



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 180

2 AMENDMENT NO. _____. Amend Senate Bill 180 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Comptroller Act is amended by
5 changing 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,

1 ~~or~~ a public institution of higher education, as defined in
2 Section 1 of the Board of Higher Education Act, or the clerk of
3 a circuit court, upon certification by that entity, the
4 Comptroller, upon notification thereof, shall ascertain the
5 amount due and payable to the State, the United States, the
6 unit of local government, the school district, ~~or~~ the public
7 institution of higher education, or the clerk of the circuit
8 court, as aforesaid, and draw a warrant on the treasury or on
9 other funds held by the State Treasurer, stating the amount for
10 which the party was entitled to a warrant or other payment, the
11 amount deducted therefrom, and on what account, and directing
12 the payment of the balance; which warrant or payment as so
13 drawn shall be entered on the books of the Treasurer, and such
14 balance only shall be paid. The Comptroller may deduct any one
15 or more of the following: (i) the entire amount due and payable
16 to the State or a portion of the amount due and payable to the
17 State in accordance with the request of the notifying agency;
18 (ii) the entire amount due and payable to the United States or
19 a portion of the amount due and payable to the United States in
20 accordance with a reciprocal offset agreement under subsection
21 (i-1) of Section 10 of the Illinois State Collection Act of
22 1986; or (iii) the entire amount due and payable to the unit of
23 local government, school district, ~~or~~ public institution of
24 higher education, or clerk of the circuit court, or a portion
25 of the amount due and payable to that entity, in accordance
26 with an intergovernmental agreement authorized under this

1 Section and Section 10.05d. No request from a notifying agency,
2 the Secretary of the Treasury of the United States, a unit of
3 local government, a school district, ~~or~~ a public institution of
4 higher education, or the clerk of a circuit court for an amount
5 to be deducted under this Section from a wage or salary
6 payment, or from a contractual payment to an individual for
7 personal services, shall exceed 25% of the net amount of such
8 payment. "Net amount" means that part of the earnings of an
9 individual remaining after deduction of any amounts required by
10 law to be withheld. For purposes of this provision, wage,
11 salary or other payments for personal services shall not
12 include final compensation payments for the value of accrued
13 vacation, overtime or sick leave. Whenever the Comptroller
14 draws a warrant or makes a payment involving a deduction
15 ordered under this Section, the Comptroller shall notify the
16 payee and the State agency that submitted the voucher of the
17 reason for the deduction and he or she shall retain a record of
18 such statement in his or her records. As used in this Section,
19 an "account or claim in favor of the State" includes all
20 amounts owing to "State agencies" as defined in Section 7 of
21 this Act. However, the Comptroller shall not be required to
22 accept accounts or claims owing to funds not held by the State
23 Treasurer, where such accounts or claims do not exceed \$50, nor
24 shall the Comptroller deduct from funds held by the State
25 Treasurer under the Senior Citizens and Disabled Persons
26 Property Tax Relief and Pharmaceutical Assistance Act or for

1 payments to institutions from the Illinois Prepaid Tuition
2 Trust Fund (unless the Trust Fund moneys are used for child
3 support). The Comptroller and the Department of Revenue shall
4 enter into an interagency agreement to establish
5 responsibilities, duties, and procedures relating to
6 deductions from lottery prizes awarded under Section 20.1 of
7 the Illinois Lottery Law. The Comptroller may enter into an
8 intergovernmental agreement with the Department of Revenue and
9 the Secretary of the Treasury of the United States, or his or
10 her delegate, to establish responsibilities, duties, and
11 procedures relating to reciprocal offset of delinquent State
12 and federal obligations pursuant to subsection (i-1) of Section
13 10 of the Illinois State Collection Act of 1986. The
14 Comptroller may enter into intergovernmental agreements with
15 any unit of local government, school district, ~~or~~ public
16 institution of higher education, or clerk of a circuit court to
17 establish responsibilities, duties, and procedures to provide
18 for the offset, by the Comptroller, of obligations owed to
19 those entities.

20 For the purposes of this Section, "clerk of a circuit
21 court" means the clerk of a circuit court in any county in the
22 State.

23 (Source: P.A. 97-269, eff. 12-16-11 (see Section 15 of P.A.
24 97-632 for the effective date of changes made by P.A. 97-269);
25 97-632, eff. 12-16-11.)

1 (15 ILCS 405/10.05d)

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

1 be deposited into the Comptroller Debt Recovery Trust Fund, a
2 special fund that the Comptroller shall use for the collection
3 of deductions and processing charges, as provided by law, and
4 the payment of deductions and administrative expenses, as
5 provided by law.

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

24 For the purposes of this Section, "clerk of a circuit
25 court" means a clerk of the circuit court in any county in the
26 State.

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

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

4 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

5 Sec. 5-9-3. Default.

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

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

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

24 (d) When a fine is imposed on a corporation or

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

7 (e) A default in the payment of a fine, fee, cost, order of
8 restitution, judgment of bond forfeiture, judgment order of
9 forfeiture, or any installment thereof may be collected by any
10 and all means authorized for the collection of money judgments.
11 The State's Attorney of the county in which the fine, fee,
12 cost, order of restitution, judgment of bond forfeiture, or
13 judgment order of forfeiture was imposed may retain attorneys
14 and private collection agents for the purpose of collecting any
15 default in payment of any fine, fee, cost, order of
16 restitution, judgment of bond forfeiture, judgment order of
17 forfeiture, or installment thereof. An additional fee of \$75.00
18 or 30% of the delinquent amount, whichever is greater, together
19 with all taxable court costs, including, without limitation,
20 costs of service of process, shall ~~is to~~ be charged to the
21 offender for any amount of the fine, fee, cost, restitution, or
22 judgment of bond forfeiture or installment of the fine, fee,
23 cost, restitution, or judgment of bond forfeiture that remains
24 unpaid after the time fixed for payment of the fine, fee, cost,
25 restitution, or judgment of bond forfeiture by the court. The
26 additional fee shall be payable to the State's Attorney in

1 order to compensate the State's Attorney for costs incurred in
2 collecting the delinquent amount. The State's Attorney may
3 enter into agreements assigning any portion of the fee to the
4 retained attorneys or the private collection agent retained by
5 the State's Attorney. Any agreement between the State's
6 Attorney and the retained attorneys or collection agents shall
7 require the approval of the Circuit Clerk of that county. A
8 default in payment of a fine, fee, cost, restitution, or
9 judgment of bond forfeiture shall draw interest at the rate of
10 9% per annum.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."