



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0362

Introduced 1/26/2007, by Rep. Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-712 new
705 ILCS 105/27.6

Amends the Illinois Vehicle Code and the Clerks of Courts Act. Provides that, except in cases relating to anti-theft laws and abandoned vehicles, any person who knowingly provides false information to the Secretary of State on an application for vehicle title or registration is guilty of a Class A misdemeanor and shall be fined not less than \$500. Provides that a person who commits the offense for purposes of obtaining or renewing a special license plate designating military decorations, military service, or status as a military veteran is guilty of a Class A misdemeanor and shall be fined not less than \$1,000, to be deposited into the Illinois Military Family Relief Fund.

LRB095 04286 DRH 24327 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 3-712 as follows:

6 (625 ILCS 5/3-712 new)

7 Sec. 3-712. Improper application for certificate of title
8 or registration; special military plate.

9 (a) Except as provided in Chapter 4 of this Code, relating
10 to anti-theft laws and abandoned vehicles, and except as
11 otherwise provided in subsection (b) of this Section, any
12 person who knowingly provides false information to the
13 Secretary of State on an application for vehicle title or
14 registration is guilty of a Class A misdemeanor and shall be
15 fined not less than \$500.

16 (b) Except as provided in Chapter 4 of this Code, relating
17 to anti-theft laws and abandoned vehicles, any person who, for
18 purposes of obtaining or renewing a special license plate
19 designating military decorations, military service, or status
20 as a military veteran, (i) claims to have been awarded a
21 military decoration, knowing that he or she has not been
22 awarded that decoration, or (ii) claims to have the status of
23 active duty military personnel or military veteran, knowing

1 that he or she does not have the status required for the
2 registration for which he or she has applied, is guilty of a
3 Class A misdemeanor and shall be fined not less than \$1,000.

4 All fines collected under this subsection (b) shall be
5 deposited into the Illinois Military Family Relief Fund.

6 Section 10. The Clerks of Courts Act is amended by changing
7 Section 27.6 as follows:

8 (705 ILCS 105/27.6)

9 Sec. 27.6. (a) All fees, fines, costs, additional
10 penalties, bail balances assessed or forfeited, and any other
11 amount paid by a person to the circuit clerk equalling an
12 amount of \$55 or more, except the additional fee required by
13 subsections (b) and (c), restitution under Section 5-5-6 of the
14 Unified Code of Corrections, reimbursement for the costs of an
15 emergency response as provided under Section 11-501 of the
16 Illinois Vehicle Code, any fees collected for attending a
17 traffic safety program under paragraph (c) of Supreme Court
18 Rule 529, any fee collected on behalf of a State's Attorney
19 under Section 4-2002 of the Counties Code or a sheriff under
20 Section 4-5001 of the Counties Code, or any cost imposed under
21 Section 124A-5 of the Code of Criminal Procedure of 1963, for
22 convictions, orders of supervision, or any other disposition
23 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, and except as provided
3 in subsections ~~subsection~~ (d) and (f) shall be disbursed within
4 60 days after receipt by the circuit clerk as follows: 44.5%
5 shall be disbursed to the entity authorized by law to receive
6 the fine imposed in the case; 16.825% shall be disbursed to the
7 State Treasurer; and 38.675% shall be disbursed to the county's
8 general corporate fund. Of the 16.825% disbursed to the State
9 Treasurer, 2/17 shall be deposited by the State Treasurer into
10 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
11 deposited into the Traffic and Criminal Conviction Surcharge
12 Fund, 3/17 shall be deposited into the Drivers Education Fund,
13 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
14 the 6.948/17 deposited into the Trauma Center Fund from the
15 16.825% disbursed to the State Treasurer, 50% shall be
16 disbursed to the Department of Public Health and 50% shall be
17 disbursed to the Department of Healthcare and Family Services.
18 For fiscal year 1993, amounts deposited into the Violent Crime
19 Victims Assistance Fund, the Traffic and Criminal Conviction
20 Surcharge Fund, or the Drivers Education Fund shall not exceed
21 110% of the amounts deposited into those funds in fiscal year
22 1991. Any amount that exceeds the 110% limit shall be
23 distributed as follows: 50% shall be disbursed to the county's
24 general corporate fund and 50% shall be disbursed to the entity
25 authorized by law to receive the fine imposed in the case. Not
26 later than March 1 of each year the circuit clerk shall submit

1 a report of the amount of funds remitted to the State Treasurer
2 under this Section during the preceding year based upon
3 independent verification of fines and fees. All counties shall
4 be subject to this Section, except that counties with a
5 population under 2,000,000 may, by ordinance, elect not to be
6 subject to this Section. For offenses subject to this Section,
7 judges shall impose one total sum of money payable for
8 violations. The circuit clerk may add on no additional amounts
9 except for amounts that are required by Sections 27.3a and
10 27.3c of this Act, unless those amounts are specifically waived
11 by the judge. With respect to money collected by the circuit
12 clerk as a result of forfeiture of bail, ex parte judgment or
13 guilty plea pursuant to Supreme Court Rule 529, the circuit
14 clerk shall first deduct and pay amounts required by Sections
15 27.3a and 27.3c of this Act. This Section is a denial and
16 limitation of home rule powers and functions under subsection
17 (h) of Section 6 of Article VII of the Illinois Constitution.

18 (b) In addition to any other fines and court costs assessed
19 by the courts, any person convicted or receiving an order of
20 supervision for driving under the influence of alcohol or drugs
21 shall pay an additional fee of \$100 to the clerk of the circuit
22 court. This amount, less 2 1/2% that shall be used to defray
23 administrative costs incurred by the clerk, shall be remitted
24 by the clerk to the Treasurer within 60 days after receipt for
25 deposit into the Trauma Center Fund. This additional fee of
26 \$100 shall not be considered a part of the fine for purposes of

1 any reduction in the fine for time served either before or
2 after sentencing. Not later than March 1 of each year the
3 Circuit Clerk shall submit a report of the amount of funds
4 remitted to the State Treasurer under this subsection during
5 the preceding calendar year.

6 (b-1) In addition to any other fines and court costs
7 assessed by the courts, any person convicted or receiving an
8 order of supervision for driving under the influence of alcohol
9 or drugs shall pay an additional fee of \$5 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure
14 Research Trust Fund. This additional fee of \$5 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this subsection during the preceding calendar year.

20 (c) In addition to any other fines and court costs assessed
21 by the courts, any person convicted for a violation of Sections
22 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
23 person sentenced for a violation of the Cannabis Control Act,
24 the Illinois Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act shall pay an additional
26 fee of \$100 to the clerk of the circuit court. This amount,

1 less 2 1/2% that shall be used to defray administrative costs
2 incurred by the clerk, shall be remitted by the clerk to the
3 Treasurer within 60 days after receipt for deposit into the
4 Trauma Center Fund. This additional fee of \$100 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing. Not
7 later than March 1 of each year the Circuit Clerk shall submit
8 a report of the amount of funds remitted to the State Treasurer
9 under this subsection during the preceding calendar year.

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

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

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

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

14 (e) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code shall,
16 in addition to any other fines, fees, and court costs, pay an
17 additional fee of \$20, to be disbursed as provided in Section
18 16-104c of the Illinois Vehicle Code. In addition to the fee of
19 \$20, the person shall also pay a fee of \$5, if not waived by the
20 court. If this \$5 fee is collected, \$4.50 of the fee shall be
21 deposited into the Circuit Court Clerk Operation and
22 Administrative Fund created by the Clerk of the Circuit Court
23 and 50 cents of the fee shall be deposited into the Prisoner
24 Review Board Vehicle and Equipment Fund in the State treasury.

25 (f) All fines collected under subsection (b) of Section
26 3-712 of the Illinois Vehicle Code shall be deposited into the

1 Illinois Military Family Relief Fund.

2 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;

3 94-1009, eff. 1-1-07.)