

SB2885



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2885

Introduced 2/18/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

725 ILCS 5/124A-15

Amends the Code of Criminal Procedure of 1963. In provision regarding refund of costs, fines, or fees upon reversal of conviction on a finding of actual innocence, the refund shall be determined by the judge and paid by the clerk of the court based upon the availability of funds in the subject fund account.

LRB099 20648 SLF 45252 b

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 changing Section 124A-15 as follows:

6 (725 ILCS 5/124A-15)

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 by a finding of factual innocence in a
11 collateral proceeding such as habeas corpus or post-conviction
12 relief under Article 122 of this Code is not liable for any
13 costs or fees of the court or circuit clerk's office, or for
14 any charge of subsistence while detained in custody. If the
15 defendant has paid any costs, fine, or fees, in the case, a
16 refund of those costs shall be determined by the judge and paid
17 by the clerk of the court. The timing of the refund payment
18 shall be determined by the clerk of the court based upon the
19 availability of funds in the subject fund account ~~the clerk or~~
20 ~~judge shall give him or her a certificate of the payment of~~
21 ~~those costs, fine, or fees with the items of those expenses,~~
22 ~~which, when audited and approved according to law, shall be~~
23 ~~refunded to the defendant.~~

1 (b) To receive a refund under this Section, a defendant
2 must submit a request for the refund to the clerk of the court
3 on a form and in a manner prescribed by the clerk. The
4 defendant must attach to the form an order from the court
5 demonstrating the defendant's right to the refund and the
6 amount of the refund.

7 (Source: P.A. 98-943, eff. 1-1-15.)