

**SB1817**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB1817**

Introduced 2/20/2009, by Sen. John J. Millner

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Provides that the clerk of the circuit court shall collect all fees for the Children's Advocacy Center and remit them to the county treasurer. Provides that the county treasurer shall deposit the fees into a separate account (instead of the county treasurer paying the fees directly to the Children's Advocacy Center). Specifies that the fees shall be used exclusively for the operation and administration of the Children's Advocacy Center. Effective immediately.

LRB096 10866 RLJ 21099 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section  
5 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 Sec. 5-1101. Additional fees to finance court system. A  
8 county board may enact by ordinance or resolution the following  
9 fees:

10 (a) A \$5 fee to be paid by the defendant on a judgment of  
11 guilty or a grant of supervision for violation of the Illinois  
12 Vehicle Code other than Section 11-501 or violations of similar  
13 provisions contained in county or municipal ordinances  
14 committed in the county, and up to a \$30 fee to be paid by the  
15 defendant on a judgment of guilty or a grant of supervision for  
16 violation of Section 11-501 of the Illinois Vehicle Code or a  
17 violation of a similar provision contained in county or  
18 municipal ordinances committed in the county.

19 (b) In the case of a county having a population of  
20 1,000,000 or less, a \$5 fee to be collected in all civil cases  
21 by the clerk of the circuit court.

22 (c) A fee to be paid by the defendant on a judgment of  
23 guilty or a grant of supervision under Section 5-9-1 of the

1 Unified Code of Corrections, as follows:

2 (1) for a felony, \$50;

3 (2) for a class A misdemeanor, \$25;

4 (3) for a class B or class C misdemeanor, \$15;

5 (4) for a petty offense, \$10;

6 (5) for a business offense, \$10.

7 (d) A \$100 fee for the second and subsequent violations of  
8 Section 11-501 of the Illinois Vehicle Code or violations of  
9 similar provisions contained in county or municipal ordinances  
10 committed in the county. The proceeds of this fee shall be  
11 placed in the county general fund and used to finance education  
12 programs related to driving under the influence of alcohol or  
13 drugs.

14 (d-5) A \$10 fee to be paid by the defendant on a judgment  
15 of guilty or a grant of supervision under Section 5-9-1 of the  
16 Unified Code of Corrections to be placed in the county general  
17 fund and used to finance the county mental health court, the  
18 county drug court, or both.

19 (e) In each county in which a teen court, peer court, peer  
20 jury, youth court, or other youth diversion program has been  
21 created, a county may adopt a mandatory fee of up to \$5 to be  
22 assessed as provided in this subsection. Assessments collected  
23 by the clerk of the circuit court pursuant to this subsection  
24 must be deposited into an account specifically for the  
25 operation and administration of a teen court, peer court, peer  
26 jury, youth court, or other youth diversion program. The clerk

1 of the circuit court shall collect the fees established in this  
2 subsection and must remit the fees to the teen court, peer  
3 court, peer jury, youth court, or other youth diversion program  
4 monthly, less 5%, which is to be retained as fee income to the  
5 office of the clerk of the circuit court. The fees are to be  
6 paid as follows:

7 (1) a fee of up to \$5 paid by the defendant on a  
8 judgment of guilty or grant of supervision for violation of  
9 the Illinois Vehicle Code or violations of similar  
10 provisions contained in county or municipal ordinances  
11 committed in the county;

12 (2) a fee of up to \$5 paid by the defendant on a  
13 judgment of guilty or grant of supervision under Section  
14 5-9-1 of the Unified Code of Corrections for a felony; for  
15 a Class A, Class B, or Class C misdemeanor; for a petty  
16 offense; and for a business offense.

17 (f) In each county in which a drug court has been created,  
18 the county may adopt a mandatory fee of up to \$5 to be assessed  
19 as provided in this subsection. Assessments collected by the  
20 clerk of the circuit court pursuant to this subsection must be  
21 deposited into an account specifically for the operation and  
22 administration of the drug court. The clerk of the circuit  
23 court shall collect the fees established in this subsection and  
24 must remit the fees to the drug court, less 5%, which is to be  
25 retained as fee income to the office of the clerk of the  
26 circuit court. The fees are to be paid as follows:

1           (1) a fee of up to \$5 paid by the defendant on a  
2 judgment of guilty or grant of supervision for a violation  
3 of the Illinois Vehicle Code or a violation of a similar  
4 provision contained in a county or municipal ordinance  
5 committed in the county; or

6           (2) a fee of up to \$5 paid by the defendant on a  
7 judgment of guilty or a grant of supervision under Section  
8 5-9-1 of the Unified Code of Corrections for a felony; for  
9 a Class A, Class B, or Class C misdemeanor; for a petty  
10 offense; and for a business offense.

11           The clerk of the circuit court shall deposit the 5%  
12 retained under this subsection into the Circuit Court Clerk  
13 Operation and Administrative Fund to be used to defray the  
14 costs of collection and disbursement of the drug court fee.

15           (f-5) In each county in which a Children's Advocacy Center  
16 provides services, the county board may adopt a mandatory fee  
17 of between \$5 and \$30 to be paid by the defendant on a judgment  
18 of guilty or a grant of supervision under Section 5-9-1 of the  
19 Unified Code of Corrections for a felony; for a Class A, Class  
20 B, or Class C misdemeanor; for a petty offense; and for a  
21 business offense. The clerk of the circuit court shall collect  
22 all assessments authorized under this subsection (f-5) and  
23 remit them to the county treasurer. The county treasurer shall  
24 deposit such assessments into a separate account specifically  
25 maintained for the operation and administration of the  
26 Children's Advocacy Center. Assessments collected under this

1 subsection (f-5) shall be used exclusively for the operation  
2 and administration of the Children's Advocacy Center.  
3 ~~Assessments shall be collected by the clerk of the circuit~~  
4 ~~court and must be deposited into an account specifically for~~  
5 ~~the operation and administration of the Children's Advocacy~~  
6 ~~Center. The clerk of the circuit court shall collect the fees~~  
7 ~~as provided in this subsection, and must remit the fees to the~~  
8 ~~Children's Advocacy Center.~~

9 (g) The proceeds of all fees enacted under this Section  
10 must, except as provided in subsections (d), (d-5), (e), ~~and~~  
11 (f), and (f-5), be placed in the county general fund and used  
12 to finance the court system in the county, unless the fee is  
13 subject to disbursement by the circuit clerk as provided under  
14 Section 27.5 of the Clerks of Courts Act.

15 (Source: P.A. 94-862, eff. 6-16-06; 94-980, eff. 6-30-06;  
16 95-103, eff. 1-1-08; 95-331, eff. 8-21-07; revised 10-28-08.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.