



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0677

Introduced 2/8/2007, by Sen. John J. Millner

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

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

Amends the Unified Code of Corrections. Provides that an additional fee of 30% of the delinquent amount is to be charged to the offender for any amount of the fine, fee, cost, restitution, or judgment of bond forfeiture or installment of the fine, fee, cost, restitution, or judgment of bond forfeiture that remains unpaid after the time fixed for payment by the court. Provides that the additional fee shall be payable to the State's Attorney in order to compensate the State's Attorney for costs incurred in collecting the delinquent amount. Provides that the State's Attorney may enter into agreements assigning any portion of the fee to the retained attorneys or the private collection agent retained by the State's Attorney. Provides that any agreement between the State's Attorney and the retained attorneys or collection agents shall require the approval of the Circuit Clerk of that county. Provides that a default in payment of a fine, fee, cost, restitution, or judgment of bond forfeiture shall draw interest at the rate of 9% per annum.

LRB095 08531 RLC 28712 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 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,  
11 restitution, or judgment of bond forfeiture or any installment  
12 may be collected by any and all means authorized for the  
13 collection of money judgments. The State's Attorney of the  
14 county in which the fine, fee, cost, restitution, or judgment  
15 of bond forfeiture was imposed may retain attorneys and private  
16 collection agents for the purpose of collecting any default in  
17 payment of any fine, fee, cost, restitution, or judgment of  
18 bond forfeiture or installment of that fine, fee, cost,  
19 restitution, or judgment of bond forfeiture. An additional fee  
20 of 30% of the delinquent amount is to be charged to the  
21 offender for any amount of the fine, fee, cost, restitution, or  
22 judgment of bond forfeiture or installment of the fine, fee,  
23 cost, restitution, or judgment of bond forfeiture that remains  
24 unpaid after the time fixed for payment of the fine, fee, cost,  
25 restitution, or judgment of bond forfeiture by the court. The  
26 additional fee shall be payable to the State's Attorney in

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

14 (Source: P.A. 93-693, eff. 1-1-05.)