

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)  
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or  
9 any installment of that fine may be held in contempt and  
10 imprisoned for nonpayment. The court may issue a summons for  
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due  
13 to his intentional refusal to pay, or not due to a failure on  
14 his part to make a good faith effort to pay, the court may  
15 order the offender imprisoned for a term not to exceed 6 months  
16 if the fine was for a felony, or 30 days if the fine was for a  
17 misdemeanor, a petty offense or a business offense. Payment of  
18 the fine at any time will entitle the offender to be released,  
19 but imprisonment under this Section shall not satisfy the  
20 payment of the fine.

21 (c) If it appears that the default in the payment of a fine  
22 is not intentional under paragraph (b) of this Section, the  
23 court may enter an order allowing the offender additional time

1 for payment, reducing the amount of the fine or of each  
2 installment, or revoking the fine or the unpaid portion.

3 (d) When a fine is imposed on a corporation or  
4 unincorporated organization or association, it is the duty of  
5 the person or persons authorized to make disbursement of  
6 assets, and their superiors, to pay the fine from assets of the  
7 corporation or unincorporated organization or association. The  
8 failure of such persons to do so shall render them subject to  
9 proceedings under paragraphs (a) and (b) of this Section.

10 (e) A default in the payment of a fine, judgment order of  
11 forfeiture, order of restitution, or any installment thereof  
12 may be collected by any and all means authorized for the  
13 collection of money judgments. The State's Attorney of the  
14 county in which the fine, judgment order of forfeiture, or  
15 order of restitution was imposed may retain attorneys and  
16 private collection agents for the purpose of collecting any  
17 default in payment of any fine, judgment order of forfeiture,  
18 order of restitution, or installment thereof ~~of that fine~~. The  
19 fees and costs incurred by the State's Attorney in any such  
20 collection and the fees and charges of attorneys and private  
21 collection agents retained by the State's Attorney for those  
22 purposes shall be charged to the offender.

23 (Source: P.A. 93-693, eff. 1-1-05.)