



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3616

Introduced 2/11/2010, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.01

705 ILCS 105/27.5

705 ILCS 105/27.6

from Ch. 25, par. 27.5

Amends the Illinois Vehicle Code and Clerks of the Court Act. Increases the amount of an administrative sanction imposed in addition to other penalties and liabilities upon a person who is found guilty of or pleads guilty to violating the DUI provision of the Illinois Vehicle Code from \$500 to \$750. Makes corresponding changes in the Clerks of the Court Act. Makes technical changes in provisions concerning disbursement of money collected by circuit clerks of the court. Effective January 1, 2011.

LRB096 17707 AJT 33071 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.01 as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final
9 sentencing or an order for supervision, for an offense based
10 upon an arrest for a violation of Section 11-501 or a similar
11 provision of a local ordinance, individuals shall be required
12 to undergo a professional evaluation to determine if an
13 alcohol, drug, or intoxicating compound abuse problem exists
14 and the extent of the problem, and undergo the imposition of
15 treatment as appropriate. Programs conducting these
16 evaluations shall be licensed by the Department of Human
17 Services. The cost of any professional evaluation shall be paid
18 for by the individual required to undergo the professional
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to
21 violating Section 11-501, including any person receiving a
22 disposition of court supervision for violating that Section,
23 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a county State's Attorney's
2 office, a probation and court services department, Mothers
3 Against Drunk Driving, or the Alliance Against Intoxicated
4 Motorists. All costs generated by the victim impact panel shall
5 be paid from fees collected from the offender or as may be
6 determined by the court.

7 (c) Every person found guilty of violating Section 11-501,
8 whose operation of a motor vehicle while in violation of that
9 Section proximately caused any incident resulting in an
10 appropriate emergency response, shall be liable for the expense
11 of an emergency response as provided in subsection (i) of this
12 Section.

13 (d) The Secretary of State shall revoke the driving
14 privileges of any person convicted under Section 11-501 or a
15 similar provision of a local ordinance.

16 (e) The Secretary of State shall require the use of
17 ignition interlock devices on all vehicles owned by a person
18 who has been convicted of a second or subsequent offense of
19 Section 11-501 or a similar provision of a local ordinance. The
20 person must pay to the Secretary of State DUI Administration
21 Fund an amount not to exceed \$30 for each month that he or she
22 uses the device. The Secretary shall establish by rule and
23 regulation the procedures for certification and use of the
24 interlock system, the amount of the fee, and the procedures,
25 terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 Section 11-501, including any person placed on court
3 supervision for violating Section 11-501, shall be assessed
4 \$750 ~~\$500~~, payable to the circuit clerk, who shall distribute
5 the money as follows: 20% to the law enforcement agency that
6 made the arrest, and 80% shall be forwarded to the State
7 Treasurer for deposit into the General Revenue Fund. If the
8 person has been previously convicted of violating Section
9 11-501 or a similar provision of a local ordinance, the fine
10 shall be \$1,000. In the event that more than one agency is
11 responsible for the arrest, the amount payable to law
12 enforcement agencies shall be shared equally. Any moneys
13 received by a law enforcement agency under this subsection (f)
14 shall be used to purchase law enforcement equipment that will
15 assist in the prevention of alcohol related criminal violence
16 throughout the State. This shall include, but is not limited
17 to, in-car video cameras, radar and laser speed detection
18 devices, and alcohol breath testers. Any moneys received by the
19 Department of State Police under this subsection (f) shall be
20 deposited into the State Police DUI Fund and shall be used to
21 purchase law enforcement equipment that will assist in the
22 prevention of alcohol related criminal violence throughout the
23 State.

24 (g) The Secretary of State Police DUI Fund is created as a
25 special fund in the State treasury. All moneys received by the
26 Secretary of State Police under subsection (f) of this Section

1 shall be deposited into the Secretary of State Police DUI Fund
2 and, subject to appropriation, shall be used to purchase law
3 enforcement equipment to assist in the prevention of alcohol
4 related criminal violence throughout the State.

5 (h) Whenever an individual is sentenced for an offense
6 based upon an arrest for a violation of Section 11-501 or a
7 similar provision of a local ordinance, and the professional
8 evaluation recommends remedial or rehabilitative treatment or
9 education, neither the treatment nor the education shall be the
10 sole disposition and either or both may be imposed only in
11 conjunction with another disposition. The court shall monitor
12 compliance with any remedial education or treatment
13 recommendations contained in the professional evaluation.
14 Programs conducting alcohol or other drug evaluation or
15 remedial education must be licensed by the Department of Human
16 Services. If the individual is not a resident of Illinois,
17 however, the court may accept an alcohol or other drug
18 evaluation or remedial education program in the individual's
19 state of residence. Programs providing treatment must be
20 licensed under existing applicable alcoholism and drug
21 treatment licensure standards.

22 (i) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of Section 11-501,
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of Section 11-501,
2 Section 5-7 of the Snowmobile Registration and Safety Act,
3 Section 5-16 of the Boat Registration and Safety Act, or a
4 similar provision proximately caused an incident resulting in
5 an appropriate emergency response, shall be required to make
6 restitution to a public agency for the costs of that emergency
7 response. The restitution may not exceed \$1,000 per public
8 agency for each emergency response. As used in this subsection
9 (i), "emergency response" means any incident requiring a
10 response by a police officer, a firefighter carried on the
11 rolls of a regularly constituted fire department, or an
12 ambulance.

13 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09.)

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

16 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

17 Sec. 27.5. (a) All fees, fines, costs, additional
18 penalties, bail balances assessed or forfeited, and any other
19 amount paid by a person to the circuit clerk that equals an
20 amount less than \$55, except restitution under Section 5-5-6 of
21 the Unified Code of Corrections, reimbursement for the costs of
22 an emergency response as provided under Section 11-501 of the
23 Illinois Vehicle Code, any fees collected for attending a
24 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 otherwise
10 provided in this Section ~~in subsection (b)~~ shall be disbursed
11 within 60 days after receipt by the circuit clerk as follows:
12 47% shall be disbursed to the entity authorized by law to
13 receive the fine imposed in the case; 12% shall be disbursed to
14 the State Treasurer; and 41% shall be disbursed to the county's
15 general corporate fund. Of the 12% disbursed to the State
16 Treasurer, 1/6 shall be deposited by the State Treasurer into
17 the Violent Crime Victims Assistance Fund, 1/2 shall be
18 deposited into the Traffic and Criminal Conviction Surcharge
19 Fund, and 1/3 shall be deposited into the Drivers Education
20 Fund. For fiscal years 1992 and 1993, amounts deposited into
21 the Violent Crime Victims Assistance Fund, the Traffic and
22 Criminal Conviction Surcharge Fund, or the Drivers Education
23 Fund shall not exceed 110% of the amounts deposited into those
24 funds in fiscal year 1991. Any amount that exceeds the 110%
25 limit shall be distributed as follows: 50% shall be disbursed
26 to the county's general corporate fund and 50% shall be

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

1 delinquency amounts collected under this Section shall be
2 deposited in the Circuit Court Clerk Operation and
3 Administrative Fund to be used to defray administrative costs
4 incurred by the circuit clerk in performing the duties required
5 to collect and disburse funds. This Section is a denial and
6 limitation of home rule powers and functions under subsection
7 (h) of Section 6 of Article VII of the Illinois Constitution.

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

10 (1) 50% of the amounts collected for felony offenses
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
13 Animals Act and Section 26-5 of the Criminal Code of 1961;

14 (2) 20% of the amounts collected for Class A and Class
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
17 for Animals Act and Section 26-5 of the Criminal Code of
18 1961; and

19 (3) 50% of the amounts collected for Class C
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
21 for Animals Act and Section 26-5 of the Criminal Code of
22 1961.

23 (c) Any person who receives a disposition of court
24 supervision for a violation of the Illinois Vehicle Code or a
25 similar provision of a local ordinance shall, in addition to
26 any other fines, fees, and court costs, pay an additional fee

1 of \$29, to be disbursed as provided in Section 16-104c of the
2 Illinois Vehicle Code. In addition to the fee of \$29, the
3 person shall also pay a fee of \$6, if not waived by the court.
4 If this \$6 fee is collected, \$5.50 of the fee shall be
5 deposited into the Circuit Court Clerk Operation and
6 Administrative Fund created by the Clerk of the Circuit Court
7 and 50 cents of the fee shall be deposited into the Prisoner
8 Review Board Vehicle and Equipment Fund in the State treasury.

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

16 This subsection ~~Subsection~~ (d) becomes inoperative 7 years
17 after the effective date of Public Act 95-154.

18 (e) In all counties having a population of 3,000,000 or
19 more inhabitants:⁷

20 (1) ~~(e-1)~~ A person who is found guilty of or pleads
21 guilty to violating subsection (a) of Section 11-501 of the
22 Illinois Vehicle Code, including any person placed on court
23 supervision for violating subsection (a), shall be fined
24 \$750 ~~\$500~~ as provided for by subsection (f) of Section
25 11-501.01 of the Illinois Vehicle Code, payable to the
26 circuit clerk, who shall distribute the money pursuant to

1 subsection (f) of Section 11-501.01 of the Illinois Vehicle
2 Code.

3 (2) ~~(e-2)~~ When a crime laboratory DUI analysis fee of
4 \$150, provided for by Section 5-9-1.9 of the Unified Code
5 of Corrections is assessed, it shall be disbursed by the
6 circuit clerk as provided by subsection (f) of Section
7 5-9-1.9 of the Unified Code of Corrections.

8 (3) ~~(e-3)~~ When a fine for a violation of subsection (a)
9 of Section 11-605 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (f) of Section 11-605 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (f) of Section 11-605.

15 (4) ~~(e-3.5)~~ When a fine for a violation of subsection
16 (a) of Section 11-1002.5 of the Illinois Vehicle Code is
17 \$150 or greater, the additional \$50 which is charged as
18 provided for by subsection (c) of Section 11-1002.5 of the
19 Illinois Vehicle Code shall be disbursed by the circuit
20 clerk to a school district or districts for school safety
21 purposes as provided by subsection (c) of Section 11-1002.5
22 of the Illinois Vehicle Code.

23 (5) ~~(e-4)~~ When a mandatory drug court fee of up to \$5
24 is assessed as provided in subsection (f) of Section 5-1101
25 of the Counties Code, it shall be disbursed by the circuit
26 clerk as provided in subsection (f) of Section 5-1101 of

1 the Counties Code.

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

8 (7) ~~(e-6)~~ When a Children's Advocacy Center fee is
9 assessed pursuant to subsection (f-5) of Section 5-1101 of
10 the Counties Code, it shall be disbursed by the circuit
11 clerk as provided in subsection (f-5) of Section 5-1101 of
12 the Counties Code.

13 (8) ~~(e-7)~~ When a victim impact panel fee is assessed
14 pursuant to subsection (b) of Section 11-501.01 of the
15 Illinois Vehicle Code, it shall be disbursed by the circuit
16 clerk to the victim impact panel to be attended by the
17 defendant.

18 (9) ~~(e-8)~~ When a new fee collected in traffic cases is
19 enacted after January 1, 2010 (the effective date of Public
20 Act 96-735) ~~this amendatory Act of the 96th General~~
21 ~~Assembly,~~ it shall be excluded from the percentage
22 disbursement provisions of this Section unless otherwise
23 indicated by law.

24 (f) ~~(e)~~ Any person who receives a disposition of court
25 supervision for a violation of Section 11-501 of the Illinois
26 Vehicle Code shall, in addition to any other fines, fees, and

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

12 (g) ~~(e)~~ For any conviction or disposition of court
13 supervision for a violation of Section 11-1429 of the Illinois
14 Vehicle Code, the circuit clerk shall distribute the fines paid
15 by the person as specified by subsection (h) of Section 11-1429
16 of the Illinois Vehicle Code.

17 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;
18 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.
19 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,
20 eff. 1-1-10; revised 11-5-09; revised 12-28-09.)

21 (705 ILCS 105/27.6)

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

24 Sec. 27.6. (a) All fees, fines, costs, additional
25 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk equalling an
2 amount of \$55 or more, except the fine imposed by Section
3 5-9-1.15 of the Unified Code of Corrections, the additional fee
4 required by subsections (b) and (c), restitution under Section
5 5-5-6 of the Unified Code of Corrections, contributions to a
6 local anti-crime program ordered pursuant to Section
7 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
8 Corrections, reimbursement for the costs of an emergency
9 response as provided under Section 11-501 of the Illinois
10 Vehicle Code, any fees collected for attending a traffic safety
11 program under paragraph (c) of Supreme Court Rule 529, any fee
12 collected on behalf of a State's Attorney under Section 4-2002
13 of the Counties Code or a sheriff under Section 4-5001 of the
14 Counties Code, or any cost imposed under Section 124A-5 of the
15 Code of Criminal Procedure of 1963, for convictions, orders of
16 supervision, or any other disposition for a violation of
17 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
18 similar provision of a local ordinance, and any violation of
19 the Child Passenger Protection Act, or a similar provision of a
20 local ordinance, and except as otherwise provided in this
21 Section ~~subsections (d) and (g)~~ shall be disbursed within 60
22 days after receipt by the circuit clerk as follows: 44.5% shall
23 be disbursed to the entity authorized by law to receive the
24 fine imposed in the case; 16.825% shall be disbursed to the
25 State Treasurer; and 38.675% shall be disbursed to the county's
26 general corporate fund. Of the 16.825% disbursed to the State

1 Treasurer, 2/17 shall be deposited by the State Treasurer into
2 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
3 deposited into the Traffic and Criminal Conviction Surcharge
4 Fund, 3/17 shall be deposited into the Drivers Education Fund,
5 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
6 the 6.948/17 deposited into the Trauma Center Fund from the
7 16.825% disbursed to the State Treasurer, 50% shall be
8 disbursed to the Department of Public Health and 50% shall be
9 disbursed to the Department of Healthcare and Family Services.
10 For fiscal year 1993, amounts deposited into the Violent Crime
11 Victims Assistance Fund, the Traffic and Criminal Conviction
12 Surcharge Fund, or the Drivers Education Fund shall not exceed
13 110% of the amounts deposited into those funds in fiscal year
14 1991. Any amount that exceeds the 110% limit shall be
15 distributed as follows: 50% shall be disbursed to the county's
16 general corporate fund and 50% shall be disbursed to the entity
17 authorized by law to receive the fine imposed in the case. Not
18 later than March 1 of each year the circuit clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this Section during the preceding year based upon
21 independent verification of fines and fees. All counties shall
22 be subject to this Section, except that counties with a
23 population under 2,000,000 may, by ordinance, elect not to be
24 subject to this Section. For offenses subject to this Section,
25 judges shall impose one total sum of money payable for
26 violations. The circuit clerk may add on no additional amounts

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

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

24 (b-1) In addition to any other fines and court costs
25 assessed by the courts, any person convicted or receiving an
26 order of supervision for driving under the influence of alcohol

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

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

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

19 (1) 50% of the amounts collected for felony offenses
20 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
21 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
22 Animals Act and Section 26-5 of the Criminal Code of 1961;

23 (2) 20% of the amounts collected for Class A and Class
24 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
25 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
26 for Animals Act and Section 26-5 of the Criminal Code of

1 1961; and

2 (3) 50% of the amounts collected for Class C
3 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
4 for Animals Act and Section 26-5 of the Criminal Code of
5 1961.

6 (e) Any person who receives a disposition of court
7 supervision for a violation of the Illinois Vehicle Code or a
8 similar provision of a local ordinance shall, in addition to
9 any other fines, fees, and court costs, pay an additional fee
10 of \$29, to be disbursed as provided in Section 16-104c of the
11 Illinois Vehicle Code. In addition to the fee of \$29, the
12 person shall also pay a fee of \$6, if not waived by the court.
13 If this \$6 fee is collected, \$5.50 of the fee shall be
14 deposited into the Circuit Court Clerk Operation and
15 Administrative Fund created by the Clerk of the Circuit Court
16 and 50 cents of the fee shall be deposited into the Prisoner
17 Review Board Vehicle and Equipment Fund in the State treasury.

18 (f) This Section does not apply to the additional child
19 pornography fines assessed and collected under Section
20 5-9-1.14 of the Unified Code of Corrections.

21 (g) (Blank).

22 (h) (Blank).

23 (i) ~~(g)~~ Of the amounts collected as fines under subsection
24 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
25 deposited into the Illinois Military Family Relief Fund and 1%
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

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

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

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

20 (l) ~~(h)~~ Any person who receives a disposition of court
21 supervision for a violation of Section 11-501 of the Illinois
22 Vehicle Code or a similar provision of a local ordinance shall,
23 in addition to any other fines, fees, and court costs, pay an
24 additional fee of \$50, which shall be collected by the circuit
25 clerk and then remitted to the State Treasurer for deposit into
26 the Roadside Memorial Fund, a special fund in the State

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

9 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
10 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
11 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
12 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised
13 12-29-09.)

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

16 Sec. 27.6. (a) All fees, fines, costs, additional
17 penalties, bail balances assessed or forfeited, and any other
18 amount paid by a person to the circuit clerk equalling an
19 amount of \$55 or more, except the fine imposed by Section
20 5-9-1.15 of the Unified Code of Corrections, the additional fee
21 required by subsections (b) and (c), restitution under Section
22 5-5-6 of the Unified Code of Corrections, contributions to a
23 local anti-crime program ordered pursuant to Section
24 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
25 Corrections, reimbursement for the costs of an emergency

1 response as provided under Section 11-501 of the Illinois
2 Vehicle Code, any fees collected for attending a traffic safety
3 program under paragraph (c) of Supreme Court Rule 529, any fee
4 collected on behalf of a State's Attorney under Section 4-2002
5 of the Counties Code or a sheriff under Section 4-5001 of the
6 Counties Code, or any cost imposed under Section 124A-5 of the
7 Code of Criminal Procedure of 1963, for convictions, orders of
8 supervision, or any other disposition for a violation of
9 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
10 similar provision of a local ordinance, and any violation of
11 the Child Passenger Protection Act, or a similar provision of a
12 local ordinance, and except as otherwise provided in this
13 Section ~~subsections (b) through (h)~~ shall be disbursed within
14 60 days after receipt by the circuit clerk as follows: 44.5%
15 shall be disbursed to the entity authorized by law to receive
16 the fine imposed in the case; 16.825% shall be disbursed to the
17 State Treasurer; and 38.675% shall be disbursed to the county's
18 general corporate fund. Of the 16.825% disbursed to the State
19 Treasurer, 2/17 shall be deposited by the State Treasurer into
20 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
21 deposited into the Traffic and Criminal Conviction Surcharge
22 Fund, 3/17 shall be deposited into the Drivers Education Fund,
23 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
24 the 6.948/17 deposited into the Trauma Center Fund from the
25 16.825% disbursed to the State Treasurer, 50% shall be
26 disbursed to the Department of Public Health and 50% shall be

1 disbursed to the Department of Healthcare and Family Services.
2 For fiscal year 1993, amounts deposited into the Violent Crime
3 Victims Assistance Fund, the Traffic and Criminal Conviction
4 Surcharge Fund, or the Drivers Education Fund shall not exceed
5 110% of the amounts deposited into those funds in fiscal year
6 1991. Any amount that exceeds the 110% limit shall be
7 distributed as follows: 50% shall be disbursed to the county's
8 general corporate fund and 50% shall be disbursed to the entity
9 authorized by law to receive the fine imposed in the case. Not
10 later than March 1 of each year the circuit clerk shall submit
11 a report of the amount of funds remitted to the State Treasurer
12 under this Section during the preceding year based upon
13 independent verification of fines and fees. All counties shall
14 be subject to this Section, except that counties with a
15 population under 2,000,000 may, by ordinance, elect not to be
16 subject to this Section. For offenses subject to this Section,
17 judges shall impose one total sum of money payable for
18 violations. The circuit clerk may add on no additional amounts
19 except for amounts that are required by Sections 27.3a and
20 27.3c of this Act, Section 16-104c of the Illinois Vehicle
21 Code, and subsection (a) of Section 5-1101 of the Counties
22 Code, unless those amounts are specifically waived by the
23 judge. With respect to money collected by the circuit clerk as
24 a result of forfeiture of bail, ex parte judgment or guilty
25 plea pursuant to Supreme Court Rule 529, the circuit clerk
26 shall first deduct and pay amounts required by Sections 27.3a

1 and 27.3c of this Act. Unless a court ordered payment schedule
2 is implemented or fee requirements are waived pursuant to court
3 order, the clerk of the court may add to any unpaid fees and
4 costs a delinquency amount equal to 5% of the unpaid fees that
5 remain unpaid after 30 days, 10% of the unpaid fees that remain
6 unpaid after 60 days, and 15% of the unpaid fees that remain
7 unpaid after 90 days. Notice to those parties may be made by
8 signage posting or publication. The additional delinquency
9 amounts collected under this Section shall be deposited in the
10 Circuit Court Clerk Operation and Administrative Fund to be
11 used to defray administrative costs incurred by the circuit
12 clerk in performing the duties required to collect and disburse
13 funds. This Section is a denial and limitation of home rule
14 powers and functions under subsection (h) of Section 6 of
15 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) Any person convicted of or pleading guilty to a serious
2 traffic violation, as defined in Section 1-187.001 of the
3 Illinois Vehicle Code, shall pay an additional fee of \$20, to
4 be disbursed as provided in Section 16-104d of that Code. This
5 subsection (g) becomes inoperative 7 years after the effective
6 date of Public Act 95-154.

7 (h) In all counties having a population of 3,000,000 or
8 more inhabitants,

9 (1) ~~(h-1)~~ A person who is found guilty of or pleads
10 guilty to violating subsection (a) of Section 11-501 of the
11 Illinois Vehicle Code, including any person placed on court
12 supervision for violating subsection (a), shall be fined
13 \$750 ~~\$500~~ as provided for by subsection (f) of Section
14 11-501.01 of the Illinois Vehicle Code, payable to the
15 circuit clerk, who shall distribute the money pursuant to
16 subsection (f) of Section 11-501.01 of the Illinois Vehicle
17 Code.

18 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of
19 \$150, provided for by Section 5-9-1.9 of the Unified Code
20 of Corrections is assessed, it shall be disbursed by the
21 circuit clerk as provided by subsection (f) of Section
22 5-9-1.9 of the Unified Code of Corrections.

23 (3) ~~(h-3)~~ When a fine for a violation of Section
24 11-605.1 of the Illinois Vehicle Code is \$250 or greater,
25 the person who violated that Section shall be charged an
26 additional \$125 as provided for by subsection (e) of

1 Section 11-605.1 of the Illinois Vehicle Code, which shall
2 be disbursed by the circuit clerk to a State or county
3 Transportation Safety Highway Hire-back Fund as provided
4 by subsection (e) of Section 11-605.1 of the Illinois
5 Vehicle Code.

6 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)
7 of Section 11-605 of the Illinois Vehicle Code is \$150 or
8 greater, the additional \$50 which is charged as provided
9 for by subsection (f) of Section 11-605 of the Illinois
10 Vehicle Code shall be disbursed by the circuit clerk to a
11 school district or districts for school safety purposes as
12 provided by subsection (f) of Section 11-605.

13 (5) ~~(h-4.5)~~ When a fine for a violation of subsection
14 (a) of Section 11-1002.5 of the Illinois Vehicle Code is
15 \$150 or greater, the additional \$50 which is charged as
16 provided for by subsection (c) of Section 11-1002.5 of the
17 Illinois Vehicle Code shall be disbursed by the circuit
18 clerk to a school district or districts for school safety
19 purposes as provided by subsection (c) of Section 11-1002.5
20 of the Illinois Vehicle Code.

21 (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5
22 is assessed as provided in subsection (f) of Section 5-1101
23 of the Counties Code, it shall be disbursed by the circuit
24 clerk as provided in subsection (f) of Section 5-1101 of
25 the Counties Code.

26 (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth

1 court, or other youth diversion program fee is assessed as
2 provided in subsection (e) of Section 5-1101 of the
3 Counties Code, it shall be disbursed by the circuit clerk
4 as provided in subsection (e) of Section 5-1101 of the
5 Counties Code.

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

11 (9) ~~(h-8)~~ When a victim impact panel fee is assessed
12 pursuant to subsection (b) of Section 11-501.01 of the
13 Vehicle Code, it shall be disbursed by the circuit clerk to
14 the victim impact panel to be attended by the defendant.

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

20 (i) ~~(g)~~ Of the amounts collected as fines under subsection
21 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
22 deposited into the Illinois Military Family Relief Fund and 1%
23 shall be deposited into the Circuit Court Clerk Operation and
24 Administrative Fund created by the Clerk of the Circuit Court
25 to be used to offset the costs incurred by the Circuit Court
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as
2 provided by law.

3 (j) (Blank).

4 (k) ~~(h)~~ For any conviction or disposition of court
5 supervision for a violation of Section 11-1429 of the Illinois
6 Vehicle Code, the circuit clerk shall distribute the fines paid
7 by the person as specified by subsection (h) of Section 11-1429
8 of the Illinois Vehicle Code.

9 (l) ~~(h)~~ Any person who receives a disposition of court
10 supervision for a violation of Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance shall,
12 in addition to any other fines, fees, and court costs, pay an
13 additional fee of \$50, which shall be collected by the circuit
14 clerk and then remitted to the State Treasurer for deposit into
15 the Roadside Memorial Fund, a special fund in the State
16 treasury. However, the court may waive the fee if full
17 restitution is complied with. Subject to appropriation, all
18 moneys in the Roadside Memorial Fund shall be used by the
19 Department of Transportation to pay fees imposed under
20 subsection (f) of Section 20 of the Roadside Memorial Act. The
21 fee shall be remitted by the circuit clerk within one month
22 after receipt to the State Treasurer for deposit into the
23 Roadside Memorial Fund.

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 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.

1 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised
2 12-29-09.)

3 Section 99. Effective date. This Act takes effect January
4 1, 2011.