HB5743

LRB09720559KMW66161b

97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5743

Introduced 2/16/2012, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

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

Amends the Counties Code. Allows the county board to impose an additional fee of $10 to $30 on convictions and grants of supervision for felonies, misdemeanors, petty offenses, and business offenses, to be used to support Court Appointed Special Advocate services. Effective immediately.

LRB097 20559 KMW 66161 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1   AN ACT concerning 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, as follows:

1   (1) for a felony, $50;

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

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

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

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

6   (d) A $100 fee for the second and subsequent violations of

7   Section 11-501 of the Illinois Vehicle Code or violations of

8   similar provisions contained in county or municipal ordinances

9   committed in the county. The proceeds of this fee shall be

10   placed in the county general fund and used to finance education

11   programs related to driving under the influence of alcohol or

12   drugs.

13   (d-5) A $10 fee to be paid by the defendant on a judgment

14   of guilty or a grant of supervision under Section 5-9-1 of the

15   Unified Code of Corrections to be placed in the county general

16   fund and used to finance the county mental health court, the

17   county drug court, the Veterans and Servicemembers Court, or

18   any or all of the above.

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. Assessments shall be collected by the clerk
22 of the circuit court and must be deposited into an account
23 specifically for the operation and administration of the
24 Children's Advocacy Center. The clerk of the circuit court
25 shall collect the fees as provided in this subsection, and must
26 remit the fees to the Children's Advocacy Center.

1   (f-10) In each county in which the Court Appointed Special

2 Advocates provide services, the county board may, in addition

3 to any fine imposed under Section 5-9-1 of the Unified Code of

4 Corrections, adopt a mandatory fee of between $10 and $30 to be

5 paid by the defendant on a judgment of guilty or a grant of

6 supervision for a felony; for a Class A, Class B, or Class C

7 misdemeanor; for a petty offense; and for a business offense;

8 where a court appearance is required. Assessments shall be

9 collected by the clerk of the circuit court and must be

10 deposited into an account specifically for the operations of

11 the Court Appointed Special Advocates. The clerk of the circuit

12 court shall collect the fees as provided in this subsection and

13 must remit the fees to the Court Appointed Special Advocates

14 Fund that the county board shall create for the receipt of

15 funds collected under this subsection, and from which the

16 county board shall make grants to support the activities and

17 services of the Court Appointed Special Advocates within that

18 county. The term "Court Appointed Special Advocates" is

19 copyrighted and is used with permission of the holder of the

20 copyright.

21   (g) The proceeds of all fees enacted under this Section

22 must, except as provided in subsections (d), (d-5), (e), and

23 (f), and (f-10) be placed in the county general fund and used

24 to finance the court system in the county, unless the fee is

25 subject to disbursement by the circuit clerk as provided under

26 Section 27.5 of the Clerks of Courts Act.

1 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;

2 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

3 Section 99. Effective date. This Act takes effect upon

4 becoming law.