

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 124A-15 as follows:

(725 ILCS 5/124A-15)

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

(a) A defendant convicted in a criminal prosecution whose conviction is reversed 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. If the defendant has paid any costs, fine, or fees, in the case, a refund of those costs shall be determined by the judge and paid by the clerk of the court. The timing of the refund payment shall be determined by the clerk of the court based upon the availability of funds in the subject fund account ~~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.~~

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

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