

1 AN ACT concerning local government.

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

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

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

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

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

19 (b) In the case of a county having a population of
20 1,000,000 or less, a \$5 fee to be collected in all civil cases
21 by the clerk of the circuit court.

22 (c) A fee to be paid by the defendant on a judgment of
23 guilty or a grant of supervision under Section 5-9-1 of the
24 Unified Code of Corrections, as follows:

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

30 (d) A \$100 fee for the second and subsequent violations of
31 Section 11-501 of the Illinois Vehicle Code or violations of
32 similar provisions contained in county or municipal ordinances

1 committed in the county. The proceeds of this fee shall be
2 placed in the county general fund and used to finance education
3 programs related to driving under the influence of alcohol or
4 drugs.

5 (d-5) A \$10 fee to be paid by the defendant on a judgment
6 of guilty or a grant of supervision under Section 5-9-1 of the
7 Unified Code of Corrections to be placed in the county general
8 fund and used to finance the county mental health court.

9 (e) In each county in which a teen court, peer court, peer
10 jury, youth court, or other youth diversion program has been
11 created, a county may adopt a mandatory fee of up to \$5 to be
12 assessed as provided in this subsection. Assessments collected
13 by the clerk of the circuit court pursuant to this subsection
14 must be deposited into an account specifically for the
15 operation and administration of a teen court, peer court, peer
16 jury, youth court, or other youth diversion program. The clerk
17 of the circuit court shall collect the fees established in this
18 subsection and must remit the fees to the teen court, peer
19 court, peer jury, youth court, or other youth diversion program
20 monthly, less 5%, which is to be retained as fee income to the
21 office of the clerk of the circuit court. The fees are to be
22 paid as follows:

23 (1) a fee of up to \$5 paid by the defendant on a
24 judgment of guilty or grant of supervision for violation of
25 the Illinois Vehicle Code or violations of similar
26 provisions contained in county or municipal ordinances
27 committed in the county;

28 (2) a fee of up to \$5 paid by the defendant on a
29 judgment of guilty or grant of supervision under Section
30 5-9-1 of the Unified Code of Corrections for a felony; for
31 a Class A, Class B, or Class C misdemeanor; for a petty
32 offense; and for a business offense.

33 (f) In each county in which a drug court has been created,
34 the county may adopt a mandatory fee of up to \$5 to be assessed
35 as provided in this subsection. Assessments collected by the
36 clerk of the circuit court pursuant to this subsection must be

1 deposited into an account specifically for the operation and
2 administration of the drug court. The clerk of the circuit
3 court shall collect the fees established in this subsection and
4 must remit the fees to the drug court, less 5%, which is to be
5 retained as fee income to the office of the clerk of the
6 circuit court. The fees are to be paid as follows:

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

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

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

21 (g) ~~(f)~~ The proceeds of all fees enacted under this Section
22 must, except as provided in subsections (d), ~~and~~ (d-5), ~~and~~
23 (e), ~~and~~ (f) be placed in the county general fund and used to
24 finance the court system in the county, unless the fee is
25 subject to disbursement by the circuit clerk as provided under
26 Section 27.5 of the Clerks of Courts Act.

27 (Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; revised
28 10-14-04.)

29 Section 5. The Clerks of Courts Act is amended by adding
30 Section 27.3d as follows:

31 (705 ILCS 105/27.3d new)

32 Sec. 27.3d. Circuit Court Clerk Operation and
33 Administrative Fund. Each circuit court clerk shall create a
34 Circuit Court Clerk Operation and Administrative Fund, to be

1 used to offset the costs incurred by the circuit court clerk in
2 performing the additional duties required to collect and
3 disburse funds to entities of State and local government as
4 provided by law. The circuit court clerk shall be the
5 custodian, ex officio, of this Fund and shall use the Fund to
6 perform the duties required by the office. The Fund shall be
7 audited by an auditor retained by the clerk for the purpose of
8 conducting an annual audit. Expenditures shall be made from the
9 Fund by the circuit court clerk for expenses related to the
10 cost of collection for and disbursement to entities of State
11 and local government.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.