



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2976

by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1101

from Ch. 34, par. 5-1101

Amends the Counties Code. Provides that a \$5 fee on a judgment of guilty or a grant of supervision shall not apply to violations of an additional Section of the Vehicle Code. Provides that a \$30 fee on a judgment of guilty or a grant of supervision shall not apply to violations of an additional Section of the Vehicle Code. Deletes a reference that limits a \$5 fee collection in all civil cases to a county of having a population of 1,000,000 or less.

LRB098 09019 OMW 39155 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 Sections 11-501 and 5-1103 or
13 violations of similar provisions contained in county or
14 municipal ordinances committed in the county, and up to a \$30
15 fee to be paid by the defendant on a judgment of guilty or a
16 grant of supervision for violation of Sections 11-501 and
17 11-503 of the Illinois Vehicle Code or a violation of a similar
18 provision contained in county or municipal ordinances
19 committed in the county.

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

23 (c) A fee to be paid by the defendant on a judgment of

1 guilty or a grant of supervision, 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, the Veterans and Servicemembers Court, or
19 any or all of the above.

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

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

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

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

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

1 circuit court. The fees are to be paid as follows:

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

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

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

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

1 remit the fees to the Children's Advocacy Center.

2 (g) The proceeds of all fees enacted under this Section
3 must, except as provided in subsections (d), (d-5), (e), and
4 (f), be placed in the county general fund and used to finance
5 the court system in the county, unless the fee is subject to
6 disbursement by the circuit clerk as provided under Section
7 27.5 of the Clerks of Courts Act.

8 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;
9 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)