests or
21 charges, or both, ordered expunged shall be impounded
22 as required by subsections (d) (9) (A) (ii) and
23 (d) (9) (B) (ii).

24 (F) As used in this Section, "last sentence" means
25 the sentence, order of supervision, or order of
26 qualified probation (as defined by subsection

1 (a)(1)(J)), for a criminal offense (as defined by
2 subsection (a)(1)(D)) that terminates last in time in
3 any jurisdiction, regardless of whether the petitioner
4 has included the criminal offense for which the
5 sentence or order of supervision or qualified
6 probation was imposed in his or her petition. If
7 multiple sentences, orders of supervision, or orders
8 of qualified probation terminate on the same day and
9 are last in time, they shall be collectively
10 considered the "last sentence" regardless of whether
11 they were ordered to run concurrently.

12 (G) "Minor traffic offense" means a petty offense,
13 business offense, or Class C misdemeanor under the
14 Illinois Vehicle Code or a similar provision of a
15 municipal or local ordinance.

16 (G-5) "Minor Cannabis Offense" means a violation
17 of Section 4 or 5 of the Cannabis Control Act
18 concerning not more than 30 grams of any substance
19 containing cannabis, provided the violation did not
20 include a penalty enhancement under Section 7 of the
21 Cannabis Control Act and is not associated with an
22 arrest, conviction or other disposition for a violent
23 crime as defined in subsection (c) of Section 3 of the
24 Rights of Crime Victims and Witnesses Act.

25 (H) "Municipal ordinance violation" means an
26 offense defined by a municipal or local ordinance that

1 is criminal in nature and with which the petitioner
2 was charged or for which the petitioner was arrested
3 and released without charging.

4 (I) "Petitioner" means an adult or a minor
5 prosecuted as an adult who has applied for relief
6 under this Section.

7 (J) "Qualified probation" means an order of
8 probation under Section 10 of the Cannabis Control
9 Act, Section 410 of the Illinois Controlled Substances
10 Act, Section 70 of the Methamphetamine Control and
11 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
12 of the Unified Code of Corrections, Section
13 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
14 those provisions existed before their deletion by
15 Public Act 89-313), Section 10-102 of the Illinois
16 Alcoholism and Other Drug Dependency Act, Section
17 40-10 of the Substance Use Disorder Act, or Section 10
18 of the Steroid Control Act. For the purpose of this
19 Section, "successful completion" of an order of
20 qualified probation under Section 10-102 of the
21 Illinois Alcoholism and Other Drug Dependency Act and
22 Section 40-10 of the Substance Use Disorder Act means
23 that the probation was terminated satisfactorily and
24 the judgment of conviction was vacated.

25 (K) "Seal" means to physically and electronically
26 maintain the records, unless the records would

1 otherwise be destroyed due to age, but to make the
2 records unavailable without a court order, subject to
3 the exceptions in Sections 12 and 13 of this Act. The
4 petitioner's name shall also be obliterated from the
5 official index required to be kept by the circuit
6 court clerk under Section 16 of the Clerks of Courts
7 Act, but any index issued by the circuit court clerk
8 before the entry of the order to seal shall not be
9 affected.

10 (L) "Sexual offense committed against a minor"
11 includes, but is not limited to, the offenses of
12 indecent solicitation of a child or criminal sexual
13 abuse when the victim of such offense is under 18 years
14 of age.

15 (M) "Terminate" as it relates to a sentence or
16 order of supervision or qualified probation includes
17 either satisfactory or unsatisfactory termination of
18 the sentence, unless otherwise specified in this
19 Section. A sentence is terminated notwithstanding any
20 outstanding financial legal obligation.

21 (2) Minor Traffic Offenses. Orders of supervision or
22 convictions for minor traffic offenses shall not affect a
23 petitioner's eligibility to expunge or seal records
24 pursuant to this Section.

25 (2.5) Commencing 180 days after July 29, 2016 (the
26 effective date of Public Act 99-697), the law enforcement

1 agency issuing the citation shall automatically expunge,
2 on or before January 1 and July 1 of each year, the law
3 enforcement records of a person found to have committed a
4 civil law violation of subsection (a) of Section 4 of the
5 Cannabis Control Act or subsection (c) of Section 3.5 of
6 the Drug Paraphernalia Control Act in the law enforcement
7 agency's possession or control and which contains the
8 final satisfactory disposition which pertain to the person
9 issued a citation for that offense. The law enforcement
10 agency shall provide by rule the process for access,
11 review, and to confirm the automatic expungement by the
12 law enforcement agency issuing the citation. Commencing
13 180 days after July 29, 2016 (the effective date of Public
14 Act 99-697), the clerk of the circuit court shall expunge,
15 upon order of the court, or in the absence of a court order
16 on or before January 1 and July 1 of each year, the court
17 records of a person found in the circuit court to have
18 committed a civil law violation of subsection (a) of
19 Section 4 of the Cannabis Control Act or subsection (c) of
20 Section 3.5 of the Drug Paraphernalia Control Act in the
21 clerk's possession or control and which contains the final
22 satisfactory disposition which pertain to the person
23 issued a citation for any of those offenses.

24 (3) Exclusions. Except as otherwise provided in
25 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
26 of this Section, the court shall not order:

1 (A) the sealing or expungement of the records of
2 arrests or charges not initiated by arrest that result
3 in an order of supervision for or conviction of: (i)
4 any sexual offense committed against a minor; (ii)
5 Section 11-501 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance; or (iii)
7 Section 11-503 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance, unless the
9 arrest or charge is for a misdemeanor violation of
10 subsection (a) of Section 11-503 or a similar
11 provision of a local ordinance, that occurred prior to
12 the offender reaching the age of 25 years and the
13 offender has no other conviction for violating Section
14 11-501 or 11-503 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance.

16 (B) the sealing or expungement of records of minor
17 traffic offenses (as defined in subsection (a)(1)(G)),
18 unless the petitioner was arrested and released
19 without charging.

20 (C) the sealing of the records of arrests or
21 charges not initiated by arrest which result in an
22 order of supervision or a conviction for the following
23 offenses:

24 (i) offenses included in Article 11 of the
25 Criminal Code of 1961 or the Criminal Code of 2012
26 or a similar provision of a local ordinance,

1 except Section 11-14 and a misdemeanor violation
2 of Section 11-30 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, or a similar provision
4 of a local ordinance;

5 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
6 26-5, or 48-1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or a similar provision of a
8 local ordinance;

9 (iii) Sections 12-3.1 or 12-3.2 of the
10 Criminal Code of 1961 or the Criminal Code of
11 2012, or Section 125 of the Stalking No Contact
12 Order Act, or Section 219 of the Civil No Contact
13 Order Act, or a similar provision of a local
14 ordinance;

15 (iv) Class A misdemeanors or felony offenses
16 under the Humane Care for Animals Act; or

17 (v) any offense or attempted offense that
18 would subject a person to registration under the
19 Sex Offender Registration Act.

20 (D) (blank).

21 (b) Expungement.

22 (1) A petitioner may petition the circuit court to
23 expunge the records of his or her arrests and charges not
24 initiated by arrest when each arrest or charge not
25 initiated by arrest sought to be expunged resulted in: (i)
26 acquittal, dismissal, or the petitioner's release without

1 charging, unless excluded by subsection (a)(3)(B); (ii) a
2 conviction which was vacated or reversed, unless excluded
3 by subsection (a)(3)(B); (iii) an order of supervision and
4 such supervision was successfully completed by the
5 petitioner, unless excluded by subsection (a)(3)(A) or
6 (a)(3)(B); or (iv) an order of qualified probation (as
7 defined in subsection (a)(1)(J)) and such probation was
8 successfully completed by the petitioner.

9 (1.5) When a petitioner seeks to have a record of
10 arrest expunged under this Section, and the offender has
11 been convicted of a criminal offense, the State's Attorney
12 may object to the expungement on the grounds that the
13 records contain specific relevant information aside from
14 the mere fact of the arrest.

15 (2) Time frame for filing a petition to expunge.

16 (A) When the arrest or charge not initiated by
17 arrest sought to be expunged resulted in an acquittal,
18 dismissal, the petitioner's release without charging,
19 or the reversal or vacation of a conviction, there is
20 no waiting period to petition for the expungement of
21 such records.

22 (B) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an order of
24 supervision, successfully completed by the petitioner,
25 the following time frames will apply:

26 (i) Those arrests or charges that resulted in

1 orders of supervision under Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or
3 a similar provision of a local ordinance, or under
4 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or a
6 similar provision of a local ordinance, shall not
7 be eligible for expungement until 5 years have
8 passed following the satisfactory termination of
9 the supervision.

10 (i-5) Those arrests or charges that resulted
11 in orders of supervision for a misdemeanor
12 violation of subsection (a) of Section 11-503 of
13 the Illinois Vehicle Code or a similar provision
14 of a local ordinance, that occurred prior to the
15 offender reaching the age of 25 years and the
16 offender has no other conviction for violating
17 Section 11-501 or 11-503 of the Illinois Vehicle
18 Code or a similar provision of a local ordinance
19 shall not be eligible for expungement until the
20 petitioner has reached the age of 25 years.

21 (ii) Those arrests or charges that resulted in
22 orders of supervision for any other offenses shall
23 not be eligible for expungement until 2 years have
24 passed following the satisfactory termination of
25 the supervision.

26 (C) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an order of
2 qualified probation, successfully completed by the
3 petitioner, such records shall not be eligible for
4 expungement until 5 years have passed following the
5 satisfactory termination of the probation.

6 (3) Those records maintained by the Department for
7 persons arrested prior to their 17th birthday shall be
8 expunged as provided in Section 5-915 of the Juvenile
9 Court Act of 1987.

10 (4) Whenever a person has been arrested for or
11 convicted of any offense, in the name of a person whose
12 identity he or she has stolen or otherwise come into
13 possession of, the aggrieved person from whom the identity
14 was stolen or otherwise obtained without authorization,
15 upon learning of the person having been arrested using his
16 or her identity, may, upon verified petition to the chief
17 judge of the circuit wherein the arrest was made, have a
18 court order entered nunc pro tunc by the Chief Judge to
19 correct the arrest record, conviction record, if any, and
20 all official records of the arresting authority, the
21 Department, other criminal justice agencies, the
22 prosecutor, and the trial court concerning such arrest, if
23 any, by removing his or her name from all such records in
24 connection with the arrest and conviction, if any, and by
25 inserting in the records the name of the offender, if
26 known or ascertainable, in lieu of the aggrieved's name.

1 The records of the circuit court clerk shall be sealed
2 until further order of the court upon good cause shown and
3 the name of the aggrieved person obliterated on the
4 official index required to be kept by the circuit court
5 clerk under Section 16 of the Clerks of Courts Act, but the
6 order shall not affect any index issued by the circuit
7 court clerk before the entry of the order. Nothing in this
8 Section shall limit the Department of State Police or
9 other criminal justice agencies or prosecutors from
10 listing under an offender's name the false names he or she
11 has used.

12 (5) Whenever a person has been convicted of criminal
13 sexual assault, aggravated criminal sexual assault,
14 predatory criminal sexual assault of a child, criminal
15 sexual abuse, or aggravated criminal sexual abuse, the
16 victim of that offense may request that the State's
17 Attorney of the county in which the conviction occurred
18 file a verified petition with the presiding trial judge at
19 the petitioner's trial to have a court order entered to
20 seal the records of the circuit court clerk in connection
21 with the proceedings of the trial court concerning that
22 offense. However, the records of the arresting authority
23 and the Department of State Police concerning the offense
24 shall not be sealed. The court, upon good cause shown,
25 shall make the records of the circuit court clerk in
26 connection with the proceedings of the trial court

1 concerning the offense available for public inspection.

2 (6) If a conviction has been set aside on direct
3 review or on collateral attack and the court determines by
4 clear and convincing evidence that the petitioner was
5 factually innocent of the charge, the court that finds the
6 petitioner factually innocent of the charge shall enter an
7 expungement order for the conviction for which the
8 petitioner has been determined to be innocent as provided
9 in subsection (b) of Section 5-5-4 of the Unified Code of
10 Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act,
16 Section 410 of the Illinois Controlled Substances Act,
17 Section 70 of the Methamphetamine Control and Community
18 Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified
19 Code of Corrections, Section 12-4.3 or subdivision (b)(1)
20 of Section 12-3.05 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section 40-10 of
23 the Substance Use Disorder Act, or Section 10 of the
24 Steroid Control Act.

25 (8) If the petitioner has been granted a certificate
26 of innocence under Section 2-702 of the Code of Civil

1 Procedure, the court that grants the certificate of
2 innocence shall also enter an order expunging the
3 conviction for which the petitioner has been determined to
4 be innocent as provided in subsection (h) of Section 2-702
5 of the Code of Civil Procedure.

6 (c) Sealing.

7 (1) Applicability. Notwithstanding any other provision
8 of this Act to the contrary, and cumulative with any
9 rights to expungement of criminal records, this subsection
10 authorizes the sealing of criminal records of adults and
11 of minors prosecuted as adults. Subsection (g) of this
12 Section provides for immediate sealing of certain records.

13 (2) Eligible Records. The following records may be
14 sealed:

15 (A) All arrests resulting in release without
16 charging;

17 (B) Arrests or charges not initiated by arrest
18 resulting in acquittal, dismissal, or conviction when
19 the conviction was reversed or vacated, except as
20 excluded by subsection (a) (3) (B);

21 (C) Arrests or charges not initiated by arrest
22 resulting in orders of supervision, including orders
23 of supervision for municipal ordinance violations,
24 successfully completed by the petitioner, unless
25 excluded by subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on
2 municipal ordinance violations, unless excluded by
3 subsection (a) (3);

4 (E) Arrests or charges not initiated by arrest
5 resulting in orders of first offender probation under
6 Section 10 of the Cannabis Control Act, Section 410 of
7 the Illinois Controlled Substances Act, Section 70 of
8 the Methamphetamine Control and Community Protection
9 Act, or Section 5-6-3.3 of the Unified Code of
10 Corrections; and

11 (F) Arrests or charges not initiated by arrest
12 resulting in felony convictions unless otherwise
13 excluded by subsection (a) paragraph (3) of this
14 Section.

15 (3) When Records Are Eligible to Be Sealed. Records
16 identified as eligible under subsection (c) (2) may be
17 sealed as follows:

18 (A) Records identified as eligible under
19 subsection (c) (2) (A) and (c) (2) (B) may be sealed at
20 any time.

21 (B) Except as otherwise provided in subparagraph
22 (E) of this paragraph (3), records identified as
23 eligible under subsection (c) (2) (C) may be sealed 2
24 years after the termination of petitioner's last
25 sentence (as defined in subsection (a) (1) (F)).

26 (C) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as
2 eligible under subsections (c)(2)(D), (c)(2)(E), and
3 (c)(2)(F) may be sealed 3 years after the termination
4 of the petitioner's last sentence (as defined in
5 subsection (a)(1)(F)). Convictions requiring public
6 registration under the Arsonist Registration Act, the
7 Sex Offender Registration Act, or the Murderer and
8 Violent Offender Against Youth Registration Act may
9 not be sealed until the petitioner is no longer
10 required to register under that relevant Act.

11 (D) Records identified in subsection
12 (a)(3)(A)(iii) may be sealed after the petitioner has
13 reached the age of 25 years.

14 (E) Records identified as eligible under
15 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
16 (c)(2)(F) may be sealed upon termination of the
17 petitioner's last sentence if the petitioner earned a
18 high school diploma, associate's degree, career
19 certificate, vocational technical certification, or
20 bachelor's degree, or passed the high school level
21 Test of General Educational Development, during the
22 period of his or her sentence or mandatory supervised
23 release. This subparagraph shall apply only to a
24 petitioner who has not completed the same educational
25 goal prior to the period of his or her sentence or
26 mandatory supervised release. If a petition for

1 sealing eligible records filed under this subparagraph
2 is denied by the court, the time periods under
3 subparagraph (B) or (C) shall apply to any subsequent
4 petition for sealing filed by the petitioner.

5 (4) Subsequent felony convictions. A person may not
6 have subsequent felony conviction records sealed as
7 provided in this subsection (c) if he or she is convicted
8 of any felony offense after the date of the sealing of
9 prior felony convictions as provided in this subsection
10 (c). The court may, upon conviction for a subsequent
11 felony offense, order the unsealing of prior felony
12 conviction records previously ordered sealed by the court.

13 (5) Notice of eligibility for sealing. Upon entry of a
14 disposition for an eligible record under this subsection
15 (c), the petitioner shall be informed by the court of the
16 right to have the records sealed and the procedures for
17 the sealing of the records.

18 (d) Procedure. The following procedures apply to
19 expungement under subsections (b), (e), and (e-6) and sealing
20 under subsections (c) and (e-5):

21 (1) Filing the petition. Upon becoming eligible to
22 petition for the expungement or sealing of records under
23 this Section, the petitioner shall file a petition
24 requesting the expungement or sealing of records with the
25 clerk of the court where the arrests occurred or the
26 charges were brought, or both. If arrests occurred or

1 charges were brought in multiple jurisdictions, a petition
2 must be filed in each such jurisdiction. The petitioner
3 shall pay the applicable fee, except no fee shall be
4 required if the petitioner has obtained a court order
5 waiving fees under Supreme Court Rule 298 or it is
6 otherwise waived.

7 (1.5) County fee waiver pilot program. From August 9,
8 2019 (the effective date of Public Act 101-306) through
9 December 31, 2020, in a county of 3,000,000 or more
10 inhabitants, no fee shall be required to be paid by a
11 petitioner if the records sought to be expunged or sealed
12 were arrests resulting in release without charging or
13 arrests or charges not initiated by arrest resulting in
14 acquittal, dismissal, or conviction when the conviction
15 was reversed or vacated, unless excluded by subsection
16 (a)(3)(B). The provisions of this paragraph (1.5), other
17 than this sentence, are inoperative on and after January
18 1, 2022.

19 (2) Contents of petition. The petition shall be
20 verified and shall contain the petitioner's name, date of
21 birth, current address and, for each arrest or charge not
22 initiated by arrest sought to be sealed or expunged, the
23 case number, the date of arrest (if any), the identity of
24 the arresting authority, and such other information as the
25 court may require. During the pendency of the proceeding,
26 the petitioner shall promptly notify the circuit court

1 clerk of any change of his or her address. If the
2 petitioner has received a certificate of eligibility for
3 sealing from the Prisoner Review Board under paragraph
4 (10) of subsection (a) of Section 3-3-2 of the Unified
5 Code of Corrections, the certificate shall be attached to
6 the petition.

7 (3) Drug test. The petitioner must attach to the
8 petition proof that the petitioner has passed a test taken
9 within 30 days before the filing of the petition showing
10 the absence within his or her body of all illegal
11 substances as defined by the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, and the Cannabis Control Act if he or she
14 is petitioning to:

15 (A) seal felony records under clause (c) (2) (E);

16 (B) seal felony records for a violation of the
17 Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 or the Cannabis Control Act under clause (c) (2) (F);

20 (C) seal felony records under subsection (e-5); or

21 (D) expunge felony records of a qualified
22 probation under clause (b) (1) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition and documentation to
25 support the petition under subsection (e-5) or (e-6) on
26 the State's Attorney or prosecutor charged with the duty

1 of prosecuting the offense, the Department of State
2 Police, the arresting agency and the chief legal officer
3 of the unit of local government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition
6 may file an objection to the petition. All objections
7 shall be in writing, shall be filed with the circuit
8 court clerk, and shall state with specificity the
9 basis of the objection. Whenever a person who has been
10 convicted of an offense is granted a pardon by the
11 Governor which specifically authorizes expungement, an
12 objection to the petition may not be filed.

13 (B) Objections to a petition to expunge or seal
14 must be filed within 60 days of the date of service of
15 the petition.

16 (6) Entry of order.

17 (A) The Chief Judge of the circuit wherein the
18 charge was brought, any judge of that circuit
19 designated by the Chief Judge, or in counties of less
20 than 3,000,000 inhabitants, the presiding trial judge
21 at the petitioner's trial, if any, shall rule on the
22 petition to expunge or seal as set forth in this
23 subsection (d) (6).

24 (B) Unless the State's Attorney or prosecutor, the
25 Department of State Police, the arresting agency, or
26 the chief legal officer files an objection to the

1 petition to expunge or seal within 60 days from the
2 date of service of the petition, the court shall enter
3 an order granting or denying the petition.

4 (C) Notwithstanding any other provision of law,
5 the court shall not deny a petition for sealing under
6 this Section because the petitioner has not satisfied
7 an outstanding legal financial obligation established,
8 imposed, or originated by a court, law enforcement
9 agency, or a municipal, State, county, or other unit
10 of local government, including, but not limited to,
11 any cost, assessment, fine, or fee. An outstanding
12 legal financial obligation does not include any court
13 ordered restitution to a victim under Section 5-5-6 of
14 the Unified Code of Corrections, unless the
15 restitution has been converted to a civil judgment.
16 Nothing in this subparagraph (C) waives, rescinds, or
17 abrogates a legal financial obligation or otherwise
18 eliminates or affects the right of the holder of any
19 financial obligation to pursue collection under
20 applicable federal, State, or local law.

21 (7) Hearings. If an objection is filed, the court
22 shall set a date for a hearing and notify the petitioner
23 and all parties entitled to notice of the petition of the
24 hearing date at least 30 days prior to the hearing. Prior
25 to the hearing, the State's Attorney shall consult with
26 the Department as to the appropriateness of the relief

1 sought in the petition to expunge or seal. At the hearing,
2 the court shall hear evidence on whether the petition
3 should or should not be granted, and shall grant or deny
4 the petition to expunge or seal the records based on the
5 evidence presented at the hearing. The court may consider
6 the following:

7 (A) the strength of the evidence supporting the
8 defendant's conviction;

9 (B) the reasons for retention of the conviction
10 records by the State;

11 (C) the petitioner's age, criminal record history,
12 and employment history;

13 (D) the period of time between the petitioner's
14 arrest on the charge resulting in the conviction and
15 the filing of the petition under this Section; and

16 (E) the specific adverse consequences the
17 petitioner may be subject to if the petition is
18 denied.

19 (8) Service of order. After entering an order to
20 expunge or seal records, the court must provide copies of
21 the order to the Department, in a form and manner
22 prescribed by the Department, to the petitioner, to the
23 State's Attorney or prosecutor charged with the duty of
24 prosecuting the offense, to the arresting agency, to the
25 chief legal officer of the unit of local government
26 effecting the arrest, and to such other criminal justice

1 agencies as may be ordered by the court.

2 (9) Implementation of order.

3 (A) Upon entry of an order to expunge records
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

5 (i) the records shall be expunged (as defined
6 in subsection (a) (1) (E)) by the arresting agency,
7 the Department, and any other agency as ordered by
8 the court, within 60 days of the date of service of
9 the order, unless a motion to vacate, modify, or
10 reconsider the order is filed pursuant to
11 paragraph (12) of subsection (d) of this Section;

12 (ii) the records of the circuit court clerk
13 shall be impounded until further order of the
14 court upon good cause shown and the name of the
15 petitioner obliterated on the official index
16 required to be kept by the circuit court clerk
17 under Section 16 of the Clerks of Courts Act, but
18 the order shall not affect any index issued by the
19 circuit court clerk before the entry of the order;
20 and

21 (iii) in response to an inquiry for expunged
22 records, the court, the Department, or the agency
23 receiving such inquiry, shall reply as it does in
24 response to inquiries when no records ever
25 existed.

26 (B) Upon entry of an order to expunge records

1 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

2 (i) the records shall be expunged (as defined
3 in subsection (a) (1) (E)) by the arresting agency
4 and any other agency as ordered by the court,
5 within 60 days of the date of service of the order,
6 unless a motion to vacate, modify, or reconsider
7 the order is filed pursuant to paragraph (12) of
8 subsection (d) of this Section;

9 (ii) the records of the circuit court clerk
10 shall be impounded until further order of the
11 court upon good cause shown and the name of the
12 petitioner obliterated on the official index
13 required to be kept by the circuit court clerk
14 under Section 16 of the Clerks of Courts Act, but
15 the order shall not affect any index issued by the
16 circuit court clerk before the entry of the order;

17 (iii) the records shall be impounded by the
18 Department within 60 days of the date of service
19 of the order as ordered by the court, unless a
20 motion to vacate, modify, or reconsider the order
21 is filed pursuant to paragraph (12) of subsection
22 (d) of this Section;

23 (iv) records impounded by the Department may
24 be disseminated by the Department only as required
25 by law or to the arresting authority, the State's
26 Attorney, and the court upon a later arrest for

1 the same or a similar offense or for the purpose of
2 sentencing for any subsequent felony, and to the
3 Department of Corrections upon conviction for any
4 offense; and

5 (v) in response to an inquiry for such records
6 from anyone not authorized by law to access such
7 records, the court, the Department, or the agency
8 receiving such inquiry shall reply as it does in
9 response to inquiries when no records ever
10 existed.

11 (B-5) Upon entry of an order to expunge records
12 under subsection (e-6):

13 (i) the records shall be expunged (as defined
14 in subsection (a)(1)(E)) by the arresting agency
15 and any other agency as ordered by the court,
16 within 60 days of the date of service of the order,
17 unless a motion to vacate, modify, or reconsider
18 the order is filed under paragraph (12) of
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the
22 court upon good cause shown and the name of the
23 petitioner obliterated on the official index
24 required to be kept by the circuit court clerk
25 under Section 16 of the Clerks of Courts Act, but
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the
3 Department within 60 days of the date of service
4 of the order as ordered by the court, unless a
5 motion to vacate, modify, or reconsider the order
6 is filed under paragraph (12) of subsection (d) of
7 this Section;

8 (iv) records impounded by the Department may
9 be disseminated by the Department only as required
10 by law or to the arresting authority, the State's
11 Attorney, and the court upon a later arrest for
12 the same or a similar offense or for the purpose of
13 sentencing for any subsequent felony, and to the
14 Department of Corrections upon conviction for any
15 offense; and

16 (v) in response to an inquiry for these
17 records from anyone not authorized by law to
18 access the records, the court, the Department, or
19 the agency receiving the inquiry shall reply as it
20 does in response to inquiries when no records ever
21 existed.

22 (C) Upon entry of an order to seal records under
23 subsection (c), the arresting agency, any other agency
24 as ordered by the court, the Department, and the court
25 shall seal the records (as defined in subsection
26 (a)(1)(K)). In response to an inquiry for such

1 records, from anyone not authorized by law to access
2 such records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever existed.

5 (D) The Department shall send written notice to
6 the petitioner of its compliance with each order to
7 expunge or seal records within 60 days of the date of
8 service of that order or, if a motion to vacate,
9 modify, or reconsider is filed, within 60 days of
10 service of the order resolving the motion, if that
11 order requires the Department to expunge or seal
12 records. In the event of an appeal from the circuit
13 court order, the Department shall send written notice
14 to the petitioner of its compliance with an Appellate
15 Court or Supreme Court judgment to expunge or seal
16 records within 60 days of the issuance of the court's
17 mandate. The notice is not required while any motion
18 to vacate, modify, or reconsider, or any appeal or
19 petition for discretionary appellate review, is
20 pending.

21 (E) Upon motion, the court may order that a sealed
22 judgment or other court record necessary to
23 demonstrate the amount of any legal financial
24 obligation due and owing be made available for the
25 limited purpose of collecting any legal financial
26 obligations owed by the petitioner that were

1 established, imposed, or originated in the criminal
2 proceeding for which those records have been sealed.
3 The records made available under this subparagraph (E)
4 shall not be entered into the official index required
5 to be kept by the circuit court clerk under Section 16
6 of the Clerks of Courts Act and shall be immediately
7 re-impounded upon the collection of the outstanding
8 financial obligations.

9 (F) Notwithstanding any other provision of this
10 Section, a circuit court clerk may access a sealed
11 record for the limited purpose of collecting payment
12 for any legal financial obligations that were
13 established, imposed, or originated in the criminal
14 proceedings for which those records have been sealed.

15 (10) Fees. The Department may charge the petitioner a
16 fee equivalent to the cost of processing any order to
17 expunge or seal records. Notwithstanding any provision of
18 the Clerks of Courts Act to the contrary, the circuit
19 court clerk may charge a fee equivalent to the cost
20 associated with the sealing or expungement of records by
21 the circuit court clerk. From the total filing fee
22 collected for the petition to seal or expunge, the circuit
23 court clerk shall deposit \$10 into the Circuit Court Clerk
24 Operation and Administrative Fund, to be used to offset
25 the costs incurred by the circuit court clerk in
26 performing the additional duties required to serve the

1 petition to seal or expunge on all parties. The circuit
2 court clerk shall collect and remit ~~forward~~ the Department
3 of State Police portion of the fee to the State Treasurer
4 ~~Department~~ and it shall be deposited in the State Police
5 Services Fund. If the record brought under an expungement
6 petition was previously sealed under this Section, the fee
7 for the expungement petition for that same record shall be
8 waived.

9 (11) Final Order. No court order issued under the
10 expungement or sealing provisions of this Section shall
11 become final for purposes of appeal until 30 days after
12 service of the order on the petitioner and all parties
13 entitled to notice of the petition.

14 (12) Motion to Vacate, Modify, or Reconsider. Under
15 Section 2-1203 of the Code of Civil Procedure, the
16 petitioner or any party entitled to notice may file a
17 motion to vacate, modify, or reconsider the order granting
18 or denying the petition to expunge or seal within 60 days
19 of service of the order. If filed more than 60 days after
20 service of the order, a petition to vacate, modify, or
21 reconsider shall comply with subsection (c) of Section
22 2-1401 of the Code of Civil Procedure. Upon filing of a
23 motion to vacate, modify, or reconsider, notice of the
24 motion shall be served upon the petitioner and all parties
25 entitled to notice of the petition.

26 (13) Effect of Order. An order granting a petition

1 under the expungement or sealing provisions of this
2 Section shall not be considered void because it fails to
3 comply with the provisions of this Section or because of
4 any error asserted in a motion to vacate, modify, or
5 reconsider. The circuit court retains jurisdiction to
6 determine whether the order is voidable and to vacate,
7 modify, or reconsider its terms based on a motion filed
8 under paragraph (12) of this subsection (d).

9 (14) Compliance with Order Granting Petition to Seal
10 Records. Unless a court has entered a stay of an order
11 granting a petition to seal, all parties entitled to
12 notice of the petition must fully comply with the terms of
13 the order within 60 days of service of the order even if a
14 party is seeking relief from the order through a motion
15 filed under paragraph (12) of this subsection (d) or is
16 appealing the order.

17 (15) Compliance with Order Granting Petition to
18 Expunge Records. While a party is seeking relief from the
19 order granting the petition to expunge through a motion
20 filed under paragraph (12) of this subsection (d) or is
21 appealing the order, and unless a court has entered a stay
22 of that order, the parties entitled to notice of the
23 petition must seal, but need not expunge, the records
24 until there is a final order on the motion for relief or,
25 in the case of an appeal, the issuance of that court's
26 mandate.

1 (16) The changes to this subsection (d) made by Public
2 Act 98-163 apply to all petitions pending on August 5,
3 2013 (the effective date of Public Act 98-163) and to all
4 orders ruling on a petition to expunge or seal on or after
5 August 5, 2013 (the effective date of Public Act 98-163).

6 (e) Whenever a person who has been convicted of an offense
7 is granted a pardon by the Governor which specifically
8 authorizes expungement, he or she may, upon verified petition
9 to the Chief Judge of the circuit where the person had been
10 convicted, any judge of the circuit designated by the Chief
11 Judge, or in counties of less than 3,000,000 inhabitants, the
12 presiding trial judge at the defendant's trial, have a court
13 order entered expunging the record of arrest from the official
14 records of the arresting authority and order that the records
15 of the circuit court clerk and the Department be sealed until
16 further order of the court upon good cause shown or as
17 otherwise provided herein, and the name of the defendant
18 obliterated from the official index requested to be kept by
19 the circuit court clerk under Section 16 of the Clerks of
20 Courts Act in connection with the arrest and conviction for
21 the offense for which he or she had been pardoned but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only to the
25 arresting authority, the State's Attorney, and the court upon
26 a later arrest for the same or similar offense or for the

1 purpose of sentencing for any subsequent felony. Upon
2 conviction for any subsequent offense, the Department of
3 Corrections shall have access to all sealed records of the
4 Department pertaining to that individual. Upon entry of the
5 order of expungement, the circuit court clerk shall promptly
6 mail a copy of the order to the person who was pardoned.

7 (e-5) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for sealing by
9 the Prisoner Review Board which specifically authorizes
10 sealing, he or she may, upon verified petition to the Chief
11 Judge of the circuit where the person had been convicted, any
12 judge of the circuit designated by the Chief Judge, or in
13 counties of less than 3,000,000 inhabitants, the presiding
14 trial judge at the petitioner's trial, have a court order
15 entered sealing the record of arrest from the official records
16 of the arresting authority and order that the records of the
17 circuit court clerk and the Department be sealed until further
18 order of the court upon good cause shown or as otherwise
19 provided herein, and the name of the petitioner obliterated
20 from the official index requested to be kept by the circuit
21 court clerk under Section 16 of the Clerks of Courts Act in
22 connection with the arrest and conviction for the offense for
23 which he or she had been granted the certificate but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by this Act or to the arresting authority, a law
2 enforcement agency, the State's Attorney, and the court upon a
3 later arrest for the same or similar offense or for the purpose
4 of sentencing for any subsequent felony. Upon conviction for
5 any subsequent offense, the Department of Corrections shall
6 have access to all sealed records of the Department pertaining
7 to that individual. Upon entry of the order of sealing, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was granted the certificate of eligibility for
10 sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for
13 expungement by the Prisoner Review Board which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the petitioner's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Department be sealed until
22 further order of the court upon good cause shown or as
23 otherwise provided herein, and the name of the petitioner
24 obliterated from the official index requested to be kept by
25 the circuit court clerk under Section 16 of the Clerks of
26 Courts Act in connection with the arrest and conviction for

1 the offense for which he or she had been granted the
2 certificate but the order shall not affect any index issued by
3 the circuit court clerk before the entry of the order. All
4 records sealed by the Department may be disseminated by the
5 Department only as required by this Act or to the arresting
6 authority, a law enforcement agency, the State's Attorney, and
7 the court upon a later arrest for the same or similar offense
8 or for the purpose of sentencing for any subsequent felony.
9 Upon conviction for any subsequent offense, the Department of
10 Corrections shall have access to all expunged records of the
11 Department pertaining to that individual. Upon entry of the
12 order of expungement, the circuit court clerk shall promptly
13 mail a copy of the order to the person who was granted the
14 certificate of eligibility for expungement.

15 (f) Subject to available funding, the Illinois Department
16 of Corrections shall conduct a study of the impact of sealing,
17 especially on employment and recidivism rates, utilizing a
18 random sample of those who apply for the sealing of their
19 criminal records under Public Act 93-211. At the request of
20 the Illinois Department of Corrections, records of the
21 Illinois Department of Employment Security shall be utilized
22 as appropriate to assist in the study. The study shall not
23 disclose any data in a manner that would allow the
24 identification of any particular individual or employing unit.
25 The study shall be made available to the General Assembly no
26 later than September 1, 2010.

1 (g) Immediate Sealing.

2 (1) Applicability. Notwithstanding any other provision
3 of this Act to the contrary, and cumulative with any
4 rights to expungement or sealing of criminal records, this
5 subsection authorizes the immediate sealing of criminal
6 records of adults and of minors prosecuted as adults.

7 (2) Eligible Records. Arrests or charges not initiated
8 by arrest resulting in acquittal or dismissal with
9 prejudice, except as excluded by subsection (a)(3)(B),
10 that occur on or after January 1, 2018 (the effective date
11 of Public Act 100-282), may be sealed immediately if the
12 petition is filed with the circuit court clerk on the same
13 day and during the same hearing in which the case is
14 disposed.

15 (3) When Records are Eligible to be Immediately
16 Sealed. Eligible records under paragraph (2) of this
17 subsection (g) may be sealed immediately after entry of
18 the final disposition of a case, notwithstanding the
19 disposition of other charges in the same case.

20 (4) Notice of Eligibility for Immediate Sealing. Upon
21 entry of a disposition for an eligible record under this
22 subsection (g), the defendant shall be informed by the
23 court of his or her right to have eligible records
24 immediately sealed and the procedure for the immediate
25 sealing of these records.

26 (5) Procedure. The following procedures apply to

1 immediate sealing under this subsection (g).

2 (A) Filing the Petition. Upon entry of the final
3 disposition of the case, the defendant's attorney may
4 immediately petition the court, on behalf of the
5 defendant, for immediate sealing of eligible records
6 under paragraph (2) of this subsection (g) that are
7 entered on or after January 1, 2018 (the effective
8 date of Public Act 100-282). The immediate sealing
9 petition may be filed with the circuit court clerk
10 during the hearing in which the final disposition of
11 the case is entered. If the defendant's attorney does
12 not file the petition for immediate sealing during the
13 hearing, the defendant may file a petition for sealing
14 at any time as authorized under subsection (c) (3) (A).

15 (B) Contents of Petition. The immediate sealing
16 petition shall be verified and shall contain the
17 petitioner's name, date of birth, current address, and
18 for each eligible record, the case number, the date of
19 arrest if applicable, the identity of the arresting
20 authority if applicable, and other information as the
21 court may require.

22 (C) Drug Test. The petitioner shall not be
23 required to attach proof that he or she has passed a
24 drug test.

25 (D) Service of Petition. A copy of the petition
26 shall be served on the State's Attorney in open court.

1 The petitioner shall not be required to serve a copy of
2 the petition on any other agency.

3 (E) Entry of Order. The presiding trial judge
4 shall enter an order granting or denying the petition
5 for immediate sealing during the hearing in which it
6 is filed. Petitions for immediate sealing shall be
7 ruled on in the same hearing in which the final
8 disposition of the case is entered.

9 (F) Hearings. The court shall hear the petition
10 for immediate sealing on the same day and during the
11 same hearing in which the disposition is rendered.

12 (G) Service of Order. An order to immediately seal
13 eligible records shall be served in conformance with
14 subsection (d) (8).

15 (H) Implementation of Order. An order to
16 immediately seal records shall be implemented in
17 conformance with subsections (d) (9) (C) and (d) (9) (D).

18 (I) Fees. The fee imposed by the circuit court
19 clerk and the Department of State Police shall comply
20 with paragraph (1) of subsection (d) of this Section.

21 (J) Final Order. No court order issued under this
22 subsection (g) shall become final for purposes of
23 appeal until 30 days after service of the order on the
24 petitioner and all parties entitled to service of the
25 order in conformance with subsection (d) (8).

26 (K) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the
2 petitioner, State's Attorney, or the Department of
3 State Police may file a motion to vacate, modify, or
4 reconsider the order denying the petition to
5 immediately seal within 60 days of service of the
6 order. If filed more than 60 days after service of the
7 order, a petition to vacate, modify, or reconsider
8 shall comply with subsection (c) of Section 2-1401 of
9 the Code of Civil Procedure.

10 (L) Effect of Order. An order granting an
11 immediate sealing petition shall not be considered
12 void because it fails to comply with the provisions of
13 this Section or because of an error asserted in a
14 motion to vacate, modify, or reconsider. The circuit
15 court retains jurisdiction to determine whether the
16 order is voidable, and to vacate, modify, or
17 reconsider its terms based on a motion filed under
18 subparagraph (L) of this subsection (g).

19 (M) Compliance with Order Granting Petition to
20 Seal Records. Unless a court has entered a stay of an
21 order granting a petition to immediately seal, all
22 parties entitled to service of the order must fully
23 comply with the terms of the order within 60 days of
24 service of the order.

25 (h) Sealing; trafficking victims.

26 (1) A trafficking victim as defined by paragraph (10)

1 of subsection (a) of Section 10-9 of the Criminal Code of
2 2012 shall be eligible to petition for immediate sealing
3 of his or her criminal record upon the completion of his or
4 her last sentence if his or her participation in the
5 underlying offense was a direct result of human
6 trafficking under Section 10-9 of the Criminal Code of
7 2012 or a severe form of trafficking under the federal
8 Trafficking Victims Protection Act.

9 (2) A petitioner under this subsection (h), in
10 addition to the requirements provided under paragraph (4)
11 of subsection (d) of this Section, shall include in his or
12 her petition a clear and concise statement that: (A) he or
13 she was a victim of human trafficking at the time of the
14 offense; and (B) that his or her participation in the
15 offense was a direct result of human trafficking under
16 Section 10-9 of the Criminal Code of 2012 or a severe form
17 of trafficking under the federal Trafficking Victims
18 Protection Act.

19 (3) If an objection is filed alleging that the
20 petitioner is not entitled to immediate sealing under this
21 subsection (h), the court shall conduct a hearing under
22 paragraph (7) of subsection (d) of this Section and the
23 court shall determine whether the petitioner is entitled
24 to immediate sealing under this subsection (h). A
25 petitioner is eligible for immediate relief under this
26 subsection (h) if he or she shows, by a preponderance of

1 the evidence, that: (A) he or she was a victim of human
2 trafficking at the time of the offense; and (B) that his or
3 her participation in the offense was a direct result of
4 human trafficking under Section 10-9 of the Criminal Code
5 of 2012 or a severe form of trafficking under the federal
6 Trafficking Victims Protection Act.

7 (i) Minor Cannabis Offenses under the Cannabis Control
8 Act.

9 (1) Expungement of Arrest Records of Minor Cannabis
10 Offenses.

11 (A) The Department of State Police and all law
12 enforcement agencies within the State shall
13 automatically expunge all criminal history records of
14 an arrest, charge not initiated by arrest, order of
15 supervision, or order of qualified probation for a
16 Minor Cannabis Offense committed prior to June 25,
17 2019 (the effective date of Public Act 101-27) if:

18 (i) One year or more has elapsed since the
19 date of the arrest or law enforcement interaction
20 documented in the records; and

21 (ii) No criminal charges were filed relating
22 to the arrest or law enforcement interaction or
23 criminal charges were filed and subsequently
24 dismissed or vacated or the arrestee was
25 acquitted.

26 (B) If the law enforcement agency is unable to

1 verify satisfaction of condition (ii) in paragraph
2 (A), records that satisfy condition (i) in paragraph
3 (A) shall be automatically expunged.

4 (C) Records shall be expunged by the law
5 enforcement agency under the following timelines:

6 (i) Records created prior to June 25, 2019
7 (the effective date of Public Act 101-27), but on
8 or after January 1, 2013, shall be automatically
9 expunged prior to January 1, 2021;

10 (ii) Records created prior to January 1, 2013,
11 but on or after January 1, 2000, shall be
12 automatically expunged prior to January 1, 2023;

13 (iii) Records created prior to January 1, 2000
14 shall be automatically expunged prior to January
15 1, 2025.

16 In response to an inquiry for expunged records,
17 the law enforcement agency receiving such inquiry
18 shall reply as it does in response to inquiries when no
19 records ever existed; however, it shall provide a
20 certificate of disposition or confirmation that the
21 record was expunged to the individual whose record was
22 expunged if such a record exists.

23 (D) Nothing in this Section shall be construed to
24 restrict or modify an individual's right to have that
25 individual's records expunged except as otherwise may
26 be provided in this Act, or diminish or abrogate any

1 rights or remedies otherwise available to the
2 individual.

3 (2) Pardons Authorizing Expungement of Minor Cannabis
4 Offenses.

5 (A) Upon June 25, 2019 (the effective date of
6 Public Act 101-27), the Department of State Police
7 shall review all criminal history record information
8 and identify all records that meet all of the
9 following criteria:

10 (i) one or more convictions for a Minor
11 Cannabis Offense;

12 (ii) the conviction identified in paragraph
13 (2)(A)(i) did not include a penalty enhancement
14 under Section 7 of the Cannabis Control Act; and

15 (iii) the conviction identified in paragraph
16 (2)(A)(i) is not associated with a conviction for
17 a violent crime as defined in subsection (c) of
18 Section 3 of the Rights of Crime Victims and
19 Witnesses Act.

20 (B) Within 180 days after June 25, 2019 (the
21 effective date of Public Act 101-27), the Department
22 of State Police shall notify the Prisoner Review Board
23 of all such records that meet the criteria established
24 in paragraph (2)(A).

25 (i) The Prisoner Review Board shall notify the
26 State's Attorney of the county of conviction of

1 each record identified by State Police in
2 paragraph (2) (A) that is classified as a Class 4
3 felony. The State's Attorney may provide a written
4 objection to the Prisoner Review Board on the sole
5 basis that the record identified does not meet the
6 criteria established in paragraph (2) (A). Such an
7 objection must be filed within 60 days or by such
8 later date set by the Prisoner Review Board in the
9 notice after the State's Attorney received notice
10 from the Prisoner Review Board.

11 (ii) In response to a written objection from a
12 State's Attorney, the Prisoner Review Board is
13 authorized to conduct a non-public hearing to
14 evaluate the information provided in the
15 objection.

16 (iii) The Prisoner Review Board shall make a
17 confidential and privileged recommendation to the
18 Governor as to whether to grant a pardon
19 authorizing expungement for each of the records
20 identified by the Department of State Police as
21 described in paragraph (2) (A).

22 (C) If an individual has been granted a pardon
23 authorizing expungement as described in this Section,
24 the Prisoner Review Board, through the Attorney
25 General, shall file a petition for expungement with
26 the Chief Judge of the circuit or any judge of the

1 circuit designated by the Chief Judge where the
2 individual had been convicted. Such petition may
3 include more than one individual. Whenever an
4 individual who has been convicted of an offense is
5 granted a pardon by the Governor that specifically
6 authorizes expungement, an objection to the petition
7 may not be filed. Petitions to expunge under this
8 subsection (i) may include more than one individual.
9 Within 90 days of the filing of such a petition, the
10 court shall enter an order expunging the records of
11 arrest from the official records of the arresting
12 authority and order that the records of the circuit
13 court clerk and the Department of State Police be
14 expunged and the name of the defendant obliterated
15 from the official index requested to be kept by the
16 circuit court clerk under Section 16 of the Clerks of
17 Courts Act in connection with the arrest and
18 conviction for the offense for which the individual
19 had received a pardon but the order shall not affect
20 any index issued by the circuit court clerk before the
21 entry of the order. Upon entry of the order of
22 expungement, the circuit court clerk shall promptly
23 provide a copy of the order and a certificate of
24 disposition to the individual who was pardoned to the
25 individual's last known address or by electronic means
26 (if available) or otherwise make it available to the

1 individual upon request.

2 (D) Nothing in this Section is intended to
3 diminish or abrogate any rights or remedies otherwise
4 available to the individual.

5 (3) Any individual may file a motion to vacate and
6 expunge a conviction for a misdemeanor or Class 4 felony
7 violation of Section 4 or Section 5 of the Cannabis
8 Control Act. Motions to vacate and expunge under this
9 subsection (i) may be filed with the circuit court, Chief
10 Judge of a judicial circuit or any judge of the circuit
11 designated by the Chief Judge. The circuit court clerk
12 shall promptly serve a copy of the motion to vacate and
13 expunge, and any supporting documentation, on the State's
14 Attorney or prosecutor charged with the duty of
15 prosecuting the offense. When considering such a motion to
16 vacate and expunge, a court shall consider the following:
17 the reasons to retain the records provided by law
18 enforcement, the petitioner's age, the petitioner's age at
19 the time of offense, the time since the conviction, and
20 the specific adverse consequences if denied. An individual
21 may file such a petition after the completion of any
22 non-financial sentence or non-financial condition imposed
23 by the conviction. Within 60 days of the filing of such
24 motion, a State's Attorney may file an objection to such a
25 petition along with supporting evidence. If a motion to
26 vacate and expunge is granted, the records shall be

1 expunged in accordance with subparagraphs (d)(8) and
2 (d)(9)(A) of this Section. An agency providing civil legal
3 aid, as defined by Section 15 of the Public Interest
4 Attorney Assistance Act, assisting individuals seeking to
5 file a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may include
9 more than one individual. Motions filed by an agency
10 providing civil legal aid concerning more than one
11 individual may be prepared, presented, and signed
12 electronically.

13 (4) Any State's Attorney may file a motion to vacate
14 and expunge a conviction for a misdemeanor or Class 4
15 felony violation of Section 4 or Section 5 of the Cannabis
16 Control Act. Motions to vacate and expunge under this
17 subsection (i) may be filed with the circuit court, Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and may include more than
20 one individual. Motions filed by a State's Attorney
21 concerning more than one individual may be prepared,
22 presented, and signed electronically. When considering
23 such a motion to vacate and expunge, a court shall
24 consider the following: the reasons to retain the records
25 provided by law enforcement, the individual's age, the
26 individual's age at the time of offense, the time since

1 the conviction, and the specific adverse consequences if
2 denied. Upon entry of an order granting a motion to vacate
3 and expunge records pursuant to this Section, the State's
4 Attorney shall notify the Prisoner Review Board within 30
5 days. Upon entry of the order of expungement, the circuit
6 court clerk shall promptly provide a copy of the order and
7 a certificate of disposition to the individual whose
8 records will be expunged to the individual's last known
9 address or by electronic means (if available) or otherwise
10 make available to the individual upon request. If a motion
11 to vacate and expunge is granted, the records shall be
12 expunged in accordance with subparagraphs (d)(8) and
13 (d)(9)(A) of this Section.

14 (5) In the public interest, the State's Attorney of a
15 county has standing to file motions to vacate and expunge
16 pursuant to this Section in the circuit court with
17 jurisdiction over the underlying conviction.

18 (6) If a person is arrested for a Minor Cannabis
19 Offense as defined in this Section before June 25, 2019
20 (the effective date of Public Act 101-27) and the person's
21 case is still pending but a sentence has not been imposed,
22 the person may petition the court in which the charges are
23 pending for an order to summarily dismiss those charges
24 against him or her, and expunge all official records of
25 his or her arrest, plea, trial, conviction, incarceration,
26 supervision, or expungement. If the court determines, upon

1 review, that: (A) the person was arrested before June 25,
2 2019 (the effective date of Public Act 101-27) for an
3 offense that has been made eligible for expungement; (B)
4 the case is pending at the time; and (C) the person has not
5 been sentenced of the minor cannabis violation eligible
6 for expungement under this subsection, the court shall
7 consider the following: the reasons to retain the records
8 provided by law enforcement, the petitioner's age, the
9 petitioner's age at the time of offense, the time since
10 the conviction, and the specific adverse consequences if
11 denied. If a motion to dismiss and expunge is granted, the
12 records shall be expunged in accordance with subparagraph
13 (d) (9) (A) of this Section.

14 (7) A person imprisoned solely as a result of one or
15 more convictions for Minor Cannabis Offenses under this
16 subsection (i) shall be released from incarceration upon
17 the issuance of an order under this subsection.

18 (8) The Department of State Police shall allow a
19 person to use the access and review process, established
20 in the Department of State Police, for verifying that his
21 or her records relating to Minor Cannabis Offenses of the
22 Cannabis Control Act eligible under this Section have been
23 expunged.

24 (9) No conviction vacated pursuant to this Section
25 shall serve as the basis for damages for time unjustly
26 served as provided in the Court of Claims Act.

1 (10) Effect of Expungement. A person's right to
2 expunge an expungeable offense shall not be limited under
3 this Section. The effect of an order of expungement shall
4 be to restore the person to the status he or she occupied
5 before the arrest, charge, or conviction.

6 (11) Information. The Department of State Police shall
7 post general information on its website about the
8 expungement process described in this subsection (i).

9 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
10 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
11 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
12 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
13 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
14 12-4-19; 101-645, eff. 6-26-20; revised 8-18-20.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Section 16-105 as follows:

17 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

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

19 (a) Except as provided in Section 15-113 of this Act and
20 except those amounts subject to disbursement by the circuit
21 clerk under the Criminal and Traffic Assessment Act, fines and
22 penalties recovered under the provisions of Chapters 3 through
23 17 and 18b inclusive of this Code shall be paid and used as
24 follows:

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

1 paid to the State's Attorney as a fee of his office and the
2 balance shall be remitted to the State Treasurer ~~paid over~~
3 ~~to the Department of State Police~~ for remittance to and
4 deposit by the State Treasurer as hereinabove provided.

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

1 penalty recovered shall be paid to the State's Attorney as
2 a fee of his office and the balance shall be remitted ~~paid~~
3 ~~over~~ to the State Treasurer ~~Department of State Police~~ for
4 remittance to and deposit by the State Treasurer as
5 hereinabove provided.

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

21 4. With regard to violations of overweight and
22 overload limits found in Sections 15-101 through 15-203 of
23 this Code committed by operators of vehicles registered as
24 Special Hauling Vehicles, for offenses committed upon a
25 highway within the limits of a city, village, or
26 incorporated town or under the jurisdiction of any park

1 district, all fines and penalties shall be paid over or
2 retained as required in paragraph 1. However, with regard
3 to the above offenses committed by operators of vehicles
4 registered as Special Hauling Vehicles upon any highway
5 outside the limits of a city, village, incorporated town
6 or park district, fines and penalties shall be paid over
7 or retained by the entity having jurisdiction over the
8 road or highway upon which the offense occurred, except
9 that if the violation is prosecuted by the State's
10 Attorney, 10% of the fine or penalty recovered shall be
11 paid to the State's Attorney as a fee of his office.

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

18 (Source: P.A. 100-987, eff. 7-1-19.)

19 Section 15. The Snowmobile Registration and Safety Act is
20 amended by changing Section 5-7 as follows:

21 (625 ILCS 40/5-7)

22 Sec. 5-7. Operating a snowmobile while under the influence
23 of alcohol or other drug or drugs, intoxicating compound or
24 compounds, or a combination of them; criminal penalties;

1 suspension of operating privileges.

2 (a) A person may not operate or be in actual physical
3 control of a snowmobile within this State while:

4 1. The alcohol concentration in that person's blood,
5 other bodily substance, or breath is a concentration at
6 which driving a motor vehicle is prohibited under
7 subdivision (1) of subsection (a) of Section 11-501 of the
8 Illinois Vehicle Code;

9 2. The person is under the influence of alcohol;

10 3. The person is under the influence of any other drug
11 or combination of drugs to a degree that renders that
12 person incapable of safely operating a snowmobile;

13 3.1. The person is under the influence of any
14 intoxicating compound or combination of intoxicating
15 compounds to a degree that renders the person incapable of
16 safely operating a snowmobile;

17 4. The person is under the combined influence of
18 alcohol and any other drug or drugs or intoxicating
19 compound or compounds to a degree that renders that person
20 incapable of safely operating a snowmobile;

21 4.3. The person who is not a CDL holder has a
22 tetrahydrocannabinol concentration in the person's whole
23 blood or other bodily substance at which driving a motor
24 vehicle is prohibited under subdivision (7) of subsection
25 (a) of Section 11-501 of the Illinois Vehicle Code;

26 4.5. The person who is a CDL holder has any amount of a

1 drug, substance, or compound in the person's breath,
2 blood, other bodily substance, or urine resulting from the
3 unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act; or

5 5. There is any amount of a drug, substance, or
6 compound in that person's breath, blood, other bodily
7 substance, or urine resulting from the unlawful use or
8 consumption of a controlled substance listed in the
9 Illinois Controlled Substances Act, methamphetamine as
10 listed in the Methamphetamine Control and Community
11 Protection Act, or intoxicating compound listed in the use
12 of Intoxicating Compounds Act.

13 (b) The fact that a person charged with violating this
14 Section is or has been legally entitled to use alcohol, other
15 drug or drugs, any intoxicating compound or compounds, or any
16 combination of them does not constitute a defense against a
17 charge of violating this Section.

18 (c) Every person convicted of violating this Section or a
19 similar provision of a local ordinance is guilty of a Class A
20 misdemeanor, except as otherwise provided in this Section.

21 (c-1) As used in this Section, "first time offender" means
22 any person who has not had a previous conviction or been
23 assigned supervision for violating this Section or a similar
24 provision of a local ordinance, or any person who has not had a
25 suspension imposed under subsection (e) of Section 5-7.1.

26 (c-2) For purposes of this Section, the following are

1 equivalent to a conviction:

2 (1) a forfeiture of bail or collateral deposited to
3 secure a defendant's appearance in court when forfeiture
4 has not been vacated; or

5 (2) the failure of a defendant to appear for trial.

6 (d) Every person convicted of violating this Section is
7 guilty of a Class 4 felony if:

8 1. The person has a previous conviction under this
9 Section;

10 2. The offense results in personal injury where a
11 person other than the operator suffers great bodily harm
12 or permanent disability or disfigurement, when the
13 violation was a proximate cause of the injuries. A person
14 guilty of a Class 4 felony under this paragraph 2, if
15 sentenced to a term of imprisonment, shall be sentenced to
16 not less than one year nor more than 12 years; or

17 3. The offense occurred during a period in which the
18 person's privileges to operate a snowmobile are revoked or
19 suspended, and the revocation or suspension was for a
20 violation of this Section or was imposed under Section
21 5-7.1.

22 (e) Every person convicted of violating this Section is
23 guilty of a Class 2 felony if the offense results in the death
24 of a person. A person guilty of a Class 2 felony under this
25 subsection (e), if sentenced to a term of imprisonment, shall
26 be sentenced to a term of not less than 3 years and not more

1 than 14 years.

2 (e-1) Every person convicted of violating this Section or
3 a similar provision of a local ordinance who had a child under
4 the age of 16 on board the snowmobile at the time of offense
5 shall be subject to a mandatory minimum fine of \$500 and shall
6 be subject to a mandatory minimum of 5 days of community
7 service in a program benefiting children. The assignment under
8 this subsection shall not be subject to suspension nor shall
9 the person be eligible for probation in order to reduce the
10 assignment.

11 (e-2) Every person found guilty of violating this Section,
12 whose operation of a snowmobile while in violation of this
13 Section proximately caused any incident resulting in an
14 appropriate emergency response, shall be liable for the
15 expense of an emergency response as provided in subsection (i)
16 of Section 11-501.01 of the Illinois Vehicle Code.

17 (e-3) In addition to any other penalties and liabilities,
18 a person who is found guilty of violating this Section,
19 including any person placed on court supervision, shall be
20 fined \$100, payable to the circuit clerk, who shall distribute
21 the money to the law enforcement agency that made the arrest or
22 as provided in subsection (c) of Section 10-5 of the Criminal
23 and Traffic Assessment Act if the arresting agency is a State
24 agency, unless more than one agency is responsible for the
25 arrest, in which case the amount shall be remitted to each unit
26 of government equally. ~~In the event that more than one agency~~

1 ~~is responsible for the arrest, the \$100 shall be shared~~
2 ~~equally.~~ Any moneys received by a law enforcement agency under
3 this subsection (e-3) shall be used to purchase law
4 enforcement equipment or to provide law enforcement training
5 that will assist in the prevention of alcohol related criminal
6 violence throughout the State. Law enforcement equipment shall
7 include, but is not limited to, in-car video cameras, radar
8 and laser speed detection devices, and alcohol breath testers.

9 (f) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend the snowmobile
11 operation privileges of a person convicted or found guilty of
12 a misdemeanor under this Section for a period of one year,
13 except that first-time offenders are exempt from this
14 mandatory one year suspension.

15 (g) In addition to any criminal penalties imposed, the
16 Department of Natural Resources shall suspend for a period of
17 5 years the snowmobile operation privileges of any person
18 convicted or found guilty of a felony under this Section.

19 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

20 Section 20. The Boat Registration and Safety Act is
21 amended by changing Section 5-16 as follows:

22 (625 ILCS 45/5-16)

23 Sec. 5-16. Operating a watercraft under the influence of
24 alcohol, other drug or drugs, intoxicating compound or

1 compounds, or combination thereof.

2 (A) 1. A person shall not operate or be in actual physical
3 control of any watercraft within this State while:

4 (a) The alcohol concentration in such person's blood,
5 other bodily substance, or breath is a concentration at
6 which driving a motor vehicle is prohibited under
7 subdivision (1) of subsection (a) of Section 11-501 of the
8 Illinois Vehicle Code;

9 (b) Under the influence of alcohol;

10 (c) Under the influence of any other drug or
11 combination of drugs to a degree which renders such person
12 incapable of safely operating any watercraft;

13 (c-1) Under the influence of any intoxicating compound
14 or combination of intoxicating compounds to a degree that
15 renders the person incapable of safely operating any
16 watercraft;

17 (d) Under the combined influence of alcohol and any
18 other drug or drugs to a degree which renders such person
19 incapable of safely operating a watercraft;

20 (d-3) The person who is not a CDL holder has a
21 tetrahydrocannabinol concentration in the person's whole
22 blood or other bodily substance at which driving a motor
23 vehicle is prohibited under subdivision (7) of subsection
24 (a) of Section 11-501 of the Illinois Vehicle Code;

25 (d-5) The person who is a CDL holder has any amount of
26 a drug, substance, or compound in the person's breath,

1 blood, other bodily substance, or urine resulting from the
2 unlawful use or consumption of cannabis listed in the
3 Cannabis Control Act; or

4 (e) There is any amount of a drug, substance, or
5 compound in the person's blood, other bodily substance, or
6 urine resulting from the unlawful use or consumption of a
7 controlled substance listed in the Illinois Controlled
8 Substances Act, methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act, or
10 an intoxicating compound listed in the Use of Intoxicating
11 Compounds Act.

12 2. The fact that any person charged with violating this
13 Section is or has been legally entitled to use alcohol, other
14 drug or drugs, any intoxicating compound or compounds, or any
15 combination of them, shall not constitute a defense against
16 any charge of violating this Section.

17 3. Every person convicted of violating this Section shall
18 be guilty of a Class A misdemeanor, except as otherwise
19 provided in this Section.

20 4. Every person convicted of violating this Section shall
21 be guilty of a Class 4 felony if:

22 (a) He or she has a previous conviction under this
23 Section;

24 (b) The offense results in personal injury where a
25 person other than the operator suffers great bodily harm
26 or permanent disability or disfigurement, when the

1 violation was a proximate cause of the injuries. A person
2 guilty of a Class 4 felony under this subparagraph (b), if
3 sentenced to a term of imprisonment, shall be sentenced to
4 a term of not less than one year nor more than 12 years; or

5 (c) The offense occurred during a period in which his
6 or her privileges to operate a watercraft are revoked or
7 suspended, and the revocation or suspension was for a
8 violation of this Section or was imposed under subsection
9 (B).

10 5. Every person convicted of violating this Section shall
11 be guilty of a Class 2 felony if the offense results in the
12 death of a person. A person guilty of a Class 2 felony under
13 this paragraph 5, if sentenced to a term of imprisonment,
14 shall be sentenced to a term of not less than 3 years and not
15 more than 14 years.

16 5.1. A person convicted of violating this Section or a
17 similar provision of a local ordinance who had a child under
18 the age of 16 aboard the watercraft at the time of offense is
19 subject to a mandatory minimum fine of \$500 and to a mandatory
20 minimum of 5 days of community service in a program benefiting
21 children. The assignment under this paragraph 5.1 is not
22 subject to suspension and the person is not eligible for
23 probation in order to reduce the assignment.

24 5.2. A person found guilty of violating this Section, if
25 his or her operation of a watercraft while in violation of this
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, is liable for the expense of
2 an emergency response as provided in subsection (m) of Section
3 11-501 of the Illinois Vehicle Code.

4 5.3. In addition to any other penalties and liabilities, a
5 person who is found guilty of violating this Section,
6 including any person placed on court supervision, shall be
7 fined \$100, payable to the circuit clerk, who shall distribute
8 the money to the law enforcement agency that made the arrest or
9 as provided in subsection (c) of Section 10-5 of the Criminal
10 and Traffic Assessment Act if the arresting agency is a State
11 agency, unless more than one agency is responsible for the
12 arrest, in which case the amount shall be remitted to each unit
13 of government equally. ~~In the event that more than one agency~~
14 ~~is responsible for the arrest, the \$100 shall be shared~~
15 ~~equally.~~ Any moneys received by a law enforcement agency under
16 this paragraph 5.3 shall be used to purchase law enforcement
17 equipment or to provide law enforcement training that will
18 assist in the prevention of alcohol related criminal violence
19 throughout the State. Law enforcement equipment shall include,
20 but is not limited to, in-car video cameras, radar and laser
21 speed detection devices, and alcohol breath testers.

22 6. (a) In addition to any criminal penalties imposed, the
23 Department of Natural Resources shall suspend the watercraft
24 operation privileges of any person convicted or found guilty
25 of a misdemeanor under this Section, a similar provision of a
26 local ordinance, or Title 46 of the U.S. Code of Federal

1 Regulations for a period of one year, except that a first time
2 offender is exempt from this mandatory one year suspension.

3 As used in this subdivision (A)6(a), "first time offender"
4 means any person who has not had a previous conviction or been
5 assigned supervision for violating this Section, a similar
6 provision of a local ordinance or, Title 46 of the U.S. Code of
7 Federal Regulations, or any person who has not had a
8 suspension imposed under subdivision (B)3.1 of Section 5-16.

9 (b) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend the watercraft
11 operation privileges of any person convicted of a felony under
12 this Section, a similar provision of a local ordinance, or
13 Title 46 of the U.S. Code of Federal Regulations for a period
14 of 3 years.

15 (B) 1. Any person who operates or is in actual physical
16 control of any watercraft upon the waters of this State shall
17 be deemed to have given consent to a chemical test or tests of
18 blood, breath, other bodily substance, or urine for the
19 purpose of determining the content of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or combination
21 thereof in the person's blood or other bodily substance if
22 arrested for any offense of subsection (A) above. The chemical
23 test or tests shall be administered at the direction of the
24 arresting officer. The law enforcement agency employing the
25 officer shall designate which of the tests shall be
26 administered. Up to 2 additional tests of urine or other

1 bodily substance may be administered even after a blood or
2 breath test or both has been administered.

3 1.1. For the purposes of this Section, an Illinois Law
4 Enforcement officer of this State who is investigating the
5 person for any offense defined in Section 5-16 may travel into
6 an adjoining state, where the person has been transported for
7 medical care to complete an investigation, and may request
8 that the person submit to the test or tests set forth in this
9 Section. The requirements of this Section that the person be
10 arrested are inapplicable, but the officer shall issue the
11 person a uniform citation for an offense as defined in Section
12 5-16 or a similar provision of a local ordinance prior to
13 requesting that the person submit to the test or tests. The
14 issuance of the uniform citation shall not constitute an
15 arrest, but shall be for the purpose of notifying the person
16 that he or she is subject to the provisions of this Section and
17 of the officer's belief in the existence of probable cause to
18 arrest. Upon returning to this State, the officer shall file
19 the uniform citation with the circuit clerk of the county
20 where the offense was committed and shall seek the issuance of
21 an arrest warrant or a summons for the person.

22 1.2. Notwithstanding any ability to refuse under this Act
23 to submit to these tests or any ability to revoke the implied
24 consent to these tests, if a law enforcement officer has
25 probable cause to believe that a watercraft operated by or
26 under actual physical control of a person under the influence

1 of alcohol, other drug or drugs, intoxicating compound or
2 compounds, or any combination of them has caused the death of
3 or personal injury to another, that person shall submit, upon
4 the request of a law enforcement officer, to a chemical test or
5 tests of his or her blood, breath, other bodily substance, or
6 urine for the purpose of determining the alcohol content or
7 the presence of any other drug, intoxicating compound, or
8 combination of them. For the purposes of this Section, a
9 personal injury includes severe bleeding wounds, distorted
10 extremities, and injuries that require the injured party to be
11 carried from the scene for immediate professional attention in
12 either a doctor's office or a medical facility.

13 2. Any person who is dead, unconscious or who is otherwise
14 in a condition rendering such person incapable of refusal,
15 shall be deemed not to have withdrawn the consent provided
16 above, and the test may be administered.

17 3. A person requested to submit to a chemical test as
18 provided above shall be verbally advised by the law
19 enforcement officer requesting the test that a refusal to
20 submit to the test will result in suspension of such person's
21 privilege to operate a watercraft for a minimum of 2 years.
22 Following this warning, if a person under arrest refuses upon
23 the request of a law enforcement officer to submit to a test
24 designated by the officer, no test shall be given, but the law
25 enforcement officer shall file with the clerk of the circuit
26 court for the county in which the arrest was made, and with the

1 Department of Natural Resources, a sworn statement naming the
2 person refusing to take and complete the chemical test or
3 tests requested under the provisions of this Section. Such
4 sworn statement shall identify the arrested person, such
5 person's current residence address and shall specify that a
6 refusal by such person to take the chemical test or tests was
7 made. Such sworn statement shall include a statement that the
8 arresting officer had reasonable cause to believe the person
9 was operating or was in actual physical control of the
10 watercraft within this State while under the influence of
11 alcohol, other drug or drugs, intoxicating compound or
12 compounds, or combination thereof and that such chemical test
13 or tests were made as an incident to and following the lawful
14 arrest for an offense as defined in this Section or a similar
15 provision of a local ordinance, and that the person after
16 being arrested for an offense arising out of acts alleged to
17 have been committed while so operating a watercraft refused to
18 submit to and complete a chemical test or tests as requested by
19 the law enforcement officer.

20 3.1. The law enforcement officer submitting the sworn
21 statement as provided in paragraph 3 of this subsection (B)
22 shall serve immediate written notice upon the person refusing
23 the chemical test or tests that the person's privilege to
24 operate a watercraft within this State will be suspended for a
25 period of 2 years unless, within 28 days from the date of the
26 notice, the person requests in writing a hearing on the

1 suspension.

2 If the person desires a hearing, such person shall file a
3 complaint in the circuit court for and in the county in which
4 such person was arrested for such hearing. Such hearing shall
5 proceed in the court in the same manner as other civil
6 proceedings, shall cover only the issues of whether the person
7 was placed under arrest for an offense as defined in this
8 Section or a similar provision of a local ordinance as
9 evidenced by the issuance of a uniform citation; whether the
10 arresting officer had reasonable grounds to believe that such
11 person was operating a watercraft while under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or combination thereof; and whether such person
14 refused to submit and complete the chemical test or tests upon
15 the request of the law enforcement officer. Whether the person
16 was informed that such person's privilege to operate a
17 watercraft would be suspended if such person refused to submit
18 to the chemical test or tests shall not be an issue.

19 If the person fails to request in writing a hearing within
20 28 days from the date of notice, or if a hearing is held and
21 the court finds against the person on the issues before the
22 court, the clerk shall immediately notify the Department of
23 Natural Resources, and the Department shall suspend the
24 watercraft operation privileges of the person for at least 2
25 years.

26 3.2. If the person is a CDL holder and submits to a test

1 that discloses an alcohol concentration of 0.08 or more, or
2 any amount of a drug, substance or intoxicating compound in
3 the person's breath, blood, other bodily substance, or urine
4 resulting from the unlawful use of cannabis listed in the
5 Cannabis Control Act, a controlled substance listed in the
6 Illinois Controlled Substances Act, methamphetamine as listed
7 in the Methamphetamine Control and Community Protection Act,
8 or an intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, the law enforcement officer shall immediately
10 submit a sworn report to the circuit clerk of venue and the
11 Department of Natural Resources, certifying that the test or
12 tests were requested under paragraph 1 of this subsection (B)
13 and the person submitted to testing that disclosed an alcohol
14 concentration of 0.08 or more or any amount of a drug,
15 substance or intoxicating compound in the person's breath,
16 blood, other bodily substance, or urine resulting from the
17 unlawful use of cannabis listed in the Cannabis Control Act, a
18 controlled substance listed in the Illinois Controlled
19 Substances Act, methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act, or an
21 intoxicating compound listed in the Use of Intoxicating
22 Compounds Act. If the person is not a CDL holder and submits to
23 a test that discloses an alcohol concentration of 0.08 or
24 more, a tetrahydrocannabinol concentration in the person's
25 whole blood or other bodily substance as defined in paragraph
26 6 of subsection (a) of Section 11-501.2 of the Illinois

1 Vehicle Code, or any amount of a drug, substance or
2 intoxicating compound in the person's breath, blood, other
3 bodily substance, or urine resulting from the unlawful use of
4 a controlled substance listed in the Illinois Controlled
5 Substances Act, methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, or an
7 intoxicating compound listed in the Use of Intoxicating
8 Compounds Act, the law enforcement officer shall immediately
9 submit a sworn report to the circuit clerk of venue and the
10 Department of Natural Resources, certifying that the test or
11 tests were requested under paragraph 1 of this subsection (B)
12 and the person submitted to testing that disclosed an alcohol
13 concentration of 0.08 or more, a tetrahydrocannabinol
14 concentration in the person's whole blood or other bodily
15 substance as defined in paragraph 6 of subsection (a) of
16 Section 11-501.2 of the Illinois Vehicle Code, or any amount
17 of a drug, substance or intoxicating compound in the person's
18 breath, blood, other bodily substance, or urine resulting from
19 the unlawful use of a controlled substance listed in the
20 Illinois Controlled Substances Act, methamphetamine as listed
21 in the Methamphetamine Control and Community Protection Act,
22 or an intoxicating compound listed in the Use of Intoxicating
23 Compounds Act.

24 In cases involving a person who is a CDL holder where the
25 blood alcohol concentration of 0.08 or greater or any amount
26 of drug, substance or compound resulting from the unlawful use

1 of cannabis, a controlled substance, methamphetamine, or an
2 intoxicating compound is established by a subsequent analysis
3 of blood, other bodily substance, or urine collected at the
4 time of arrest, the arresting officer or arresting agency
5 shall immediately submit a sworn report to the circuit clerk
6 of venue and the Department of Natural Resources upon receipt
7 of the test results. In cases involving a person who is not a
8 CDL holder where the blood alcohol concentration of 0.08 or
9 greater, a tetrahydrocannabinol concentration in the person's
10 whole blood or other bodily substance as defined in paragraph
11 6 of subsection (a) of Section 11-501.2 of the Illinois
12 Vehicle Code, or any amount of drug, substance, or compound
13 resulting from the unlawful use of a controlled substance,
14 methamphetamine, or an intoxicating compound is established by
15 a subsequent analysis of blood, other bodily substance, or
16 urine collected at the time of arrest, the arresting officer
17 or arresting agency shall immediately submit a sworn report to
18 the circuit clerk of venue and the Department of Natural
19 Resources upon receipt of the test results.

20 4. A person must submit to each chemical test offered by
21 the law enforcement officer in order to comply with the
22 implied consent provisions of this Section.

23 5. The provisions of Section 11-501.2 of the Illinois
24 Vehicle Code, as amended, concerning the certification and use
25 of chemical tests apply to the use of such tests under this
26 Section.

1 (C) Upon the trial of any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 by any person while operating a watercraft while under the
4 influence of alcohol, other drug or drugs, intoxicating
5 compound or compounds, or combination thereof, the
6 concentration of alcohol, drug, or compound in the person's
7 blood, other bodily substance, or breath at the time alleged
8 as shown by analysis of a person's blood, urine, breath, or
9 other bodily substance shall give rise to the presumptions
10 specified in subdivisions 1, 2, and 3 of subsection (b) and
11 subsection (b-5) of Section 11-501.2 of the Illinois Vehicle
12 Code. The foregoing provisions of this subsection (C) shall
13 not be construed as limiting the introduction of any other
14 relevant evidence bearing upon the question whether the person
15 was under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or a combination thereof.

17 (D) If a person under arrest refuses to submit to a
18 chemical test under the provisions of this Section, evidence
19 of refusal shall be admissible in any civil or criminal action
20 or proceeding arising out of acts alleged to have been
21 committed while the person under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds, or
23 combination of them was operating a watercraft.

24 (E) The owner of any watercraft or any person given
25 supervisory authority over a watercraft, may not knowingly
26 permit a watercraft to be operated by any person under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds, or combination thereof.

3 (F) Whenever any person is convicted or found guilty of a
4 violation of this Section, including any person placed on
5 court supervision, the court shall notify the Office of Law
6 Enforcement of the Department of Natural Resources, to provide
7 the Department with the records essential for the performance
8 of the Department's duties to monitor and enforce any order of
9 suspension or revocation concerning the privilege to operate a
10 watercraft.

11 (G) No person who has been arrested and charged for
12 violating paragraph 1 of subsection (A) of this Section shall
13 operate any watercraft within this State for a period of 24
14 hours after such arrest.

15 (Source: P.A. 99-697, eff. 7-29-16.)

16 Section 25. The Clerks of Courts Act is amended by
17 changing Sections 27.1b and 27.1c as follows:

18 (705 ILCS 105/27.1b)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
21 other provision of law, all fees charged by the clerks of the
22 circuit court for the services described in this Section shall
23 be established, collected, and disbursed in accordance with
24 this Section. Except as otherwise specified in this Section,

1 all fees under this Section shall be paid in advance and
2 disbursed by each clerk on a monthly basis. In a county with a
3 population of over 3,000,000, units of local government and
4 school districts shall not be required to pay fees under this
5 Section in advance and the clerk shall instead send an
6 itemized bill to the unit of local government or school
7 district, within 30 days of the fee being incurred, and the
8 unit of local government or school district shall be allowed
9 at least 30 days from the date of the itemized bill to pay;
10 these payments shall be disbursed by each clerk on a monthly
11 basis. Unless otherwise specified in this Section, the amount
12 of a fee shall be determined by ordinance or resolution of the
13 county board and remitted to the county treasurer to be used
14 for purposes related to the operation of the court system in
15 the county. In a county with a population of over 3,000,000,
16 any amount retained by the clerk of the circuit court or
17 remitted to the county treasurer shall be subject to
18 appropriation by the county board.

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

24 (1) SCHEDULE 1: not to exceed a total of \$366 in a
25 county with a population of 3,000,000 or more and not to
26 exceed \$316 in any other county, except as applied to

1 units of local government and school districts in counties
2 with more than 3,000,000 inhabitants an amount not to
3 exceed \$190 through December 31, 2021 and \$184 on and
4 after January 1, 2022. The fees collected under this
5 schedule shall be disbursed 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 in an amount not to exceed \$45 in
9 any other county determined by the clerk with the
10 approval of the Supreme Court, to be used for court
11 automation, court document storage, and administrative
12 purposes.

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

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

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

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

24 (C) The clerk shall remit a sum to the County
25 Treasurer, in an amount not to exceed \$290 in a county
26 with a population of 3,000,000 or more and in an amount

1 not to exceed \$250 in any other county, as specified by
2 ordinance or resolution passed by the county board,
3 for purposes related to the operation of the court
4 system in the county.

5 (2) SCHEDULE 2: not to exceed a total of \$357 in a
6 county with a population of 3,000,000 or more and not to
7 exceed \$266 in any other county, except as applied to
8 units of local government and school districts in counties
9 with more than 3,000,000 inhabitants an amount not to
10 exceed \$190 through December 31, 2021 and \$184 on and
11 after January 1, 2022. The fees collected under this
12 schedule shall be disbursed as follows:

13 (A) The clerk shall retain a sum, in an amount not
14 to exceed \$55 in a county with a population of
15 3,000,000 or more and in an amount not to exceed \$45 in
16 any other county determined by the clerk with the
17 approval of the Supreme Court, to be used for court
18 automation, court document storage, and administrative
19 purposes.

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

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

1 Arbitration Fund;

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

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

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$281 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$200 in any other county, as specified by
9 ordinance or resolution passed by the county board,
10 for purposes related to the operation of the court
11 system in the county.

12 (3) SCHEDULE 3: not to exceed a total of \$265 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$89 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$190 through December 31, 2021 and \$184 on and after
18 January 1, 2022. The fees collected under this schedule
19 shall be disbursed 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 in an amount not to exceed \$22 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

1 (B) The clerk shall remit \$11 to the State
2 Treasurer. The State Treasurer shall deposit the
3 appropriate amounts in accordance with the clerk's
4 instructions, as follows:

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

6 (ii) \$9 into the Supreme Court Special
7 Purposes Fund.

8 (C) The clerk shall remit a sum to the County
9 Treasurer, in an amount not to exceed \$199 in a county
10 with a population of 3,000,000 or more and in an amount
11 not to exceed \$56 in any other county, as specified by
12 ordinance or resolution passed by the county board,
13 for purposes related to the operation of the court
14 system in the county.

15 (4) SCHEDULE 4: \$0.

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

21 (1) SCHEDULE 1: not to exceed a total of \$230 in a
22 county with a population of 3,000,000 or more and not to
23 exceed \$191 in any other county, except as applied to
24 units of local government and school districts in counties
25 with more than 3,000,000 inhabitants an amount not to
26 exceed \$75. The fees collected under this schedule shall

1 be disbursed as follows:

2 (A) The clerk shall retain a sum, in an amount not
3 to exceed \$50 in a county with a population of
4 3,000,000 or more and in an amount not to exceed \$45 in
5 any other county determined by the clerk with the
6 approval of the Supreme Court, to be used for court
7 automation, court document storage, and administrative
8 purposes.

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

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

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

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

20 (C) The clerk shall remit a sum to the County
21 Treasurer, in an amount not to exceed \$159 in a county
22 with a population of 3,000,000 or more and in an amount
23 not to exceed \$125 in any other county, as specified by
24 ordinance or resolution passed by the county board,
25 for purposes related to the operation of the court
26 system in the county.

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

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

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

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$71 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$90 in any other county, as specified by
22 ordinance or resolution passed by the county board,
23 for purposes related to the operation of the court
24 system in the county.

25 (3) SCHEDULE 3: \$0.

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

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

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

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

26 (e) Jury services. The clerk shall collect, in addition to

1 other fees allowed by law, a sum not to exceed \$212.50, as a
2 fee for the services of a jury in every civil action not
3 quasi-criminal in its nature and not a proceeding for the
4 exercise of the right of eminent domain and in every other
5 action wherein the right of trial by jury is or may be given by
6 law. The jury fee shall be paid by the party demanding a jury
7 at the time of filing the jury demand. If the fee is not paid
8 by either party, no jury shall be called in the action or
9 proceeding, and the action or proceeding shall be tried by the
10 court without a jury.

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

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

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

18 (g) Petition to vacate or modify.

19 (1) In a proceeding involving a petition to vacate or
20 modify any final judgment or order filed within 30 days
21 after the judgment or order was entered, except for an
22 eviction case, small claims case, petition to reopen an
23 estate, petition to modify, terminate, or enforce a
24 judgment or order for child or spousal support, or
25 petition to modify, suspend, or terminate an order for
26 withholding, the fee shall not exceed \$60 in a county with

1 a population of 3,000,000 or more and shall not exceed \$50
2 in 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 \$50.

5 (2) In a proceeding involving a petition to vacate or
6 modify any final judgment or order filed more than 30 days
7 after the judgment or order was entered, except for a
8 petition to modify, terminate, or enforce a judgment or
9 order for child or spousal support, or petition to modify,
10 suspend, or terminate an order for withholding, the fee
11 shall not exceed \$75.

12 (3) In a proceeding involving a motion to vacate or
13 amend a final order, motion to vacate an ex parte
14 judgment, judgment of forfeiture, or "failure to appear"
15 or "failure to comply" notices sent to the Secretary of
16 State, the fee shall equal \$40.

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

20 (1) if the record contains no more than 100 pages, the
21 fee shall not exceed \$70 in a county with a population of
22 3,000,000 or more and shall not exceed \$50 in any other
23 county;

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

26 (3) if the record contains 200 or more pages, the

1 clerk may collect an additional fee not to exceed 25 cents
2 per page.

3 (i) Remands. In any cases remanded to the circuit court
4 from the Supreme Court or the appellate court for a new trial,
5 the clerk shall reinstate the case with either its original
6 number or a new number. The clerk shall not charge any new or
7 additional fee for the reinstatement. Upon reinstatement, the
8 clerk shall advise the parties of the reinstatement. Parties
9 shall have the same right to a jury trial on remand and
10 reinstatement that they had before the appeal, and no
11 additional or new fee or charge shall be made for a jury trial
12 after remand.

13 (j) Garnishment, wage deduction, and citation. In
14 garnishment affidavit, wage deduction affidavit, and citation
15 petition proceedings:

16 (1) if the amount in controversy in the proceeding is
17 not more than \$1,000, the fee may not exceed \$35 in a
18 county with a population of 3,000,000 or more and may not
19 exceed \$15 in any other county, except as applied to units
20 of local government and school districts in counties with
21 more than 3,000,000 inhabitants an amount not to exceed
22 \$15;

23 (2) if the amount in controversy in the proceeding is
24 greater than \$1,000 and not more than \$5,000, the fee may
25 not exceed \$45 in a county with a population of 3,000,000
26 or more and may not exceed \$30 in any other county, except

1 as applied to units of local government and school
2 districts in counties with more than 3,000,000 inhabitants
3 an amount not to exceed \$30; and

4 (3) if the amount in controversy in the proceeding is
5 greater than \$5,000, the fee may not exceed \$65 in a county
6 with a population of 3,000,000 or more and may not exceed
7 \$50 in any other county, except as applied to units of
8 local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$50.

11 (j-5) Debt collection. In any proceeding to collect a debt
12 subject to the exception in item (ii) of subparagraph (A-5) of
13 paragraph (1) of subsection (z) of this Section, the circuit
14 court shall order and the clerk shall collect from each
15 judgment debtor a fee of:

16 (1) \$35 if the amount in controversy in the proceeding
17 is not more than \$1,000;

18 (2) \$45 if the amount in controversy in the proceeding
19 is greater than \$1,000 and not more than \$5,000; and

20 (3) \$65 if the amount in controversy in the proceeding
21 is greater than \$5,000.

22 (k) Collections.

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

1 (2) In child support and maintenance cases, the clerk
2 may collect an annual fee of up to \$36 from the person
3 making payment for maintaining child support records and
4 the processing of support orders to the State of Illinois
5 KIDS system and the recording of payments issued by the
6 State Disbursement Unit for the official record of the
7 Court. This fee is in addition to and separate from
8 amounts ordered to be paid as maintenance or child support
9 and shall be deposited into a Separate Maintenance and
10 Child Support Collection Fund, of which the clerk shall be
11 the custodian, ex officio, to be used by the clerk to
12 maintain child support orders and record all payments
13 issued by the State Disbursement Unit for the official
14 record of the Court. The clerk may recover from the person
15 making the maintenance or child support payment any
16 additional cost incurred in the collection of this annual
17 fee.

18 (3) The clerk may collect a fee of \$5 for
19 certifications made to the Secretary of State as provided
20 in Section 7-703 of the Illinois Vehicle Code, and this
21 fee shall be deposited into the Separate Maintenance and
22 Child Support Collection Fund.

23 (4) In proceedings to foreclose the lien of delinquent
24 real estate taxes, State's Attorneys shall receive a fee
25 of 10% of the total amount realized from the sale of real
26 estate sold in the proceedings. The clerk shall collect

1 the fee from the total amount realized from the sale of the
2 real estate sold in the proceedings and remit to the
3 County Treasurer to be credited to the earnings of the
4 Office of the State's Attorney.

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

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

9 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

22 (p) Hard copy. For each page of hard copy print output,
23 when case records are maintained on an automated medium, the
24 clerk may collect a fee not to exceed \$10 in a county with a
25 population of 3,000,000 or more and not to exceed \$6 in any
26 other county, except as applied to units of local government

1 and school districts in counties with more than 3,000,000
2 inhabitants an amount not to exceed \$6.

3 (q) Index inquiry and other records. No fee shall be
4 charged for a single plaintiff and defendant index inquiry or
5 single case record inquiry when this request is made in person
6 and the records are maintained in a current automated medium,
7 and when no hard copy print output is requested. The fees to be
8 charged for management records, multiple case records, and
9 multiple journal records may be specified by the Chief Judge
10 pursuant to the guidelines for access and dissemination of
11 information approved by the Supreme Court.

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

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

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

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

8 (v) Probate filings.

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

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

25 (3) For filing in an estate a claim, petition, or
26 supplemental proceeding based upon an action seeking

1 equitable relief including the construction or contest of
2 a will, enforcement of a contract to make a will, and
3 proceedings involving testamentary trusts or the
4 appointment of testamentary trustees, the fee shall not
5 exceed \$60.

6 (4) There shall be no fee for filing in an estate: (i)
7 the appearance of any person for the purpose of consent;
8 or (ii) the appearance of an executor, administrator,
9 administrator to collect, guardian, guardian ad litem, or
10 special administrator.

11 (5) For each jury demand, the fee shall not exceed
12 \$137.50.

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

16 (7) For each exemplification, the fee shall not exceed
17 \$2, plus the fee for certification.

18 (8) The executor, administrator, guardian, petitioner,
19 or other interested person or his or her attorney shall
20 pay the cost of publication by the clerk directly to the
21 newspaper.

22 (9) The person on whose behalf a charge is incurred
23 for witness, court reporter, appraiser, or other
24 miscellaneous fees shall pay the same directly to the
25 person entitled thereto.

26 (10) The executor, administrator, guardian,

1 petitioner, or other interested person or his or her
2 attorney shall pay to the clerk all postage charges
3 incurred by the clerk in mailing petitions, orders,
4 notices, or other documents pursuant to the provisions of
5 the Probate Act of 1975.

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

11 (x) Miscellaneous.

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

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

19 (y) Other fees. Any fees not covered in this Section shall
20 be set by rule or administrative order of the circuit court
21 with the approval of the Administrative Office of the Illinois
22 Courts. The clerk of the circuit court may provide services in
23 connection with the operation of the clerk's office, other
24 than those services mentioned in this Section, as may be
25 requested by the public and agreed to by the clerk and approved
26 by the Chief Judge. Any charges for additional services shall

1 be as agreed to between the clerk and the party making the
2 request and approved by the Chief Judge. Nothing in this
3 subsection shall be construed to require any clerk to provide
4 any service not otherwise required by law.

5 (y-5) Unpaid fees. Unless a court ordered payment schedule
6 is implemented or the fee requirements of this Section are
7 waived under a court order, the clerk of the circuit court may
8 add to any unpaid fees and costs under this Section a
9 delinquency amount equal to 5% of the unpaid fees that remain
10 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
11 after 60 days, and 15% of the unpaid fees that remain unpaid
12 after 90 days. Notice to those parties may be made by signage
13 posting or publication. The additional delinquency amounts
14 collected under this Section shall be deposited into the
15 Circuit Court Clerk Operations and Administration Fund and
16 used to defray additional administrative costs incurred by the
17 clerk of the circuit court in collecting unpaid fees and
18 costs.

19 (z) Exceptions.

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

21 (A) police departments or other law enforcement
22 agencies. In this Section, "law enforcement agency"
23 means: an agency of the State or agency of a unit of
24 local government which is vested by law or ordinance
25 with the duty to maintain public order and to enforce
26 criminal laws or ordinances; the Attorney General; or

1 any State's Attorney;

2 (A-5) any unit of local government or school
3 district, except in counties having a population of
4 500,000 or more the county board may by resolution set
5 fees for units of local government or school districts
6 no greater than the minimum fees applicable in
7 counties with a population less than 3,000,000;
8 provided however, no fee may be charged to any unit of
9 local government or school district in connection with
10 any action which, in whole or in part, is: (i) to
11 enforce an ordinance; (ii) to collect a debt; or (iii)
12 under the Administrative Review Law;

13 (B) any action instituted by the corporate
14 authority of a municipality with more than 1,000,000
15 inhabitants under Section 11-31-1 of the Illinois
16 Municipal Code and any action instituted under
17 subsection (b) of Section 11-31-1 of the Illinois
18 Municipal Code by a private owner or tenant of real
19 property within 1,200 feet of a dangerous or unsafe
20 building seeking an order compelling the owner or
21 owners of the building to take any of the actions
22 authorized under that subsection;

23 (C) any commitment petition or petition for an
24 order authorizing the administration of psychotropic
25 medication or electroconvulsive therapy under the
26 Mental Health and Developmental Disabilities Code;

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

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

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

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

17 (aa) This Section is repealed on January 1, 2024 ~~2022~~.

18 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
19 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20; revised
20 8-18-20.)

21 (705 ILCS 105/27.1c)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 27.1c. Assessment report.

24 (a) Not later than March 1, 2022, and March 1 of every year
25 thereafter, February 29, 2020, the clerk of the circuit court

1 shall submit to the Administrative Office of the Illinois
2 Courts an annual ~~a~~ report for the period January 1 ~~July 1, 2019~~
3 through December 31 of the previous year. The report shall
4 contain, ~~, 2019 containing,~~ with respect to each of the 4
5 categories of civil cases established by the Supreme Court
6 pursuant to Section 27.1b of this Act:

7 (1) the total number of cases that were filed;

8 (2) the amount of filing fees that were collected
9 pursuant to subsection (a) of Section 27.1b;

10 (3) the amount of appearance fees that were collected
11 pursuant to subsection (b) of Section 27.1b;

12 (4) the amount of fees collected pursuant to
13 subsection (b-5) of Section 27.1b;

14 (5) the amount of filing fees collected for
15 counterclaims or third party complaints pursuant to
16 subsection (c) of Section 27.1b;

17 (6) the nature and amount of any fees collected
18 pursuant to subsection (y) of Section 27.1b; and

19 (7) the number of cases for which, pursuant to Section
20 5-105 of the Code of Civil Procedure, there were waivers
21 of fees, costs, and charges of 25%, 50%, 75%, or 100%,
22 respectively, and the associated amount of fees, costs,
23 and charges that were waived.

24 (b) The Administrative Office of the Illinois Courts shall
25 publish the reports submitted under this Section on its
26 website.

1 (c) (Blank). ~~This Section is repealed on January 1, 2022.~~

2 (Source: P.A. 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20.)

3 Section 30. The Criminal and Traffic Assessment Act is
4 amended by changing Sections 1-10, 10-5, 15-70, and 20-5 as
5 follows:

6 (705 ILCS 135/1-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 1-10. Assessment reports.

9 (a) Not later than March 1, 2022, and March 1 of every year
10 thereafter, ~~February 29, 2020,~~ the clerk of the circuit court
11 shall file with the Administrative Office of the Illinois
12 Courts:

13 (1) an annual ~~a~~ report for the period January 1 ~~July 1,~~
14 ~~2019~~ through December 31 of the previous year ~~, 2019~~
15 containing the total number of cases filed in the
16 following categories: total felony cases; felony driving
17 under the influence of alcohol, drugs, or a combination
18 thereof; cases that contain at least one count of driving
19 under the influence of alcohol, drugs, or a combination
20 thereof; felony cases that contain at least one count of a
21 drug offense; felony cases that contain at least one count
22 of a sex offense; total misdemeanor cases; misdemeanor
23 driving under the influence of alcohol, drugs, or a
24 combination thereof cases; misdemeanor cases that contain

1 at least one count of a drug offense; misdemeanor cases
2 that contain at least one count of a sex offense; total
3 traffic offense counts; traffic offense counts of a
4 misdemeanor offense under the Illinois Vehicle Code;
5 traffic offense counts of an overweight offense under the
6 Illinois Vehicle Code; traffic offense counts that are
7 satisfied under Supreme Court Rule 529; conservation
8 cases; and ordinance cases that do not contain an offense
9 under the Illinois Vehicle Code;

10 (2) an annual ~~a~~ report for the period January 1 ~~July 1,~~
11 ~~2019~~ through December 31 of the previous year ~~, 2019~~
12 containing the following for each schedule referenced in
13 Sections 15-5 through 15-70 of this Act: the number of
14 offenses for which assessments were imposed; the amount of
15 any fines imposed in addition to assessments; the number
16 and amount of conditional assessments ordered pursuant to
17 Section 15-70; and for 25%, 50%, 75%, and 100% waivers,
18 respectively, the number of offenses for which waivers
19 were granted and the associated amount of assessments that
20 were waived; and

21 (3) an annual ~~a~~ report for the period January 1 ~~July 1,~~
22 ~~2019~~ through December 31 of the previous year ~~, 2019~~
23 containing, with respect to each schedule referenced in
24 Sections 15-5 through 15-70 of this Act, the number of
25 offenses for which assessments were collected; the number
26 of offenses for which fines were collected and the amount

1 collected; and how much was disbursed to each fund under
2 the disbursement requirements for each schedule defined in
3 Section 15-5.

4 (b) The Administrative Office of the Illinois Courts shall
5 publish the reports submitted under this Section on its
6 website.

7 (c) A list of offenses that qualify as drug offenses for
8 Schedules 3 and 7 and a list of offenses that qualify as sex
9 offenses for Schedules 4 and 8 shall be distributed to clerks
10 of the circuit court by the Administrative Office of the
11 Illinois Courts.

12 (Source: P.A. 100-1161, eff. 7-1-19.)

13 (705 ILCS 135/10-5)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 10-5. Funds.

16 (a) All money collected by the Clerk of the Circuit Court
17 under Article 15 of this Act shall be remitted as directed in
18 Article 15 of this Act to the county treasurer, to the State
19 Treasurer, and to the treasurers of the units of local
20 government. If an amount payable to any of the treasurers is
21 less than \$10, the clerk may postpone remitting the money
22 until \$10 has accrued or by the end of fiscal year. The
23 treasurers shall deposit the money as indicated in the
24 schedules, except, in a county with a population of over
25 3,000,000, money remitted to the county treasurer shall be

1 subject to appropriation by the county board. Any amount
2 retained by the Clerk of the Circuit Court in a county with a
3 population of over 3,000,000 shall be subject to appropriation
4 by the county board.

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

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

19 (1) if the arresting agency is the Department of State
20 Police, into the State Police Law Enforcement
21 Administration Fund;

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

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

1 (4) if the arresting agency is the Illinois Commerce
2 Commission, into the Transportation Regulatory Fund.

3 (d) Fund descriptions and provisions:

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

18 (2) The Document Storage Fund is to defray the
19 expense, borne by the county, of establishing and
20 maintaining a document storage system and converting the
21 records of the circuit court clerk to electronic or
22 micrographic storage. 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 expenditure from the fund in payment of any cost related

1 to the storage 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.

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

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

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

1 software, and research and development related to
2 automated record keeping systems.

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

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

25 (8) The Probation and Court Services Fund is to be
26 expended as described in Section 15.1 of the Probation and

1 Probation Officers Act.

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

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

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

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

1 Sections 15-15 and 15-35 of this Act shall be appropriated
2 to and administered by the Illinois Criminal Justice
3 Information Authority for distribution to fund Department
4 of State Police drug task forces and Metropolitan
5 Enforcement Groups by dividing the funds equally by the
6 total number of Department of State Police drug task
7 forces and Illinois Metropolitan Enforcement Groups.

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

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

22 (15) The Prisoner Review Board Vehicle and Equipment
23 Fund is a special fund in the State treasury. The Prisoner
24 Review Board shall, subject to appropriation by the
25 General Assembly and approval by the Secretary, use all
26 moneys in the Prisoner Review Board Vehicle and Equipment

1 Fund for the purchase and operation of vehicles and
2 equipment.

3 (16) In each county in which a Children's Advocacy
4 Center provides services, a Child Advocacy Center Fund is
5 specifically for the operation and administration of the
6 Children's Advocacy Center, from which the county board
7 shall make grants to support the activities and services
8 of the Children's Advocacy Center within that county.

9 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
10 101-636, eff. 6-10-20.)"; and

11 (705 ILCS 135/15-70)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 15-70. Conditional assessments. In addition to
14 payments under one of the Schedule of Assessments 1 through 13
15 of this Act, the court shall also order payment of any of the
16 following conditional assessment amounts for each sentenced
17 violation in the case to which a conditional assessment is
18 applicable, which shall be collected and remitted by the Clerk
19 of the Circuit Court as provided in this Section:

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

23 (2) child pornography under Section 11-20.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, \$500
25 per conviction, unless more than one agency is responsible

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

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

12 (B) if the arresting agency is the Department of
13 State Police, \$500 to the State Treasurer for deposit
14 into the State Crime Laboratory Fund;

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

23 (4) DNA analysis, \$250 on each conviction in which it
24 was used to the State Treasurer for deposit into the State
25 Offender DNA Identification System Fund as set forth in
26 Section 5-4-3 of the Unified Code of Corrections;

1 (5) DUI analysis, \$150 on each sentenced violation in
2 which it was used as set forth in subsection (f) of Section
3 5-9-1.9 of the Unified Code of Corrections;

4 (6) drug-related offense involving possession or
5 delivery of cannabis or possession or delivery of a
6 controlled substance, other than methamphetamine, as
7 defined in the Cannabis Control Act or the Illinois
8 Controlled Substances Act, an amount not less than the
9 full street value of the cannabis or controlled substance
10 seized for each conviction to be disbursed as follows:

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

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

19 (C) 50% to the treasurer of the arresting law
20 enforcement agency of the municipality or county, or
21 to the State Treasurer if the arresting agency was a
22 state agency, to be deposited as provided in
23 subsection (c) of Section 10-5;

24 (D) if the arrest was made in combination with
25 multiple law enforcement agencies, the clerk shall
26 equitably allocate the portion in subparagraph (C) of

1 this paragraph (6) among the law enforcement agencies
2 involved in the arrest;

3 (6.5) Kane County or Will County, in felony,
4 misdemeanor, local or county ordinance, traffic, or
5 conservation cases, up to \$30 as set by the county board
6 under Section 5-1101.3 of the Counties Code upon the entry
7 of a judgment of conviction, an order of supervision, or a
8 sentence of probation without entry of judgment under
9 Section 10 of the Cannabis Control Act, Section 410 of the
10 Illinois Controlled Substances Act, Section 70 of the
11 Methamphetamine Control and Community Protection Act,
12 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
13 the Criminal Code of 1961 or the Criminal Code of 2012,
14 Section 10-102 of the Illinois Alcoholism and Other Drug
15 Dependency Act, or Section 10 of the Steroid Control Act;
16 except in local or county ordinance, traffic, and
17 conservation cases, if fines are paid in full without a
18 court appearance, then the assessment shall not be imposed
19 or collected. Distribution of assessments collected under
20 this paragraph (6.5) shall be as provided in Section
21 5-1101.3 of the Counties Code;

22 (7) methamphetamine-related offense involving
23 possession or delivery of methamphetamine or any salt of
24 an optical isomer of methamphetamine or possession of a
25 methamphetamine manufacturing material as set forth in
26 Section 10 of the Methamphetamine Control and Community

1 Protection Act with the intent to manufacture a substance
2 containing methamphetamine or salt of an optical isomer of
3 methamphetamine, an amount not less than the full street
4 value of the methamphetamine or salt of an optical isomer
5 of methamphetamine or methamphetamine manufacturing
6 materials seized for each conviction to be disbursed as
7 follows:

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

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

16 (C) 50% to the treasurer of the arresting law
17 enforcement agency of the municipality or county, or
18 to the State Treasurer if the arresting agency was a
19 state agency, to be deposited as provided in
20 subsection (c) of Section 10-5;

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

26 (8) order of protection violation under Section 12-3.4

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

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

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

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

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

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

26 (12) supervision disposition on an offense under the

1 Illinois Vehicle Code or similar provision of a local
2 ordinance, 50 cents, unless waived by the court, into the
3 Prisoner Review Board Vehicle and Equipment Fund;

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

1 as defined in Section 5-9-1.7 of the Unified Code of
2 Corrections, when the offender and victim are family
3 members, one-half to the Domestic Violence Shelter and
4 Service Fund, and one-half to the Sexual Assault Services
5 Fund; (ii) for the remaining offenses to the Domestic
6 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
18 person's violation, or as provided in subsection (c) of
19 Section 10-5 if the arresting agency was a State agency,
20 unless more than one agency was responsible for the
21 arrest, in which case the amount shall be remitted to each
22 unit of government equally and if more than one agency
23 responded, the amount payable to public agencies shall be
24 shared equally;

25 (15) violation of Section 401, 407, or 407.2 of the
26 Illinois Controlled Substances Act that proximately caused

1 any incident resulting in an appropriate drug-related
2 emergency response, \$1,000 as reimbursement for the
3 emergency response to the law enforcement agency that made
4 the arrest, or as provided in subsection (c) of Section
5 10-5 if the arresting agency was a State agency, unless
6 more than one agency was responsible for the arrest, in
7 which case the amount shall be remitted to each unit of
8 government equally ~~and if more than one agency is~~
9 ~~responsible for the arrest, the amount payable to law~~
10 ~~enforcement agencies shall be shared equally;~~

11 (16) violation of reckless driving, aggravated
12 reckless driving, or driving 26 miles per hour or more in
13 excess of the speed limit that triggered an emergency
14 response, \$1,000 maximum reimbursement for the emergency
15 response to be distributed in its entirety to a public
16 agency that provided an emergency response related to the
17 person's violation, or as provided in subsection (c) of
18 Section 10-5 if the arresting agency was a State agency,
19 unless more than one agency was responsible for the
20 arrest, in which case the amount shall be remitted to each
21 unit of government equally ~~and if more than one agency~~
22 ~~responded, the amount payable to public agencies shall be~~
23 ~~shared equally;~~

24 (17) violation based upon each plea of guilty,
25 stipulation of facts, or finding of guilt resulting in a
26 judgment of conviction or order of supervision for an

1 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
2 the Criminal Code of 2012 that results in the imposition
3 of a fine, to be distributed as follows:

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

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

10 (i) if the arresting or investigating agency
11 is the Department of State Police, into the State
12 Police Law Enforcement Administration Fund;

13 (ii) if the arresting or investigating agency
14 is the Department of Natural Resources, into the
15 Conservation Police Operations Assistance Fund;

16 (iii) if the arresting or investigating agency
17 is the Secretary of State, into the Secretary of
18 State Police Services Fund;

19 (iv) if the arresting or investigating agency
20 is the Illinois Commerce Commission, into the
21 Transportation Regulatory Fund; or

22 (v) if more than one of the State agencies in
23 this subparagraph (B) is the arresting or
24 investigating agency, then equal shares with the
25 shares deposited as provided in the applicable
26 items (i) through (iv) of this subparagraph (B);

1 and

2 (C) the remainder for deposit into the Specialized
3 Services for Survivors of Human Trafficking Fund;

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

8 (19) violation of subsection (c) of Section 11-907 of
9 the Illinois Vehicle Code, \$250 to the State Treasurer for
10 deposit into the Scott's Law Fund, unless a county or
11 municipal police officer wrote the ticket for the
12 violation, in which case to the county treasurer for
13 deposit into that county's or municipality's
14 Transportation Safety Highway Hire-back Fund to be used as
15 provided in subsection (j) of Section 11-907 of the
16 Illinois Vehicle Code.

17 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
18 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

19 (705 ILCS 135/20-5)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 20-5. Repeal. This Act is repealed on January 1, 2024
22 ~~2022~~.

23 (Source: P.A. 100-987, eff. 7-1-19; 101-645, eff. 6-26-20.)

24 Section 35. The Cannabis Control Act is amended by

1 changing Section 8 as follows:

2 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

3 Sec. 8. Except as otherwise provided in the Cannabis
4 Regulation and Tax Act and the Industrial Hemp Act, it is
5 unlawful for any person knowingly to produce the Cannabis
6 sativa plant or to possess such plants unless production or
7 possession has been authorized pursuant to the provisions of
8 Section 11 or 15.2 of the Act. Any person who violates this
9 Section with respect to production or possession of:

10 (a) Not more than 5 plants is guilty of a civil
11 violation punishable by a minimum fine of \$100 and a
12 maximum fine of \$200. The proceeds of the fine are payable
13 to the clerk of the circuit court. Within 30 days after the
14 deposit of the fine, the clerk shall distribute the
15 proceeds of the fine as follows:

16 (1) \$10 of the fine to the circuit clerk and \$10 of
17 the fine to the law enforcement agency that issued the
18 citation; the proceeds of each \$10 fine distributed to
19 the circuit clerk and each \$10 fine distributed to the
20 law enforcement agency that issued the citation for
21 the violation shall be used to defer the cost of
22 automatic expungements under paragraph (2.5) of
23 subsection (a) of Section 5.2 of the Criminal
24 Identification Act;

25 (2) \$15 to the county to fund drug addiction

1 services;

2 (3) \$10 to the Office of the State's Attorneys
3 Appellate Prosecutor for use in training programs;

4 (4) \$10 to the State's Attorney; and

5 (5) any remainder of the fine to the law
6 enforcement agency that issued the citation for the
7 violation.

8 With respect to funds designated for the Department of
9 State Police, the moneys shall be remitted by the circuit
10 court clerk to the State Treasurer ~~Department of State~~
11 ~~Police~~ within one month after receipt for deposit into the
12 State Police Operations Assistance Fund. With respect to
13 funds designated for the Department of Natural Resources,
14 the Department of Natural Resources shall deposit the
15 moneys into the Conservation Police Operations Assistance
16 Fund.

17 (b) More than 5, but not more than 20 plants, is guilty
18 of a Class 4 felony.

19 (c) More than 20, but not more than 50 plants, is
20 guilty of a Class 3 felony.

21 (d) More than 50, but not more than 200 plants, is
22 guilty of a Class 2 felony for which a fine not to exceed
23 \$100,000 may be imposed and for which liability for the
24 cost of conducting the investigation and eradicating such
25 plants may be assessed. Compensation for expenses incurred
26 in the enforcement of this provision shall be transmitted

1 to and deposited in the treasurer's office at the level of
2 government represented by the Illinois law enforcement
3 agency whose officers or employees conducted the
4 investigation or caused the arrest or arrests leading to
5 the prosecution, to be subsequently made available to that
6 law enforcement agency as expendable receipts for use in
7 the enforcement of laws regulating controlled substances
8 and cannabis. If such seizure was made by a combination of
9 law enforcement personnel representing different levels of
10 government, the court levying the assessment shall
11 determine the allocation of such assessment. The proceeds
12 of assessment awarded to the State treasury shall be
13 deposited in a special fund known as the Drug Traffic
14 Prevention Fund.

15 (e) More than 200 plants is guilty of a Class 1 felony
16 for which a fine not to exceed \$100,000 may be imposed and
17 for which liability for the cost of conducting the
18 investigation and eradicating such plants may be assessed.
19 Compensation for expenses incurred in the enforcement of
20 this provision shall be transmitted to and deposited in
21 the treasurer's office at the level of government
22 represented by the Illinois law enforcement agency whose
23 officers or employees conducted the investigation or
24 caused the arrest or arrests leading to the prosecution,
25 to be subsequently made available to that law enforcement
26 agency as expendable receipts for use in the enforcement

1 of laws regulating controlled substances and cannabis. If
2 such seizure was made by a combination of law enforcement
3 personnel representing different levels of government, the
4 court levying the assessment shall determine the
5 allocation of such assessment. The proceeds of assessment
6 awarded to the State treasury shall be deposited in a
7 special fund known as the Drug Traffic Prevention Fund.
8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

9 Section 40. The Unified Code of Corrections is amended by
10 changing Section 5-9-1.9 as follows:

11 (730 ILCS 5/5-9-1.9)

12 Sec. 5-9-1.9. DUI analysis fee.

13 (a) "Crime laboratory" means a not-for-profit laboratory
14 substantially funded by a single unit or combination of units
15 of local government or the State of Illinois that regularly
16 employs at least one person engaged in the DUI analysis of
17 blood, other bodily substance, and urine for criminal justice
18 agencies in criminal matters and provides testimony with
19 respect to such examinations.

20 "DUI analysis" means an analysis of blood, other bodily
21 substance, or urine for purposes of determining whether a
22 violation of Section 11-501 of the Illinois Vehicle Code has
23 occurred.

24 (b) (Blank).

1 (c) In addition to any other disposition made under the
2 provisions of the Juvenile Court Act of 1987, any minor
3 adjudicated delinquent for an offense which if committed by an
4 adult would constitute a violation of Section 11-501 of the
5 Illinois Vehicle Code shall pay a crime laboratory DUI
6 analysis assessment of \$150 for each adjudication. Upon
7 verified petition of the minor, the court may suspend payment
8 of all or part of the assessment if it finds that the minor
9 does not have the ability to pay the assessment. The parent,
10 guardian, or legal custodian of the minor may pay some or all
11 of the assessment on the minor's behalf.

12 (d) All crime laboratory DUI analysis assessments provided
13 for by this Section shall be collected by the clerk of the
14 court and forwarded to the appropriate crime laboratory DUI
15 fund as provided in subsection (f).

16 (e) Crime laboratory funds shall be established as
17 follows:

18 (1) A unit of local government that maintains a crime
19 laboratory may establish a crime laboratory DUI fund
20 within the office of the county or municipal treasurer.

21 (2) Any combination of units of local government that
22 maintains a crime laboratory may establish a crime
23 laboratory DUI fund within the office of the treasurer of
24 the county where the crime laboratory is situated.

25 (3) The State Police DUI Fund is created as a special
26 fund in the State Treasury.

1 (f) The analysis assessment provided for in subsection (c)
2 of this Section shall be forwarded to the office of the
3 treasurer of the unit of local government that performed the
4 analysis if that unit of local government has established a
5 crime laboratory DUI fund, or remitted to the State Treasurer
6 for deposit into the State Crime Laboratory Fund if the
7 analysis was performed by a laboratory operated by the
8 Department of State Police. If the analysis was performed by a
9 crime laboratory funded by a combination of units of local
10 government, the analysis assessment shall be forwarded to the
11 treasurer of the county where the crime laboratory is situated
12 if a crime laboratory DUI fund has been established in that
13 county. If the unit of local government or combination of
14 units of local government has not established a crime
15 laboratory DUI fund, then the analysis assessment shall be
16 remitted ~~forwarded~~ to the State Treasurer for deposit into the
17 State Crime Laboratory Fund.

18 (g) Moneys deposited into a crime laboratory DUI fund
19 created under paragraphs (1) and (2) of subsection (e) of this
20 Section shall be in addition to any allocations made pursuant
21 to existing law and shall be designated for the exclusive use
22 of the crime laboratory. These uses may include, but are not
23 limited to, the following:

24 (1) Costs incurred in providing analysis for DUI
25 investigations conducted within this State.

26 (2) Purchase and maintenance of equipment for use in

1 performing analyses.

2 (3) Continuing education, training, and professional
3 development of forensic scientists regularly employed by
4 these laboratories.

5 (h) Moneys deposited in the State Crime Laboratory Fund
6 shall be used by State crime laboratories as designated by the
7 Director of State Police. These funds shall be in addition to
8 any allocations made according to existing law and shall be
9 designated for the exclusive use of State crime laboratories.
10 These uses may include those enumerated in subsection (g) of
11 this Section.

12 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;
13 100-1161, eff. 7-1-19.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."