

1 AN ACT concerning government.

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

4 Section 5. The State Comptroller Act is amended by changing
5 Sections 10.05 and 10.05d as follows:

6 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

7 Sec. 10.05. Deductions from warrants; statement of reason
8 for deduction. Whenever any person shall be entitled to a
9 warrant or other payment from the treasury or other funds held
10 by the State Treasurer, on any account, against whom there
11 shall be any then due and payable account or claim in favor of
12 the State, the United States upon certification by the
13 Secretary of the Treasury of the United States, or his or her
14 delegate, pursuant to a reciprocal offset agreement under
15 subsection (i-1) of Section 10 of the Illinois State Collection
16 Act of 1986, or a unit of local government, a school district,
17 ~~or~~ a public institution of higher education, as defined in
18 Section 1 of the Board of Higher Education Act, or the clerk of
19 a circuit court, upon certification by that entity, the
20 Comptroller, upon notification thereof, shall ascertain the
21 amount due and payable to the State, the United States, the
22 unit of local government, the school district, ~~or~~ the public
23 institution of higher education, or the clerk of the circuit

1 court, as aforesaid, and draw a warrant on the treasury or on
2 other funds held by the State Treasurer, stating the amount for
3 which the party was entitled to a warrant or other payment, the
4 amount deducted therefrom, and on what account, and directing
5 the payment of the balance; which warrant or payment as so
6 drawn shall be entered on the books of the Treasurer, and such
7 balance only shall be paid. The Comptroller may deduct any one
8 or more of the following: (i) the entire amount due and payable
9 to the State or a portion of the amount due and payable to the
10 State in accordance with the request of the notifying agency;
11 (ii) the entire amount due and payable to the United States or
12 a portion of the amount due and payable to the United States in
13 accordance with a reciprocal offset agreement under subsection
14 (i-1) of Section 10 of the Illinois State Collection Act of
15 1986; or (iii) the entire amount due and payable to the unit of
16 local government, school district, ~~or~~ public institution of
17 higher education, or clerk of the circuit court, or a portion
18 of the amount due and payable to that entity, in accordance
19 with an intergovernmental agreement authorized under this
20 Section and Section 10.05d. No request from a notifying agency,
21 the Secretary of the Treasury of the United States, a unit of
22 local government, a school district, ~~or~~ a public institution of
23 higher education, or the clerk of a circuit court for an amount
24 to be deducted under this Section from a wage or salary
25 payment, or from a contractual payment to an individual for
26 personal services, shall exceed 25% of the net amount of such

1 payment. "Net amount" means that part of the earnings of an
2 individual remaining after deduction of any amounts required by
3 law to be withheld. For purposes of this provision, wage,
4 salary or other payments for personal services shall not
5 include final compensation payments for the value of accrued
6 vacation, overtime or sick leave. Whenever the Comptroller
7 draws a warrant or makes a payment involving a deduction
8 ordered under this Section, the Comptroller shall notify the
9 payee and the State agency that submitted the voucher of the
10 reason for the deduction and he or she shall retain a record of
11 such statement in his or her records. As used in this Section,
12 an "account or claim in favor of the State" includes all
13 amounts owing to "State agencies" as defined in Section 7 of
14 this Act. However, the Comptroller shall not be required to
15 accept accounts or claims owing to funds not held by the State
16 Treasurer, where such accounts or claims do not exceed \$50, nor
17 shall the Comptroller deduct from funds held by the State
18 Treasurer under the Senior Citizens and Disabled Persons
19 Property Tax Relief and Pharmaceutical Assistance Act or for
20 payments to institutions from the Illinois Prepaid Tuition
21 Trust Fund (unless the Trust Fund moneys are used for child
22 support). The Comptroller and the Department of Revenue shall
23 enter into an interagency agreement to establish
24 responsibilities, duties, and procedures relating to
25 deductions from lottery prizes awarded under Section 20.1 of
26 the Illinois Lottery Law. The Comptroller may enter into an

1 intergovernmental agreement with the Department of Revenue and
2 the Secretary of the Treasury of the United States, or his or
3 her delegate, to establish responsibilities, duties, and
4 procedures relating to reciprocal offset of delinquent State
5 and federal obligations pursuant to subsection (i-1) of Section
6 10 of the Illinois State Collection Act of 1986. The
7 Comptroller may enter into intergovernmental agreements with
8 any unit of local government, school district, ~~or~~ public
9 institution of higher education, or clerk of a circuit court to
10 establish responsibilities, duties, and procedures to provide
11 for the offset, by the Comptroller, of obligations owed to
12 those entities.

13 For the purposes of this Section, "clerk of a circuit
14 court" means the clerk of a circuit court in any county in the
15 State.

16 (Source: P.A. 97-269, eff. 12-16-11 (see Section 15 of P.A.
17 97-632 for the effective date of changes made by P.A. 97-269);
18 97-632, eff. 12-16-11.)

19 (15 ILCS 405/10.05d)

20 Sec. 10.05d. Deductions for delinquent obligations owed to
21 units of local government, school districts, ~~and~~ public
22 institutions of higher education, and clerks of the circuit
23 courts. Pursuant to Section 10.05 and this Section, the
24 Comptroller may enter into intergovernmental agreements with a
25 unit of local government, a school district, ~~or~~ a public

1 institution of higher education, or the clerk of a circuit
2 court, in order to provide for (i) the use of the Comptroller's
3 offset system to collect delinquent obligations owed to that
4 entity and (ii) the payment to the Comptroller of a processing
5 charge of up to \$15 per transaction for such offsets. The
6 Comptroller shall deduct, from a warrant or other payment
7 described in Section 10.05, in accordance with the procedures
8 provided therein, its processing charge and the amount
9 certified as necessary to satisfy, in whole or in part, the
10 delinquent obligation owed to the unit of local government,
11 school district, ~~or~~ public institution of higher education, or
12 clerk of the circuit court, as applicable. The Comptroller
13 shall provide the unit of local government, school district, ~~or~~
14 public institution of higher education, or clerk of the circuit
15 court, as applicable, with the address to which the warrant or
16 other payment was to be mailed and any other information
17 pertaining to each person from whom a deduction is made
18 pursuant to this Section. All deductions ordered under this
19 Section and processing charges imposed under this Section shall
20 be deposited into the Comptroller Debt Recovery Trust Fund, a
21 special fund that the Comptroller shall use for the collection
22 of deductions and processing charges, as provided by law, and
23 the payment of deductions and administrative expenses, as
24 provided by law.

25 Upon processing a deduction, the Comptroller shall give
26 written notice to the person subject to the offset. The notice

1 shall inform the person that he or she may make a written
2 protest to the Comptroller within 60 days after the Comptroller
3 has given notice. The protest shall include the reason for
4 contesting the deduction and any other information that will
5 enable the Comptroller to determine the amount due and payable.
6 The intergovernmental agreement entered into under Section
7 10.05 and this Section shall establish procedures through which
8 the Comptroller shall determine the validity of the protest and
9 shall make a final disposition concerning the deduction. If the
10 person subject to the offset has not made a written protest
11 within 60 days after the Comptroller has given notice or if a
12 final disposition is made concerning the deduction, the
13 Comptroller shall pay the deduction to the unit of local
14 government, school district, ~~or~~ public institution of higher
15 education, or clerk of the circuit court, as applicable, from
16 the Comptroller Debt Recovery Trust Fund.

17 For the purposes of this Section, "clerk of a circuit
18 court" means a clerk of the circuit court in any county in the
19 State.

20 (Source: P.A. 97-632, eff. 12-16-11.)

21 Section 10. The Unified Code of Corrections is amended by
22 changing Section 5-9-3 as follows:

23 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

24 Sec. 5-9-3. Default.

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

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

14 (c) If it appears that the default in the payment of a fine
15 is not intentional under paragraph (b) of this Section, the
16 court may enter an order allowing the offender additional time
17 for payment, reducing the amount of the fine or of each
18 installment, or revoking the fine or the unpaid portion.

19 (d) When a fine is imposed on a corporation or
20 unincorporated organization or association, it is the duty of
21 the person or persons authorized to make disbursement of
22 assets, and their superiors, to pay the fine from assets of the
23 corporation or unincorporated organization or association. The
24 failure of such persons to do so shall render them subject to
25 proceedings under paragraphs (a) and (b) of this Section.

26 (e) A default in the payment of a fine, fee, cost, order of

1 restitution, judgment of bond forfeiture, judgment order of
2 forfeiture, or any installment thereof may be collected by any
3 and all means authorized for the collection of money judgments.
4 The State's Attorney of the county in which the fine, fee,
5 cost, order of restitution, judgment of bond forfeiture, or
6 judgment order of forfeiture was imposed may retain attorneys
7 and private collection agents for the purpose of collecting any
8 default in payment of any fine, fee, cost, order of
9 restitution, judgment of bond forfeiture, judgment order of
10 forfeiture, or installment thereof. An additional fee of \$75.00
11 or 30% of the delinquent amount, whichever is greater, together
12 with all taxable court costs, including, without limitation,
13 costs of service of process, shall ~~is to~~ be charged to the
14 offender for any amount of the fine, fee, cost, restitution, or
15 judgment of bond forfeiture or installment of the fine, fee,
16 cost, restitution, or judgment of bond forfeiture that remains
17 unpaid after the time fixed for payment of the fine, fee, cost,
18 restitution, or judgment of bond forfeiture by the court. The
19 additional fee shall be payable to the State's Attorney in
20 order to compensate the State's Attorney for costs incurred in
21 collecting the delinquent amount. The State's Attorney may
22 enter into agreements assigning any portion of the fee to the
23 retained attorneys or the private collection agent retained by
24 the State's Attorney. Any agreement between the State's
25 Attorney and the retained attorneys or collection agents shall
26 require the approval of the Circuit Clerk of that county. A

1 default in payment of a fine, fee, cost, restitution, or
2 judgment of bond forfeiture shall draw interest at the rate of
3 9% per annum.

4 (Source: P.A. 95-514, eff. 1-1-08; 95-606, eff. 6-1-08; 95-876,
5 eff. 8-21-08.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.