



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5134

Introduced 1/29/2010, by Rep. Renée Kosel

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Video Gaming Act. Requires the municipal clerk or county clerk to file a copy of the ordinance or election results that results in the prohibition of video gaming within the municipality or county with the Illinois Gaming Board. Requires the Illinois Gaming Board to keep a list of any municipality or county that prohibits video gaming. Provides that, if a municipality or county prohibits video gaming, then no video gaming terminals may be offered for play within the municipality or county, including video gaming terminals operated for amusement only and bearing a valid amusement tax sticker issued prior to July 13, 2009. Amends the Criminal Code of 1961. Provides that a mechanical device played for amusement that is located within a municipality or county that has prohibited video gaming under the Video Gaming Act is a "gambling device". Includes within the definition of "gambling place" any real estate, vehicle, boat, or other property whatsoever located within a municipality or county that prohibits video gaming as provided in the Video Gaming Act that offers for play a video gaming terminal operated for amusement only. Provides that, if a person knowingly offers for play a video gaming terminal within a municipality or county that prohibits video gaming as provided in the Video Gaming Act, then the fine is \$5,000 per video gaming terminal. Amends the Clerks of Courts Act. Provides that, of the amounts in excess of \$2,500 collected as fines for knowingly offering for play a video gaming terminal within a municipality or county that prohibits video gaming, one-half shall be deposited into the Capital Projects Fund and the other one-half shall be allocated to the police authority that initiated the procedure leading to the imposition of the fines. Effective immediately.

LRB096 19865 AMC 35321 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

4 Section 5. The Video Gaming Act is amended by changing  
5 Sections 27, 35, and 70 and by adding Sections 71 and 72 as  
6 follows:

7 (230 ILCS 40/27)

8 Sec. 27. Prohibition of video gaming by political  
9 subdivision. A municipality may pass an ordinance prohibiting  
10 video gaming within the corporate limits of the municipality. A  
11 county board may, for the unincorporated area of the county,  
12 pass an ordinance prohibiting video gaming within the  
13 unincorporated area of the county. Within 3 days after passage  
14 of an ordinance prohibiting video gaming under this Section,  
15 the municipal clerk or county clerk must file a copy of the  
16 ordinance with the Board.

17 (Source: P.A. 96-34, eff. 7-13-09.)

18 (230 ILCS 40/35)

19 Sec. 35. Display of license; confiscation; violation as  
20 felony.

21 (a) Each video gaming terminal shall be licensed by the  
22 Board before placement or operation on the premises of a

1 licensed establishment, licensed truck stop establishment,  
2 licensed fraternal establishment, or licensed veterans  
3 establishment. The license of each video gaming terminal shall  
4 be maintained at the location where the video gaming terminal  
5 is operated. Failure to do so is a petty offense with a fine  
6 not to exceed \$100. Any licensed establishment, licensed truck  
7 stop establishment, licensed fraternal establishment, or  
8 licensed veterans establishment used for the conduct of  
9 gambling games in violation of this Act shall be considered a  
10 gambling place in violation of Section 28-3 of the Criminal  
11 Code of 1961. Every gambling device found in a licensed  
12 establishment, licensed truck stop establishment, licensed  
13 fraternal establishment, or licensed veterans establishment  
14 operating gambling games in violation of this Act shall be  
15 subject to seizure, confiscation, and destruction as provided  
16 in Section 28-5 of the Criminal Code of 1961. Any license  
17 issued under the Liquor Control Act of 1934 to any owner or  
18 operator of a licensed establishment, licensed truck stop  
19 establishment, licensed fraternal establishment, or licensed  
20 veterans establishment that operates or permits the operation  
21 of a video gaming terminal within its establishment in  
22 violation of this Act shall be immediately revoked. No person  
23 may own, operate, have in his or her possession or custody or  
24 under his or her control, or permit to be kept in any place  
25 under his or her possession or control, any device that awards  
26 credits and contains a circuit, meter, or switch capable of

1 removing and recording the removal of credits when the award of  
2 credits is dependent upon chance. A violation of this Section  
3 is a Class 4 felony. All devices that are owned, operated, or  
4 possessed in violation of this Section are hereby declared to  
5 be public nuisances and shall be subject to seizure,  
6 confiscation, and destruction as provided in Section 28-5 of  
7 the Criminal Code of 1961. The provisions of this Section do  
8 not apply to devices or electronic video game terminals  
9 licensed pursuant to this Act. Except as provided in Section  
10 72, a ~~A~~ video gaming terminal operated for amusement only and  
11 bearing a valid amusement tax sticker issued prior to July 13,  
12 2009 (the effective date of Public Act 96-37) ~~this amendatory~~  
13 ~~Act of the 96th General Assembly~~ shall not be subject to this  
14 Section until the sooner of (i) the expiration of the amusement  
15 tax sticker or (ii) 30 days after the Board establishes that  
16 the central communications system is functional.

17 (b) (1) The odds of winning each video game shall be posted  
18 on or near each video gaming terminal. The manner in which the  
19 odds are calculated and how they are posted shall be determined  
20 by the Board by rule.

21 (2) No video gaming terminal licensed under this Act may be  
22 played except during the legal hours of operation allowed for  
23 the consumption of alcoholic beverages at the licensed  
24 establishment, licensed fraternal establishment, or licensed  
25 veterans establishment. A licensed establishment, licensed  
26 fraternal establishment, or licensed veterans establishment

1 that violates this subsection is subject to termination of its  
2 license by the Board.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

4 (230 ILCS 40/70)

5 Sec. 70. Referendum. Upon the filing in the office of the  
6 clerk, at least 90 days before an election in any municipality  
7 or county, as the case may be, of a petition directed to such  
8 clerk, containing the signatures of not less than 25% of the  
9 legal voters of that municipality or county, the clerk shall  
10 certify such proposition to the proper election officials, who  
11 shall submit the proposition at such election to the voters of  
12 such municipality or county. The proposition shall be in the  
13 following form:

-----	
14	
15	Shall video gaming YES
16	be prohibited in -----
17	.....? NO
18	-----

19 If a majority of the voters voting upon such last mentioned  
20 proposition in any municipality or county vote "YES", such  
21 video gaming shall be prohibited in such municipality or  
22 county. The petition mentioned in this Section shall be a  
23 public document and shall be subject to inspection by the  
24 public.

25 Within 3 days after certification of election results from

1 a proposition under this Section that results in the  
2 prohibition of video gaming in the municipality or county, the  
3 municipal clerk or county clerk must file a copy of the results  
4 of the proposition with the Board.

5 (Source: P.A. 96-34, eff. 7-13-09.)

6 (230 ILCS 40/71 new)

7 Sec. 71. List of municipalities and counties that prohibit  
8 video gaming. The Board must keep a list of any municipality or  
9 county that prohibits video gaming under the provisions of  
10 Section 27 or 70 of this Act. This list shall be a public  
11 document, and the Board must post the list on its website.

12 (230 ILCS 40/72 new)

13 Sec. 72. Effect of a municipality or county prohibiting  
14 video gaming.If a municipality or county prohibits video gaming  
15 under the provisions of Section 27 or 70 of this Act, then no  
16 video gaming terminals may be offered for play within the  
17 municipality or county, including video gaming terminals  
18 operated for amusement only and bearing a valid amusement tax  
19 sticker issued prior to July 13, 2009 (the effective date of  
20 Public Act 96-37) that are otherwise exempt under subsection  
21 (a) of Section 35.

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

1 (705 ILCS 105/27.6)

2 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,  
3 and 96-667)

4 Sec. 27.6. (a) All fees, fines, costs, additional  
5 penalties, bail balances assessed or forfeited, and any other  
6 amount paid by a person to the circuit clerk equalling an  
7 amount of \$55 or more, except the fine imposed by Section  
8 5-9-1.15 of the Unified Code of Corrections, the additional fee  
9 required by subsections (b) and (c), restitution under Section  
10 5-5-6 of the Unified Code of Corrections, contributions to a  
11 local anti-crime program ordered pursuant to Section  
12 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
13 Corrections, reimbursement for the costs of an emergency  
14 response as provided under Section 11-501 of the Illinois  
15 Vehicle Code, any fees collected for attending a traffic safety  
16 program under paragraph (c) of Supreme Court Rule 529, any fee  
17 collected on behalf of a State's Attorney under Section 4-2002  
18 of the Counties Code or a sheriff under Section 4-5001 of the  
19 Counties Code, or any cost imposed under Section 124A-5 of the  
20 Code of Criminal Procedure of 1963, for convictions, orders of  
21 supervision, or any other disposition for a violation of  
22 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
23 similar provision of a local ordinance, and any violation of  
24 the Child Passenger Protection Act, or a similar provision of a  
25 local ordinance, and except as otherwise provided in this

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



1 independent verification of fines and fees. All counties shall  
2 be subject to this Section, except that counties with a  
3 population under 2,000,000 may, by ordinance, elect not to be  
4 subject to this Section. For offenses subject to this Section,  
5 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 or a  
14          similar provision of a local ordinance shall, in addition to  
15          any other fines, fees, and court costs, pay an additional fee  
16          of \$29, to be disbursed as provided in Section 16-104c of the  
17          Illinois Vehicle Code. In addition to the fee of \$29, the  
18          person shall also pay a fee of \$6, if not waived by the court.  
19          If this \$6 fee is collected, \$5.50 of the fee shall be  
20          deposited into the Circuit Court Clerk Operation and  
21          Administrative Fund created by the Clerk of the Circuit Court  
22          and 50 cents of the fee shall be deposited into the Prisoner  
23          Review Board Vehicle and Equipment Fund in the State treasury.

24          (f) This Section does not apply to the additional child  
25          pornography fines assessed and collected under Section  
26          5-9-1.14 of the Unified Code of Corrections.

1           (g) (Blank).

2           (h) (Blank).

3           (i) ~~(g)~~ Of the amounts collected as fines under subsection  
4 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
5 deposited into the Illinois Military Family Relief Fund and 1%  
6 shall be deposited into the Circuit Court Clerk Operation and  
7 Administrative Fund created by the Clerk of the Circuit Court  
8 to be used to offset the costs incurred by the Circuit Court  
9 Clerk in performing the additional duties required to collect  
10 and disburse funds to entities of State and local government as  
11 provided by law.

12           (j) ~~(h)~~ Any person convicted of, pleading guilty to, or  
13 placed on supervision for a serious traffic violation, as  
14 defined in Section 1-187.001 of the Illinois Vehicle Code, a  
15 violation of Section 11-501 of the Illinois Vehicle Code, or a  
16 violation of a similar provision of a local ordinance shall pay  
17 an additional fee of \$20, to be disbursed as provided in  
18 Section 16-104d of that Code.

19           This subsection (h) becomes inoperative 7 years after the  
20 effective date of Public Act 95-154.

21           (k) ~~(h)~~ For any conviction or disposition of court  
22 supervision for a violation of Section 11-1429 of the Illinois  
23 Vehicle Code, the circuit clerk shall distribute the fines paid  
24 by the person as specified by subsection (h) of Section 11-1429  
25 of the Illinois Vehicle Code.

26           (l) ~~(h)~~ Any person who receives a disposition of court

1 supervision for a violation of Section 11-501 of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance shall,  
3 in addition to any other fines, fees, and court costs, pay an  
4 additional fee of \$50, which shall be collected by the circuit  
5 clerk and then remitted to the State Treasurer for deposit into  
6 the Roadside Memorial Fund, a special fund in the State  
7 treasury. However, the court may waive the fee if full  
8 restitution is complied with. Subject to appropriation, all  
9 moneys in the Roadside Memorial Fund shall be used by the  
10 Department of Transportation to pay fees imposed under  
11 subsection (f) of Section 20 of the Roadside Memorial Act. The  
12 fee shall be remitted by the circuit clerk within one month  
13 after receipt to the State Treasurer for deposit into the  
14 Roadside Memorial Fund.

15 (m) Of the amounts in excess of \$2,500 collected as fines  
16 under subsection (a) of Section 28-3 of the Criminal Code of  
17 1961 for knowingly offering for play a video gaming terminal  
18 within a municipality or county that prohibits video gaming as  
19 provided in Section 27 or 70 of the Video Gaming Act, one-half  
20 shall be deposited into the Capital Projects Fund and the other  
21 one-half shall be allocated to the police authority that  
22 initiated the procedure leading to the imposition of fines  
23 under Section 28-3 of the Criminal Code of 1961.

24 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
25 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
26 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.

1 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised  
2 12-29-09.)

3 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,  
4 and 96-735)

5 Sec. 27.6. (a) All fees, fines, costs, additional  
6 penalties, bail balances assessed or forfeited, and any other  
7 amount paid by a person to the circuit clerk equalling an  
8 amount of \$55 or more, except the fine imposed by Section  
9 5-9-1.15 of the Unified Code of Corrections, the additional fee  
10 required by subsections (b) and (c), restitution under Section  
11 5-5-6 of the Unified Code of Corrections, contributions to a  
12 local anti-crime program ordered pursuant to Section  
13 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
14 Corrections, reimbursement for the costs of an emergency  
15 response as provided under Section 11-501 of the Illinois  
16 Vehicle Code, any fees collected for attending a traffic safety  
17 program under paragraph (c) of Supreme Court Rule 529, any fee  
18 collected on behalf of a State's Attorney under Section 4-2002  
19 of the Counties Code or a sheriff under Section 4-5001 of the  
20 Counties Code, or any cost imposed under Section 124A-5 of the  
21 Code of Criminal Procedure of 1963, for convictions, orders of  
22 supervision, or any other disposition for a violation of  
23 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
24 similar provision of a local ordinance, and any violation of  
25 the Child Passenger Protection Act, or a similar provision of a

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



1 under this Section during the preceding year based upon  
2 independent verification of fines and fees. All counties shall  
3 be subject to this Section, except that counties with a  
4 population under 2,000,000 may, by ordinance, elect not to be  
5 subject to this Section. For offenses subject to this Section,  
6 judges shall impose one total sum of money payable for  
7 violations. The circuit clerk may add on no additional amounts  
8 except for amounts that are required by Sections 27.3a and  
9 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
10 Code, and subsection (a) of Section 5-1101 of the Counties  
11 Code, unless those amounts are specifically waived by the  
12 judge. With respect to money collected by the circuit clerk as  
13 a result of forfeiture of bail, ex parte judgment or guilty  
14 plea pursuant to Supreme Court Rule 529, the circuit clerk  
15 shall first deduct and pay amounts required by Sections 27.3a  
16 and 27.3c of this Act. Unless a court ordered payment schedule  
17 is implemented or fee requirements are waived pursuant to court  
18 order, the clerk of the court may add to any unpaid fees and  
19 costs a delinquency amount equal to 5% of the unpaid fees that  
20 remain unpaid after 30 days, 10% of the unpaid fees that remain  
21 unpaid after 60 days, and 15% of the unpaid fees that remain  
22 unpaid after 90 days. Notice to those parties may be made by  
23 signage posting or publication. The additional delinquency  
24 amounts collected under this Section shall be deposited in the  
25 Circuit Court Clerk Operation and Administrative Fund to be  
26 used to defray administrative costs incurred by the circuit

1 clerk in performing the duties required to collect and disburse  
2 funds. This Section is a denial and limitation of home rule  
3 powers and functions under subsection (h) of Section 6 of  
4 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 or a  
3 similar provision of a local ordinance shall, in addition to  
4 any other fines, fees, and court costs, pay an additional fee  
5 of \$29, to be disbursed as provided in Section 16-104c of the  
6 Illinois Vehicle Code. In addition to the fee of \$29, the  
7 person shall also pay a fee of \$6, if not waived by the court.  
8 If this \$6 fee is collected, \$5.50 of the fee shall be  
9 deposited into the Circuit Court Clerk Operation and  
10 Administrative Fund created by the Clerk of the Circuit Court  
11 and 50 cents of the fee shall be deposited into the Prisoner  
12 Review Board Vehicle and Equipment Fund in the State treasury.

13 (f) This Section does not apply to the additional child  
14 pornography fines assessed and collected under Section  
15 5-9-1.14 of the Unified Code of Corrections.

16 (g) Any person convicted of or pleading guilty to a serious  
17 traffic violation, as defined in Section 1-187.001 of the  
18 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
19 be disbursed as provided in Section 16-104d of that Code. This  
20 subsection (g) becomes inoperative 7 years after the effective  
21 date of Public Act 95-154.

22 (h) In all counties having a population of 3,000,000 or  
23 more inhabitants: τ

24 (1) ~~(h-1)~~ A person who is found guilty of or pleads  
25 guilty to violating subsection (a) of Section 11-501 of the  
26 Illinois Vehicle Code, including any person placed on court

1 supervision for violating subsection (a), shall be fined  
2 \$500 as provided for by subsection (f) of Section 11-501.01  
3 of the Illinois Vehicle Code, payable to the circuit clerk,  
4 who shall distribute the money pursuant to subsection (f)  
5 of Section 11-501.01 of the Illinois Vehicle Code.

6 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of  
7 \$150, provided for by Section 5-9-1.9 of the Unified Code  
8 of Corrections is assessed, it shall be disbursed by the  
9 circuit clerk as provided by subsection (f) of Section  
10 5-9-1.9 of the Unified Code of Corrections.

11 (3) ~~(h-3)~~ When a fine for a violation of Section  
12 11-605.1 of the Illinois Vehicle Code is \$250 or greater,  
13 the person who violated that Section shall be charged an  
14 additional \$125 as provided for by subsection (e) of  
15 Section 11-605.1 of the Illinois Vehicle Code, which shall  
16 be disbursed by the circuit clerk to a State or county  
17 Transportation Safety Highway Hire-back Fund as provided  
18 by subsection (e) of Section 11-605.1 of the Illinois  
19 Vehicle Code.

20 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)  
21 of Section 11-605 of the Illinois Vehicle Code is \$150 or  
22 greater, the additional \$50 which is charged as provided  
23 for by subsection (f) of Section 11-605 of the Illinois  
24 Vehicle Code shall be disbursed by the circuit clerk to a  
25 school district or districts for school safety purposes as  
26 provided by subsection (f) of Section 11-605.

1           (5) ~~(h-4.5)~~ When a fine for a violation of subsection  
2           (a) of Section 11-1002.5 of the Illinois Vehicle Code is  
3           \$150 or greater, the additional \$50 which is charged as  
4           provided for by subsection (c) of Section 11-1002.5 of the  
5           Illinois Vehicle Code shall be disbursed by the circuit  
6           clerk to a school district or districts for school safety  
7           purposes as provided by subsection (c) of Section 11-1002.5  
8           of the Illinois Vehicle Code.

9           (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5  
10          is assessed as provided in subsection (f) of Section 5-1101  
11          of the Counties Code, it shall be disbursed by the circuit  
12          clerk as provided in subsection (f) of Section 5-1101 of  
13          the Counties Code.

14          (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth  
15          court, or other youth diversion program fee is assessed as  
16          provided in subsection (e) of Section 5-1101 of the  
17          Counties Code, it shall be disbursed by the circuit clerk  
18          as provided in subsection (e) of Section 5-1101 of the  
19          Counties Code.

20          (8) ~~(h-7)~~ When a Children's Advocacy Center fee is  
21          assessed pursuant to subsection (f-5) of Section 5-1101 of  
22          the Counties Code, it shall be disbursed by the circuit  
23          clerk as provided in subsection (f-5) of Section 5-1101 of  
24          the Counties Code.

25          (9) ~~(h-8)~~ When a victim impact panel fee is assessed  
26          pursuant to subsection (b) of Section 11-501.01 of the

1 Vehicle Code, it shall be disbursed by the circuit clerk to  
2 the victim impact panel to be attended by the defendant.

3 (10) ~~(h-9)~~ When a new fee collected in traffic cases is  
4 enacted after the effective date of this subsection (h), it  
5 shall be excluded from the percentage disbursement  
6 provisions of this Section unless otherwise indicated by  
7 law.

8 (i) ~~(g)~~ Of the amounts collected as fines under subsection  
9 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
10 deposited into the Illinois Military Family Relief Fund and 1%  
11 shall be deposited into the Circuit Court Clerk Operation and  
12 Administrative Fund created by the Clerk of the Circuit Court  
13 to be used to offset the costs incurred by the Circuit Court  
14 Clerk in performing the additional duties required to collect  
15 and disburse funds to entities of State and local government as  
16 provided by law.

17 (j) (Blank).

18 (k) ~~(h)~~ For any conviction or disposition of court  
19 supervision for a violation of Section 11-1429 of the Illinois  
20 Vehicle Code, the circuit clerk shall distribute the fines paid  
21 by the person as specified by subsection (h) of Section 11-1429  
22 of the Illinois Vehicle Code.

23 (l) ~~(h)~~ Any person who receives a disposition of court  
24 supervision for a violation of Section 11-501 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance shall,  
26 in addition to any other fines, fees, and court costs, pay an



1 additional fee of \$50, which shall be collected by the circuit  
2 clerk and then remitted to the State Treasurer for deposit into  
3 the Roadside Memorial Fund, a special fund in the State  
4 treasury. However, the court may waive the fee if full  
5 restitution is complied with. Subject to appropriation, all  
6 moneys in the Roadside Memorial Fund shall be used by the  
7 Department of Transportation to pay fees imposed under  
8 subsection (f) of Section 20 of the Roadside Memorial Act. The  
9 fee shall be remitted by the circuit clerk within one month  
10 after receipt to the State Treasurer for deposit into the  
11 Roadside Memorial Fund.

12 (m) Of the amounts in excess of \$2,500 collected as fines  
13 under subsection (a) of Section 28-3 of the Criminal Code of  
14 1961 for knowingly offering for play a video gaming terminal  
15 within a municipality or county that prohibits video gaming as  
16 provided in Section 27 or 70 of the Video Gaming Act, one-half  
17 shall be deposited into the Capital Projects Fund and the other  
18 one-half shall be allocated to the police authority that  
19 initiated the procedure leading to the imposition of fines  
20 under Section 28-3 of the Criminal Code of 1961.

21 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
22 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
23 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.  
24 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised  
25 12-29-09.)

1 Section 15. The Criminal Code of 1961 is amended by  
2 changing Sections 28-2 and 28-3 as follows:

3 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

4 Sec. 28-2. Definitions.

5 (a) A "gambling device" is any clock, tape machine, slot  
6 machine or other machines or device for the reception of money  
7 or other thing of value on chance or skill or upon the action  
8 of which money or other thing of value is staked, hazarded,  
9 bet, won or lost; or any mechanism, furniture, fixture,  
10 equipment or other device designed primarily for use in a  
11 gambling place. A "gambling device" does not include:

12 (1) A coin-in-the-slot operated mechanical device  
13 played for amusement which rewards the player with the  
14 right to replay such mechanical device, which device is so  
15 constructed or devised as to make such result of the  
16 operation thereof depend in part upon the skill of the  
17 player and which returns to the player thereof no money,  
18 property or right to receive money or property unless the  
19 mechanical device is located within a municipality or  
20 county that has prohibited video gaming as provided in  
21 Section 27 or 70 of the Video Gaming Act.

22 (2) Vending machines by which full and adequate return  
23 is made for the money invested and in which there is no  
24 element of chance or hazard.

25 (3) A crane game. For the purposes of this paragraph

1 (3), a "crane game" is an amusement device involving skill,  
2 if it rewards the player exclusively with merchandise  
3 contained within the amusement device proper and limited to  
4 toys, novelties and prizes other than currency, each having  
5 a wholesale value which is not more than \$25.

6 (4) A redemption machine. For the purposes of this  
7 paragraph (4), a "redemption machine" is a single-player or  
8 multi-player amusement device involving a game, the object  
9 of which is throwing, rolling, bowling, shooting, placing,  
10 or propelling a ball or other object into, upon, or against  
11 a hole or other target, provided that all of the following  
12 conditions are met:

13 (A) The outcome of the game is predominantly  
14 determined by the skill of the player.

15 (B) The award of the prize is based solely upon the  
16 player's achieving the object of the game or otherwise  
17 upon the player's score.

18 (C) Only merchandise prizes are awarded.

19 (D) The wholesale value of prizes awarded in lieu  
20 of tickets or tokens for single play of the device does  
21 not exceed \$25.

22 (E) The redemption value of tickets, tokens, and  
23 other representations of value, which may be  
24 accumulated by players to redeem prizes of greater  
25 value, does not exceed the amount charged for a single  
26 play of the device.

1 (a-5) "Internet" means an interactive computer service or  
2 system or an information service, system, or access software  
3 provider that provides or enables computer access by multiple  
4 users to a computer server, and includes, but is not limited  
5 to, an information service, system, or access software provider  
6 that provides access to a network system commonly known as the  
7 Internet, or any comparable system or service and also  
8 includes, but is not limited to, a World Wide Web page,  
9 newsgroup, message board, mailing list, or chat area on any  
10 interactive computer service or system or other online service.

11 (a-6) "Access" and "computer" have the meanings ascribed to  
12 them in Section 16D-2 of this Code.

13 (b) A "lottery" is any scheme or procedure whereby one or  
14 more prizes are distributed by chance among persons who have  
15 paid or promised consideration for a chance to win such prizes,  
16 whether such scheme or procedure is called a lottery, raffle,  
17 gift, sale or some other name.

18 (c) A "policy game" is any scheme or procedure whereby a  
19 person promises or guarantees by any instrument, bill,  
20 certificate, writing, token or other device that any particular  
21 number, character, ticket or certificate shall in the event of  
22 any contingency in the nature of a lottery entitle the  
23 purchaser or holder to receive money, property or evidence of  
24 debt.

25 (Source: P.A. 95-676, eff. 6-1-08.)

1 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

2 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
3 any real estate, vehicle, boat or any other property whatsoever  
4 used for the purposes of gambling other than gambling conducted  
5 in the manner authorized by the Riverboat Gambling Act or the  
6 Video Gaming Act. "Gambling place" also includes any real  
7 estate, vehicle, boat, or other property whatsoever located  
8 within a municipality or county that prohibits video gaming as  
9 provided in Section 27 or 70 of the Video Gaming Act that  
10 offers for play a video gaming terminal operated for amusement  
11 only.

12 Any person who knowingly permits any premises or property  
13 owned or occupied by him or under his control to be used as a  
14 gambling place commits a Class A misdemeanor. Each subsequent  
15 offense is a Class 4 felony.

16 If a person knowingly offers for play a video gaming  
17 terminal, whether or not the terminal is operated for amusement  
18 only, within a municipality or county that prohibits video  
19 gaming as provided in Section 27 or 70 of the Video Gaming Act,  
20 then the fine for violation of this Section is \$5,000 per video  
21 gaming terminal.

22 When any premises is determined by the circuit court to be  
23 a gambling place:

24 (a) Such premises is a public nuisance and may be proceeded  
25 against as such, and

26 (b) All licenses, permits or certificates issued by the

1 State of Illinois or any subdivision or public agency thereof  
2 authorizing the serving of food or liquor on such premises  
3 shall be void; and no license, permit or certificate so  
4 cancelled shall be reissued for such premises for a period of  
5 60 days thereafter; nor shall any person convicted of keeping a  
6 gambling place be reissued such license for one year from his  
7 conviction and, after a second conviction of keeping a gambling  
8 place, any such person shall not be reissued such license, and

9 (c) Such premises of any person who knowingly permits  
10 thereon a violation of any Section of this Article shall be  
11 held liable for, and may be sold to pay any unsatisfied  
12 judgment that may be recovered and any unsatisfied fine that  
13 may be levied under any Section of this Article.

14 (Source: P.A. 96-34, eff. 7-13-09.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.

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2		Statutes amended in order of appearance
3	230 ILCS 40/27	
4	230 ILCS 40/35	
5	230 ILCS 40/70	
6	230 ILCS 40/71 new	
7	230 ILCS 40/72 new	
8	705 ILCS 105/27.6	
9	720 ILCS 5/28-2	from Ch. 38, par. 28-2
10	720 ILCS 5/28-3	from Ch. 38, par. 28-3