



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2424

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Changes the amount of the additional fee that may be charged against an offender for any amount of a fine, a fee, costs, restitution, judgment of bond forfeiture, or an installment of those amounts, that remains unpaid after the time fixed for payment by the court. Changes the additional fee to \$75 or 30% of the delinquent amount, whichever is greater, together with all taxable court costs, including, without limitation, costs of service of process (rather than 30% of the delinquent amount). Effective immediately.

LRB098 08641 RLC 38761 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 10. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

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

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

21 (c) If it appears that the default in the payment of a fine
22 is not intentional under paragraph (b) of this Section, the
23 court may enter an order allowing the offender additional time

1 for payment, reducing the amount of the fine or of each
2 installment, or revoking the fine or the unpaid portion.

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

10 (e) A default in the payment of a fine, fee, cost, order of
11 restitution, judgment of bond forfeiture, judgment order of
12 forfeiture, or any installment thereof may be collected by any
13 and all means authorized for the collection of money judgments.
14 The State's Attorney of the county in which the fine, fee,
15 cost, order of restitution, judgment of bond forfeiture, or
16 judgment order of forfeiture was imposed may retain attorneys
17 and private collection agents for the purpose of collecting any
18 default in payment of any fine, fee, cost, order of
19 restitution, judgment of bond forfeiture, judgment order of
20 forfeiture, or installment thereof. An additional fee of \$75 or
21 30% of the delinquent amount, whichever is greater, together
22 with all taxable court costs, including, without limitation,
23 costs of service of process, shall ~~is to~~ be charged to the
24 offender for any amount of the fine, fee, cost, restitution, or
25 judgment of bond forfeiture or installment of the fine, fee,
26 cost, restitution, or judgment of bond forfeiture that remains

1 unpaid after the time fixed for payment of the fine, fee, cost,
2 restitution, or judgment of bond forfeiture by the court. The
3 additional fee shall be payable to the State's Attorney in
4 order to compensate the State's Attorney for costs incurred in
5 collecting the delinquent amount. The State's Attorney may
6 enter into agreements assigning any portion of the fee to the
7 retained attorneys or the private collection agent retained by
8 the State's Attorney. Any agreement between the State's
9 Attorney and the retained attorneys or collection agents shall
10 require the approval of the Circuit Clerk of that county. A
11 default in payment of a fine, fee, cost, restitution, or
12 judgment of bond forfeiture shall draw interest at the rate of
13 9% per annum.

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

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