



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3602

Introduced 2/10/2012, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.6
725 ILCS 240/10

from Ch. 70, par. 510

Amends the Clerks of Courts Act. Provides that if a defendant is unable to pay the total fines, fees, and costs at the time of sentencing, the circuit clerk may establish a payment schedule based upon the information provided on a form prepared by the clerk setting forth the defendant's assets, liabilities, income, and expenses. Provides that in evaluating the defendant's expenses, the clerk shall consider only reasonable, necessary expenses. Provides that the clerk may modify the payment schedule upon a showing of good cause by the defendant. Amends the Violent Crime Victims Assistance Act. Changes the additional penalty imposed, the proceeds of which are deposited into the Violent Crime Victims Assistance Fund to: (1) \$100 for a felony; (2) \$50 for an offense under the Illinois Vehicle Code, excluding speeding offenses and certain equipment offenses and certain other violations; and (3) \$75 for a misdemeanor, excluding conservation offenses. Provides that if the court does not impose the fine, the Attorney General or the State's Attorney may file a motion to have the court correct the sentence and impose the mandatory fine. Effective July 1, 2012.

LRB097 18034 RLC 65631 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.6 as follows:

6 (705 ILCS 105/27.6)

7 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
8 96-667, 96-1175, 96-1342, and 97-434)

9 Sec. 27.6.

10 (a) All fees, fines, costs, additional penalties, bail balances
11 assessed or forfeited, and any other amount paid by a person to
12 the circuit clerk equalling an amount of \$55 or more, except
13 the fine imposed by Section 5-9-1.15 of the Unified Code of
14 Corrections, the additional fee required by subsections (b) and
15 (c), restitution under Section 5-5-6 of the Unified Code of
16 Corrections, contributions to a local anti-crime program
17 ordered pursuant to Section 5-6-3(b)(13) or Section
18 5-6-3.1(c)(13) of the Unified Code of Corrections,
19 reimbursement for the costs of an emergency response as
20 provided under Section 11-501 of the Illinois Vehicle Code, any
21 fees collected for attending a traffic safety program under
22 paragraph (c) of Supreme Court Rule 529, any fee collected on
23 behalf of a State's Attorney under Section 4-2002 of the

1 Counties Code or a sheriff under Section 4-5001 of the Counties
2 Code, or any cost imposed under Section 124A-5 of the Code of
3 Criminal Procedure of 1963, for convictions, orders of
4 supervision, or any other disposition for a violation of
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, and any violation of
7 the Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as otherwise provided in this
9 Section shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
17 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
18 be deposited into the Drivers Education Fund, and 6.948/17
19 shall be deposited into the Trauma Center Fund. Of the 6.948/17
20 deposited into the Trauma Center Fund from the 16.825%
21 disbursed to the State Treasurer, 50% shall be disbursed to the
22 Department of Public Health and 50% shall be disbursed to the
23 Department of Healthcare and Family Services. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction Surcharge
26 Fund, or the Drivers Education Fund shall not exceed 110% of

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

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

1 shall pay an additional fee of \$100 to the clerk of the circuit
2 court. This amount, less 2 1/2% that shall be used to defray
3 administrative costs incurred by the clerk, shall be remitted
4 by the clerk to the Treasurer within 60 days after receipt for
5 deposit into the Trauma Center Fund. This additional fee of
6 \$100 shall not be considered a part of the fine for purposes of
7 any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection during
11 the preceding calendar year.

12 (b-1) In addition to any other fines and court costs
13 assessed by the courts, any person convicted or receiving an
14 order of supervision for driving under the influence of alcohol
15 or drugs shall pay an additional fee of \$5 to the clerk of the
16 circuit court. This amount, less 2 1/2% that shall be used to
17 defray administrative costs incurred by the clerk, shall be
18 remitted by the clerk to the Treasurer within 60 days after
19 receipt for deposit into the Spinal Cord Injury Paralysis Cure
20 Research Trust Fund. This additional fee of \$5 shall not be
21 considered a part of the fine for purposes of any reduction in
22 the fine for time served either before or after sentencing. Not
23 later than March 1 of each year the Circuit Clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this subsection during the preceding calendar year.

26 (c) In addition to any other fines and court costs assessed

1 by the courts, any person convicted for a violation of Sections
2 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
3 person sentenced for a violation of the Cannabis Control Act,
4 the Illinois Controlled Substances Act, or the Methamphetamine
5 Control and Community Protection Act shall pay an additional
6 fee of \$100 to the clerk of the circuit court. This amount,
7 less 2 1/2% that shall be used to defray administrative costs
8 incurred by the clerk, shall be remitted by the clerk to the
9 Treasurer within 60 days after receipt for deposit into the
10 Trauma Center Fund. This additional fee of \$100 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (c-1) In addition to any other fines and court costs
17 assessed by the courts, any person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

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

7 (1) 50% of the amounts collected for felony offenses
8 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
9 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
10 Animals Act and Section 26-5 of the Criminal Code of 1961;

11 (2) 20% of the amounts collected for Class A and Class
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
14 for Animals Act and Section 26-5 of the Criminal Code of
15 1961; and

16 (3) 50% of the amounts collected for Class C
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
18 for Animals Act and Section 26-5 of the Criminal Code of
19 1961.

20 (e) Any person who receives a disposition of court
21 supervision for a violation of the Illinois Vehicle Code or a
22 similar provision of a local ordinance shall, in addition to
23 any other fines, fees, and court costs, pay an additional fee
24 of \$29, to be disbursed as provided in Section 16-104c of the
25 Illinois Vehicle Code. In addition to the fee of \$29, the
26 person shall also pay a fee of \$6, if not waived by the court.

1 If this \$6 fee is collected, \$5.50 of the fee shall be
2 deposited into the Circuit Court Clerk Operation and
3 Administrative Fund created by the Clerk of the Circuit Court
4 and 50 cents of the fee shall be deposited into the Prisoner
5 Review Board Vehicle and Equipment Fund in the State treasury.

6 (f) This Section does not apply to the additional child
7 pornography fines assessed and collected under Section
8 5-9-1.14 of the Unified Code of Corrections.

9 (g) (Blank).

10 (h) (Blank).

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

20 (j) Any person convicted of, pleading guilty to, or placed
21 on supervision for a serious traffic violation, as defined in
22 Section 1-187.001 of the Illinois Vehicle Code, a violation of
23 Section 11-501 of the Illinois Vehicle Code, or a violation of
24 a similar provision of a local ordinance shall pay an
25 additional fee of \$35, to be disbursed as provided in Section
26 16-104d of that Code.

1 This subsection (j) becomes inoperative 7 years after the
2 effective date of Public Act 95-154.

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

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

23 (m) Of the amounts collected as fines under subsection (c)
24 of Section 411.4 of the Illinois Controlled Substances Act or
25 subsection (c) of Section 90 of the Methamphetamine Control and
26 Community Protection Act, 99% shall be deposited to the law

1 enforcement agency or fund specified and 1% shall be deposited
2 into the Circuit Court Clerk Operation and Administrative Fund
3 to be used to offset the costs incurred by the Circuit Court
4 Clerk in performing the additional duties required to collect
5 and disburse funds to entities of State and local government as
6 provided by law.

7 (n) Payment schedule. If the defendant is unable to pay the
8 total fines, fees, and costs at the time of sentencing, the
9 clerk may establish a payment schedule based upon the
10 information provided on the form described in subsection (o).
11 In evaluating the defendant's expenses, the clerk shall
12 consider only reasonable, necessary expenses. The clerk may
13 modify the payment schedule upon a showing of good cause by the
14 defendant.

15 (o) The defendant shall complete a form prepared by the
16 clerk setting forth the defendant's assets, liabilities,
17 income, and expenses. The form shall be signed under penalty of
18 perjury and filed with the clerk within 5 days of sentencing
19 The defendant shall complete the form when requesting a
20 modification of the payment schedule.

21 (p) Prorated allocation of paid fines and fees. Whenever
22 the court imposes or the clerk assesses more than one fine,
23 fee, or cost, the clerk shall determine the total amount that
24 must be paid by the defendant and the proportion of each fine,
25 fee, and cost to the total. When a person pays a total of \$50 or
26 more in fines, fees, or costs during a calendar month, the

1 circuit clerk shall allocate the amount paid in proportion to
2 each entity entitled to receive a fine, fee, or cost.

3 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
4 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
5 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
6 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
7 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

8 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
9 96-735, 96-1175, 96-1342, and 97-434)

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

1 Code of Criminal Procedure of 1963, for convictions, orders of
2 supervision, or any other disposition for a violation of
3 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
4 similar provision of a local ordinance, and any violation of
5 the Child Passenger Protection Act, or a similar provision of a
6 local ordinance, and except as otherwise provided in this
7 Section shall be disbursed within 60 days after receipt by the
8 circuit clerk as follows: 44.5% shall be disbursed to the
9 entity authorized by law to receive the fine imposed in the
10 case; 16.825% shall be disbursed to the State Treasurer; and
11 38.675% shall be disbursed to the county's general corporate
12 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
13 shall be deposited by the State Treasurer into the Violent
14 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
15 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
16 be deposited into the Drivers Education Fund, and 6.948/17
17 shall be deposited into the Trauma Center Fund. Of the 6.948/17
18 deposited into the Trauma Center Fund from the 16.825%
19 disbursed to the State Treasurer, 50% shall be disbursed to the
20 Department of Public Health and 50% shall be disbursed to the
21 Department of Healthcare and Family Services. For fiscal year
22 1993, amounts deposited into the Violent Crime Victims
23 Assistance Fund, the Traffic and Criminal Conviction Surcharge
24 Fund, or the Drivers Education Fund shall not exceed 110% of
25 the amounts deposited into those funds in fiscal year 1991. Any
26 amount that exceeds the 110% limit shall be distributed as

1 follows: 50% shall be disbursed to the county's general
2 corporate fund and 50% shall be disbursed to the entity
3 authorized by law to receive the fine imposed in the case. 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 Section during the preceding year based upon
7 independent verification of fines and fees. All counties shall
8 be subject to this Section, except that counties with a
9 population under 2,000,000 may, by ordinance, elect not to be
10 subject to this Section. For offenses subject to this Section,
11 judges shall impose one total sum of money payable for
12 violations. The circuit clerk may add on no additional amounts
13 except for amounts that are required by Sections 27.3a and
14 27.3c of this Act, Section 16-104c of the Illinois Vehicle
15 Code, and subsection (a) of Section 5-1101 of the Counties
16 Code, unless those amounts are specifically waived by the
17 judge. With respect to money collected by the circuit clerk as
18 a result of forfeiture of bail, ex parte judgment or guilty
19 plea pursuant to Supreme Court Rule 529, the circuit clerk
20 shall first deduct and pay amounts required by Sections 27.3a
21 and 27.3c of this Act. Unless a court ordered payment schedule
22 is implemented or fee requirements are waived pursuant to court
23 order, the clerk of the court may add to any unpaid fees and
24 costs a delinquency amount equal to 5% of the unpaid fees that
25 remain unpaid after 30 days, 10% of the unpaid fees that remain
26 unpaid after 60 days, and 15% of the unpaid fees that remain

1 unpaid after 90 days. Notice to those parties may be made by
2 signage posting or publication. The additional delinquency
3 amounts collected under this Section shall be deposited in the
4 Circuit Court Clerk Operation and Administrative Fund to be
5 used to defray administrative costs incurred by the circuit
6 clerk in performing the duties required to collect and disburse
7 funds. This Section is a denial and limitation of home rule
8 powers and functions under subsection (h) of Section 6 of
9 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) Any person convicted of or pleading guilty to a serious
22 traffic violation, as defined in Section 1-187.001 of the
23 Illinois Vehicle Code, shall pay an additional fee of \$35, to
24 be disbursed as provided in Section 16-104d of that Code. This
25 subsection (g) becomes inoperative 7 years after the effective
26 date of Public Act 95-154.

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

3 (1) A person who is found guilty of or pleads guilty to
4 violating subsection (a) of Section 11-501 of the Illinois
5 Vehicle Code, including any person placed on court
6 supervision for violating subsection (a), shall be fined
7 \$750 as provided for by subsection (f) of Section 11-501.01
8 of the Illinois Vehicle Code, payable to the circuit clerk,
9 who shall distribute the money pursuant to subsection (f)
10 of Section 11-501.01 of the Illinois Vehicle Code.

11 (2) When a crime laboratory DUI analysis fee of \$150,
12 provided for by Section 5-9-1.9 of the Unified Code of
13 Corrections is assessed, it shall be disbursed by the
14 circuit clerk as provided by subsection (f) of Section
15 5-9-1.9 of the Unified Code of Corrections.

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

24 (4) When a fine for a violation of subsection (a) of
25 Section 11-605 of the Illinois Vehicle Code is \$150 or
26 greater, the additional \$50 which is charged as provided

1 for by subsection (f) of Section 11-605 of the Illinois
2 Vehicle Code shall be disbursed by the circuit clerk to a
3 school district or districts for school safety purposes as
4 provided by subsection (f) of Section 11-605.

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

13 (6) When a mandatory drug court fee of up to \$5 is
14 assessed as provided in subsection (f) of Section 5-1101 of
15 the Counties Code, it shall be disbursed by the circuit
16 clerk as provided in subsection (f) of Section 5-1101 of
17 the Counties Code.

18 (7) When a mandatory teen court, peer jury, youth
19 court, or other youth diversion program fee is assessed as
20 provided in subsection (e) of Section 5-1101 of the
21 Counties Code, it shall be disbursed by the circuit clerk
22 as provided in subsection (e) of Section 5-1101 of the
23 Counties Code.

24 (8) When a Children's Advocacy Center fee is assessed
25 pursuant to subsection (f-5) of Section 5-1101 of the
26 Counties Code, it shall be disbursed by the circuit clerk

1 as provided in subsection (f-5) of Section 5-1101 of the
2 Counties Code.

3 (9) When a victim impact panel fee is assessed pursuant
4 to subsection (b) of Section 11-501.01 of the Vehicle Code,
5 it shall be disbursed by the circuit clerk to the victim
6 impact panel to be attended by the defendant.

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

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

21 (j) (Blank).

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

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

16 (m) Of the amounts collected as fines under subsection (c)
17 of Section 411.4 of the Illinois Controlled Substances Act or
18 subsection (c) of Section 90 of the Methamphetamine Control and
19 Community Protection Act, 99% shall be deposited to the law
20 enforcement agency or fund specified and 1% shall be deposited
21 into the Circuit Court Clerk Operation and Administrative Fund
22 to be used to offset the costs incurred by the Circuit Court
23 Clerk in performing the additional duties required to collect
24 and disburse funds to entities of State and local government as
25 provided by law.

26 (n) Payment schedule. If the defendant is unable to pay the

1 total fines, fees, and costs at the time of sentencing, the
2 clerk may establish a payment schedule based upon the
3 information provided on the form described in subsection (o).
4 In evaluating the defendant's expenses, the clerk shall
5 consider only reasonable, necessary expenses. The clerk may
6 modify the payment schedule upon a showing of good cause by the
7 defendant.

8 (o) The defendant shall complete a form prepared by the
9 clerk setting forth the defendant's assets, liabilities,
10 income, and expenses. The form shall be signed under penalty of
11 perjury and filed with the clerk within 5 days of sentencing
12 The defendant shall complete the form when requesting a
13 modification of the payment schedule.

14 (p) Prorated allocation of paid fines and fees. Whenever
15 the court imposes or the clerk assesses more than one fine,
16 fee, or cost, the clerk shall determine the total amount that
17 must be paid by the defendant and the proportion of each fine,
18 fee and cost to the total. When a person pays a total of \$50 or
19 more in fines, fees, or costs during a calendar month, the
20 circuit clerk shall allocate the amount paid in proportion to
21 each entity entitled to receive a fine, fee, or cost.

22 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;
23 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
24 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.
25 1-1-12.)

1 Section 10. The Violent Crime Victims Assistance Act is
2 amended by changing Section 10 as follows:

3 (725 ILCS 240/10) (from Ch. 70, par. 510)

4 Sec. 10. Violent Crime Victims Assistance Fund.

5 (a) The "Violent Crime Victims Assistance Fund" is created
6 as a special fund in the State Treasury to provide monies for
7 the grants to be awarded under this Act.

8 (b) When any person is convicted in Illinois of an offense
9 listed below, or placed on supervision for that offense on or
10 after July 1, 2012, the court shall impose the following fines:

11 (1) \$100 for any felony;

12 (2) \$50 for any offense under the Illinois Vehicle
13 Code, exclusive of offenses enumerated in paragraph (a) (2)
14 of Section 6-204 of that Code, and exclusive of any offense
15 enumerated in Article VI of Chapter 11 of that Code
16 relating to restrictions, regulations, and limitations on
17 the speed at which a motor vehicle is driven or operated;
18 and

19 (3) \$75 for any misdemeanor, excluding a conservation
20 offense.

21 If the court does not impose the fine, the Attorney General
22 or the State's Attorney may file a motion to have the court
23 correct the sentence and impose the mandatory fine. The Clerk
24 of the Circuit Court shall remit moneys collected under this
25 subsection (b) ~~On and after September 18, 1986, there shall be~~

1 ~~an additional penalty collected from each defendant upon~~
2 ~~conviction of any felony or upon conviction of or disposition~~
3 ~~of supervision for any misdemeanor, or upon conviction of or~~
4 ~~disposition of supervision for any offense under the Illinois~~
5 ~~Vehicle Code, exclusive of offenses enumerated in paragraph~~
6 ~~(a)(2) of Section 6-204 of that Code, and exclusive of any~~
7 ~~offense enumerated in Article VI of Chapter 11 of that Code~~
8 ~~relating to restrictions, regulations and limitations on the~~
9 ~~speed at which a motor vehicle is driven or operated, an~~
10 ~~additional penalty of \$4 for each \$40, or fraction thereof, of~~
11 ~~fine imposed. Notwithstanding any other provision of this~~
12 ~~Section, the penalty established in this Section shall be~~
13 ~~assessed for any violation of Section 11-601.5, 11-605.2, or~~
14 ~~11-605.3 of the Illinois Vehicle Code. Such additional amounts~~
15 ~~shall be collected by the Clerk of the Circuit Court in~~
16 ~~addition to the fine and costs in the case. Each such~~
17 ~~additional penalty collected under this subsection (b) or~~
18 ~~subsection (c) of this Section shall be remitted by the Clerk~~
19 ~~of the Circuit Court~~ within one month after receipt to the
20 State Treasurer for deposit into the Violent Crime Victims
21 Assistance Fund, except as provided in subsection (g) of this
22 Section. Such additional penalty shall not be considered a part
23 of the fine for purposes of any reduction made in the fine for
24 time served either before or after sentencing. Not later than
25 March 1 of each year the Clerk of the Circuit Court shall
26 submit to the State Comptroller a report of the amount of funds

1 remitted by him to the State Treasurer under this Section
2 during the preceding calendar year. ~~Except as otherwise~~
3 ~~provided by Supreme Court Rules, if a court in sentencing an~~
4 ~~offender levies a gross amount for fine, costs, fees and~~
5 ~~penalties, the amount of the additional penalty provided for~~
6 ~~herein shall be computed on the amount remaining after~~
7 ~~deducting from the gross amount levied all fees of the Circuit~~
8 ~~Clerk, the State's Attorney and the Sheriff. After deducting~~
9 ~~from the gross amount levied the fees and additional penalty~~
10 ~~provided for herein, less any other additional penalties~~
11 ~~provided by law, the clerk shall remit the net balance~~
12 ~~remaining to the entity authorized by law to receive the fine~~
13 ~~imposed in the case. For purposes of this Section "fees of the~~
14 ~~Circuit Clerk" shall include, if applicable, the fee provided~~
15 ~~for under Section 27.3a of the Clerks of Courts Act and the~~
16 ~~fee, if applicable, payable to the county in which the~~
17 ~~violation occurred pursuant to Section 5 1101 of the Counties~~
18 ~~Code.~~

19 (c) ~~When any person is convicted in Illinois on or after~~
20 ~~August 28, 1986, of an offense listed below, or placed on~~
21 ~~supervision for such an offense on or after September 18, 1986,~~
22 ~~and no other fine is imposed, the following penalty shall be~~
23 ~~collected by the Circuit Court Clerk:~~

24 ~~(1) \$25, for any crime of violence as defined in~~
25 ~~subsection (c) of Section 2 of the Crime Victims~~
26 ~~Compensation Act; and~~

1 ~~(2) \$20, for any other felony or misdemeanor, excluding~~
2 ~~any conservation offense.~~

3 The ~~Such~~ charge imposed by subsection (b) shall not be
4 subject to the provisions of Section 110-14 of the Code of
5 Criminal Procedure of 1963.

6 (d) Monies forfeited, and proceeds from the sale of
7 property forfeited and seized, under the forfeiture provisions
8 set forth in Part 500 of Article 124B of the Code of Criminal
9 Procedure of 1963 shall be accepted for the Violent Crime
10 Victims Assistance Fund.

11 (e) Investment income which is attributable to the
12 investment of monies in the Violent Crime Victims Assistance
13 Fund shall be credited to that fund for uses specified in this
14 Act. The Treasurer shall provide the Attorney General a monthly
15 status report on the amount of money in the Fund.

16 (f) Monies from the fund may be granted on and after July
17 1, 1984.

18 (g) All amounts and charges imposed under this Section for
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, or
21 any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under Section 27.5
24 of the Clerks of Courts Act.

25 (Source: P.A. 96-712, eff. 1-1-10; 97-108, eff. 7-14-11.)

26 Section 99. Effective date. This Act takes effect July 1,

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