

# SB3375



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3375

Introduced 2/14/2020, by Sen. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

705 ILCS 135/10-5

Amends the Criminal and Traffic Assessment Act. Provides that the county treasurer or the treasurer of the unit of local government shall (rather than may) create the following funds, if not already in existence: the Court Automation Fund; the Document Storage Fund; the Circuit Clerk Operations and Administration Fund; the State's Attorney Records Automation Fund; the Public Defender Records Automation Fund; the Circuit Court Clerk Electronic Citation Fund; and, in each county where a Children's Advocacy Center provides services, the Child Advocacy Center Fund.

LRB101 20112 LNS 69646 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is  
5 amended by changing Section 10-5 as follows:

6 (705 ILCS 135/10-5)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 10-5. Funds.

9 (a) All money collected by the Clerk of the Circuit Court  
10 under Article 15 of this Act shall be remitted as directed in  
11 Article 15 of this Act to the county treasurer, to the State  
12 Treasurer, and to the treasurers of the units of local  
13 government. If an amount payable to any of the treasurers is  
14 less than \$10, the clerk may postpone remitting the money until  
15 \$10 has accrued or by the end of fiscal year. The treasurers  
16 shall deposit the money as indicated in the schedules, except,  
17 in a county with a population of over 3,000,000, money remitted  
18 to the county treasurer shall be subject to appropriation by  
19 the county board. Any amount retained by the Clerk of the  
20 Circuit Court in a county with population of over 3,000,000  
21 shall be subject to appropriation by the county board.

22 (b) The county treasurer or the treasurer of the unit of  
23 local government shall ~~may~~ create the funds indicated in

1 paragraphs (1) through (5), (9), and (16) of subsection (d) of  
2 this Section, if not already in existence. If a county or unit  
3 of local government has not instituted, and does not plan to  
4 institute a program that uses a particular fund, the treasurer  
5 need not create the fund and may instead deposit the money  
6 intended for the fund into the general fund of the county or  
7 unit of local government for use in financing the court system.

8 (c) If the arresting agency is a State agency, the  
9 arresting agency portion shall be remitted by the clerk of  
10 court to the State Treasurer who shall deposit the portion as  
11 follows:

12 (1) if the arresting agency is the Department of State  
13 Police, into the State Police Law Enforcement  
14 Administration Fund;

15 (2) if the arresting agency is the Department of  
16 Natural Resources, into the Conservation Police Operations  
17 Assistance Fund;

18 (3) if the arresting agency is the Secretary of State,  
19 into the Secretary of State Police Services Fund; and

20 (4) if the arresting agency is the Illinois Commerce  
21 Commission, into the Public Utility Fund.

22 (d) Fund descriptions and provisions:

23 (1) The Court Automation Fund is to defray the expense,  
24 borne by the county, of establishing and maintaining  
25 automated record keeping systems in the Office of the Clerk  
26 of the Circuit Court. The money shall be remitted monthly

1 by the clerk to the county treasurer and identified as  
2 funds for the Circuit Court Clerk. The fund shall be  
3 audited by the county auditor, and the board shall make  
4 expenditures from the fund in payment of any costs related  
5 to the automation of court records including hardware,  
6 software, research and development costs, and personnel  
7 costs related to the foregoing, provided that the  
8 expenditure is approved by the clerk of the court and by  
9 the chief judge of the circuit court or his or her  
10 designee.

11 (2) The Document Storage Fund is to defray the expense,  
12 borne by the county, of establishing and maintaining a  
13 document storage system and converting the records of the  
14 circuit court clerk to electronic or micrographic storage.  
15 The money shall be remitted monthly by the clerk to the  
16 county treasurer and identified as funds for the circuit  
17 court clerk. The fund shall be audited by the county  
18 auditor, and the board shall make expenditure from the fund  
19 in payment of any cost related to the storage of court  
20 records, including hardware, software, research and  
21 development costs, and personnel costs related to the  
22 foregoing, provided that the expenditure is approved by the  
23 clerk of the court.

24 (3) The Circuit Clerk Operations and Administration  
25 Fund may be used to defray the expenses incurred for  
26 collection and disbursement of the various assessment

1 schedules. The money shall be remitted monthly by the clerk  
2 to the county treasurer and identified as funds for the  
3 circuit court clerk.

4 (4) The State's Attorney Records Automation Fund is to  
5 defray the expense of establishing and maintaining  
6 automated record keeping systems in the offices of the  
7 State's Attorney. The money shall be remitted monthly by  
8 the clerk to the county treasurer for deposit into the  
9 State's Attorney Records Automation Fund. Expenditures  
10 from this fund may be made by the State's Attorney for  
11 hardware, software, and research and development related  
12 to automated record keeping systems.

13 (5) The Public Defender Records Automation Fund is to  
14 defray the expense of establishing and maintaining  
15 automated record keeping systems in the offices of the  
16 Public Defender. The money shall be remitted monthly by the  
17 clerk to the county treasurer for deposit into the Public  
18 Defender Records Automation Fund. Expenditures from this  
19 fund may be made by the Public Defender for hardware,  
20 software, and research and development related to  
21 automated record keeping systems.

22 (6) The DUI Fund shall be used for enforcement and  
23 prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or  
25 any combination thereof, as defined by Section 11-501 of  
26 the Illinois Vehicle Code, including, but not limited to,

1 the purchase of law enforcement equipment and commodities  
2 that will assist in the prevention of alcohol-related  
3 criminal violence throughout the State; police officer  
4 training and education in areas related to alcohol-related  
5 crime, including, but not limited to, DUI training; and  
6 police officer salaries, including, but not limited to,  
7 salaries for hire-back funding for safety checkpoints,  
8 saturation patrols, and liquor store sting operations. Any  
9 moneys shall be used to purchase law enforcement equipment  
10 that will assist in the prevention of alcohol-related  
11 criminal violence throughout the State. The money shall be  
12 remitted monthly by the clerk to the State or local  
13 treasurer for deposit as provided by law.

14 (7) The Trauma Center Fund shall be distributed as  
15 provided under Section 3.225 of the Emergency Medical  
16 Services (EMS) Systems Act.

17 (8) The Probation and Court Services Fund is to be  
18 expended as described in Section 15.1 of the Probation and  
19 Probation Officers Act.

20 (9) The Circuit Court Clerk Electronic Citation Fund  
21 shall have the Circuit Court Clerk as the custodian, ex  
22 officio, of the Fund and shall be used to perform the  
23 duties required by the office for establishing and  
24 maintaining electronic citations. The Fund shall be  
25 audited by the county's auditor.

26 (10) The Drug Treatment Fund is a special fund in the

1 State treasury. Moneys in the Fund shall be expended as  
2 provided in Section 411.2 of the Illinois Controlled  
3 Substances Act.

4 (11) The Violent Crime Victims Assistance Fund is a  
5 special fund in the State treasury to provide moneys for  
6 the grants to be awarded under the Violent Crime Victims  
7 Assistance Act.

8 (12) The Criminal Justice Information Projects Fund  
9 shall be appropriated to and administered by the Illinois  
10 Criminal Justice Information Authority for distribution to  
11 fund Department of State Police drug task forces and  
12 Metropolitan Enforcement Groups, for the costs associated  
13 with making grants from the Prescription Pill and Drug  
14 Disposal Fund, for undertaking criminal justice  
15 information projects, and for the operating and other  
16 expenses of the Authority incidental to those criminal  
17 justice information projects. The moneys deposited into  
18 the Criminal Justice Information Projects Fund under  
19 Sections 15-15 and 15-35 of this Act shall be appropriated  
20 to and administered by the Illinois Criminal Justice  
21 Information Authority for distribution to fund Department  
22 of State Police drug task forces and Metropolitan  
23 Enforcement Groups by dividing the funds equally by the  
24 total number of Department of State Police drug task forces  
25 and Illinois Metropolitan Enforcement Groups.

26 (13) The Sexual Assault Services Fund shall be

1 appropriated to the Department of Public Health. Upon  
2 appropriation of moneys from the Sexual Assault Services  
3 Fund, the Department of Public Health shall make grants of  
4 these moneys to sexual assault organizations with whom the  
5 Department has contracts for the purpose of providing  
6 community-based services to victims of sexual assault.  
7 Grants are in addition to, and are not substitutes for,  
8 other grants authorized and made by the Department.

9 (14) The County Jail Medical Costs Fund is to help  
10 defray the costs outlined in Section 17 of the County Jail  
11 Act. Moneys in the Fund shall be used solely for  
12 reimbursement to the county of costs for medical expenses  
13 and administration of the Fund.

14 (15) The Prisoner Review Board Vehicle and Equipment  
15 Fund is a special fund in the State treasury. The Prisoner  
16 Review Board shall, subject to appropriation by the General  
17 Assembly and approval by the Secretary, use all moneys in  
18 the Prisoner Review Board Vehicle and Equipment Fund for  
19 the purchase and operation of vehicles and equipment.

20 (16) In each county in which a Children's Advocacy  
21 Center provides services, a Child Advocacy Center Fund is  
22 specifically for the operation and administration of the  
23 Children's Advocacy Center, from which the county board  
24 shall make grants to support the activities and services of  
25 the Children's Advocacy Center within that county.

26 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)