



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.620 new	
415 ILCS 5/21.7 new	
415 ILCS 105/5	from Ch. 38, par. 86-5
415 ILCS 105/8	from Ch. 38, par. 86-8
415 ILCS 105/9	from Ch. 38, par. 86-9
625 ILCS 5/11-1413	from Ch. 95 1/2, par. 11-1413
625 ILCS 5/16-105	from Ch. 95 1/2, par. 16-105
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
730 ILCS 5/5-9-1	from Ch. 38, par. 1005-9-1

Amends the Environmental Protection Act and the State Finance Act to create the Clean Communities Recycling Fund as a special fund and set forth uses for the moneys in the Fund. Amends the Litter Control Act and the Illinois Vehicle Code to change certain littering penalties and provide that certain fines shall be deposited into the Clean Communities Recycling Fund. Amends the Clerks of Courts Act and the Unified Code of Corrections to conform to the added and changed provisions. Makes other changes. Effective January 1, 2005.

LRB093 13493 BDD 40194 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning the environment.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.620 as follows:

6 (30 ILCS 105/5.620 new)

7 Sec. 5.620. The Clean Communities Recycling Fund.

8 Section 10. The Environmental Protection Act is amended by
9 adding Section 21.7 as follows:

10 (415 ILCS 5/21.7 new)

11 Sec. 21.7. Clean Communities Recycling Fund. The Clean
12 Communities Recycling Fund is created as a special fund in the
13 State treasury. Moneys in the Fund shall be used, subject to
14 appropriation, by the Agency solely for anti-litter programs,
15 including but not limited to litter cleanup efforts by the
16 State and local governments, adopt-a-highway programs, and
17 education efforts to encourage recycling and discourage
18 littering.

19 Section 15. The Litter Control Act is amended by changing
20 Sections 5, 8, and 9 as follows:

21 (415 ILCS 105/5) (from Ch. 38, par. 86-5)

22 Sec. 5. No person shall dump, deposit, drop, throw, discard
23 or otherwise dispose of litter from any motor vehicle upon any
24 public highway, upon any public or private property or upon or
25 into any river, lake, pond, stream or body of water in this
26 State except as permitted under any of paragraphs (a) through
27 (e) of Section 4. If the litter has an aggregate weight of less
28 than 5 pounds, the provisions of subsection (a) of Section

1 11-1413 of the Illinois Vehicle Code shall apply to the
2 violation and the violator shall be punished in accordance with
3 that Code. If the litter has an aggregate weight of 5 pounds or
4 more, the provisions of this Act shall apply to the violation.

5 Nor shall any person transport by any means garbage or refuse
6 from any dwelling, residence, place of business, farm or other
7 site to and deposit such material in, around or on top of trash
8 barrels or other receptacles placed along public highways or at
9 roadside rest areas.

10 (Source: P.A. 78-837.)

11 (415 ILCS 105/8) (from Ch. 38, par. 86-8)

12 Sec. 8. Persons who violate any of Sections 4 through 7 are
13 subject to the penalties set out in this Section.

14 (a) Any person convicted of a violation of Section 4, 5, 6
15 or 7 is guilty of a Class B misdemeanor, except that a
16 violation of Section 4 is a petty offense punishable by a fine
17 of not more than \$100 if the litter has an aggregate weight of
18 less than 5 pounds. A second conviction for an offense
19 committed after the first conviction is a Class A misdemeanor.
20 A third or subsequent violation, committed after a second
21 conviction is a Class 4 felony. All fines imposed for
22 violations of this Act shall be deposited into the Clean
23 Communities Recycling Fund to be used as set forth in Section
24 21.7 of the Environmental Protection Act.

25 (b) In addition to any fine imposed under this Act, the
26 court may order that the person convicted of such a violation
27 remove and properly dispose of the litter, may employ special
28 bailiffs to supervise such removal and disposal, and may tax
29 the costs of such supervision as costs against the person so
30 convicted.

31 (c) The penalties prescribed in this Section are in
32 addition to, and not in lieu of, any penalties, rights,
33 remedies, duties or liabilities otherwise imposed or conferred
34 by law.

35 (Source: P.A. 85-1410.)

1 (415 ILCS 105/9) (from Ch. 38, par. 86-9)

2 Sec. 9. Whenever litter is thrown, deposited, dropped or
3 dumped in violation of Section 5 from any motor vehicle not
4 carrying passengers for hire, the presumption is created that
5 the operator of that motor vehicle has violated Section 5, but
6 that presumption may be rebutted.

7 (Source: P.A. 78-837.)

8 Section 20. The Illinois Vehicle Code is amended by
9 changing Sections 11-1413 and 16-105 as follows:

10 (625 ILCS 5/11-1413) (from Ch. 95 1/2, par. 11-1413)

11 Sec. 11-1413. Depositing material on highway prohibited.

12 (a) No person shall dump, deposit, drop, throw, spill,
13 deposit, discard, or otherwise dispose of any bottle, glass,
14 nails, tacks, wire, cans, or any litter (as defined in Section
15 3 of the Litter Control Act) from any motor vehicle upon any
16 public highway, upon any public or private property, or upon or
17 into any river, lake, pond, stream or body of water in this
18 State except as permitted under any of paragraphs (a) through
19 (e) of Section 4 of the Litter Control Act.

20 If the violation of this subsection (a) involves litter
21 that has an aggregate weight of less than 5 pounds, the
22 provisions of this subsection (a) shall apply to the violation.
23 If the litter has an aggregate weight of 5 pounds or more, the
24 provisions of the Litter Control Act shall apply to the
25 violation and the violator shall be punished in accordance with
26 the provisions of the Litter Control Act.

27 Whenever litter is thrown, deposited, dropped or dumped in
28 violation of this subsection (a) from any motor vehicle not
29 carrying passengers for hire, the presumption is created that
30 the operator of that motor vehicle has violated this Section,
31 but that presumption may be rebutted. ~~No person shall throw,~~
32 ~~spill or deposit upon any highway any bottle, glass, nails,~~
33 ~~tacks, wire, cans, or any litter (as defined in Section 3 of~~

1 ~~the Litter Control Act).~~

2 (b) Any person who violates subsection (a) upon any highway
3 shall immediately remove such material or cause it to be
4 removed.

5 (c) Any person removing a wrecked or damaged vehicle from a
6 highway shall remove any glass or other debris, except any
7 hazardous substance as defined in Section 3.215 of the
8 Environmental Protection Act, hazardous waste as defined in
9 Section 3.220 of the Environmental Protection Act, and
10 potentially infectious medical waste as defined in Section
11 3.360 of the Environmental Protection Act, dropped upon the
12 highway from such vehicle.

13 (Source: P.A. 92-574, eff. 6-26-02.)

14 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

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

16 (a) Except as provided in Section 16-104a of this Act and
17 except for those amounts required to be paid into the Traffic
18 and Criminal Conviction Surcharge Fund in the State Treasury
19 pursuant to Section 9.1 of the Illinois Police Training Act and
20 Section 5-9-1 of the Unified Code of Corrections and except
21 those amounts subject to disbursement by the circuit clerk
22 under Section 27.5 of the Clerks of Courts Act, fines and
23 penalties recovered under the provisions of Chapters 11 through
24 16 inclusive of this Code shall be paid and used as follows:

25 1. For offenses committed upon a highway within the
26 limits of a city, village, or incorporated town or under
27 the jurisdiction of any park district, to the treasurer of
28 the particular city, village, incorporated town or park
29 district, if the violator was arrested by the authorities
30 of the city, village, incorporated town or park district,
31 provided the police officers and officials of cities,
32 villages, incorporated towns and park districts shall
33 seasonably prosecute for all fines and penalties under this
34 Code. If the violation is prosecuted by the authorities of
35 the county, any fines or penalties recovered shall be paid

1 to the county treasurer. Provided further that if the
2 violator was arrested by the State Police, fines and
3 penalties recovered under the provisions of paragraph (a)
4 of Section 15-113 of this Code or paragraph (e) of Section
5 15-316 of this Code shall be paid over to the Department of
6 State Police which shall thereupon remit the amount of the
7 fines and penalties so received to the State Treasurer who
8 shall deposit the amount so remitted in the special fund in
9 the State treasury known as the Road Fund except that if
10 the violation is prosecuted by the State's Attorney, 10% of
11 the fine or penalty recovered shall be paid to the State's
12 Attorney as a fee of his office and the balance shall be
13 paid over to the Department of State Police for remittance
14 to and deposit by the State Treasurer as hereinabove
15 provided.

16 2. Except as provided in paragraph 4, for offenses
17 committed upon any highway outside the limits of a city,
18 village, incorporated town or park district, to the county
19 treasurer of the county where the offense was committed
20 except if such offense was committed on a highway
21 maintained by or under the supervision of a township,
22 township district, or a road district to the Treasurer
23 thereof for deposit in the road and bridge fund of such
24 township or other district; Provided, that fines and
25 penalties recovered under the provisions of paragraph (a)
26 of Section 15-113, paragraph (d) of Section 3-401, or
27 paragraph (e) of Section 15-316 of this Code shall be paid
28 over to the Department of State Police which shall
29 thereupon remit the amount of the fines and penalties so
30 received to the State Treasurer who shall deposit the
31 amount so remitted in the special fund in the State
32 treasury known as the Road Fund except that if the
33 violation is prosecuted by the State's Attorney, 10% of the
34 fine or penalty recovered shall be paid to the State's
35 Attorney as a fee of his office and the balance shall be
36 paid over to the Department of State Police for remittance

1 to and deposit by the State Treasurer as hereinabove
2 provided.

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

17 4. With regard to violations of overweight and overload
18 limits found in Sections 15-101 through 15-203 of this Code
19 committed by operators of vehicles registered as Special
20 Hauling Vehicles, for offenses committed upon a highway
21 within the limits of a city, village, or incorporated town
22 or under the jurisdiction of any park district, all fines
23 and penalties shall be paid over or retained as required in
24 paragraph 1. However, with regard to the above offenses
25 committed by operators of vehicles registered as Special
26 Hauling Vehicles upon any highway outside the limits of a
27 city, village, incorporated town or park district, fines
28 and penalties shall be paid over or retained by the entity
29 having jurisdiction over the road or highway upon which the
30 offense occurred, except that if the violation is
31 prosecuted by the State's Attorney, 10% of the fine or
32 penalty recovered shall be paid to the State's Attorney as
33 a fee of his office.

34 (b) Failure, refusal or neglect on the part of any judicial
35 or other officer or employee receiving or having custody of any
36 such fine or forfeiture either before or after a deposit with

1 the proper official as defined in paragraph (a) of this
2 Section, shall constitute misconduct in office and shall be
3 grounds for removal therefrom.

4 (c) Notwithstanding any other provision of this Section,
5 all fines imposed for violations of subsection (a) of Section
6 11-1413 of this Code shall be remitted in accordance with
7 subsection (g) of Section 5-9-1 of the Unified Code of
8 Corrections.

9 (Source: P.A. 88-403; 88-476; 88-535; 89-117, eff. 7-7-95.)

10 Section 25. The Clerks of Courts Act is amended by changing
11 Sections 27.5 and 27.6 as follows:

12 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

13 Sec. 27.5. (a) All fees, fines, costs, additional
14 penalties, bail balances assessed or forfeited, and any other
15 amount paid by a person to the circuit clerk that equals an
16 amount less than \$55, except restitution under Section 5-5-6 of
17 the Unified Code of Corrections, reimbursement for the costs of
18 an emergency response as provided under Section 5-5-3 of the
19 Unified Code of Corrections, any fees collected for attending a
20 traffic safety program under paragraph (c) of Supreme Court
21 Rule 529, any fee collected on behalf of a State's Attorney
22 under Section 4-2002 of the Counties Code or a sheriff under
23 Section 4-5001 of the Counties Code, or any cost imposed under
24 Section 124A-5 of the Code of Criminal Procedure of 1963, for
25 convictions, orders of supervision, or any other disposition
26 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
27 Vehicle Code, or a similar provision of a local ordinance, and
28 any violation of the Child Passenger Protection Act, or a
29 similar provision of a local ordinance, and except as provided
30 in subsection (b) shall be disbursed within 60 days after
31 receipt by the circuit clerk as follows: 47% shall be disbursed
32 to the entity authorized by law to receive the fine imposed in
33 the case; 12% shall be disbursed to the State Treasurer; and
34 41% shall be disbursed to the county's general corporate fund.

1 Of the 12% disbursed to the State Treasurer, 1/6 shall be
2 deposited by the State Treasurer into the Violent Crime Victims
3 Assistance Fund, 1/2 shall be deposited into the Traffic and
4 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
5 into the Drivers Education Fund. For fiscal years 1992 and
6 1993, amounts deposited into the Violent Crime Victims
7 Assistance Fund, the Traffic and Criminal Conviction Surcharge
8 Fund, or the Drivers Education Fund shall not exceed 110% of
9 the amounts deposited into those funds in fiscal year 1991. Any
10 amount that exceeds the 110% limit shall be distributed as
11 follows: 50% shall be disbursed to the county's general
12 corporate fund and 50% shall be disbursed to the entity
13 authorized by law to receive the fine imposed in the case. Not
14 later than March 1 of each year the circuit clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this Section during the preceding year based upon
17 independent verification of fines and fees. All counties shall
18 be subject to this Section, except that counties with a
19 population under 2,000,000 may, by ordinance, elect not to be
20 subject to this Section. For offenses subject to this Section,
21 judges shall impose one total sum of money payable for
22 violations. The circuit clerk may add on no additional amounts
23 except for amounts that are required by Sections 27.3a and
24 27.3c of this Act, unless those amounts are specifically waived
25 by the judge. With respect to money collected by the circuit
26 clerk as a result of forfeiture of bail, ex parte judgment or
27 guilty plea pursuant to Supreme Court Rule 529, the circuit
28 clerk shall first deduct and pay amounts required by Sections
29 27.3a and 27.3c of this Act. This Section is a denial and
30 limitation of home rule powers and functions under subsection
31 (h) of Section 6 of Article VII of the Illinois Constitution.

32 (b) The following amounts must be remitted to the State
33 Treasurer for deposit into the Illinois Animal Abuse Fund:

34 (1) 50% of the amounts collected for felony offenses
35 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
36 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for

1 Animals Act and Section 26-5 of the Criminal Code of 1961;

2 (2) 20% of the amounts collected for Class A and Class
3 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
4 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
5 for Animals Act and Section 26-5 of the Criminal Code of
6 1961; and

7 (3) 50% of the amounts collected for Class C
8 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
9 for Animals Act and Section 26-5 of the Criminal Code of
10 1961.

11 (c) Notwithstanding any other provision of this Section,
12 all fines imposed for violations of the Litter Control Act and
13 for violations of subsection (a) of Section 11-1413 of the
14 Illinois Vehicle Code shall be remitted in accordance with
15 subsection (g) of Section 5-9-1 of the Unified Code of
16 Corrections.

17 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

18 (705 ILCS 105/27.6)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, bail balances assessed or forfeited, and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the additional fee required by
23 subsections (b) and (c), restitution under Section 5-5-6 of the
24 Unified Code of Corrections, reimbursement for the costs of an
25 emergency response as provided under Section 5-5-3 of the
26 Unified Code of Corrections, any fees collected for attending a
27 traffic safety program under paragraph (c) of Supreme Court
28 Rule 529, any fee collected on behalf of a State's Attorney
29 under Section 4-2002 of the Counties Code or a sheriff under
30 Section 4-5001 of the Counties Code, or any cost imposed under
31 Section 124A-5 of the Code of Criminal Procedure of 1963, for
32 convictions, orders of supervision, or any other disposition
33 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
34 Vehicle Code, or a similar provision of a local ordinance, and
35 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, and except as provided
2 in subsection (d) shall be disbursed within 60 days after
3 receipt by the circuit clerk as follows: 44.5% shall be
4 disbursed to the entity authorized by law to receive the fine
5 imposed in the case; 16.825% shall be disbursed to the State
6 Treasurer; and 38.675% shall be disbursed to the county's
7 general corporate fund. Of the 16.825% disbursed to the State
8 Treasurer, 2/17 shall be deposited by the State Treasurer into
9 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
10 deposited into the Traffic and Criminal Conviction Surcharge
11 Fund, 3/17 shall be deposited into the Drivers Education Fund,
12 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
13 the 6.948/17 deposited into the Trauma Center Fund from the
14 16.825% disbursed to the State Treasurer, 50% shall be
15 disbursed to the Department of Public Health and 50% shall be
16 disbursed to the Department of Public Aid. For fiscal year
17 1993, amounts deposited into the Violent Crime Victims
18 Assistance Fund, the Traffic and Criminal Conviction Surcharge
19 Fund, or the Drivers Education Fund shall not exceed 110% of
20 the amounts deposited into those funds in fiscal year 1991. Any
21 amount that exceeds the 110% limit shall be distributed as
22 follows: 50% shall be disbursed to the county's general
23 corporate fund and 50% shall be disbursed to the entity
24 authorized by law to receive the fine imposed in the case. Not
25 later than March 1 of each year the circuit clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer
27 under this Section during the preceding year based upon
28 independent verification of fines and fees. All counties shall
29 be subject to this Section, except that counties with a
30 population under 2,000,000 may, by ordinance, elect not to be
31 subject to this Section. For offenses subject to this Section,
32 judges shall impose one total sum of money payable for
33 violations. The circuit clerk may add on no additional amounts
34 except for amounts that are required by Sections 27.3a and
35 27.3c of this Act, unless those amounts are specifically waived
36 by the judge. With respect to money collected by the circuit

1 clerk as a result of forfeiture of bail, ex parte judgment or
2 guilty plea pursuant to Supreme Court Rule 529, the circuit
3 clerk shall first deduct and pay amounts required by Sections
4 27.3a and 27.3c of this Act. This Section is a denial and
5 limitation of home rule powers and functions under subsection
6 (h) of Section 6 of Article VII of the Illinois Constitution.

7 (b) In addition to any other fines and court costs assessed
8 by the courts, any person convicted or receiving an order of
9 supervision for driving under the influence of alcohol or drugs
10 shall pay an additional fee of \$100 to the clerk of the circuit
11 court. This amount, less 2 1/2% that shall be used to defray
12 administrative costs incurred by the clerk, shall be remitted
13 by the clerk to the Treasurer within 60 days after receipt for
14 deposit into the Trauma Center Fund. This additional fee of
15 \$100 shall not be considered a part of the fine for purposes of
16 any reduction in the fine for time served either before or
17 after sentencing. Not later than March 1 of each year the
18 Circuit Clerk shall submit a report of the amount of funds
19 remitted to the State Treasurer under this subsection during
20 the preceding calendar year.

21 (b-1) In addition to any other fines and court costs
22 assessed by the courts, any person convicted or receiving an
23 order of supervision for driving under the influence of alcohol
24 or drugs shall pay an additional fee of \$5 to the clerk of the
25 circuit court. This amount, less 2 1/2% that shall be used to
26 defray administrative costs incurred by the clerk, shall be
27 remitted by the clerk to the Treasurer within 60 days after
28 receipt for deposit into the Spinal Cord Injury Paralysis Cure
29 Research Trust Fund. This additional fee of \$5 shall not be
30 considered a part of the fine for purposes of any reduction in
31 the fine for time served either before or after sentencing. Not
32 later than March 1 of each year the Circuit Clerk shall submit
33 a report of the amount of funds remitted to the State Treasurer
34 under this subsection during the preceding calendar year.

35 (c) In addition to any other fines and court costs assessed
36 by the courts, any person convicted for a violation of Sections

1 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
2 person sentenced for a violation of the Cannabis Control Act or
3 the Controlled Substance Act shall pay an additional fee of
4 \$100 to the clerk of the circuit court. This amount, less 2
5 1/2% that shall be used to defray administrative costs incurred
6 by the clerk, shall be remitted by the clerk to the Treasurer
7 within 60 days after receipt for deposit into the Trauma Center
8 Fund. This additional fee of \$100 shall not be considered a
9 part of the fine for purposes of any reduction in the fine for
10 time served either before or after sentencing. Not later than
11 March 1 of each year the Circuit Clerk shall submit a report of
12 the amount of funds remitted to the State Treasurer under this
13 subsection during the preceding calendar year.

14 (c-1) In addition to any other fines and court costs
15 assessed by the courts, any person sentenced for a violation of
16 the Cannabis Control Act or the Illinois Controlled Substances
17 Act shall pay an additional fee of \$5 to the clerk of the
18 circuit court. This amount, less 2 1/2% that shall be used to
19 defray administrative costs incurred by the clerk, shall be
20 remitted by the clerk to the Treasurer within 60 days after
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure
22 Research Trust Fund. This additional fee of \$5 shall not be
23 considered a part of the fine for purposes of any reduction in
24 the fine for time served either before or after sentencing. Not
25 later than March 1 of each year the Circuit Clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer
27 under this subsection during the preceding calendar year.

28 (d) The following amounts must be remitted to the State
29 Treasurer for deposit into the Illinois Animal Abuse Fund:

30 (1) 50% of the amounts collected for felony offenses
31 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
32 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
33 Animals Act and Section 26-5 of the Criminal Code of 1961;

34 (2) 20% of the amounts collected for Class A and Class
35 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
36 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care

1 for Animals Act and Section 26-5 of the Criminal Code of
2 1961; and

3 (3) 50% of the amounts collected for Class C
4 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
5 for Animals Act and Section 26-5 of the Criminal Code of
6 1961.

7 (e) Notwithstanding any other provision of this Section,
8 all fines imposed for violations of the Litter Control Act and
9 for violations of subsection (a) of Section 11-1413 of the
10 Illinois Vehicle Code shall be remitted in accordance with
11 subsection (g) of Section 5-9-1 of the Unified Code of
12 Corrections.

13 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
14 eff. 7-11-02; 92-651, eff. 7-11-02.)

15 Section 30. The Unified Code of Corrections is amended by
16 changing Section 5-9-1 as follows:

17 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

18 Sec. 5-9-1. Authorized fines.

19 (a) An offender may be sentenced to pay a fine which shall
20 not exceed for each offense:

21 (1) for a felony, \$25,000 or the amount specified in
22 the offense, whichever is greater, or where the offender is
23 a corporation, \$50,000 or the amount specified in the
24 offense, whichever is greater;

25 (2) for a Class A misdemeanor, \$2,500 or the amount
26 specified in the offense, whichever is greater;

27 (3) for a Class B or Class C misdemeanor, \$1,500;

28 (4) for a petty offense, \$1,000 or the amount specified
29 in the offense, whichever is less;

30 (5) for a business offense, the amount specified in the
31 statute defining that offense.

32 (b) A fine may be imposed in addition to a sentence of
33 conditional discharge, probation, periodic imprisonment, or
34 imprisonment.

1 (c) There shall be added to every fine imposed in
2 sentencing for a criminal or traffic offense, except an offense
3 relating to parking or registration, or offense by a
4 pedestrian, an additional penalty of \$5 for each \$40, or
5 fraction thereof, of fine imposed. The additional penalty of \$5
6 for each \$40, or fraction thereof, of fine imposed, if not
7 otherwise assessed, shall also be added to every fine imposed
8 upon a plea of guilty, stipulation of facts or findings of
9 guilty, resulting in a judgment of conviction, or order of
10 supervision in criminal, traffic, local ordinance, county
11 ordinance, and conservation cases (except parking,
12 registration, or pedestrian violations), or upon a sentence of
13 probation without entry of judgment under Section 10 of the
14 Cannabis Control Act or Section 410 of the Controlled
15 Substances Act.

16 Such additional amounts shall be assessed by the court
17 imposing the fine and shall be collected by the Circuit Clerk
18 in addition to the fine and costs in the case. Each such
19 additional penalty shall be remitted by the Circuit Clerk
20 within one month after receipt to the State Treasurer. The
21 State Treasurer shall deposit \$1 for each \$40, or fraction
22 thereof, of fine imposed into the LEADS Maintenance Fund. The
23 remaining surcharge amount shall be deposited into the Traffic
24 and Criminal Conviction Surcharge Fund, unless the fine, costs
25 or additional amounts are subject to disbursement by the
26 circuit clerk under Section 27.5 of the Clerks of Courts Act.
27 Such additional penalty shall not be considered a part of the
28 fine for purposes of any reduction in the fine for time served
29 either before or after sentencing. Not later than March 1 of
30 each year the Circuit Clerk shall submit a report of the amount
31 of funds remitted to the State Treasurer under this subsection
32 (c) during the preceding calendar year. Except as otherwise
33 provided by Supreme Court Rules, if a court in imposing a fine
34 against an offender levies a gross amount for fine, costs, fees
35 and penalties, the amount of the additional penalty provided
36 for herein shall be computed on the amount remaining after

1 deducting from the gross amount levied all fees of the Circuit
2 Clerk, the State's Attorney and the Sheriff. After deducting
3 from the gross amount levied the fees and additional penalty
4 provided for herein, less any other additional penalties
5 provided by law, the clerk shall remit the net balance
6 remaining to the entity authorized by law to receive the fine
7 imposed in the case. For purposes of this Section "fees of the
8 Circuit Clerk" shall include, if applicable, the fee provided
9 for under Section 27.3a of the Clerks of Courts Act and the
10 fee, if applicable, payable to the county in which the
11 violation occurred pursuant to Section 5-1101 of the Counties
12 Code.

13 (c-5) In addition to the fines imposed by subsection (c),
14 any person convicted or receiving an order of supervision for
15 driving under the influence of alcohol or drugs shall pay an
16 additional \$100 fee to the clerk. This additional fee, less 2
17 1/2% that shall be used to defray administrative costs incurred
18 by the clerk, shall be remitted by the clerk to the Treasurer
19 within 60 days after receipt for deposit into the Trauma Center
20 Fund. This additional fee of \$100 shall not be considered a
21 part of the fine for purposes of any reduction in the fine for
22 time served either before or after sentencing. Not later than
23 March 1 of each year the Circuit Clerk shall submit a report of
24 the amount of funds remitted to the State Treasurer under this
25 subsection (c-5) during the preceding calendar year.

26 The Circuit Clerk may accept payment of fines and costs by
27 credit card from an offender who has been convicted of a
28 traffic offense, petty offense or misdemeanor and may charge
29 the service fee permitted where fines and costs are paid by
30 credit card provided for in Section 27.3b of the Clerks of
31 Courts Act.

32 (c-7) In addition to the fines imposed by subsection (c),
33 any person convicted or receiving an order of supervision for
34 driving under the influence of alcohol or drugs shall pay an
35 additional \$5 fee to the clerk. This additional fee, less 2
36 1/2% that shall be used to defray administrative costs incurred

1 by the clerk, shall be remitted by the clerk to the Treasurer
2 within 60 days after receipt for deposit into the Spinal Cord
3 Injury Paralysis Cure Research Trust Fund. This additional fee
4 of \$5 shall not be considered a part of the fine for purposes
5 of any reduction in the fine for time served either before or
6 after sentencing. Not later than March 1 of each year the
7 Circuit Clerk shall submit a report of the amount of funds
8 remitted to the State Treasurer under this subsection (c-7)
9 during the preceding calendar year.

10 (c-9) There shall be added to every fine imposed in
11 sentencing for a criminal or traffic offense, except an offense
12 relating to parking or registration, or offense by a
13 pedestrian, an additional penalty of \$4 imposed. The additional
14 penalty of \$4 shall also be added to every fine imposed upon a
15 plea of guilty, stipulation of facts or findings of guilty,
16 resulting in a judgment of conviction, or order of supervision
17 in criminal, traffic, local ordinance, county ordinance, or
18 conservation cases (except parking, registration, or
19 pedestrian violations), or upon a sentence of probation without
20 entry of judgment under Section 10 of the Cannabis Control Act
21 or Section 410 of the Controlled Substances Act. Such
22 additional penalty of \$4 shall be assessed by the court
23 imposing the fine and shall be collected by the circuit clerk
24 in addition to any other fine, costs, fees, and penalties in
25 the case. Each such additional penalty of \$4 shall be remitted
26 to the State Treasurer by the circuit clerk within one month
27 after receipt. The State Treasurer shall deposit the additional
28 penalty of \$4 into the Traffic and Criminal Conviction
29 Surcharge Fund. The additional penalty of \$4 shall be in
30 addition to any other fine, costs, fees, and penalties and
31 shall not reduce or affect the distribution of any other fine,
32 costs, fees, and penalties.

33 (d) In determining the amount and method of payment of a
34 fine, except for those fines established for violations of
35 Chapter 15 of the Illinois Vehicle Code, the court shall
36 consider:

1 (1) the financial resources and future ability of the
2 offender to pay the fine; and

3 (2) whether the fine will prevent the offender from
4 making court ordered restitution or reparation to the
5 victim of the offense; and

6 (3) in a case where the accused is a dissolved
7 corporation and the court has appointed counsel to
8 represent the corporation, the costs incurred either by the
9 county or the State for such representation.

10 (e) The court may order the fine to be paid forthwith or
11 within a specified period of time or in installments.

12 (f) Except as otherwise provided in subsection (g), all
13 fines, costs and additional amounts imposed under this Section
14 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
15 Vehicle Code, or a similar provision of a local ordinance, and
16 any violation of the Child Passenger Protection Act, or a
17 similar provision of a local ordinance, shall be collected and
18 disbursed by the circuit clerk as provided under Section 27.5
19 of the Clerks of Courts Act.

20 (g) Except for amounts added to fines under this Section,
21 all fines imposed for violations of subsection (a) of Section
22 11-1413 of the Illinois Vehicle Code shall be remitted to the
23 State Treasurer for deposit into the Clean Communities
24 Recycling Fund.

25 (Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)

26 Section 99. Effective date. This Act takes effect on
27 January 1, 2005.