



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2650

Introduced 1/21/2014, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

725 ILCS 5/124A-15 new

Amends the Code of Criminal Procedure of 1963. Provides that a defendant convicted in a criminal prosecution whose conviction is reversed on final appeal or by a finding of factual innocence in a collateral proceeding such as habeas corpus or post-conviction relief under Article 122 of this Code is not liable for any costs or fees of the court or circuit clerk's office, or for any charge of subsistence while detained in custody. Provides that if the defendant has paid any costs, fine, or fees, in the case, the clerk or judge shall give him or her a certificate of the payment of those costs, fine, or fees with the items of those expenses, which, when audited and approved according to law, shall be refunded to the defendant.

LRB098 15935 RLC 50982 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 Code of Criminal Procedure of 1963 is
5 amended by adding Section 124A-15 as follows:

6 (725 ILCS 5/124A-15 new)

7 Sec. 124A-15. Reversal of conviction; refund of fines,
8 fees, and costs.

9 (a) A defendant convicted in a criminal prosecution whose
10 conviction is reversed on final appeal or by a finding of
11 factual innocence in a collateral proceeding such as habeas
12 corpus or post-conviction relief under Article 122 of this Code
13 is not liable for any costs or fees of the court or circuit
14 clerk's office, or for any charge of subsistence while detained
15 in custody. If the defendant has paid any costs, fine, or fees,
16 in the case, the clerk or judge shall give him or her a
17 certificate of the payment of those costs, fine, or fees with
18 the items of those expenses, which, when audited and approved
19 according to law, shall be refunded to the defendant.

20 (b) To receive a refund under this Section, a defendant
21 must submit a request for the refund to the clerk of the court
22 on a form and in a manner prescribed by the clerk. The
23 defendant must attach to the form an order from the court

1 demonstrating the defendant's right to the refund and the
2 amount of the refund.