



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3404

Introduced 2/27/2007, by Rep. Arthur L. Turner

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.5
705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Clerks of Courts Act. Provides that the fine for speeding in a school zone is increased by \$5 which shall go to the school district or districts in which the offense occurred. Provides that a county with a drug court may adopt a mandatory fee of \$5 to fund the drug court, less a 5% clerk processing charge, assessed against any defendant found guilty in a traffic case or who is ordered to pay a fine under the Unified Code of Corrections. Provides that a person found guilty, including court supervision, of a DUI in addition to any other fine is fined \$500, or \$1,000 for other than a first offense, payable to the clerk to be distributed as follows: \$100 to the law enforcement agency or agencies that made the arrest and \$400 to the General Revenue Fund. Provides that when a person has been adjudged guilty of a DUI and a crime lab DUI analysis was completed, in addition to any other disposition or fine, a crime lab DUI analysis fee of \$150 shall be paid by the defendant. Provides that the court may suspend payment of the fee if the defendant does not have the ability to pay. Provides that if the fine assessed for a first offense of speeding in a construction zone is \$250 or greater, there shall be an additional \$125 fee paid by the defendant, which shall be deposited into the Transportation Safety Highway Hire-back Fund. Provides for other related changes. Effective immediately.

LRB095 09745 AJO 29952 b

FISCAL NOTE ACT
MAY APPLY

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 Clerks of Courts Act is amended by changing
5 Sections 27.5 and 27.6 as follows:

6 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

7 Sec. 27.5. (a) All fees, fines, costs, additional
8 penalties, bail balances assessed or forfeited, and any other
9 amount paid by a person to the circuit clerk that equals an
10 amount less than \$55, except restitution under Section 5-5-6 of
11 the Unified Code of Corrections, reimbursement for the costs of
12 an emergency response as provided under Section 11-501 of the
13 Illinois Vehicle Code, any fees collected for attending a
14 traffic safety program under paragraph (c) of Supreme Court
15 Rule 529, any fee collected on behalf of a State's Attorney
16 under Section 4-2002 of the Counties Code or a sheriff under
17 Section 4-5001 of the Counties Code, or any cost imposed under
18 Section 124A-5 of the Code of Criminal Procedure of 1963, for
19 convictions, orders of supervision, or any other disposition
20 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance, and
22 any violation of the Child Passenger Protection Act, or a
23 similar provision of a local ordinance, and except as provided

1 in subsection (b) shall be disbursed within 60 days after
2 receipt by the circuit clerk as follows: 47% shall be disbursed
3 to the entity authorized by law to receive the fine imposed in
4 the case; 12% shall be disbursed to the State Treasurer; and
5 41% shall be disbursed to the county's general corporate fund.
6 Of the 12% disbursed to the State Treasurer, 1/6 shall be
7 deposited by the State Treasurer into the Violent Crime Victims
8 Assistance Fund, 1/2 shall be deposited into the Traffic and
9 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
10 into the Drivers Education Fund. For fiscal years 1992 and
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, unless those amounts are specifically waived
4 by the judge. With respect to money collected by the circuit
5 clerk as a result of forfeiture of bail, ex parte judgment or
6 guilty plea pursuant to Supreme Court Rule 529, the circuit
7 clerk shall first deduct and pay amounts required by Sections
8 27.3a and 27.3c of this Act. This Section is a denial and
9 limitation of home rule powers and functions under subsection
10 (h) of Section 6 of Article VII of the Illinois Constitution.

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

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 of the Criminal Code of
25 1961.

26 (c) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code shall,
2 in addition to any other fines, fees, and court costs, pay an
3 additional fee of \$20, to be disbursed as provided in Section
4 16-104c of the Illinois Vehicle Code. In addition to the fee of
5 \$20, the person shall also pay a fee of \$5, if not waived by the
6 court. If this \$5 fee is collected, \$4.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (d) When a fine for a violation of Section 11-605(a) of the
12 Illinois Vehicle Code is \$150 or greater, the person who
13 violates subsection (a) shall be charged an additional \$50 to
14 be paid to the unit school district where the violation
15 occurred for school safety purposes. If the violation occurred
16 in a dual school district, \$25 of the surcharge shall be paid
17 to the elementary school district for school safety purposes
18 and \$25 of the surcharge shall be paid to the high school
19 district for school safety purposes. Notwithstanding any other
20 provision of law, the entire \$50 surcharge shall be paid to the
21 appropriate school district or districts.

22 (d-1) In addition to any other fines, fees and costs
23 assessed by the courts, in each county in which a drug court
24 has been created, the county may adopt a mandatory fee of up to
25 \$5 to be assessed as provided in this subsection. Assessments
26 collected by the clerk of the circuit court pursuant to this

1 subsection must be deposited into an account specifically for
2 the operation and administration of the drug court. The clerk
3 of the circuit court shall collect the fees established in this
4 subsection and must remit the fees to the drug court, less 5%,
5 which is to be retained as fee income to the office of the
6 clerk of the 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; a
15 Class A, Class B, or Class C misdemeanor; a petty offense;
16 or a business offense.

17 (3) 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 (Source: P.A. 93-800, eff. 1-1-05; 94-1009, eff. 1-1-07.)

22 (705 ILCS 105/27.6)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except the additional fee required by
2 subsections (b) and (c), restitution under Section 5-5-6 of the
3 Unified Code of Corrections, reimbursement for the costs of an
4 emergency response as provided under Section 11-501 of the
5 Illinois Vehicle Code, any fees collected for attending a
6 traffic safety program under paragraph (c) of Supreme Court
7 Rule 529, any fee collected on behalf of a State's Attorney
8 under Section 4-2002 of the Counties Code or a sheriff under
9 Section 4-5001 of the Counties Code, or any cost imposed under
10 Section 124A-5 of the Code of Criminal Procedure of 1963, for
11 convictions, orders of supervision, or any other disposition
12 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, and except as provided
16 in subsection (d) shall be disbursed within 60 days after
17 receipt by the circuit clerk as follows: 44.5% shall be
18 disbursed to the entity authorized by law to receive the fine
19 imposed in the case; 16.825% shall be disbursed to the State
20 Treasurer; and 38.675% shall be disbursed to the county's
21 general corporate fund. Of the 16.825% disbursed to the State
22 Treasurer, 2/17 shall be deposited by the State Treasurer into
23 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
24 deposited into the Traffic and Criminal Conviction Surcharge
25 Fund, 3/17 shall be deposited into the Drivers Education Fund,
26 and 6.948/17 shall be deposited into the Trauma Center Fund. Of

1 the 6.948/17 deposited into the Trauma Center Fund from the
2 16.825% disbursed to the State Treasurer, 50% shall be
3 disbursed to the Department of Public Health and 50% shall be
4 disbursed to the Department of Healthcare and Family Services.
5 For fiscal year 1993, amounts deposited into the Violent Crime
6 Victims Assistance Fund, the Traffic and Criminal Conviction
7 Surcharge Fund, or the Drivers Education Fund shall not exceed
8 110% of the amounts deposited into those funds in fiscal year
9 1991. Any amount that exceeds the 110% limit shall be
10 distributed as follows: 50% shall be disbursed to the county's
11 general corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, unless those amounts are specifically waived
24 by the judge. With respect to money collected by the circuit
25 clerk as a result of forfeiture of bail, ex parte judgment or
26 guilty plea pursuant to Supreme Court Rule 529, the circuit

1 clerk shall first deduct and pay amounts required by Sections
2 27.3a and 27.3c of this Act. This Section is a denial and
3 limitation of home rule powers and functions under subsection
4 (h) of Section 6 of Article VII of the Illinois Constitution.

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

19 (b-1) In addition to any other fines and court costs
20 assessed by the courts, any person convicted or receiving an
21 order of supervision for driving under the influence of alcohol
22 or drugs shall pay an additional fee of \$5 to the clerk of the
23 circuit court. This amount, less 2 1/2% that shall be used to
24 defray administrative costs incurred by the clerk, shall be
25 remitted by the clerk to the Treasurer within 60 days after
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

1 Research Trust Fund. This additional fee of \$5 shall not be
2 considered a part of the fine for purposes of any reduction in
3 the fine for time served either before or after sentencing. Not
4 later than March 1 of each year the Circuit Clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this subsection during the preceding calendar year.

7 (c) In addition to any other fines and court costs assessed
8 by the courts, any person convicted for a violation of Sections
9 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
10 person sentenced for a violation of the Cannabis Control Act,
11 the Illinois Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act shall pay an additional
13 fee of \$100 to the clerk of the circuit court. This amount,
14 less 2 1/2% that shall be used to defray administrative costs
15 incurred by the clerk, shall be remitted by the clerk to the
16 Treasurer within 60 days after receipt for deposit into the
17 Trauma Center Fund. This additional fee of \$100 shall not be
18 considered a part of the fine for purposes of any reduction in
19 the fine for time served either before or after sentencing. Not
20 later than March 1 of each year the Circuit Clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this subsection during the preceding calendar year.

23 (c-1) In addition to any other fines and court costs
24 assessed by the courts, any person sentenced for a violation of
25 the Cannabis Control Act, the Illinois Controlled Substances
26 Act, or the Methamphetamine Control and Community Protection

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

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

14 (1) 50% of the amounts collected for felony offenses
15 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
16 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
17 Animals Act and Section 26-5 of the Criminal Code of 1961;

18 (2) 20% of the amounts collected for Class A and Class
19 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
20 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
21 for Animals Act and Section 26-5 of the Criminal Code of
22 1961; and

23 (3) 50% of the amounts collected for Class C
24 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
25 for Animals Act and Section 26-5 of the Criminal Code of
26 1961.

1 (e) Any person who receives a disposition of court
2 supervision for a violation of the Illinois Vehicle Code shall,
3 in addition to any other fines, fees, and court costs, pay an
4 additional fee of \$20, to be disbursed as provided in Section
5 16-104c of the Illinois Vehicle Code. In addition to the fee of
6 \$20, the person shall also pay a fee of \$5, if not waived by the
7 court. If this \$5 fee is collected, \$4.50 of the fee shall be
8 deposited into the Circuit Court Clerk Operation and
9 Administrative Fund created by the Clerk of the Circuit Court
10 and 50 cents of the fee shall be deposited into the Prisoner
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (f) In addition to any other fines and court costs assessed
13 by the courts, any person who is found guilty of violating
14 Section 11-501(a) of the Illinois Vehicle Code, including any
15 person placed on court supervision for violating Section
16 11-501(a), shall be fined \$500, payable to the clerk of court,
17 who shall distribute the money as follows: \$100 to the law
18 enforcement agency that made the arrest and \$400 to the State
19 Treasurer for deposit into the General Revenue Fund. If the
20 person has been previously convicted of violating subsection
21 (a) or a similar provision of a local ordinance, the fine shall
22 be \$ 1,000. In the event that more than one agency is
23 responsible for the arrest, the amount payable to law
24 enforcement agencies shall be shared equally.

25 (f-1) When a person has been adjudged guilty of an offense
26 in violation of Section 11-501 of the Illinois Vehicle Code, in

1 addition to any other disposition, penalty, or fine imposed, a
2 crime laboratory DUI analysis fee of \$150 for each offense for
3 which the person was convicted shall be levied by the court for
4 each case in which a laboratory analysis occurred. Upon
5 verified petition of the person, the court may suspend payment
6 of all or part of the fee if it finds that the person does not
7 have the ability to pay the fee.

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

19 (f-3) All crime laboratory DUI analysis fees provided for
20 under Section 5-9-1.9 of the Unified Code of Corrections shall
21 be collected by the clerk of the court. The clerk of court may
22 retain the amount of \$10 from each collected analysis fee which
23 shall be deposited into the Circuit Court Clerk Operation and
24 Administrative Fund to offset administrative costs incurred in
25 carrying out the clerk's responsibilities.

26 (f-4) In addition to any other fines, fees and costs

1 assessed by the courts, if a fine for a violation of Section
2 11-605.1 of the Illinois Vehicle Code is \$250 or greater, the
3 person who violated this Section shall be charged an additional
4 \$125, which shall be deposited into the Transportation Safety
5 Highway Hire-back Fund. In the case of a second or subsequent
6 violation of this Section, if the fine is \$750 or greater, the
7 person who violated this Section shall be charged an additional
8 \$250, which shall be deposited into the Transportation Safety
9 Highway Hire-back Fund.

10 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;
11 94-1009, eff. 1-1-07.)

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