



Sen. David Koehler

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09500SB0766sam001

LRB095 05415 RLC 33992 a

1 AMENDMENT TO SENATE BILL 766

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 766 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by  
5 changing Section 9 as follows:

6 (50 ILCS 705/9) (from Ch. 85, par. 509)

7 Sec. 9. A special fund is hereby established in the State  
8 Treasury to be known as "The Traffic and Criminal Conviction  
9 Surcharge Fund" and shall be financed as provided in Sections  
10 ~~Section 9.1 of this Act and Section 5-9-1 of the "Unified Code~~  
11 ~~of Corrections", unless the fines, costs or additional amounts~~  
12 ~~imposed are subject to disbursement by the circuit clerk under~~  
13 ~~Section 27.5 and 27.6 of the Clerks of Courts Act and~~  
14 ~~subsection (c-9) of Section 5-9-1 of the Unified Code of~~  
15 Corrections. Moneys in this Fund shall be expended as follows:

16 (1) A portion of the total amount deposited in the Fund

1           may be used, as appropriated by the General Assembly, for  
2           the ordinary and contingent expenses of the Illinois Law  
3           Enforcement Training Standards Board;

4           (2) A portion of the total amount deposited in the Fund  
5           shall be appropriated for the reimbursement of local  
6           governmental agencies participating in training programs  
7           certified by the Board, in an amount equaling 1/2 of the  
8           total sum paid by such agencies during the State's previous  
9           fiscal year for mandated training for probationary police  
10          officers or probationary county corrections officers and  
11          for optional advanced and specialized law enforcement or  
12          county corrections training. These reimbursements may  
13          include the costs for tuition at training schools, the  
14          salaries of trainees while in schools, and the necessary  
15          travel and room and board expenses for each trainee. If the  
16          appropriations under this paragraph (2) are not sufficient  
17          to fully reimburse the participating local governmental  
18          agencies, the available funds shall be apportioned among  
19          such agencies, with priority first given to repayment of  
20          the costs of mandatory training given to law enforcement  
21          officer or county corrections officer recruits, then to  
22          repayment of costs of advanced or specialized training for  
23          permanent police officers or permanent county corrections  
24          officers;

25          (3) A portion of the total amount deposited in the Fund  
26          may be used to fund the "Intergovernmental Law Enforcement

1 Officer's In-Service Training Act", veto overridden  
2 October 29, 1981, as now or hereafter amended, at a rate  
3 and method to be determined by the board;

4 (4) A portion of the Fund also may be used by the  
5 Illinois Department of State Police for expenses incurred  
6 in the training of employees from any State, county or  
7 municipal agency whose function includes enforcement of  
8 criminal or traffic law;

9 (5) A portion of the Fund may be used by the Board to  
10 fund grant-in-aid programs and services for the training of  
11 employees from any county or municipal agency whose  
12 functions include corrections or the enforcement of  
13 criminal or traffic law.

14 (6) A portion of the Fund may be used by the Illinois  
15 Department of State Police for expenses incurred in the  
16 creation, administration, and maintenance of statewide law  
17 enforcement information systems including, but not limited  
18 to, the Illinois Citizen Law Enforcement Analysis and  
19 Reporting System (I-CLEAR) and the Law Enforcement  
20 Agencies Data System (LEADS).

21 All payments from The Traffic and Criminal Conviction  
22 Surcharge Fund shall be made each year from moneys appropriated  
23 for the purposes specified in this Section. No more than 50% of  
24 any appropriation under this Act shall be spent in any city  
25 having a population of more than 500,000. The State Comptroller  
26 and the State Treasurer shall from time to time, at the

1 direction of the Governor, transfer from The Traffic and  
2 Criminal Conviction Surcharge Fund to the General Revenue Fund  
3 in the State Treasury such amounts as the Governor determines  
4 are in excess of the amounts required to meet the obligations  
5 of The Traffic and Criminal Conviction Surcharge Fund.

6 (Source: P.A. 88-586, eff. 8-12-94; 89-464, eff. 6-13-96.)

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

9 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

10 Sec. 27.5. (a) All fees, fines, costs, additional  
11 penalties, bail balances assessed or forfeited for traffic  
12 offenses defined as such by paragraph (c) of Supreme Court Rule  
13 501 or for conservation offenses defined as such by paragraphs  
14 (a) and (b) of Supreme Court Rule 527, and any other amount  
15 paid by a person to the circuit clerk that equals ~~an amount~~  
16 ~~less than~~ \$55 or less, except restitution under Section 5-5-6  
17 of the Unified Code of Corrections, reimbursement for the costs  
18 of an emergency response as provided under Section 11-501 of  
19 the Illinois Vehicle Code, 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

1 convictions, orders of supervision, or any other disposition  
2 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
3 Vehicle Code, or a similar provision of a local ordinance, and  
4 any violation of the Child Passenger Protection Act, or a  
5 similar provision of a local ordinance, and except as provided  
6 in subsection (b) shall be disbursed within 60 days after  
7 receipt by the circuit clerk as follows: 47% shall be disbursed  
8 to the entity authorized by law to receive the fine imposed in  
9 the case; 15.4% ~~12%~~ shall be disbursed to the State Treasurer;  
10 and 37.6% ~~41%~~ shall be disbursed to the county's general  
11 corporate fund. Of the 15.4% ~~12%~~ disbursed to the State  
12 Treasurer, 4/25 ~~1/6~~ shall be deposited by the State Treasurer  
13 into the Violent Crime Victims Assistance Fund, 12.5/25 ~~1/2~~  
14 shall be deposited into the Traffic and Criminal Conviction  
15 Surcharge Fund, and 8.5/25 ~~1/3~~ shall be deposited into the  
16 Drivers Education Fund. Of the 12.5/25 deposited into the  
17 Traffic and Criminal Conviction Surcharge Fund from the 15.4%  
18 disbursed to the State Treasurer, 1/5 shall be disbursed to the  
19 Department of State Police for expenses incurred in the  
20 creation, administration, and maintenance of statewide law  
21 enforcement information systems including, but not limited to,  
22 the Illinois Citizen Law Enforcement Analysis and Reporting  
23 System (I-CLEAR) and the Law Enforcement Agencies Data System  
24 (LEADS). For fiscal years 1992 and 1993, amounts deposited into  
25 the Violent Crime Victims Assistance Fund, the Traffic and  
26 Criminal Conviction Surcharge Fund, or the Drivers Education

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

25 (1) All additional fees, costs, penalties, fines  
26 assessed or forfeited for traffic or conservation offense

1 convictions, and any other amount paid by a person to the  
2 circuit clerk shall be assessed and disbursed within 60  
3 days after receipt by the circuit clerk as follows:  
4 Applicable amounts set forth and applicable in the  
5 following: 705 ILCS 105/27.1a(w)(1)(A), 705 ILCS  
6 105/27.2(w)(1)(A), 705 ILCS 105/27.2a(w)(1)(A), Felony  
7 complaint filed; 55 ILCS 5/4-2002(a), 55 ILCS  
8 5/4-2002.1(a), Felony complaint conviction; 55 ILCS  
9 5/4-2002(a), 55 ILCS 5/4-2002.1(a), Preliminary Hearing; 55  
10 ILCS 5/4-2002(b), 55 ILCS 5/4-2002.1(b), Misdemeanor  
11 complaint conviction; 705 ILCS 105/27.1a(w)(2)(B), 705  
12 ILCS 105/27.2(w)(2)(B), 705 ILCS 27.2a(w)(2)(B),  
13 Quasi-criminal complaint conviction; 55 ILCS 5/4-2002(b),  
14 55 ILCS 5/4-2002.1(b), Quasi-criminal complaint  
15 conviction; 725 ILCS 240/10(c)(1) or (2), Violent Crime  
16 Victim Assistance; 725 ILCS 240/10(b), Violent Crime  
17 Victim Assistance; 55 ILCS 5/5-1103, Court Services; 625  
18 ILCS 5/11-501(c-4); 730 ILCS 5/5-9-1(a)(2), DUI Fine; 625  
19 ILCS 5/11-501(1), DUI First offense; 625 ILCS 5/11-501(j),  
20 DUI subsequent offense; 730 ILCS 5/5-9-1.9, Crime Lab DUI  
21 Analysis; 730 ILCS 5/5-9-1(c-5), Trauma Fund; 730 ILCS  
22 5/5-9-1(c-7), Trauma Fund Spinal Cord; 730 ILCS  
23 5/5-5-3(b)(8), Emergency Response Restitution; 730 ILCS  
24 5/5-9-1.6, Domestic Battery; 730 ILCS 5/5-9-1.5, Domestic  
25 Violence; 730 ILCS 5/5-9-1.11(a), Protection Order  
26 Violation; 720 ILCS 570/401 or 402, Controlled Substance

1 Fine; 720 ILCS 570/411.2(i), Assessment Controlled  
2 Substance; 720 ILCS 550/10.3, Assessment Cannabis; 730  
3 ILCS 5/5-9-1.4(b), Crime Lab Drug Analysis; 730 ILCS  
4 5/5-9-1.1(b), Trauma Fund; 730 ILCS 5/5-9-1.1(c), Trauma  
5 Fund Spinal Cord; 730 ILCS 5/5-5-3(h), Intravenous  
6 Transmitted Disease Testing; 730 ILCS 5/5-9-1.7(b)(1),  
7 Sexual Assault Fine; 730 ILCS 5/5-5-3(g), Sexually  
8 Transmitted Disease Testing Reimbursement; 730 ILCS  
9 5-5-6(g), Victim Counseling Services Reimbursement; 730  
10 ILCS 5/5-9-1.10, Trauma Fund; 730 ILCS 5/5-9-1.12, Arson  
11 Fine; 705 ILCS 105/27.1a(w)(1)(J), 705 ILCS  
12 105/27.2(w)(1)(J), 705 ILCS 105/27.2a(w)(1)(J), Vacate  
13 Bond Forfeiture Judgment; 705 ILCS 105/27.1a(w)(1)(H), 705  
14 ILCS 105/27.2(w)(1)(H), 705 ILCS 105/27.2a(w)(1)(H),  
15 Vacate Bond Forfeiture Orders; 55 ILCS 5/1-2002(a), 55 ILCS  
16 5/1-2002.1(a), Vacate Bond Forfeiture Recognizance; 55  
17 ILCS 5/6-2002(a), 55 ILCS 5/6-2002.1(a), Trial Fees; 725  
18 ILCS 5/113-3.1, Attorney Appointment; 730 ILCS  
19 5/5-6-3.1(c)(12), Anti-crime Program Reimbursement; 730  
20 ILCS 5/5-6.3.1(c)(13), Anti-crime Program Contribution;  
21 Others as ordered by the court.

22 Not later than March 1 of each year the circuit clerk shall  
23 submit a report of the amount of funds remitted to the State  
24 Treasurer under this Section during the preceding year based  
25 upon independent verification of fines and fees. All counties  
26 shall be subject to this Section. For offenses subject to this



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

12 (b) 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 (c) 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 (Source: P.A. 93-800, eff. 1-1-05; 94-1009, eff. 1-1-07.)

13 (705 ILCS 105/27.6)

14 Sec. 27.6. (a) All fees, fines, costs, additional  
15 penalties, bail balances assessed or forfeited for traffic  
16 offenses defined as such by paragraph (c) of Supreme Court Rule  
17 501 or for conservation offenses defined as such by paragraphs  
18 (a) and (b) of Supreme Court Rule 527, and any other amount  
19 paid by a person to the circuit clerk equalling an amount of  
20 ~~\$55 or~~ more than \$55, except the additional fee required by  
21 subsections (b) and (c), restitution under Section 5-5-6 of the  
22 Unified Code of Corrections, reimbursement for the costs of an  
23 emergency response as provided under Section 11-501 of the  
24 Illinois Vehicle Code, any fees collected for attending a  
25 traffic safety program under paragraph (c) of Supreme Court

1 Rule 529, any fee collected on behalf of a State's Attorney  
2 under Section 4-2002 of the Counties Code or a sheriff under  
3 Section 4-5001 of the Counties Code, or any cost imposed under  
4 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
5 convictions, orders of supervision, or any other disposition  
6 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
7 Vehicle Code, or a similar provision of a local ordinance, and  
8 any violation of the Child Passenger Protection Act, or a  
9 similar provision of a local ordinance, and except as provided  
10 in subsection (d) shall be disbursed within 60 days after  
11 receipt by the circuit clerk as follows: 44.5% shall be  
12 disbursed to the entity authorized by law to receive the fine  
13 imposed in the case; 33.8% ~~16.825%~~ shall be disbursed to the  
14 State Treasurer; and 21.7% ~~38.675%~~ shall be disbursed to the  
15 county's general corporate fund. Of the 33.8% ~~16.825%~~ disbursed  
16 to the State Treasurer, 4/33 ~~2/17~~ shall be deposited by the  
17 State Treasurer into the Violent Crime Victims Assistance Fund,  
18 10/33 ~~5.052/17~~ shall be deposited into the Traffic and Criminal  
19 Conviction Surcharge Fund, 5.5/33 ~~3/17~~ shall be deposited into  
20 the Drivers Education Fund, and 13.5/33 ~~6.948/17~~ shall be  
21 deposited into the Trauma Center Fund. Of the 13.5/33 ~~6.948/17~~  
22 deposited into the Trauma Center Fund from the 33.8% ~~16.825%~~  
23 disbursed to the State Treasurer, 50% shall be disbursed to the  
24 Department of Public Health and 50% shall be disbursed to the  
25 Department of Healthcare and Family Services. Of the 10/33  
26 deposited into the Traffic and Criminal Conviction Surcharge

1 Fund from the 33.8% disbursed to the State Treasurer, 1/5 shall  
2 be disbursed to the Department of State Police for expenses  
3 incurred in the creation, administration, and maintenance of  
4 statewide law enforcement information systems including, but  
5 not limited to, the Illinois Citizen Law Enforcement Analysis  
6 and Reporting System (I-CLEAR) and the Law Enforcement Agencies  
7 Data System (LEADS). For fiscal year 1993, amounts deposited  
8 into the Violent Crime Victims Assistance Fund, the Traffic and  
9 Criminal Conviction Surcharge Fund, or the Drivers Education  
10 Fund shall not exceed 110% of the amounts deposited into those  
11 funds in fiscal year 1991. Any amount that exceeds the 110%  
12 limit shall be distributed as follows: 50% shall be disbursed  
13 to the county's general corporate fund and 50% shall be  
14 disbursed to the entity authorized by law to receive the fine  
15 imposed in the case. 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 Section during the  
18 preceding year based upon independent verification of fines and  
19 fees. All counties shall be subject to this Section, ~~except~~  
20 ~~that counties with a population under 2,000,000 may, by~~  
21 ~~ordinance, elect not to be subject to this Section.~~ For  
22 offenses subject to this Section, judges shall impose one total  
23 sum of money payable for violations. The circuit clerk may add  
24 on no additional amounts except for amounts that are required  
25 by Sections 27.3a and 27.3c of this Act, unless those amounts  
26 are specifically waived by the judge. With respect to money

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

8 All additional fees, costs, penalties, fines assessed or  
9 forfeited for traffic offense convictions, and any other amount  
10 paid by a person to the circuit clerk shall be assessed and  
11 disbursed within 60 days after receipt by the circuit clerk as  
12 follows: Applicable amounts set forth and applicable in the  
13 following: 705 ILCS 105/27.1a(w)(1)(A), 705 ILCS  
14 105/27.2(w)(1)(A), 705 ILCS 105/27.2a(w)(1)(A), Felony  
15 complaint filed; 55 ILCS 5/4-2002(a), 55 ILCS 5/4-2002.1(a),  
16 Felony complaint conviction; 55 ILCS 5/4-2002(a), 55 ILCS  
17 5/4-2002.1(a), Preliminary Hearing; 55 ILCS 5/4-2002(b), 55  
18 ILCS 5/4-2002.1(b), Misdemeanor complaint conviction; 705 ILCS  
19 27.1a(w)(2)(B), 705 ILCS 27.2(w)(2)(B), 705 ILCS  
20 27.2a(w)(2)(B), Quasi-criminal complaint conviction; 55 ILCS  
21 5/4-2002(b), 55 ILCS 5/4-2002.1(b), Quasi-criminal complaint  
22 conviction; 725 ILCS 240/10(c)(1) or (2), Violent Crime Victim  
23 Assistance; 725 ILCS 240/10(b), Violent Crime Victim  
24 Assistance; 55 ILCS 5/5-1103, Court Services; 625 ILCS  
25 5/11-501(c-4); 730 ILCS 5/5-9-1(a)(2), DUI Fine; 625 ILCS  
26 5/11-501(1), DUI First offense; 625 ILCS 5/11-501(j), DUI

1 subsequent offense; 730 ILCS 5/5-9-1.9, Crime Lab DUI Analysis;  
2 730 ILCS 5/5-9-1(c-5), Trauma Fund; 730 ILCS 5/5-9-1(c-7),  
3 Trauma Fund Spinal Cord; 730 ILCS 5/5-5-3(b)(8), Emergency  
4 Response Restitution; 730 ILCS 5/5-9-1.6, Domestic Battery;  
5 730 ILCS 5/5-9-1.5, Domestic Violence; 730 ILCS 5/5-9-1.11(a),  
6 Protection Order Violation; 720 ILCS 570/401 or 402, Controlled  
7 Substance Fine; 720 ILCS 570/411.2(i), Assessment Controlled  
8 Substance; 720 ILCS 550/10.3, Assessment Cannabis; 730 ILCS  
9 5/5-9-1.4(b), Crime Lab Drug Analysis; 730 ILCS 5/5-9-1.1(b),  
10 Trauma Fund; 730 ILCS 5/5-9-1.1(c), Trauma Fund Spinal Cord;  
11 730 ILCS 5/5-5-3(h), Intravenous Transmitted Disease Testing;  
12 730 ILCS 5/5-9-1.7(b)(1), Sexual Assault Fine; 730 ILCS  
13 5/5-5-3(g), Sexually Transmitted Disease Testing  
14 Reimbursement; 730 ILCS 5-5-6(g), Victim Counseling Services  
15 Reimbursement; 730 ILCS 5/5-9-1.10, Trauma Fund; 730 ILCS  
16 5/5-9-1.12, Arson Fine; 705 ILCS 105/27.1a(w)(1)(J), 705 ILCS  
17 105/27.2(w)(1)(J), 705 ILCS 105/27.2a(w)(1)(J), Vacate Bond  
18 Forfeiture Judgment; 705 ILCS 105/27.1a(w)(1)(H), 705 ILCS  
19 105/27.2(w)(1)(H), 705 ILCS 105/27.2a(w)(1)(H), Vacate Bond  
20 Forfeiture Orders; 55 ILCS 5/1-2002(a), 55 ILCS 5/1-2002.1(a),  
21 Vacate Bond Forfeiture Recognizance; 55 ILCS 5/6-2002(a), 55  
22 ILCS 5/6-2002.1(a), Trial Fees; 725 ILCS 5/113-3.1, Attorney  
23 Appointment; 730 ILCS 5/5-6-3.1(c)(12), Anti-crime Program  
24 Reimbursement; 730 ILCS 5/5-6.3.1(c)(13), Anti-crime Program  
25 Contribution; Others as ordered by the court.

26 Not later than March 1 of each year the circuit clerk shall

1 submit a report of the amount of funds remitted to the State  
2 Treasurer under this Section during the preceding year based  
3 upon independent verification of fines and fees. All counties  
4 shall be subject to this Section. For offenses subject to this  
5 Section, judges shall impose one total sum of money payable for  
6 violations. The circuit clerk may add on no additional amounts  
7 except for amounts that are required by Sections 27.3a and  
8 27.3c of this Act, unless those amounts are specifically waived  
9 by the judge. With respect to money collected by the circuit  
10 clerk as a result of forfeiture of bail, ex parte judgment or  
11 guilty plea pursuant to Supreme Court Rule 529, the circuit  
12 clerk shall first deduct and pay amounts required by Sections  
13 27.3a and 27.3c of this Act. This Section is a denial and  
14 limitation of home rule powers and functions under subsection  
15 (h) of Section 6 of Article VII of the Illinois Constitution.

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

1 Circuit Clerk shall submit a report of the amount of funds  
2 remitted to the State Treasurer under this subsection during  
3 the preceding calendar year.

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

18 (c) In addition to any other fines and court costs assessed  
19 by the courts, any person convicted for a violation of Sections  
20 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
21 person sentenced for a violation of the Cannabis Control Act,  
22 the Illinois Controlled Substances Act, or the Methamphetamine  
23 Control and Community Protection Act shall pay an additional  
24 fee of \$100 to the clerk of the circuit court. This amount,  
25 less 2 1/2% that shall be used to defray administrative costs  
26 incurred by the clerk, shall be remitted by the clerk to the



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

8           (c-1) In addition to any other fines and court costs  
9     assessed by the courts, any person sentenced for a violation of  
10    the Cannabis Control Act, the Illinois Controlled Substances  
11    Act, or the Methamphetamine Control and Community Protection  
12    Act shall pay an additional fee of \$5 to the clerk of the  
13    circuit court. This amount, less 2 1/2% that shall be used to  
14    defray administrative costs incurred by the clerk, shall be  
15    remitted by the clerk to the Treasurer within 60 days after  
16    receipt for deposit into the Spinal Cord Injury Paralysis Cure  
17    Research Trust Fund. This additional fee of \$5 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           (d) The following amounts must be remitted to the State  
24    Treasurer for deposit into the Illinois Animal Abuse Fund:

25           (1) 50% of the amounts collected for felony offenses  
26           under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,

1 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
2 Animals Act and Section 26-5 of the Criminal Code of 1961;

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

8 (3) 50% of the amounts collected for Class C  
9 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
10 for Animals Act and Section 26-5 of the Criminal Code of  
11 1961.

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

23 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;  
24 94-1009, eff. 1-1-07.)

25 Section 15. The Unified Code of Corrections is amended by

1 changing Section 5-9-1 as follows:

2 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

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

6 (1) for a felony, \$25,000 or the amount specified in  
7 the offense, whichever is greater, or where the offender is  
8 a corporation, \$50,000 or the amount specified in the  
9 offense, whichever is greater;

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

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

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

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

17 (b) A fine may be imposed in addition to a sentence of  
18 conditional discharge, probation, periodic imprisonment, or  
19 imprisonment.

20 (c) There shall be added to every fine imposed in  
21 sentencing for a criminal ~~or traffic offense, except an offense~~  
22 ~~relating to parking or registration, or offense by a~~  
23 ~~pedestrian,~~ an additional penalty of \$10 for each \$40, or  
24 fraction thereof, of fine imposed. The additional penalty of  
25 \$10 for each \$40, or fraction thereof, of fine imposed, if not

1 otherwise assessed, shall also be added to every fine imposed  
2 upon a plea of guilty, stipulation of facts or findings of  
3 guilty, resulting in a judgment of conviction, or order of  
4 supervision in criminal, ~~traffic~~, local ordinance, or county  
5 ordinance, ~~and conservation cases (except parking,~~  
6 ~~registration, or pedestrian violations)~~, or upon a sentence of  
7 probation without entry of judgment under Section 10 of the  
8 Cannabis Control Act, Section 410 of the Illinois Controlled  
9 Substances Act, or Section 70 of the Methamphetamine Control  
10 and Community Protection Act.

11 Such additional amounts shall be assessed by the court  
12 imposing the fine and shall be collected by the Circuit Clerk  
13 in addition to the fine and costs in the case. Each such  
14 additional penalty shall be remitted by the Circuit Clerk  
15 within one month after receipt to the State Treasurer. The  
16 State Treasurer shall deposit \$1 for each \$40, or fraction  
17 thereof, of fine imposed into the LEADS Maintenance Fund. The  
18 State Treasurer shall deposit \$1 for each \$40, or fraction  
19 thereof, of fine imposed into the Law Enforcement Camera Grant  
20 Fund. The remaining surcharge amount shall be deposited into  
21 the Traffic and Criminal Conviction Surcharge Fund, ~~unless the~~  
22 ~~fine, costs or additional amounts are subject to disbursement~~  
23 ~~by the circuit clerk under Section 27.5 of the Clerks of Courts~~  
24 ~~Act~~. Such additional penalty shall not be considered a part of  
25 the fine for purposes of any reduction in the fine for time  
26 served either before or after sentencing. Not later than March

1 of each year the Circuit Clerk shall submit a report of the  
2 amount of funds remitted to the State Treasurer under this  
3 subsection (c) during the preceding calendar year. Except as  
4 otherwise provided by Supreme Court Rules, if a court in  
5 imposing a fine against an offender levies a gross amount for  
6 fine, costs, fees and penalties, the amount of the additional  
7 penalty provided for herein shall be computed on the amount  
8 remaining after deducting from the gross amount levied all fees  
9 of the Circuit Clerk, the State's Attorney and the Sheriff.  
10 After deducting from the gross amount levied the fees and  
11 additional penalty provided for herein, less any other  
12 additional penalties provided by law, the clerk shall remit the  
13 net balance remaining to the entity authorized by law to  
14 receive the fine imposed in the case. For purposes of this  
15 Section "fees of the Circuit Clerk" shall include, if  
16 applicable, the fee provided for under Section 27.3a of the  
17 Clerks of Courts Act and the fee, if applicable, payable to the  
18 county in which the violation occurred pursuant to Section  
19 5-1101 of the Counties Code.

20 (c-5) In addition to the fines imposed by subsection (c),  
21 any person convicted or receiving an order of supervision for  
22 driving under the influence of alcohol or drugs shall pay an  
23 additional \$100 fee to the clerk. This additional fee, less 2  
24 1/2% that shall be used to defray administrative costs incurred  
25 by the clerk, shall be remitted by the clerk to the Treasurer  
26 within 60 days after receipt for deposit into the Trauma Center

1 Fund. This additional fee of \$100 shall not be considered a  
2 part of the fine for purposes of any reduction in the fine for  
3 time served either before or after sentencing. Not later than  
4 March 1 of each year the Circuit Clerk shall submit a report of  
5 the amount of funds remitted to the State Treasurer under this  
6 subsection (c-5) during the preceding calendar year.

7 The Circuit Clerk may accept payment of fines and costs by  
8 credit card from an offender who has been convicted of a  
9 traffic offense, petty offense or misdemeanor and may charge  
10 the service fee permitted where fines and costs are paid by  
11 credit card provided for in Section 27.3b of the Clerks of  
12 Courts Act.

13 (c-7) 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 \$5 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 Spinal Cord  
20 Injury Paralysis Cure Research Trust Fund. This additional fee  
21 of \$5 shall not be considered a part of the fine for purposes  
22 of any reduction in the fine for time served either before or  
23 after sentencing. Not later than March 1 of each year the  
24 Circuit Clerk shall submit a report of the amount of funds  
25 remitted to the State Treasurer under this subsection (c-7)  
26 during the preceding calendar year.

1 (c-9) (Blank).

2 (d) In determining the amount and method of payment of a  
3 fine, except for those fines established for violations of  
4 Chapter 15 of the Illinois Vehicle Code, the court shall  
5 consider:

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

8 (2) whether the fine will prevent the offender from  
9 making court ordered restitution or reparation to the  
10 victim of the offense; and

11 (3) in a case where the accused is a dissolved  
12 corporation and the court has appointed counsel to  
13 represent the corporation, the costs incurred either by the  
14 county or the State for such representation.

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

17 (f) All fines, costs and additional amounts imposed under  
18 this Section for any violation of Chapters 3, 4, 6, and 11 of  
19 the Illinois Vehicle Code, or a similar provision of a local  
20 ordinance, and any violation of the Child Passenger Protection  
21 Act, or a similar provision of a local ordinance, shall be  
22 collected and disbursed by the circuit clerk as provided under  
23 Section 27.5 of the Clerks of Courts Act.

24 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;  
25 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".