

SB0575



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0575

Introduced 2/23/2021, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

705 ILCS 135/10-5

Amends the Criminal and Traffic Assessment Act. Provides that the county treasurer or the treasurer of the unit of local government shall (rather than may) create the following funds, if not already in existence: the Court Automation Fund; the Document Storage Fund; the Circuit Clerk Operations and Administration Fund; the State's Attorney Records Automation Fund; the Public Defender Records Automation Fund; the Circuit Court Clerk Electronic Citation Fund; and, in each county where a Children's Advocacy Center provides services, the Child Advocacy Center Fund.

LRB102 15536 LNS 20899 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is
5 amended by changing Section 10-5 as follows:

6 (705 ILCS 135/10-5)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 10-5. Funds.

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

23 (b) The county treasurer or the treasurer of the unit of

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

10 (c) If the arresting agency is a State agency, the
11 arresting agency portion shall be remitted by the clerk of
12 court to the State Treasurer who shall deposit the portion as
13 follows:

14 (1) if the arresting agency is the Department of State
15 Police, into the State Police Law Enforcement
16 Administration Fund;

17 (2) if the arresting agency is the Department of
18 Natural Resources, into the Conservation Police Operations
19 Assistance Fund;

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

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

24 (d) Fund descriptions and provisions:

25 (1) The Court Automation Fund is to defray the
26 expense, borne by the county, of establishing and

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

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

26 (3) The Circuit Clerk Operations and Administration

1 Fund may be used to defray the expenses incurred for
2 collection and disbursement of the various assessment
3 schedules. The money shall be remitted monthly by the
4 clerk to the county treasurer and identified as funds for
5 the circuit court clerk.

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

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

24 (6) The DUI Fund shall be used for enforcement and
25 prevention of driving while under the influence of
26 alcohol, other drug or drugs, intoxicating compound or

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

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

20 (8) The Probation and Court Services Fund is to be
21 expended as described in Section 15.1 of the Probation and
22 Probation Officers Act.

23 (9) The Circuit Court Clerk Electronic Citation Fund
24 shall have the Circuit Court Clerk as the custodian, ex
25 officio, of the Fund and shall be used to perform the
26 duties required by the office for establishing and

1 maintaining electronic citations. The Fund shall be
2 audited by the county's auditor.

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

7 (11) The Violent Crime Victims Assistance Fund is a
8 special fund in the State treasury to provide moneys for
9 the grants to be awarded under the Violent Crime Victims
10 Assistance Act.

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

1 total number of Department of State Police drug task
2 forces and Illinois Metropolitan Enforcement Groups.

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

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

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

24 (16) In each county in which a Children's Advocacy
25 Center provides services, a Child Advocacy Center Fund is
26 specifically for the operation and administration of the

1 Children's Advocacy Center, from which the county board
2 shall make grants to support the activities and services
3 of the Children's Advocacy Center within that county.

4 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
5 101-636, eff. 6-10-20.)