



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6209

Introduced 2/11/2010, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.755 new

30 ILCS 105/6z-82 new

705 ILCS 105/27.5

750 ILCS 5/612 new

from Ch. 25, par. 27.5

Amends the State Finance Act. Creates the Grandparents Custody Assistance Fund as a special fund in the State treasury. Provides that moneys in the Fund shall be paid as grants to public or private non-profit agencies that provide pro bono legal assistance to a grandparent or other first-degree relative seeking (i) custody of a child or (ii) to intervene in a custody dispute involving that child. Authorizes the Attorney General to manage the Fund. Defines "first-degree relative". Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if the court finds that a party has violated a court order relating to custody, visitation, or joint parenting, the court shall fine the party \$50 in addition to any other penalty imposed, unless the court decides to waive the fine because it would place an undue burden on another party who is not in violation of the court's order. Amends the Clerk of Courts Act. Provides that 90% of the fine imposed under the Illinois Marriage and Dissolution of Marriage Act must be transferred from the clerk to the Treasurer for deposit into the Grandparents Custody Assistance Fund and that the remaining 10% must be retained by the clerk to offset administrative costs.

LRB096 19207 AJO 34598 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.755 and 6z-82 as follows:

6 (30 ILCS 105/5.755 new)

7 Sec. 5.755. The Grandparents Custody Assistance Fund.

8 (30 ILCS 105/6z-82 new)

9 Sec. 6z-82. The Grandparents Custody Assistance Fund. The
10 Grandparents Custody Assistance Fund is created as a special
11 fund in the State treasury. The Fund may accept fees, gifts,
12 grants, donations, and federal or State appropriations, for
13 use, subject to appropriation, by the Attorney General in
14 making grants to public or private non-profit agencies that
15 provide pro bono legal assistance to a grandparent or other
16 first-degree relative who is seeking (i) custody of a child or
17 (ii) to intervene in a custody dispute involving that child.
18 The Attorney General may seek private and public funds for
19 deposit into the Grandparents Custody Assistance Fund. Moneys
20 in the Fund may be appropriated only for the use of the
21 Attorney General in the performance of his or her powers and
22 duties under this Section. The Attorney General shall adopt

1 rules concerning application for and disbursement of moneys in
2 the Fund. For the purposes of this Section, "first-degree
3 relative" means a sibling, grandparent, aunt, or uncle of an
4 individual.

5 Section 10. The Clerks of Courts Act is amended by changing
6 Section 27.5 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk that equals an
11 amount less than \$55, except restitution under Section 5-5-6 of
12 the Unified Code of Corrections, reimbursement for the costs of
13 an emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, and except as otherwise

1 provided in this Section ~~in subsection (b)~~ shall be disbursed
2 within 60 days after receipt by the circuit clerk as follows:
3 47% shall be disbursed to the entity authorized by law to
4 receive the fine imposed in the case; 12% shall be disbursed to
5 the State Treasurer; and 41% shall be disbursed to the county's
6 general corporate fund. Of the 12% disbursed to the State
7 Treasurer, 1/6 shall be deposited by the State Treasurer into
8 the Violent Crime Victims Assistance Fund, 1/2 shall be
9 deposited into the Traffic and Criminal Conviction Surcharge
10 Fund, and 1/3 shall be deposited into the Drivers Education
11 Fund. For fiscal years 1992 and 1993, amounts deposited into
12 the Violent Crime Victims Assistance Fund, the Traffic and
13 Criminal Conviction Surcharge Fund, or the Drivers Education
14 Fund shall not exceed 110% of the amounts deposited into those
15 funds in fiscal year 1991. Any amount that exceeds the 110%
16 limit shall be distributed as follows: 50% shall be disbursed
17 to the county's general corporate fund and 50% shall be
18 disbursed to the entity authorized by law to receive the fine
19 imposed in the case. Not later than March 1 of each year the
20 circuit clerk shall submit a report of the amount of funds
21 remitted to the State Treasurer under this Section during the
22 preceding year based upon independent verification of fines and
23 fees. All counties shall be subject to this Section, except
24 that counties with a population under 2,000,000 may, by
25 ordinance, elect not to be subject to this Section. For
26 offenses subject to this Section, judges shall impose one total

1 sum of money payable for violations. The circuit clerk may add
2 on no additional amounts except for amounts that are required
3 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the
4 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of
5 the Counties Code, unless those amounts are specifically waived
6 by the judge. With respect to money collected by the circuit
7 clerk as a result of forfeiture of bail, ex parte judgment or
8 guilty plea pursuant to Supreme Court Rule 529, the circuit
9 clerk shall first deduct and pay amounts required by Sections
10 27.3a and 27.3c of this Act. Unless a court ordered payment
11 schedule is implemented or fee requirements are waived pursuant
12 to a court order, the circuit clerk may add to any unpaid fees
13 and costs a delinquency amount equal to 5% of the unpaid fees
14 that remain unpaid after 30 days, 10% of the unpaid fees that
15 remain unpaid after 60 days, and 15% of the unpaid fees that
16 remain unpaid after 90 days. Notice to those parties may be
17 made by signage posting or publication. The additional
18 delinquency amounts collected under this Section shall be
19 deposited in the Circuit Court Clerk Operation and
20 Administrative Fund to be used to defray administrative costs
21 incurred by the circuit clerk in performing the duties required
22 to collect and disburse funds. This Section is a denial and
23 limitation of home rule powers and functions under subsection
24 (h) of Section 6 of Article VII of the Illinois Constitution.

25 (b) The following amounts must be remitted to the State
26 Treasurer for deposit into the Illinois Animal Abuse Fund:

1 (1) 50% of the amounts collected for felony offenses
2 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
3 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
4 Animals Act and Section 26-5 of the Criminal Code of 1961;

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

14 (c) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code or a
16 similar provision of a local ordinance shall, in addition to
17 any other fines, fees, and court costs, pay an additional fee
18 of \$29, to be disbursed as provided in Section 16-104c of the
19 Illinois Vehicle Code. In addition to the fee of \$29, the
20 person shall also pay a fee of \$6, if not waived by the court.
21 If this \$6 fee is collected, \$5.50 of the fee shall be
22 deposited into the Circuit Court Clerk Operation and
23 Administrative Fund created by the Clerk of the Circuit Court
24 and 50 cents of the fee shall be deposited into the Prisoner
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (d) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of
3 Section 11-501 of the Illinois Vehicle Code, or a violation of
4 a similar provision of a local ordinance shall pay an
5 additional fee of \$20, to be disbursed as provided in Section
6 16-104d of that Code.

7 This subsection ~~Subsection~~ (d) becomes inoperative 7 years
8 after the effective date of Public Act 95-154.

9 (e) In all counties having a population of 3,000,000 or
10 more inhabitants:7

11 (1) ~~(e-1)~~ A person who is found guilty of or pleads
12 guilty to violating subsection (a) of Section 11-501 of the
13 Illinois Vehicle Code, including any person placed on court
14 supervision for violating subsection (a), shall be fined
15 \$500 as provided for by subsection (f) of Section 11-501.01
16 of the Illinois Vehicle Code, payable to the circuit clerk,
17 who shall distribute the money pursuant to subsection (f)
18 of Section 11-501.01 of the Illinois Vehicle Code.

19 (2) ~~(e-2)~~ When a crime laboratory DUI analysis fee of
20 \$150, provided for by Section 5-9-1.9 of the Unified Code
21 of Corrections is assessed, it shall be disbursed by the
22 circuit clerk as provided by subsection (f) of Section
23 5-9-1.9 of the Unified Code of Corrections.

24 (3) ~~(e-3)~~ When a fine for a violation of subsection (a)
25 of Section 11-605 of the Illinois Vehicle Code is \$150 or
26 greater, the additional \$50 which is charged as provided

1 for by subsection (f) of Section 11-605 of the Illinois
2 Vehicle Code shall be disbursed by the circuit clerk to a
3 school district or districts for school safety purposes as
4 provided by subsection (f) of Section 11-605.

5 (4) ~~(e-3.5)~~ When a fine for a violation of subsection
6 (a) of Section 11-1002.5 of the Illinois Vehicle Code is
7 \$150 or greater, the additional \$50 which is charged as
8 provided for by subsection (c) of Section 11-1002.5 of the
9 Illinois Vehicle Code shall be disbursed by the circuit
10 clerk to a school district or districts for school safety
11 purposes as provided by subsection (c) of Section 11-1002.5
12 of the Illinois Vehicle Code.

13 (5) ~~(e-4)~~ When a mandatory drug court fee of up to \$5
14 is assessed as provided in subsection (f) of Section 5-1101
15 of the Counties Code, it shall be disbursed by the circuit
16 clerk as provided in subsection (f) of Section 5-1101 of
17 the Counties Code.

18 (6) ~~(e-5)~~ When a mandatory teen court, peer jury, youth
19 court, or other youth diversion program fee is assessed as
20 provided in subsection (e) of Section 5-1101 of the
21 Counties Code, it shall be disbursed by the circuit clerk
22 as provided in subsection (e) of Section 5-1101 of the
23 Counties Code.

24 (7) ~~(e-6)~~ When a Children's Advocacy Center fee is
25 assessed pursuant to subsection (f-5) of Section 5-1101 of
26 the Counties Code, it shall be disbursed by the circuit

1 clerk as provided in subsection (f-5) of Section 5-1101 of
2 the Counties Code.

3 (8) ~~(e-7)~~ When a victim impact panel fee is assessed
4 pursuant to subsection (b) of Section 11-501.01 of the
5 Illinois Vehicle Code, it shall be disbursed by the circuit
6 clerk to the victim impact panel to be attended by the
7 defendant.

8 (9) ~~(e-8)~~ When a new fee collected in traffic cases is
9 enacted after January 1, 2010 (the effective date of Public
10 Act 96-735) ~~this amendatory Act of the 96th General~~
11 ~~Assembly~~, it shall be excluded from the percentage
12 disbursement provisions of this Section unless otherwise
13 indicated by law.

14 (f) ~~(e)~~ Any person who receives a disposition of court
15 supervision for a violation of Section 11-501 of the Illinois
16 Vehicle Code shall, in addition to any other fines, fees, and
17 court costs, pay an additional fee of \$50, which shall be
18 collected by the circuit clerk and then remitted to the State
19 Treasurer for deposit into the Roadside Memorial Fund, a
20 special fund in the State treasury. However, the court may
21 waive the fee if full restitution is complied with. Subject to
22 appropriation, all moneys in the Roadside Memorial Fund shall
23 be used by the Department of Transportation to pay fees imposed
24 under subsection (f) of Section 20 of the Roadside Memorial
25 Act. The fee shall be remitted by the circuit clerk within one
26 month after receipt to the State Treasurer for deposit into the

1 Roadside Memorial Fund.

2 (g) ~~(e)~~ For any conviction or disposition of court
3 supervision for a violation of Section 11-1429 of the Illinois
4 Vehicle Code, the circuit clerk shall distribute the fines paid
5 by the person as specified by subsection (h) of Section 11-1429
6 of the Illinois Vehicle Code.

7 (h) In addition to any other fines and court costs assessed
8 by the courts, a person fined under Section 612 of the Illinois
9 Marriage and Dissolution of Marriage Act for a violation of an
10 order concerning custody, visitation, or joint parenting shall
11 pay an additional fine of \$50 to the clerk of the circuit
12 court. This amount less 10% shall be remitted by the clerk to
13 the Treasurer within 30 days after receipt for deposit into the
14 Grandparents Custody Assistance Fund. The 10% retained by the
15 clerk shall be used to defray administrative costs that the
16 clerk incurs.

17 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;
18 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.
19 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,
20 eff. 1-1-10; revised 12-28-09.)

21 Section 15. The Illinois Marriage and Dissolution of
22 Marriage Act is amended by adding Section 612 as follows:

23 (750 ILCS 5/612 new)

24 Sec. 612. Grandparent Custody Assistance Fund; fee. If the

1 court finds that one or more of the parties has violated an
2 order of the court with regards to custody, visitation, or
3 joint parenting, the court shall assess a \$50 fine against the
4 party in addition to any other penalty imposed, unless the
5 court determines to waive the fee because the court finds that
6 the imposition of it would place an undue burden on another
7 party who is not in violation of the court's order. The fine
8 shall be paid to the circuit clerk for deposit into the
9 Grandparents Custody Assistance Fund.