



Rep. Kelly M. Cassidy

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LRB098 15954 MRW 57009 a

1 AMENDMENT TO HOUSE BILL 5708

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5708 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Sections 5 and 5.2 as follows:

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 (Text of Section before amendment by P.A. 98-528)

8 Sec. 5. Arrest reports. All policing bodies of this State  
9 shall furnish to the Department, daily, in the form and detail  
10 the Department requires, fingerprints and descriptions of all  
11 persons who are arrested on charges of violating any penal  
12 statute of this State for offenses that are classified as  
13 felonies and Class A or B misdemeanors and of all minors of the  
14 age of 10 and over who have been arrested for an offense which  
15 would be a felony if committed by an adult, and may forward  
16 such fingerprints and descriptions for minors arrested for

1 Class A or B misdemeanors. Moving or nonmoving traffic  
2 violations under the Illinois Vehicle Code shall not be  
3 reported except for violations of Chapter 4, Section 11-204.1,  
4 or Section 11-501 of that Code. In addition, conservation  
5 offenses, as defined in the Supreme Court Rule 501(c), that are  
6 classified as Class B misdemeanors shall not be reported. Those  
7 law enforcement records maintained by the Department for minors  
8 arrested for an offense prior to their 17th birthday, or minors  
9 arrested for a non-felony offense, if committed by an adult,  
10 prior to their 18th birthday, shall not be forwarded to the  
11 Federal Bureau of Investigation unless those records relate to  
12 an arrest in which a minor was charged as an adult under any of  
13 the transfer provisions of the Juvenile Court Act of 1987.

14 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;  
15 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.  
16 7-2-10.)

17 (Text of Section after amendment by P.A. 98-528)

18 Sec. 5. Arrest reports. All policing bodies of this State  
19 shall furnish to the Department, daily, in the form and detail  
20 the Department requires, fingerprints, descriptions, and  
21 ethnic and racial background data as provided in Section 4.5 of  
22 this Act of all persons who are arrested on charges of  
23 violating any penal statute of this State for offenses that are  
24 classified as felonies and Class A or B misdemeanors and of all  
25 minors of the age of 10 and over who have been arrested for an

1 offense which would be a felony if committed by an adult, and  
2 may forward such fingerprints and descriptions for minors  
3 arrested for Class A or B misdemeanors. An offense classified  
4 as a regulatory offense, as defined in the Unified Code of  
5 Corrections, shall not be reported. Moving or nonmoving traffic  
6 violations under the Illinois Vehicle Code shall not be  
7 reported except for violations of Chapter 4, Section 11-204.1,  
8 or Section 11-501 of that Code. In addition, conservation  
9 offenses, as defined in the Supreme Court Rule 501(c), that are  
10 classified as Class B misdemeanors shall not be reported. Those  
11 law enforcement records maintained by the Department for minors  
12 arrested for an offense prior to their 17th birthday, or minors  
13 arrested for a non-felony offense, if committed by an adult,  
14 prior to their 18th birthday, shall not be forwarded to the  
15 Federal Bureau of Investigation unless those records relate to  
16 an arrest in which a minor was charged as an adult under any of  
17 the transfer provisions of the Juvenile Court Act of 1987.

18 (Source: P.A. 98-528, eff. 1-1-15.)

19 (20 ILCS 2630/5.2)

20 Sec. 5.2. Expungement and sealing.

21 (a) General Provisions.

22 (1) Definitions. In this Act, words and phrases have  
23 the meanings set forth in this subsection, except when a  
24 particular context clearly requires a different meaning.

25 (A) The following terms shall have the meanings

1 ascribed to them in the Unified Code of Corrections,  
2 730 ILCS 5/5-1-2 through 5/5-1-22:

3 (i) Business Offense (730 ILCS 5/5-1-2),

4 (ii) Charge (730 ILCS 5/5-1-3),

5 (iii) Court (730 ILCS 5/5-1-6),

6 (iv) Defendant (730 ILCS 5/5-1-7),

7 (v) Felony (730 ILCS 5/5-1-9),

8 (vi) Imprisonment (730 ILCS 5/5-1-10),

9 (vii) Judgment (730 ILCS 5/5-1-12),

10 (viii) Misdemeanor (730 ILCS 5/5-1-14),

11 (ix) Offense (730 ILCS 5/5-1-15),

12 (x) Parole (730 ILCS 5/5-1-16),

13 (xi) Petty Offense (730 ILCS 5/5-1-17),

14 (xii) Probation (730 ILCS 5/5-1-18),

15 (xii-1) Regulatory offense (730 ILCS

16 5/5-1-18.1-1),

17 (xiii) Sentence (730 ILCS 5/5-1-19),

18 (xiv) Supervision (730 ILCS 5/5-1-21), and

19 (xv) Victim (730 ILCS 5/5-1-22).

20 (B) As used in this Section, "charge not initiated  
21 by arrest" means a charge (as defined by 730 ILCS  
22 5/5-1-3) brought against a defendant where the  
23 defendant is not arrested prior to or as a direct  
24 result of the charge.

25 (C) "Conviction" means a judgment of conviction or  
26 sentence entered upon a plea of guilty or upon a

1           verdict or finding of guilty of an offense, rendered by  
2           a legally constituted jury or by a court of competent  
3           jurisdiction authorized to try the case without a jury.  
4           An order of supervision successfully completed by the  
5           petitioner is not a conviction. An order of qualified  
6           probation (as defined in subsection (a)(1)(J))  
7           successfully completed by the petitioner is not a  
8           conviction. An order of supervision or an order of  
9           qualified probation that is terminated  
10          unsatisfactorily is a conviction, unless the  
11          unsatisfactory termination is reversed, vacated, or  
12          modified and the judgment of conviction, if any, is  
13          reversed or vacated.

14           (D) "Criminal offense" means a petty offense,  
15          business offense, misdemeanor, felony, or municipal  
16          ordinance violation (as defined in subsection  
17          (a)(1)(H)). As used in this Section, a minor traffic  
18          offense (as defined in subsection (a)(1)(G)) and a  
19          regulatory offense shall not be considered a criminal  
20          offense.

21           (E) "Expunge" means to physically destroy the  
22          records or return them to the petitioner and to  
23          obliterate the petitioner's name from any official  
24          index or public record, or both. Nothing in this Act  
25          shall require the physical destruction of the circuit  
26          court file, but such records relating to arrests or

1 charges, or both, ordered expunged shall be impounded  
2 as required by subsections (d)(9)(A)(ii) and  
3 (d)(9)(B)(ii).

4 (F) As used in this Section, "last sentence" means  
5 the sentence, order of supervision, or order of  
6 qualified probation (as defined by subsection  
7 (a)(1)(J)), for a criminal offense (as defined by  
8 subsection (a)(1)(D)) that terminates last in time in  
9 any jurisdiction, regardless of whether the petitioner  
10 has included the criminal offense for which the  
11 sentence or order of supervision or qualified  
12 probation was imposed in his or her petition. If  
13 multiple sentences, orders of supervision, or orders  
14 of qualified probation terminate on the same day and  
15 are last in time, they shall be collectively considered  
16 the "last sentence" regardless of whether they were  
17 ordered to run concurrently.

18 (G) "Minor traffic offense" means a petty offense,  
19 business offense, or Class C misdemeanor under the  
20 Illinois Vehicle Code or a similar provision of a  
21 municipal or local ordinance.

22 (H) "Municipal ordinance violation" means an  
23 offense defined by a municipal or local ordinance that  
24 is criminal in nature and with which the petitioner was  
25 charged or for which the petitioner was arrested and  
26 released without charging.

1           (I) "Petitioner" means an adult or a minor  
2 prosecuted as an adult who has applied for relief under  
3 this Section.

4           (J) "Qualified probation" means an order of  
5 probation under Section 10 of the Cannabis Control Act,  
6 Section 410 of the Illinois Controlled Substances Act,  
7 Section 70 of the Methamphetamine Control and  
8 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
9 of the Unified Code of Corrections, Section  
10 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
11 those provisions existed before their deletion by  
12 Public Act 89-313), Section 10-102 of the Illinois  
13 Alcoholism and Other Drug Dependency Act, Section  
14 40-10 of the Alcoholism and Other Drug Abuse and  
15 Dependency Act, or Section 10 of the Steroid Control  
16 Act. For the purpose of this Section, "successful  
17 completion" of an order of qualified probation under  
18 Section 10-102 of the Illinois Alcoholism and Other  
19 Drug Dependency Act and Section 40-10 of the Alcoholism  
20 and Other Drug Abuse and Dependency Act means that the  
21 probation was terminated satisfactorily and the  
22 judgment of conviction was vacated.

23           (K) "Seal" means to physically and electronically  
24 maintain the records, unless the records would  
25 otherwise be destroyed due to age, but to make the  
26 records unavailable without a court order, subject to

1 the exceptions in Sections 12 and 13 of this Act. The  
2 petitioner's name shall also be obliterated from the  
3 official index required to be kept by the circuit court  
4 clerk under Section 16 of the Clerks of Courts Act, but  
5 any index issued by the circuit court clerk before the  
6 entry of the order to seal shall not be affected.

7 (L) "Sexual offense committed against a minor"  
8 includes but is not limited to the offenses of indecent  
9 solicitation of a child or criminal sexual abuse when  
10 the victim of such offense is under 18 years of age.

11 (M) "Terminate" as it relates to a sentence or  
12 order of supervision or qualified probation includes  
13 either satisfactory or unsatisfactory termination of  
14 the sentence, unless otherwise specified in this  
15 Section.

16 (2) Minor Traffic Offenses. Orders of supervision or  
17 convictions for minor traffic offenses shall not affect a  
18 petitioner's eligibility to expunge or seal records  
19 pursuant to this Section.

20 (2.5) Regulatory Offenses. Convictions or pleas of  
21 guilty for regulatory offenses shall not affect a  
22 petitioner's eligibility to expunge or seal records under  
23 this Section.

24 (3) Exclusions. Except as otherwise provided in  
25 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
26 of this Section, the court shall not order:



1           (A) the sealing or expungement of the records of  
2 arrests or charges not initiated by arrest that result  
3 in an order of supervision for or conviction of: (i)  
4 any sexual offense committed against a minor; (ii)  
5 Section 11-501 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance; or (iii)  
7 Section 11-503 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, unless the  
9 arrest or charge is for a misdemeanor violation of  
10 subsection (a) of Section 11-503 or a similar provision  
11 of a local ordinance, that occurred prior to the  
12 offender reaching the age of 25 years and the offender  
13 has no other conviction for violating Section 11-501 or  
14 11-503 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance.

16           (B) the sealing or expungement of records of minor  
17 traffic offenses (as defined in subsection (a)(1)(G)),  
18 unless the petitioner was arrested and released  
19 without charging.

20           (C) the sealing of the records of arrests or  
21 charges not initiated by arrest which result in an  
22 order of supervision, an order of qualified probation  
23 (as defined in subsection (a)(1)(J)), or a conviction  
24 for the following offenses:

25                   (i) offenses included in Article 11 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012

1 or a similar provision of a local ordinance, except  
2 Section 11-14 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, or a similar provision of a  
4 local ordinance;

5 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
6 26-5, or 48-1 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, or a similar provision of a  
8 local ordinance;

9 (iii) offenses defined as "crimes of violence"  
10 in Section 2 of the Crime Victims Compensation Act  
11 or a similar provision of a local ordinance;

12 (iv) offenses which are Class A misdemeanors  
13 under the Humane Care for Animals Act; or

14 (v) any offense or attempted offense that  
15 would subject a person to registration under the  
16 Sex Offender Registration Act.

17 (D) the sealing of the records of an arrest which  
18 results in the petitioner being charged with a felony  
19 offense or records of a charge not initiated by arrest  
20 for a felony offense unless:

21 (i) the charge is amended to a misdemeanor and  
22 is otherwise eligible to be sealed pursuant to  
23 subsection (c);

24 (ii) the charge is brought along with another  
25 charge as a part of one case and the charge results  
26 in acquittal, dismissal, or conviction when the

1 conviction was reversed or vacated, and another  
2 charge brought in the same case results in a  
3 disposition for a misdemeanor offense that is  
4 eligible to be sealed pursuant to subsection (c) or  
5 a disposition listed in paragraph (i), (iii), or  
6 (iv) of this subsection;

7 (iii) the charge results in first offender  
8 probation as set forth in subsection (c) (2) (E);

9 (iv) the charge is for a felony offense listed  
10 in subsection (c) (2) (F) or the charge is amended to  
11 a felony offense listed in subsection (c) (2) (F);

12 (v) the charge results in acquittal,  
13 dismissal, or the petitioner's release without  
14 conviction; or

15 (vi) the charge results in a conviction, but  
16 the conviction was reversed or vacated.

17 (b) Expungement.

18 (1) A petitioner may petition the circuit court to  
19 expunge the records of his or her arrests and charges not  
20 initiated by arrest when:

21 (A) He or she has never been convicted of a  
22 criminal offense; and

23 (B) Each arrest or charge not initiated by arrest  
24 sought to be expunged resulted in: (i) acquittal,  
25 dismissal, or the petitioner's release without  
26 charging, unless excluded by subsection (a) (3) (B);

1 (ii) a conviction which was vacated or reversed, unless  
2 excluded by subsection (a)(3)(B); (iii) an order of  
3 supervision and such supervision was successfully  
4 completed by the petitioner, unless excluded by  
5 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
6 qualified probation (as defined in subsection  
7 (a)(1)(J)) and such probation was successfully  
8 completed by the petitioner.

9 (2) Time frame for filing a petition to expunge.

10 (A) When the arrest or charge not initiated by  
11 arrest sought to be expunged resulted in an acquittal,  
12 dismissal, the petitioner's release without charging,  
13 or the reversal or vacation of a conviction, there is  
14 no waiting period to petition for the expungement of  
15 such records.

16 (B) When the arrest or charge not initiated by  
17 arrest sought to be expunged resulted in an order of  
18 supervision, successfully completed by the petitioner,  
19 the following time frames will apply:

20 (i) Those arrests or charges that resulted in  
21 orders of supervision under Section 3-707, 3-708,  
22 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance, or under  
24 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012, or a  
26 similar provision of a local ordinance, shall not

1           be eligible for expungement until 5 years have  
2           passed following the satisfactory termination of  
3           the supervision.

4           (i-5) Those arrests or charges that resulted  
5           in orders of supervision for a misdemeanor  
6           violation of subsection (a) of Section 11-503 of  
7           the Illinois Vehicle Code or a similar provision of  
8           a local ordinance, that occurred prior to the  
9           offender reaching the age of 25 years and the  
10          offender has no other conviction for violating  
11          Section 11-501 or 11-503 of the Illinois Vehicle  
12          Code or a similar provision of a local ordinance  
13          shall not be eligible for expungement until the  
14          petitioner has reached the age of 25 years.

15          (ii) Those arrests or charges that resulted in  
16          orders of supervision for any other offenses shall  
17          not be eligible for expungement until 2 years have  
18          passed following the satisfactory termination of  
19          the supervision.

20          (C) When the arrest or charge not initiated by  
21          arrest sought to be expunged resulted in an order of  
22          qualified probation, successfully completed by the  
23          petitioner, such records shall not be eligible for  
24          expungement until 5 years have passed following the  
25          satisfactory termination of the probation.

26          (3) Those records maintained by the Department for

1 persons arrested prior to their 17th birthday shall be  
2 expunged as provided in Section 5-915 of the Juvenile Court  
3 Act of 1987.

4 (4) Whenever a person has been arrested for or  
5 convicted of any offense, in the name of a person whose  
6 identity he or she has stolen or otherwise come into  
7 possession of, the aggrieved person from whom the identity  
8 was stolen or otherwise obtained without authorization,  
9 upon learning of the person having been arrested using his  
10 or her identity, may, upon verified petition to the chief  
11 judge of the circuit wherein the arrest was made, have a  
12 court order entered nunc pro tunc by the Chief Judge to  
13 correct the arrest record, conviction record, if any, and  
14 all official records of the arresting authority, the  
15 Department, other criminal justice agencies, the  
16 prosecutor, and the trial court concerning such arrest, if  
17 any, by removing his or her name from all such records in  
18 connection with the arrest and conviction, if any, and by  
19 inserting in the records the name of the offender, if known  
20 or ascertainable, in lieu of the aggrieved's name. The  
21 records of the circuit court clerk shall be sealed until  
22 further order of the court upon good cause shown and the  
23 name of the aggrieved person obliterated on the official  
24 index required to be kept by the circuit court clerk under  
25 Section 16 of the Clerks of Courts Act, but the order shall  
26 not affect any index issued by the circuit court clerk

1 before the entry of the order. Nothing in this Section  
2 shall limit the Department of State Police or other  
3 criminal justice agencies or prosecutors from listing  
4 under an offender's name the false names he or she has  
5 used.

6 (5) Whenever a person has been convicted of criminal  
7 sexual assault, aggravated criminal sexual assault,  
8 predatory criminal sexual assault of a child, criminal  
9 sexual abuse, or aggravated criminal sexual abuse, the  
10 victim of that offense may request that the State's  
11 Attorney of the county in which the conviction occurred  
12 file a verified petition with the presiding trial judge at  
13 the petitioner's trial to have a court order entered to  
14 seal the records of the circuit court clerk in connection  
15 with the proceedings of the trial court concerning that  
16 offense. However, the records of the arresting authority  
17 and the Department of State Police concerning the offense  
18 shall not be sealed. The court, upon good cause shown,  
19 shall make the records of the circuit court clerk in  
20 connection with the proceedings of the trial court  
21 concerning the offense available for public inspection.

22 (6) If a conviction has been set aside on direct review  
23 or on collateral attack and the court determines by clear  
24 and convincing evidence that the petitioner was factually  
25 innocent of the charge, the court that finds the petitioner  
26 factually innocent of the charge shall enter an expungement

1 order for the conviction for which the petitioner has been  
2 determined to be innocent as provided in subsection (b) of  
3 Section 5-5-4 of the Unified Code of Corrections.

4 (7) Nothing in this Section shall prevent the  
5 Department of State Police from maintaining all records of  
6 any person who is admitted to probation upon terms and  
7 conditions and who fulfills those terms and conditions  
8 pursuant to Section 10 of the Cannabis Control Act, Section  
9 410 of the Illinois Controlled Substances Act, Section 70  
10 of the Methamphetamine Control and Community Protection  
11 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
12 Corrections, Section 12-4.3 or subdivision (b)(1) of  
13 Section 12-3.05 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, Section 10-102 of the Illinois  
15 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
16 the Alcoholism and Other Drug Abuse and Dependency Act, or  
17 Section 10 of the Steroid Control Act.

18 (8) If the petitioner has been granted a certificate of  
19 innocence under Section 2-702 of the Code of Civil  
20 Procedure, the court that grants the certificate of  
21 innocence shall also enter an order expunging the  
22 conviction for which the petitioner has been determined to  
23 be innocent as provided in subsection (h) of Section 2-702  
24 of the Code of Civil Procedure.

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision



1 of this Act to the contrary, and cumulative with any rights  
2 to expungement of criminal records, this subsection  
3 authorizes the sealing of criminal records of adults and of  
4 minors prosecuted as adults.

5 (2) Eligible Records. The following records may be  
6 sealed:

7 (A) All arrests resulting in release without  
8 charging;

9 (B) Arrests or charges not initiated by arrest  
10 resulting in acquittal, dismissal, or conviction when  
11 the conviction was reversed or vacated, except as  
12 excluded by subsection (a) (3) (B);

13 (C) Arrests or charges not initiated by arrest  
14 resulting in orders of supervision successfully  
15 completed by the petitioner, unless excluded by  
16 subsection (a) (3);

17 (D) Arrests or charges not initiated by arrest  
18 resulting in convictions unless excluded by subsection  
19 (a) (3);

20 (E) Arrests or charges not initiated by arrest  
21 resulting in orders of first offender probation under  
22 Section 10 of the Cannabis Control Act, Section 410 of  
23 the Illinois Controlled Substances Act, Section 70 of  
24 the Methamphetamine Control and Community Protection  
25 Act, or Section 5-6-3.3 of the Unified Code of  
26 Corrections; and

1 (F) Arrests or charges not initiated by arrest  
2 resulting in felony convictions for the following  
3 offenses:

4 (i) Class 4 felony convictions for:

5 Prostitution under Section 11-14 of the  
6 Criminal Code of 1961 or the Criminal Code of  
7 2012.

8 Possession of cannabis under Section 4 of  
9 the Cannabis Control Act.

10 Possession of a controlled substance under  
11 Section 402 of the Illinois Controlled  
12 Substances Act.

13 Offenses under the Methamphetamine  
14 Precursor Control Act.

15 Offenses under the Steroid Control Act.

16 Theft under Section 16-1 of the Criminal  
17 Code of 1961 or the Criminal Code of 2012.

18 Retail theft under Section 16A-3 or  
19 paragraph (a) of 16-25 of the Criminal Code of  
20 1961 or the Criminal Code of 2012.

21 Deceptive practices under Section 17-1 of  
22 the Criminal Code of 1961 or the Criminal Code  
23 of 2012.

24 Forgery under Section 17-3 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012.

26 Possession of burglary tools under Section

1 19-2 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012.

3 (ii) Class 3 felony convictions for:

4 Theft under Section 16-1 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012.

6 Retail theft under Section 16A-3 or  
7 paragraph (a) of 16-25 of the Criminal Code of  
8 1961 or the Criminal Code of 2012.

9 Deceptive practices under Section 17-1 of  
10 the Criminal Code of 1961 or the Criminal Code  
11 of 2012.

12 Forgery under Section 17-3 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012.

14 Possession with intent to manufacture or  
15 deliver a controlled substance under Section  
16 401 of the Illinois Controlled Substances Act.

17 (3) When Records Are Eligible to Be Sealed. Records  
18 identified as eligible under subsection (c)(2) may be  
19 sealed as follows:

20 (A) Records identified as eligible under  
21 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
22 time.

23 (B) Records identified as eligible under  
24 subsection (c)(2)(C) may be sealed (i) 3 years after  
25 the termination of petitioner's last sentence (as  
26 defined in subsection (a)(1)(F)) if the petitioner has

1 never been convicted of a criminal offense (as defined  
2 in subsection (a)(1)(D)); or (ii) 4 years after the  
3 termination of the petitioner's last sentence (as  
4 defined in subsection (a)(1)(F)) if the petitioner has  
5 ever been convicted of a criminal offense (as defined  
6 in subsection (a)(1)(D)).

7 (C) Records identified as eligible under  
8 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
9 sealed 4 years after the termination of the  
10 petitioner's last sentence (as defined in subsection  
11 (a)(1)(F)).

12 (D) Records identified in subsection  
13 (a)(3)(A)(iii) may be sealed after the petitioner has  
14 reached the age of 25 years.

15 (4) Subsequent felony convictions. A person may not  
16 have subsequent felony conviction records sealed as  
17 provided in this subsection (c) if he or she is convicted  
18 of any felony offense after the date of the sealing of  
19 prior felony convictions as provided in this subsection  
20 (c). The court may, upon conviction for a subsequent felony  
21 offense, order the unsealing of prior felony conviction  
22 records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a  
24 disposition for an eligible record under this subsection  
25 (c), the petitioner shall be informed by the court of the  
26 right to have the records sealed and the procedures for the

1 sealing of the records.

2 (d) Procedure. The following procedures apply to  
3 expungement under subsections (b), (e), and (e-6) and sealing  
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to  
6 petition for the expungement or sealing of records under  
7 this Section, the petitioner shall file a petition  
8 requesting the expungement or sealing of records with the  
9 clerk of the court where the arrests occurred or the  
10 charges were brought, or both. If arrests occurred or  
11 charges were brought in multiple jurisdictions, a petition  
12 must be filed in each such jurisdiction. The petitioner  
13 shall pay the applicable fee, if not waived.

14 (2) Contents of petition. The petition shall be  
15 verified and shall contain the petitioner's name, date of  
16 birth, current address and, for each arrest or charge not  
17 initiated by arrest sought to be sealed or expunged, the  
18 case number, the date of arrest (if any), the identity of  
19 the arresting authority, and such other information as the  
20 court may require. During the pendency of the proceeding,  
21 the petitioner shall promptly notify the circuit court  
22 clerk of any change of his or her address. If the  
23 petitioner has received a certificate of eligibility for  
24 sealing from the Prisoner Review Board under paragraph (10)  
25 of subsection (a) of Section 3-3-2 of the Unified Code of  
26 Corrections, the certificate shall be attached to the

1 petition.

2 (3) Drug test. The petitioner must attach to the  
3 petition proof that the petitioner has passed a test taken  
4 within 30 days before the filing of the petition showing  
5 the absence within his or her body of all illegal  
6 substances as defined by the Illinois Controlled  
7 Substances Act, the Methamphetamine Control and Community  
8 Protection Act, and the Cannabis Control Act if he or she  
9 is petitioning to:

10 (A) seal felony records under clause (c) (2) (E);

11 (B) seal felony records for a violation of the  
12 Illinois Controlled Substances Act, the  
13 Methamphetamine Control and Community Protection Act,  
14 or the Cannabis Control Act under clause (c) (2) (F);

15 (C) seal felony records under subsection (e-5); or

16 (D) expunge felony records of a qualified  
17 probation under clause (b) (1) (B) (iv).

18 (4) Service of petition. The circuit court clerk shall  
19 promptly serve a copy of the petition and documentation to  
20 support the petition under subsection (e), (e-5), or (e-6)  
21 on the State's Attorney or prosecutor charged with the duty  
22 of prosecuting the offense, the Department of State Police,  
23 the arresting agency and the chief legal officer of the  
24 unit of local government effecting the arrest.

25 (5) Objections.

26 (A) Any party entitled to notice of the petition

1           may file an objection to the petition. All objections  
2           shall be in writing, shall be filed with the circuit  
3           court clerk, and shall state with specificity the basis  
4           of the objection.

5           (B) Objections to a petition to expunge or seal  
6           must be filed within 60 days of the date of service of  
7           the petition.

8           (6) Entry of order.

9           (A) The Chief Judge of the circuit wherein the  
10          charge was brought, any judge of that circuit  
11          designated by the Chief Judge, or in counties of less  
12          than 3,000,000 inhabitants, the presiding trial judge  
13          at the petitioner's trial, if any, shall rule on the  
14          petition to expunge or seal as set forth in this  
15          subsection (d) (6).

16          (B) Unless the State's Attorney or prosecutor, the  
17          Department of State Police, the arresting agency, or  
18          the chief legal officer files an objection to the  
19          petition to expunge or seal within 60 days from the  
20          date of service of the petition, the court shall enter  
21          an order granting or denying the petition.

22          (7) Hearings. If an objection is filed, the court shall  
23          set a date for a hearing and notify the petitioner and all  
24          parties entitled to notice of the petition of the hearing  
25          date at least 30 days prior to the hearing. Prior to the  
26          hearing, the State's Attorney shall consult with the

1 Department as to the appropriateness of the relief sought  
2 in the petition to expunge or seal. At the hearing, the  
3 court shall hear evidence on whether the petition should or  
4 should not be granted, and shall grant or deny the petition  
5 to expunge or seal the records based on the evidence  
6 presented at the hearing. The court may consider the  
7 following:

8 (A) the strength of the evidence supporting the  
9 defendant's conviction;

10 (B) the reasons for retention of the conviction  
11 records by the State;

12 (C) the petitioner's age, criminal record history,  
13 and employment history;

14 (D) the period of time between the petitioner's  
15 arrest on the charge resulting in the conviction and  
16 the filing of the petition under this Section; and

17 (E) the specific adverse consequences the  
18 petitioner may be subject to if the petition is denied.

19 (8) Service of order. After entering an order to  
20 expunge or seal records, the court must provide copies of  
21 the order to the Department, in a form and manner  
22 prescribed by the Department, to the petitioner, to the  
23 State's Attorney or prosecutor charged with the duty of  
24 prosecuting the offense, to the arresting agency, to the  
25 chief legal officer of the unit of local government  
26 effecting the arrest, and to such other criminal justice



1 agencies as may be ordered by the court.

2 (9) Implementation of order.

3 (A) Upon entry of an order to expunge records  
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

5 (i) the records shall be expunged (as defined  
6 in subsection (a) (1) (E)) by the arresting agency,  
7 the Department, and any other agency as ordered by  
8 the court, within 60 days of the date of service of  
9 the order, unless a motion to vacate, modify, or  
10 reconsider the order is filed pursuant to  
11 paragraph (12) of subsection (d) of this Section;

12 (ii) the records of the circuit court clerk  
13 shall be impounded until further order of the court  
14 upon good cause shown and the name of the  
15 petitioner obliterated on the official index  
16 required to be kept by the circuit court clerk  
17 under Section 16 of the Clerks of Courts Act, but  
18 the order shall not affect any index issued by the  
19 circuit court clerk before the entry of the order;  
20 and

21 (iii) in response to an inquiry for expunged  
22 records, the court, the Department, or the agency  
23 receiving such inquiry, shall reply as it does in  
24 response to inquiries when no records ever  
25 existed.

26 (B) Upon entry of an order to expunge records

1           pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

2                   (i) the records shall be expunged (as defined  
3                   in subsection (a) (1) (E)) by the arresting agency  
4                   and any other agency as ordered by the court,  
5                   within 60 days of the date of service of the order,  
6                   unless a motion to vacate, modify, or reconsider  
7                   the order is filed pursuant to paragraph (12) of  
8                   subsection (d) of this Section;

9                   (ii) the records of the circuit court clerk  
10                  shall be impounded until further order of the court  
11                  upon good cause shown and the name of the  
12                  petitioner obliterated on the official index  
13                  required to be kept by the circuit court clerk  
14                  under Section 16 of the Clerks of Courts Act, but  
15                  the order shall not affect any index issued by the  
16                  circuit court clerk before the entry of the order;

17                  (iii) the records shall be impounded by the  
18                  Department within 60 days of the date of service of  
19                  the order as ordered by the court, unless a motion  
20                  to vacate, modify, or reconsider the order is filed  
21                  pursuant to paragraph (12) of subsection (d) of  
22                  this Section;

23                  (iv) records impounded by the Department may  
24                  be disseminated by the Department only as required  
25                  by law or to the arresting authority, the State's  
26                  Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of  
2 sentencing for any subsequent felony, and to the  
3 Department of Corrections upon conviction for any  
4 offense; and

5 (v) in response to an inquiry for such records  
6 from anyone not authorized by law to access such  
7 records, the court, the Department, or the agency  
8 receiving such inquiry shall reply as it does in  
9 response to inquiries when no records ever  
10 existed.

11 (B-5) Upon entry of an order to expunge records  
12 under subsection (e-6):

13 (i) the records shall be expunged (as defined  
14 in subsection (a)(1)(E)) by the arresting agency  
15 and any other agency as ordered by the court,  
16 within 60 days of the date of service of the order,  
17 unless a motion to vacate, modify, or reconsider  
18 the order is filed under paragraph (12) of  
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk  
21 shall be impounded until further order of the court  
22 upon good cause shown and the name of the  
23 petitioner obliterated on the official index  
24 required to be kept by the circuit court clerk  
25 under Section 16 of the Clerks of Courts Act, but  
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the  
3 Department within 60 days of the date of service of  
4 the order as ordered by the court, unless a motion  
5 to vacate, modify, or reconsider the order is filed  
6 under paragraph (12) of subsection (d) of this  
7 Section;

8 (iv) records impounded by the Department may  
9 be disseminated by the Department only as required  
10 by law or to the arresting authority, the State's  
11 Attorney, and the court upon a later arrest for the  
12 same or a similar offense or for the purpose of  
13 sentencing for any subsequent felony, and to the  
14 Department of Corrections upon conviction for any  
15 offense; and

16 (v) in response to an inquiry for these records  
17 from anyone not authorized by law to access the  
18 records, the court, the Department, or the agency  
19 receiving the inquiry shall reply as it does in  
20 response to inquiries when no records ever  
21 existed.

22 (C) Upon entry of an order to seal records under  
23 subsection (c), the arresting agency, any other agency  
24 as ordered by the court, the Department, and the court  
25 shall seal the records (as defined in subsection  
26 (a) (1) (K)). In response to an inquiry for such records

1 from anyone not authorized by law to access such  
2 records, the court, the Department, or the agency  
3 receiving such inquiry shall reply as it does in  
4 response to inquiries when no records ever existed.

5 (D) The Department shall send written notice to the  
6 petitioner of its compliance with each order to expunge  
7 or seal records within 60 days of the date of service  
8 of that order or, if a motion to vacate, modify, or  
9 reconsider is filed, within 60 days of service of the  
10 order resolving the motion, if that order requires the  
11 Department to expunge or seal records. In the event of  
12 an appeal from the circuit court order, the Department  
13 shall send written notice to the petitioner of its  
14 compliance with an Appellate Court or Supreme Court  
15 judgment to expunge or seal records within 60 days of  
16 the issuance of the court's mandate. The notice is not  
17 required while any motion to vacate, modify, or  
18 reconsider, or any appeal or petition for  
19 discretionary appellate review, is pending.

20 (10) Fees. The Department may charge the petitioner a  
21 fee equivalent to the cost of processing any order to  
22 expunge or seal records. Notwithstanding any provision of  
23 the Clerks of Courts Act to the contrary, the circuit court  
24 clerk may charge a fee equivalent to the cost associated  
25 with the sealing or expungement of records by the circuit  
26 court clerk. From the total filing fee collected for the

1 petition to seal or expunge, the circuit court clerk shall  
2 deposit \$10 into the Circuit Court Clerk Operation and  
3 Administrative Fund, to be used to offset the costs  
4 incurred by the circuit court clerk in performing the  
5 additional duties required to serve the petition to seal or  
6 expunge on all parties. The circuit court clerk shall  
7 collect and forward the Department of State Police portion  
8 of the fee to the Department and it shall be deposited in  
9 the State Police Services Fund.

10 (11) Final Order. No court order issued under the  
11 expungement or sealing provisions of this Section shall  
12 become final for purposes of appeal until 30 days after  
13 service of the order on the petitioner and all parties  
14 entitled to notice of the petition.

15 (12) Motion to Vacate, Modify, or Reconsider. Under  
16 Section 2-1203 of the Code of Civil Procedure, the  
17 petitioner or any party entitled to notice may file a  
18 motion to vacate, modify, or reconsider the order granting  
19 or denying the petition to expunge or seal within 60 days  
20 of service of the order. If filed more than 60 days after  
21 service of the order, a petition to vacate, modify, or  
22 reconsider shall comply with subsection (c) of Section  
23 2-1401 of the Code of Civil Procedure. Upon filing of a  
24 motion to vacate, modify, or reconsider, notice of the  
25 motion shall be served upon the petitioner and all parties  
26 entitled to notice of the petition.

1           (13) Effect of Order. An order granting a petition  
2 under the expungement or sealing provisions of this Section  
3 shall not be considered void because it fails to comply  
4 with the provisions of this Section or because of any error  
5 asserted in a motion to vacate, modify, or reconsider. The  
6 circuit court retains jurisdiction to determine whether  
7 the order is voidable and to vacate, modify, or reconsider  
8 its terms based on a motion filed under paragraph (12) of  
9 this subsection (d).

10           (14) Compliance with Order Granting Petition to Seal  
11 Records. Unless a court has entered a stay of an order  
12 granting a petition to seal, all parties entitled to notice  
13 of the petition must fully comply with the terms of the  
14 order within 60 days of service of the order even if a  
15 party is seeking relief from the order through a motion  
16 filed under paragraph (12) of this subsection (d) or is  
17 appealing the order.

18           (15) Compliance with Order Granting Petition to  
19 Expunge Records. While a party is seeking relief from the  
20 order granting the petition to expunge through a motion  
21 filed under paragraph (12) of this subsection (d) or is  
22 appealing the order, and unless a court has entered a stay  
23 of that order, the parties entitled to notice of the  
24 petition must seal, but need not expunge, the records until  
25 there is a final order on the motion for relief or, in the  
26 case of an appeal, the issuance of that court's mandate.

1           (16) The changes to this subsection (d) made by Public  
2           Act 98-163 ~~this amendatory Act of the 98th General Assembly~~  
3           apply to all petitions pending on August 5, 2013 (the  
4           effective date of Public Act 98-163) ~~this amendatory Act of~~  
5           ~~the 98th General Assembly~~ and to all orders ruling on a  
6           petition to expunge or seal on or after August 5, 2013 (the  
7           effective date of Public Act 98-163) ~~this amendatory Act of~~  
8           ~~the 98th General Assembly~~.

9           (e) Whenever a person who has been convicted of an offense  
10          is granted a pardon by the Governor which specifically  
11          authorizes expungement, he or she may, upon verified petition  
12          to the Chief Judge of the circuit where the person had been  
13          convicted, any judge of the circuit designated by the Chief  
14          Judge, or in counties of less than 3,000,000 inhabitants, the  
15          presiding trial judge at the defendant's trial, have a court  
16          order entered expunging the record of arrest from the official  
17          records of the arresting authority and order that the records  
18          of the circuit court clerk and the Department be sealed until  
19          further order of the court upon good cause shown or as  
20          otherwise provided herein, and the name of the defendant  
21          obliterated from the official index requested to be kept by the  
22          circuit court clerk under Section 16 of the Clerks of Courts  
23          Act in connection with the arrest and conviction for the  
24          offense for which he or she had been pardoned but the order  
25          shall not affect any index issued by the circuit court clerk  
26          before the entry of the order. All records sealed by the



1 Department may be disseminated by the Department only to the  
2 arresting authority, the State's Attorney, and the court upon a  
3 later arrest for the same or similar offense or for the purpose  
4 of sentencing for any subsequent felony. Upon conviction for  
5 any subsequent offense, the Department of Corrections shall  
6 have access to all sealed records of the Department pertaining  
7 to that individual. Upon entry of the order of expungement, the  
8 circuit court clerk shall promptly mail a copy of the order to  
9 the person who was pardoned.

10 (e-5) Whenever a person who has been convicted of an  
11 offense is granted a certificate of eligibility for sealing by  
12 the Prisoner Review Board which specifically authorizes  
13 sealing, he or she may, upon verified petition to the Chief  
14 Judge of the circuit where the person had been convicted, any  
15 judge of the circuit designated by the Chief Judge, or in  
16 counties of less than 3,000,000 inhabitants, the presiding  
17 trial judge at the petitioner's trial, have a court order  
18 entered sealing the record of arrest from the official records  
19 of the arresting authority and order that the records of the  
20 circuit court clerk and the Department be sealed until further  
21 order of the court upon good cause shown or as otherwise  
22 provided herein, and the name of the petitioner obliterated  
23 from the official index requested to be kept by the circuit  
24 court clerk under Section 16 of the Clerks of Courts Act in  
25 connection with the arrest and conviction for the offense for  
26 which he or she had been granted the certificate but the order

1 shall not affect any index issued by the circuit court clerk  
2 before the entry of the order. All records sealed by the  
3 Department may be disseminated by the Department only as  
4 required by this Act or to the arresting authority, a law  
5 enforcement agency, the State's Attorney, and the court upon a  
6 later arrest for the same or similar offense or for the purpose  
7 of sentencing for any subsequent felony. Upon conviction for  
8 any subsequent offense, the Department of Corrections shall  
9 have access to all sealed records of the Department pertaining  
10 to that individual. Upon entry of the order of sealing, the  
11 circuit court clerk shall promptly mail a copy of the order to  
12 the person who was granted the certificate of eligibility for  
13 sealing.

14 (e-6) Whenever a person who has been convicted of an  
15 offense is granted a certificate of eligibility for expungement  
16 by the Prisoner Review Board which specifically authorizes  
17 expungement, he or she may, upon verified petition to the Chief  
18 Judge of the circuit where the person had been convicted, any  
19 judge of the circuit designated by the Chief Judge, or in  
20 counties of less than 3,000,000 inhabitants, the presiding  
21 trial judge at the petitioner's trial, have a court order  
22 entered expunging the record of arrest from the official  
23 records of the arresting authority and order that the records  
24 of the circuit court clerk and the Department be sealed until  
25 further order of the court upon good cause shown or as  
26 otherwise provided herein, and the name of the petitioner

1 obliterated from the official index requested to be kept by the  
2 circuit court clerk under Section 16 of the Clerks of Courts  
3 Act in connection with the arrest and conviction for the  
4 offense for which he or she had been granted the certificate  
5 but the order shall not affect any index issued by the circuit  
6 court clerk before the entry of the order. All records sealed  
7 by the Department may be disseminated by the Department only as  
8 required by this Act or to the arresting authority, a law  
9 enforcement agency, the State's Attorney, and the court upon a  
10 later arrest for the same or similar offense or for the purpose  
11 of sentencing for any subsequent felony. Upon conviction for  
12 any subsequent offense, the Department of Corrections shall  
13 have access to all expunged records of the Department  
14 pertaining to that individual. Upon entry of the order of  
15 expungement, the circuit court clerk shall promptly mail a copy  
16 of the order to the person who was granted the certificate of  
17 eligibility for expungement.

18 (f) Subject to available funding, the Illinois Department  
19 of Corrections shall conduct a study of the impact of sealing,  
20 especially on employment and recidivism rates, utilizing a  
21 random sample of those who apply for the sealing of their  
22 criminal records under Public Act 93-211. At the request of the  
23 Illinois Department of Corrections, records of the Illinois  
24 Department of Employment Security shall be utilized as  
25 appropriate to assist in the study. The study shall not  
26 disclose any data in a manner that would allow the

1 identification of any particular individual or employing unit.  
2 The study shall be made available to the General Assembly no  
3 later than September 1, 2010.

4 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;  
5 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
6 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,  
7 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
8 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised  
9 9-4-13.)

10 Section 10. The Clerks of Courts Act is amended by changing  
11 Sections 16, 27.1a, 27.2a, and 27.3b as follows:

12 (705 ILCS 105/16) (from Ch. 25, par. 16)

13 Sec. 16. Records kept by the clerks of the circuit courts  
14 are subject to the provisions of "The Local Records Act",  
15 approved August 18, 1961, as amended.

16 Unless otherwise provided by rule or administrative order  
17 of the Supreme Court, the respective clerks of the circuit  
18 courts shall keep in their offices the following books:

19 1. A general docket, upon which shall be entered all suits,  
20 in the order in which they are commenced.

21 2. Two well-bound books, to be denominated "Plaintiff's  
22 Index to Court Records," and "Defendant's Index to Court  
23 Records" to be ruled and printed substantially in the following  
24 manner:

1	.....
2	Plaintiffs Defendants Kind of Date Record Pages
3	Action Commenced Book
4	.....
5	.....
6	.....
7	Date of Judgment
8	judgment docket
9	.....
10	Book Page
11	.....
12	CertificateSatisfied
13	Certificate Certificate of or not Number
14	of levy of sale redemption satisfied of case
15	.....
16	Fee Book Book Page Book Page Book Page
17	.....

18 All cases shall be entered in such books, in alphabetical  
 19 order, by the name of each plaintiff and defendant. The books  
 20 shall set forth the names of the parties, kind of action, date  
 21 commenced, the record books and pages on which the cases are  
 22 recorded, the date of judgment, books and pages of the judgment  
 23 dockets, fee book, certificates of levy, sale and redemption  
 24 records on which they are entered satisfied or not satisfied,  
 25 and number of case. The defendant's index shall be ruled and  
 26 printed in the same manner as the plaintiff's except the

1 parties shall be reversed.

2 3. Proper books of record, with indices, showing the names  
3 of all parties to any action or judgment therein recorded, with  
4 a reference to the page where it is recorded.

5 4. A judgment docket, in which all final judgments (except  
6 child support orders as hereinafter provided) shall be minuted  
7 at the time they are entered, or within 60 days thereafter in  
8 alphabetical order, by the name of every person against whom  
9 the judgment is entered, showing, in the proper columns ruled  
10 for that purpose, the names of the parties, the date, nature of  
11 the judgment, amount of the judgment and costs in separate  
12 items, for which it is issued, to whom issued, when returned,  
13 and the manner of its enforcement; a blank column shall be kept  
14 in which may be entered a note of the satisfaction or other  
15 disposition of the judgment or order and when satisfied by  
16 enforcement or otherwise, or set aside or enjoined; the clerk  
17 shall enter a minute thereof in such column, showing how  
18 disposed of, the date and the book and page, where the evidence  
19 thereof is to be found. In the case of child support orders or  
20 modifications of such orders entered on or after May 1, 1987,  
21 the clerk shall minute such orders or modifications in the  
22 manner and form provided herein but shall not minute every  
23 child support installment when due or every child support  
24 payment when made. Such dockets may be searched by persons, at  
25 all reasonable times without fee.

26 5. A fee book, in which shall be distinctly set down, in

1 items, the proper title of the cause and heads, the cost of  
2 each action, including clerk's, sheriff's and witness' fees,  
3 stating the name of each witness having claimed attendance in  
4 respect of the trial or hearing of such action with the number  
5 of days attended. It shall not be necessary to insert the cost  
6 in the judgment; but whenever an action is determined and final  
7 judgment entered, the costs of each party litigant shall be  
8 made up and entered in such fee book, which shall be considered  
9 a part of the record and judgment, subject, however, at all  
10 times to be corrected by the court; and the prevailing party  
11 shall be considered as having recovered judgment for the amount  
12 of the costs so taxed in his or her favor, and the same shall be  
13 included in the certified copy of such judgment, and a bill  
14 thereof accompanying certified copy of the judgment. If any  
15 clerk shall issue a fee bill or a bill of costs, with the  
16 certified copy of the judgment without first entering the same  
17 in the fee book, or if any such bill of costs or fee bill shall  
18 be issued which shall not be in substance a copy of the  
19 recorded bill, the same shall be void. Any person having paid  
20 such bill of costs or fee bill, may recover from the clerk the  
21 amount thereof, with costs of the action, in any circuit court.

22 6. Such other books of record and entry as are provided by  
23 law, or may be required in the proper performance of their  
24 duties. All records, dockets and books required by law to be  
25 kept by such clerks shall be deemed public records, and shall  
26 at all times be open to inspection without fee or reward, and

1 all persons shall have free access for inspection and  
2 examination to such records, docket and books, and also to all  
3 papers on file in the different clerks' offices and shall have  
4 the right to take memoranda and abstracts thereto.

5 7. Upon final disposition and payment of all fines and  
6 costs in relation to a regulatory offense after a court  
7 appearance before a judge, the judge shall order the sealing of  
8 the records of or relating to the regulatory offense from the  
9 official records kept by the circuit court clerk, as well as  
10 the obliteration of the name of the defendant from the official  
11 index requested to be kept by the circuit court clerk under  
12 this Section. Upon final disposition and payment of all fines  
13 and costs in relation to a regulatory offense when a court  
14 appearance before a judge did not occur, the circuit court  
15 clerk shall immediately seek a court order to seal the records  
16 of or relating to the regulatory offense from the official  
17 records kept by the circuit court clerk, as well as the  
18 obliteration of the name of the defendant from the official  
19 index requested to be kept by the circuit court clerk under  
20 this Section. Upon entry of a sealing order, no information of  
21 any character relating to its records shall be given or  
22 furnished by the circuit court clerk to any person, bureau, or  
23 institution other than as provided in this Act or other State  
24 law, or when a governmental unit is required by state or  
25 federal law to consider this information in the performance of  
26 its duties. The circuit court clerk shall retain the records



1 sealed under this clause 7. The sealed records maintained under  
2 this clause; however, are exempt from disclosure under the  
3 Freedom of Information Act.

4 (Source: P.A. 85-1156.)

5 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

6 Sec. 27.1a. The fees of the clerks of the circuit court in  
7 all counties having a population of not more than 500,000  
8 inhabitants in the instances described in this Section shall be  
9 as provided in this Section. In those instances where a minimum  
10 and maximum fee is stated, the clerk of the circuit court must  
11 charge the minimum fee listed and may charge up to the maximum  
12 fee if the county board has by resolution increased the fee.  
13 The fees shall be paid in advance and shall be as follows:

14 (a) Civil Cases.

15 The fee for filing a complaint, petition, or other  
16 pleading initiating a civil action, with the following  
17 exceptions, shall be a minimum of \$40 and a maximum of  
18 \$160.

19 (A) When the amount of money or damages or the  
20 value of personal property claimed does not exceed  
21 \$250, \$10.

22 (B) When that amount exceeds \$250 but does not  
23 exceed \$500, a minimum of \$10 and a maximum of \$20.

24 (C) When that amount exceeds \$500 but does not  
25 exceed \$2500, a minimum of \$25 and a maximum of \$40.

1 (D) When that amount exceeds \$2500 but does not  
2 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

3 (E) For the exercise of eminent domain, a minimum  
4 of \$45 and a maximum of \$150. For each additional lot  
5 or tract of land or right or interest therein subject  
6 to be condemned, the damages in respect to which shall  
7 require separate assessment by a jury, a minimum of \$45  
8 and a maximum of \$150.

9 (a-1) Family.

10 For filing a petition under the Juvenile Court Act of  
11 1987, \$25.

12 For filing a petition for a marriage license, \$10.

13 For performing a marriage in court, \$10.

14 For filing a petition under the Illinois Parentage Act  
15 of 1984, \$40.

16 (b) Forcible Entry and Detainer.

17 In each forcible entry and detainer case when the  
18 plaintiff seeks possession only or unites with his or her  
19 claim for possession of the property a claim for rent or  
20 damages or both in the amount of \$15,000 or less, a minimum  
21 of \$10 and a maximum of \$50. When the plaintiff unites his  
22 or her claim for possession with a claim for rent or  
23 damages or both exceeding \$15,000, a minimum of \$40 and a  
24 maximum of \$160.

25 (c) Counterclaim or Joining Third Party Defendant.

26 When any defendant files a counterclaim as part of his

1 or her answer or otherwise or joins another party as a  
2 third party defendant, or both, the defendant shall pay a  
3 fee for each counterclaim or third party action in an  
4 amount equal to the fee he or she would have had to pay had  
5 he or she brought a separate action for the relief sought  
6 in the counterclaim or against the third party defendant,  
7 less the amount of the appearance fee, if that has been  
8 paid.

9 (d) Confession of Judgment.

10 In a confession of judgment when the amount does not  
11 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
12 the amount exceeds \$1500, but does not exceed \$15,000, a  
13 minimum of \$40 and a maximum of \$115. When the amount  
14 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

15 (e) Appearance.

16 The fee for filing an appearance in each civil case  
17 shall be a minimum of \$15 and a maximum of \$60, except as  
18 follows:

19 (A) When the plaintiff in a forcible entry and  
20 detainer case seeks possession only, a minimum of \$10  
21 and a maximum of \$50.

22 (B) When the amount in the case does not exceed  
23 \$1500, a minimum of \$10 and a maximum of \$30.

24 (C) When that amount exceeds \$1500 but does not  
25 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

26 (f) Garnishment, Wage Deduction, and Citation.

1           In garnishment affidavit, wage deduction affidavit,  
2           and citation petition when the amount does not exceed  
3           \$1,000, a minimum of \$5 and a maximum of \$15; when the  
4           amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
5           of \$5 and a maximum of \$30; and when the amount exceeds  
6           \$5,000, a minimum of \$5 and a maximum of \$50.

7           (g) Petition to Vacate or Modify.

8           (1) Petition to vacate or modify any final judgment or  
9           order of court, except in forcible entry and detainer cases  
10          and small claims cases or a petition to reopen an estate,  
11          to modify, terminate, or enforce a judgment or order for  
12          child or spousal support, or to modify, suspend, or  
13          terminate an order for withholding, if filed before 30 days  
14          after the entry of the judgment or order, a minimum of \$20  
15          and a maximum of \$50.

16          (2) Petition to vacate or modify any final judgment or  
17          order of court, except a petition to modify, terminate, or  
18          enforce a judgment or order for child or spousal support or  
19          to modify, suspend, or terminate an order for withholding,  
20          if filed later than 30 days after the entry of the judgment  
21          or order, a minimum of \$20 and a maximum of \$75.

22          (3) Petition to vacate order of bond forfeiture, a  
23          minimum of \$10 and a maximum of \$40.

24          (h) Mailing.

25                 When the clerk is required to mail, the fee will be a  
26                 minimum of \$2 and a maximum of \$10, plus the cost of

1 postage.

2 (i) Certified Copies.

3 Each certified copy of a judgment after the first,  
4 except in small claims and forcible entry and detainer  
5 cases, a minimum of \$2 and a maximum of \$10.

6 (j) Habeas Corpus.

7 For filing a petition for relief by habeas corpus, a  
8 minimum of \$60 and a maximum of \$100.

9 (k) Certification, Authentication, and Reproduction.

10 (1) Each certification or authentication for taking  
11 the acknowledgment of a deed or other instrument in writing  
12 with the seal of office, a minimum of \$2 and a maximum of  
13 \$6.

14 (2) Court appeals when original documents are  
15 forwarded, under 100 pages, plus delivery and costs, a  
16 minimum of \$20 and a maximum of \$60.

17 (3) Court appeals when original documents are  
18 forwarded, over 100 pages, plus delivery and costs, a  
19 minimum of \$50 and a maximum of \$150.

20 (4) Court appeals when original documents are  
21 forwarded, over 200 pages, an additional fee of a minimum  
22 of 20 cents and a maximum of 25 cents per page.

23 (5) For reproduction of any document contained in the  
24 clerk's files:

25 (A) First page, a minimum of \$1 and a maximum of  
26 \$2.

1 (B) Next 19 pages, 50 cents per page.

2 (C) All remaining pages, 25 cents per page.

3 (l) Remands.

4 In any cases remanded to the Circuit Court from the  
5 Supreme Court or the Appellate Court for a new trial, the  
6 clerk shall file the remanding order and reinstate the case  
7 with either its original number or a new number. The Clerk  
8 shall not charge any new or additional fee for the  
9 reinstatement. Upon reinstatement the Clerk shall advise  
10 the parties of the reinstatement. A party shall have the  
11 same right to a jury trial on remand and reinstatement as  
12 he or she had before the appeal, and no additional or new  
13 fee or charge shall be made for a jury trial after remand.

14 (m) Record Search.

15 For each record search, within a division or municipal  
16 district, the clerk shall be entitled to a search fee of a  
17 minimum of \$4 and a maximum of \$6 for each year searched.

18 (n) Hard Copy.

19 For each page of hard copy print output, when case  
20 records are maintained on an automated medium, the clerk  
21 shall be entitled to a fee of a minimum of \$4 and a maximum  
22 of \$6.

23 (o) Index Inquiry and Other Records.

24 No fee shall be charged for a single  
25 plaintiff/defendant index inquiry or single case record  
26 inquiry when this request is made in person and the records

1 are maintained in a current automated medium, and when no  
2 hard copy print output is requested. The fees to be charged  
3 for management records, multiple case records, and  
4 multiple journal records may be specified by the Chief  
5 Judge pursuant to the guidelines for access and  
6 dissemination of information approved by the Supreme  
7 Court.

8 (p) (Blank).

9 (q) Alias Summons.

10 For each alias summons or citation issued by the clerk,  
11 a minimum of \$2 and a maximum of \$5.

12 (r) Other Fees.

13 Any fees not covered in this Section shall be set by  
14 rule or administrative order of the Circuit Court with the  
15 approval of the Administrative Office of the Illinois  
16 Courts.

17 The clerk of the circuit court may provide additional  
18 services for which there is no fee specified by statute in  
19 connection with the operation of the clerk's office as may  
20 be requested by the public and agreed to by the clerk and  
21 approved by the chief judge of the circuit court. Any  
22 charges for additional services shall be as agreed to  
23 between the clerk and the party making the request and  
24 approved by the chief judge of the circuit court. Nothing  
25 in this subsection shall be construed to require any clerk  
26 to provide any service not otherwise required by law.

1 (s) Jury Services.

2 The clerk shall be entitled to receive, in addition to  
3 other fees allowed by law, the sum of a minimum of \$62.50  
4 and a maximum of \$212.50, as a fee for the services of a  
5 jury in every civil action not quasi-criminal in its nature  
6 and not a proceeding for the exercise of the right of  
7 eminent domain and in every other action wherein the right  
8 of trial by jury is or may be given by law. The jury fee  
9 shall be paid by the party demanding a jury at the time of  
10 filing the jury demand. If the fee is not paid by either  
11 party, no jury shall be called in the action or proceeding,  
12 and the same shall be tried by the court without a jury.

13 (t) Voluntary Assignment.

14 For filing each deed of voluntary assignment, a minimum  
15 of \$10 and a maximum of \$20; for recording the same, a  
16 minimum of 25 cents and a maximum of 50 cents for each 100  
17 words. Exceptions filed to claims presented to an assignee  
18 of a debtor who has made a voluntary assignment for the  
19 benefit of creditors shall be considered and treated, for  
20 the purpose of taxing costs therein, as actions in which  
21 the party or parties filing the exceptions shall be  
22 considered as party or parties plaintiff, and the claimant  
23 or claimants as party or parties defendant, and those  
24 parties respectively shall pay to the clerk the same fees  
25 as provided by this Section to be paid in other actions.

26 (u) Expungement Petition.



1           The clerk shall be entitled to receive a fee of a  
2           minimum of \$15 and a maximum of \$60 for each expungement  
3           petition filed and an additional fee of a minimum of \$2 and  
4           a maximum of \$4 for each certified copy of an order to  
5           expunge arrest records.

6           (v) Probate.

7           The clerk is entitled to receive the fees specified in  
8           this subsection (v), which shall be paid in advance, except  
9           that, for good cause shown, the court may suspend, reduce,  
10          or release the costs payable under this subsection:

11          (1) For administration of the estate of a decedent  
12          (whether testate or intestate) or of a missing person, a  
13          minimum of \$50 and a maximum of \$150, plus the fees  
14          specified in subsection (v) (3), except:

15                (A) When the value of the real and personal  
16                property does not exceed \$15,000, the fee shall be a  
17                minimum of \$25 and a maximum of \$40.

18                (B) When (i) proof of heirship alone is made, (ii)  
19                a domestic or foreign will is admitted to probate  
20                without administration (including proof of heirship),  
21                or (iii) letters of office are issued for a particular  
22                purpose without administration of the estate, the fee  
23                shall be a minimum of \$10 and a maximum of \$40.

24                (C) For filing a petition to sell Real Estate, \$50.

25          (2) For administration of the estate of a ward, a  
26          minimum of \$50 and a maximum of \$75, plus the fees

1 specified in subsection (v) (3), except:

2 (A) When the value of the real and personal  
3 property does not exceed \$15,000, the fee shall be a  
4 minimum of \$25 and a maximum of \$40.

5 (B) When (i) letters of office are issued to a  
6 guardian of the person or persons, but not of the  
7 estate or (ii) letters of office are issued in the  
8 estate of a ward without administration of the estate,  
9 including filing or joining in the filing of a tax  
10 return or releasing a mortgage or consenting to the  
11 marriage of the ward, the fee shall be a minimum of \$10  
12 and a maximum of \$20.

13 (C) For filing a Petition to sell Real Estate, \$50.

14 (3) In addition to the fees payable under subsection  
15 (v) (1) or (v) (2) of this Section, the following fees are  
16 payable:

17 (A) For each account (other than one final account)  
18 filed in the estate of a decedent, or ward, a minimum  
19 of \$10 and a maximum of \$25.

20 (B) For filing a claim in an estate when the amount  
21 claimed is \$150 or more but less than \$500, a minimum  
22 of \$10 and a maximum of \$25; when the amount claimed is  
23 \$500 or more but less than \$10,000, a minimum of \$10  
24 and a maximum of \$40; when the amount claimed is  
25 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
26 provided that the court in allowing a claim may add to

1 the amount allowed the filing fee paid by the claimant.

2 (C) For filing in an estate a claim, petition, or  
3 supplemental proceeding based upon an action seeking  
4 equitable relief including the construction or contest  
5 of a will, enforcement of a contract to make a will,  
6 and proceedings involving testamentary trusts or the  
7 appointment of testamentary trustees, a minimum of \$40  
8 and a maximum of \$60.

9 (D) For filing in an estate (i) the appearance of  
10 any person for the purpose of consent or (ii) the  
11 appearance of an executor, administrator,  
12 administrator to collect, guardian, guardian ad litem,  
13 or special administrator, no fee.

14 (E) Except as provided in subsection (v) (3) (D),  
15 for filing the appearance of any person or persons, a  
16 minimum of \$10 and a maximum of \$30.

17 (F) For each jury demand, a minimum of \$62.50 and a  
18 maximum of \$137.50.

19 (G) For disposition of the collection of a judgment  
20 or settlement of an action or claim for wrongful death  
21 of a decedent or of any cause of action of a ward, when  
22 there is no other administration of the estate, a  
23 minimum of \$30 and a maximum of \$50, less any amount  
24 paid under subsection (v) (1) (B) or (v) (2) (B) except  
25 that if the amount involved does not exceed \$5,000, the  
26 fee, including any amount paid under subsection

1 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
2 maximum of \$20.

3 (H) For each certified copy of letters of office,  
4 of court order or other certification, a minimum of \$1  
5 and a maximum of \$2, plus a minimum of 50 cents and a  
6 maximum of \$1 per page in excess of 3 pages for the  
7 document certified.

8 (I) For each exemplification, a minimum of \$1 and a  
9 maximum of \$2, plus the fee for certification.

10 (4) The executor, administrator, guardian, petitioner,  
11 or other interested person or his or her attorney shall pay  
12 the cost of publication by the clerk directly to the  
13 newspaper.

14 (5) The person on whose behalf a charge is incurred for  
15 witness, court reporter, appraiser, or other miscellaneous  
16 fee shall pay the same directly to the person entitled  
17 thereto.

18 (6) The executor, administrator, guardian, petitioner,  
19 or other interested person or his or her attorney shall pay  
20 to the clerk all postage charges incurred by the clerk in  
21 mailing petitions, orders, notices, or other documents  
22 pursuant to the provisions of the Probate Act of 1975.

23 (w) Criminal and Quasi-Criminal Costs and Fees.

24 (1) The clerk shall be entitled to costs in all  
25 criminal and quasi-criminal cases from each person  
26 convicted or sentenced to supervision therein as follows:

1 (A) Felony complaints, a minimum of \$40 and a  
2 maximum of \$100.

3 (B) Misdemeanor complaints, a minimum of \$25 and a  
4 maximum of \$75.

5 (C) Business offense complaints, a minimum of \$25  
6 and a maximum of \$75.

7 (D) Petty offense complaints, a minimum of \$25 and  
8 a maximum of \$75.

9 (E) Minor traffic or ordinance violations, \$10.

10 (E-5) Regulatory offense violations, \$10.

11 (F) When court appearance required, \$15.

12 (G) Motions to vacate or amend final orders, a  
13 minimum of \$20 and a maximum of \$40.

14 (H) Motions to vacate bond forfeiture orders, a  
15 minimum of \$20 and a maximum of \$40.

16 (I) Motions to vacate ex parte judgments, whenever  
17 filed, a minimum of \$20 and a maximum of \$40.

18 (J) Motions to vacate judgment on forfeitures,  
19 whenever filed, a minimum of \$20 and a maximum of \$40.

20 (K) Motions to vacate "failure to appear" or  
21 "failure to comply" notices sent to the Secretary of  
22 State, a minimum of \$20 and a maximum of \$40.

23 (2) In counties having a population of not more than  
24 500,000 inhabitants, when the violation complaint is  
25 issued by a municipal police department, the clerk shall be  
26 entitled to costs from each person convicted therein as

1 follows:

2 (A) Minor traffic or ordinance violations, \$10.

3 (A-5) Regulatory offense violations, \$10.

4 (B) When court appearance required, \$15.

5 (3) In ordinance violation cases punishable by fine  
6 only, the clerk of the circuit court shall be entitled to  
7 receive, unless the fee is excused upon a finding by the  
8 court that the defendant is indigent, in addition to other  
9 fees or costs allowed or imposed by law, the sum of a  
10 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
11 services of a jury. The jury fee shall be paid by the  
12 defendant at the time of filing his or her jury demand. If  
13 the fee is not so paid by the defendant, no jury shall be  
14 called, and the case shall be tried by the court without a  
15 jury.

16 (x) Transcripts of Judgment.

17 For the filing of a transcript of judgment, the clerk  
18 shall be entitled to the same fee as if it were the  
19 commencement of a new suit.

20 (y) Change of Venue.

21 (1) For the filing of a change of case on a change of  
22 venue, the clerk shall be entitled to the same fee as if it  
23 were the commencement of a new suit.

24 (2) The fee for the preparation and certification of a  
25 record on a change of venue to another jurisdiction, when  
26 original documents are forwarded, a minimum of \$10 and a

1 maximum of \$40.

2 (z) Tax objection complaints.

3 For each tax objection complaint containing one or more  
4 tax objections, regardless of the number of parcels  
5 involved or the number of taxpayers joining on the  
6 complaint, a minimum of \$10 and a maximum of \$50.

7 (aa) Tax Deeds.

8 (1) Petition for tax deed, if only one parcel is  
9 involved, a minimum of \$45 and a maximum of \$200.

10 (2) For each additional parcel, add a fee of a minimum  
11 of \$10 and a maximum of \$60.

12 (bb) Collections.

13 (1) For all collections made of others, except the  
14 State and county and except in maintenance or child support  
15 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
16 of the amount collected and turned over.

17 (2) Interest earned on any funds held by the clerk  
18 shall be turned over to the county general fund as an  
19 earning of the office.

20 (3) For any check, draft, or other bank instrument  
21 returned to the clerk for non-sufficient funds, account  
22 closed, or payment stopped, \$25.

23 (4) In child support and maintenance cases, the clerk,  
24 if authorized by an ordinance of the county board, may  
25 collect an annual fee of up to \$36 from the person making  
26 payment for maintaining child support records and the

1 processing of support orders to the State of Illinois KIDS  
2 system and the recording of payments issued by the State  
3 Disbursement Unit for the official record of the Court.  
4 This fee shall be in addition to and separate from amounts  
5 ordered to be paid as maintenance or child support and  
6 shall be deposited into a Separate Maintenance and Child  
7 Support Collection Fund, of which the clerk shall be the  
8 custodian, ex-officio, to be used by the clerk to maintain  
9 child support orders and record all payments issued by the  
10 State Disbursement Unit for the official record of the  
11 Court. The clerk may recover from the person making the  
12 maintenance or child support payment any additional cost  
13 incurred in the collection of this annual fee.

14 The clerk shall also be entitled to a fee of \$5 for  
15 certifications made to the Secretary of State as provided  
16 in Section 7-703 of the Family Financial Responsibility Law  
17 and these fees shall also be deposited into the Separate  
18 Maintenance and Child Support Collection Fund.

19 (cc) Corrections of Numbers.

20 For correction of the case number, case title, or  
21 attorney computer identification number, if required by  
22 rule of court, on any document filed in the clerk's office,  
23 to be charged against the party that filed the document, a  
24 minimum of \$10 and a maximum of \$25.

25 (dd) Exceptions.

26 (1) The fee requirements of this Section shall not



1 apply to police departments or other law enforcement  
2 agencies. In this Section, "law enforcement agency" means  
3 an agency of the State or a unit of local government which  
4 is vested by law or ordinance with the duty to maintain  
5 public order and to enforce criminal laws or ordinances.  
6 "Law enforcement agency" also means the Attorney General or  
7 any state's attorney.

8 (2) No fee provided herein shall be charged to any unit  
9 of local government or school district.

10 (3) The fee requirements of this Section shall not  
11 apply to any action instituted under subsection (b) of  
12 Section 11-31-1 of the Illinois Municipal Code by a private  
13 owner or tenant of real property within 1200 feet of a  
14 dangerous or unsafe building seeking an order compelling  
15 the owner or owners of the building to take any of the  
16 actions authorized under that subsection.

17 (4) The fee requirements of this Section shall not  
18 apply to the filing of any commitment petition or petition  
19 for an order authorizing the administration of  
20 psychotropic medication or electroconvulsive therapy under  
21 the Mental Health and Developmental Disabilities Code.

22 (ee) Adoptions.

23 (1) For an adoption ..... \$65

24 (2) Upon good cause shown, the court may waive the  
25 adoption filing fee in a special needs adoption. The term  
26 "special needs adoption" shall have the meaning ascribed to

1           it by the Illinois Department of Children and Family  
2           Services.

3       (ff) Adoption exemptions.

4           No fee other than that set forth in subsection (ee)  
5           shall be charged to any person in connection with an  
6           adoption proceeding nor may any fee be charged for  
7           proceedings for the appointment of a confidential  
8           intermediary under the Adoption Act.

9       (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

10           (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

11           Sec. 27.2a. The fees of the clerks of the circuit court in  
12           all counties having a population of 3,000,000 or more  
13           inhabitants in the instances described in this Section shall be  
14           as provided in this Section. In those instances where a minimum  
15           and maximum fee is stated, the clerk of the circuit court must  
16           charge the minimum fee listed and may charge up to the maximum  
17           fee if the county board has by resolution increased the fee.  
18           The fees shall be paid in advance and shall be as follows:

19       (a) Civil Cases.

20           The fee for filing a complaint, petition, or other  
21           pleading initiating a civil action, with the following  
22           exceptions, shall be a minimum of \$190 and a maximum of  
23           \$240.

24           (A) When the amount of money or damages or the  
25           value of personal property claimed does not exceed

1           \$250, a minimum of \$15 and a maximum of \$22.

2           (B) When that amount exceeds \$250 but does not  
3 exceed \$1000, a minimum of \$40 and a maximum of \$75.

4           (C) When that amount exceeds \$1000 but does not  
5 exceed \$2500, a minimum of \$50 and a maximum of \$80.

6           (D) When that amount exceeds \$2500 but does not  
7 exceed \$5000, a minimum of \$100 and a maximum of \$130.

8           (E) When that amount exceeds \$5000 but does not  
9 exceed \$15,000, \$150.

10          (F) For the exercise of eminent domain, \$150. For  
11 each additional lot or tract of land or right or  
12 interest therein subject to be condemned, the damages  
13 in respect to which shall require separate assessment  
14 by a jury, \$150.

15          (G) For the final determination of parking,  
16 standing, and compliance violations and final  
17 administrative decisions issued after hearings  
18 regarding vehicle immobilization and impoundment made  
19 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of  
20 the Illinois Vehicle Code, \$25.

21          (H) No fees shall be charged by the clerk to a  
22 petitioner in any order of protection including, but  
23 not limited to, filing, modifying, withdrawing,  
24 certifying, or photocopying petitions for orders of  
25 protection, or for issuing alias summons, or for any  
26 related filing service, certifying, modifying,

1           vacating, or photocopying any orders of protection.

2       (b) Forcible Entry and Detainer.

3           In each forcible entry and detainer case when the  
4       plaintiff seeks possession only or unites with his or her  
5       claim for possession of the property a claim for rent or  
6       damages or both in the amount of \$15,000 or less, a minimum  
7       of \$75 and a maximum of \$140. When the plaintiff unites his  
8       or her claim for possession with a claim for rent or  
9       damages or both exceeding \$15,000, a minimum of \$225 and a  
10      maximum of \$335.

11      (c) Counterclaim or Joining Third Party Defendant.

12           When any defendant files a counterclaim as part of his  
13      or her answer or otherwise or joins another party as a  
14      third party defendant, or both, the defendant shall pay a  
15      fee for each counterclaim or third party action in an  
16      amount equal to the fee he or she would have had to pay had  
17      he or she brought a separate action for the relief sought  
18      in the counterclaim or against the third party defendant,  
19      less the amount of the appearance fee, if that has been  
20      paid.

21      (d) Confession of Judgment.

22           In a confession of judgment when the amount does not  
23      exceed \$1500, a minimum of \$60 and a maximum of \$70. When  
24      the amount exceeds \$1500, but does not exceed \$5000, a  
25      minimum of \$75 and a maximum of \$150. When the amount  
26      exceeds \$5000, but does not exceed \$15,000, a minimum of

1           \$175 and a maximum of \$260. When the amount exceeds  
2           \$15,000, a minimum of \$250 and a maximum of \$310.

3       (e) Appearance.

4           The fee for filing an appearance in each civil case  
5           shall be a minimum of \$75 and a maximum of \$110, except as  
6           follows:

7                   (A) When the plaintiff in a forcible entry and  
8                   detainer case seeks possession only, a minimum of \$40  
9                   and a maximum of \$80.

10                   (B) When the amount in the case does not exceed  
11                   \$1500, a minimum of \$40 and a maximum of \$80.

12                   (C) When that amount exceeds \$1500 but does not  
13                   exceed \$15,000, a minimum of \$60 and a maximum of \$90.

14       (f) Garnishment, Wage Deduction, and Citation.

15           In garnishment affidavit, wage deduction affidavit,  
16           and citation petition when the amount does not exceed  
17           \$1,000, a minimum of \$15 and a maximum of \$25; when the  
18           amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
19           of \$30 and a maximum of \$45; and when the amount exceeds  
20           \$5,000, a minimum of \$50 and a maximum of \$80.

21       (g) Petition to Vacate or Modify.

22                   (1) Petition to vacate or modify any final judgment or  
23                   order of court, except in forcible entry and detainer cases  
24                   and small claims cases or a petition to reopen an estate,  
25                   to modify, terminate, or enforce a judgment or order for  
26                   child or spousal support, or to modify, suspend, or

1 terminate an order for withholding, if filed before 30 days  
2 after the entry of the judgment or order, a minimum of \$50  
3 and a maximum of \$60.

4 (2) Petition to vacate or modify any final judgment or  
5 order of court, except a petition to modify, terminate, or  
6 enforce a judgment or order for child or spousal support or  
7 to modify, suspend, or terminate an order for withholding,  
8 if filed later than 30 days after the entry of the judgment  
9 or order, a minimum of \$75 and a maximum of \$90.

10 (3) Petition to vacate order of bond forfeiture, a  
11 minimum of \$40 and a maximum of \$80.

12 (h) Mailing.

13 When the clerk is required to mail, the fee will be a  
14 minimum of \$10 and a maximum of \$15, plus the cost of  
15 postage.

16 (i) Certified Copies.

17 Each certified copy of a judgment after the first,  
18 except in small claims and forcible entry and detainer  
19 cases, a minimum of \$15 and a maximum of \$20.

20 (j) Habeas Corpus.

21 For filing a petition for relief by habeas corpus, a  
22 minimum of \$125 and a maximum of \$190.

23 (k) Certification, Authentication, and Reproduction.

24 (1) Each certification or authentication for taking  
25 the acknowledgment of a deed or other instrument in writing  
26 with the seal of office, a minimum of \$6 and a maximum of

1           \$9.

2           (2) Court appeals when original documents are  
3 forwarded, under 100 pages, plus delivery and costs, a  
4 minimum of \$75 and a maximum of \$110.

5           (3) Court appeals when original documents are  
6 forwarded, over 100 pages, plus delivery and costs, a  
7 minimum of \$150 and a maximum of \$185.

8           (4) Court appeals when original documents are  
9 forwarded, over 200 pages, an additional fee of a minimum  
10 of 25 and a maximum of 30 cents per page.

11           (5) For reproduction of any document contained in the  
12 clerk's files:

13                   (A) First page, \$2.

14                   (B) Next 19 pages, 50 cents per page.

15                   (C) All remaining pages, 25 cents per page.

16       (1) Remands.

17           In any cases remanded to the Circuit Court from the  
18 Supreme Court or the Appellate Court for a new trial, the  
19 clerk shall file the remanding order and reinstate the case  
20 with either its original number or a new number. The Clerk  
21 shall not charge any new or additional fee for the  
22 reinstatement. Upon reinstatement the Clerk shall advise  
23 the parties of the reinstatement. A party shall have the  
24 same right to a jury trial on remand and reinstatement as  
25 he or she had before the appeal, and no additional or new  
26 fee or charge shall be made for a jury trial after remand.

1 (m) Record Search.

2 For each record search, within a division or municipal  
3 district, the clerk shall be entitled to a search fee of a  
4 minimum of \$6 and a maximum of \$9 for each year searched.

5 (n) Hard Copy.

6 For each page of hard copy print output, when case  
7 records are maintained on an automated medium, the clerk  
8 shall be entitled to a fee of a minimum of \$6 and a maximum  
9 of \$9.

10 (o) Index Inquiry and Other Records.

11 No fee shall be charged for a single  
12 plaintiff/defendant index inquiry or single case record  
13 inquiry when this request is made in person and the records  
14 are maintained in a current automated medium, and when no  
15 hard copy print output is requested. The fees to be charged  
16 for management records, multiple case records, and  
17 multiple journal records may be specified by the Chief  
18 Judge pursuant to the guidelines for access and  
19 dissemination of information approved by the Supreme  
20 Court.

21 (p) (Blank).

22 (q) Alias Summons.

23 For each alias summons or citation issued by the clerk,  
24 a minimum of \$5 and a maximum of \$6.

25 (r) Other Fees.

26 Any fees not covered in this Section shall be set by



1 rule or administrative order of the Circuit Court with the  
2 approval of the Administrative Office of the Illinois  
3 Courts.

4 The clerk of the circuit court may provide additional  
5 services for which there is no fee specified by statute in  
6 connection with the operation of the clerk's office as may  
7 be requested by the public and agreed to by the clerk and  
8 approved by the chief judge of the circuit court. Any  
9 charges for additional services shall be as agreed to  
10 between the clerk and the party making the request and  
11 approved by the chief judge of the circuit court. Nothing  
12 in this subsection shall be construed to require any clerk  
13 to provide any service not otherwise required by law.

14 (s) Jury Services.

15 The clerk shall be entitled to receive, in addition to  
16 other fees allowed by law, the sum of a minimum of \$212.50  
17 and maximum of \$230, as a fee for the services of a jury in  
18 every civil action not quasi-criminal in its nature and not  
19 a proceeding for the exercise of the right of eminent  
20 domain and in every other action wherein the right of trial  
21 by jury is or may be given by law. The jury fee shall be  
22 paid by the party demanding a jury at the time of filing  
23 the jury demand. If the fee is not paid by either party, no  
24 jury shall be called in the action or proceeding, and the  
25 same shall be tried by the court without a jury.

26 (t) Voluntary Assignment.

1           For filing each deed of voluntary assignment, a minimum  
2           of \$20 and a maximum of \$40; for recording the same, a  
3           minimum of 50¢ and a maximum of \$0.80 for each 100 words.  
4           Exceptions filed to claims presented to an assignee of a  
5           debtor who has made a voluntary assignment for the benefit  
6           of creditors shall be considered and treated, for the  
7           purpose of taxing costs therein, as actions in which the  
8           party or parties filing the exceptions shall be considered  
9           as party or parties plaintiff, and the claimant or  
10          claimants as party or parties defendant, and those parties  
11          respectively shall pay to the clerk the same fees as  
12          provided by this Section to be paid in other actions.

13       (u) Expungement Petition.

14           The clerk shall be entitled to receive a fee of a  
15          minimum of \$60 and a maximum of \$120 for each expungement  
16          petition filed and an additional fee of a minimum of \$4 and  
17          a maximum of \$8 for each certified copy of an order to  
18          expunge arrest records.

19       (v) Probate.

20           The clerk is entitled to receive the fees specified in  
21          this subsection (v), which shall be paid in advance, except  
22          that, for good cause shown, the court may suspend, reduce,  
23          or release the costs payable under this subsection:

24           (1) For administration of the estate of a decedent  
25          (whether testate or intestate) or of a missing person, a  
26          minimum of \$150 and a maximum of \$225, plus the fees

1 specified in subsection (v) (3), except:

2 (A) When the value of the real and personal  
3 property does not exceed \$15,000, the fee shall be a  
4 minimum of \$40 and a maximum of \$65.

5 (B) When (i) proof of heirship alone is made, (ii)  
6 a domestic or foreign will is admitted to probate  
7 without administration (including proof of heirship),  
8 or (iii) letters of office are issued for a particular  
9 purpose without administration of the estate, the fee  
10 shall be a minimum of \$40 and a maximum of \$65.

11 (2) For administration of the estate of a ward, a  
12 minimum of \$75 and a maximum of \$110, plus the fees  
13 specified in subsection (v) (3), except:

14 (A) When the value of the real and personal  
15 property does not exceed \$15,000, the fee shall be a  
16 minimum of \$40 and a maximum of \$65.

17 (B) When (i) letters of office are issued to a  
18 guardian of the person or persons, but not of the  
19 estate or (ii) letters of office are issued in the  
20 estate of a ward without administration of the estate,  
21 including filing or joining in the filing of a tax  
22 return or releasing a mortgage or consenting to the  
23 marriage of the ward, the fee shall be a minimum of \$20  
24 and a maximum of \$40.

25 (3) In addition to the fees payable under subsection  
26 (v) (1) or (v) (2) of this Section, the following fees are

1 payable:

2 (A) For each account (other than one final account)  
3 filed in the estate of a decedent, or ward, a minimum  
4 of \$25 and a maximum of \$40.

5 (B) For filing a claim in an estate when the amount  
6 claimed is \$150 or more but less than \$500, a minimum  
7 of \$20 and a maximum of \$40; when the amount claimed is  
8 \$500 or more but less than \$10,000, a minimum of \$40  
9 and a maximum of \$65; when the amount claimed is  
10 \$10,000 or more, a minimum of \$60 and a maximum of \$90;  
11 provided that the court in allowing a claim may add to  
12 the amount allowed the filing fee paid by the claimant.

13 (C) For filing in an estate a claim, petition, or  
14 supplemental proceeding based upon an action seeking  
15 equitable relief including the construction or contest  
16 of a will, enforcement of a contract to make a will,  
17 and proceedings involving testamentary trusts or the  
18 appointment of testamentary trustees, a minimum of \$60  
19 and a maximum of \$90.

20 (D) For filing in an estate (i) the appearance of  
21 any person for the purpose of consent or (ii) the  
22 appearance of an executor, administrator,  
23 administrator to collect, guardian, guardian ad litem,  
24 or special administrator, no fee.

25 (E) Except as provided in subsection (v) (3) (D),  
26 for filing the appearance of any person or persons, a

1 minimum of \$30 and a maximum of \$90.

2 (F) For each jury demand, a minimum of \$137.50 and  
3 a maximum of \$180.

4 (G) For disposition of the collection of a judgment  
5 or settlement of an action or claim for wrongful death  
6 of a decedent or of any cause of action of a ward, when  
7 there is no other administration of the estate, a  
8 minimum of \$50 and a maximum of \$80, less any amount  
9 paid under subsection (v) (1) (B) or (v) (2) (B) except  
10 that if the amount involved does not exceed \$5,000, the  
11 fee, including any amount paid under subsection  
12 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a  
13 maximum of \$40.

14 (H) For each certified copy of letters of office,  
15 of court order or other certification, a minimum of \$2  
16 and a maximum of \$4, plus \$1 per page in excess of 3  
17 pages for the document certified.

18 (I) For each exemplification, \$2, plus the fee for  
19 certification.

20 (4) The executor, administrator, guardian, petitioner,  
21 or other interested person or his or her attorney shall pay  
22 the cost of publication by the clerk directly to the  
23 newspaper.

24 (5) The person on whose behalf a charge is incurred for  
25 witness, court reporter, appraiser, or other miscellaneous  
26 fee shall pay the same directly to the person entitled

1 thereto.

2 (6) The executor, administrator, guardian, petitioner,  
3 or other interested person or his or her attorney shall pay  
4 to the clerk all postage charges incurred by the clerk in  
5 mailing petitions, orders, notices, or other documents  
6 pursuant to the provisions of the Probate Act of 1975.

7 (w) Criminal and Quasi-Criminal Costs and Fees.

8 (1) The clerk shall be entitled to costs in all  
9 criminal and quasi-criminal cases from each person  
10 convicted or sentenced to supervision therein as follows:

11 (A) Felony complaints, a minimum of \$125 and a  
12 maximum of \$190.

13 (B) Misdemeanor complaints, a minimum of \$75 and a  
14 maximum of \$110.

15 (C) Business offense complaints, a minimum of \$75  
16 and a maximum of \$110.

17 (D) Petty offense complaints, a minimum of \$75 and  
18 a maximum of \$110.

19 (E) Minor traffic or ordinance violations, \$30.

20 (E-5) Regulatory offense violations, \$30.

21 (F) When court appearance required, \$50.

22 (G) Motions to vacate or amend final orders, a  
23 minimum of \$40 and a maximum of \$80.

24 (H) Motions to vacate bond forfeiture orders, a  
25 minimum of \$30 and a maximum of \$45.

26 (I) Motions to vacate ex parte judgments, whenever

1 filed, a minimum of \$30 and a maximum of \$45.

2 (J) Motions to vacate judgment on forfeitures,  
3 whenever filed, a minimum of \$25 and a maximum of \$30.

4 (K) Motions to vacate "failure to appear" or  
5 "failure to comply" notices sent to the Secretary of  
6 State, a minimum of \$40 and a maximum of \$50.

7 (2) In counties having a population of 3,000,000 or  
8 more, when the violation complaint is issued by a municipal  
9 police department, the clerk shall be entitled to costs  
10 from each person convicted therein as follows:

11 (A) Minor traffic or ordinance violations, \$30.

12 (A-5) Regulatory offense violations, \$30.

13 (B) When court appearance required, \$50.

14 (3) In ordinance violation cases punishable by fine  
15 only, the clerk of the circuit court shall be entitled to  
16 receive, unless the fee is excused upon a finding by the  
17 court that the defendant is indigent, in addition to other  
18 fees or costs allowed or imposed by law, the sum of a  
19 minimum of \$112.50 and a maximum of \$250 as a fee for the  
20 services of a jury. The jury fee shall be paid by the  
21 defendant at the time of filing his or her jury demand. If  
22 the fee is not so paid by the defendant, no jury shall be  
23 called, and the case shall be tried by the court without a  
24 jury.

25 (x) Transcripts of Judgment.

26 For the filing of a transcript of judgment, the clerk

1 shall be entitled to the same fee as if it were the  
2 commencement of a new suit.

3 (y) Change of Venue.

4 (1) For the filing of a change of case on a change of  
5 venue, the clerk shall be entitled to the same fee as if it  
6 were the commencement of a new suit.

7 (2) The fee for the preparation and certification of a  
8 record on a change of venue to another jurisdiction, when  
9 original documents are forwarded, a minimum of \$40 and a  
10 maximum of \$65.

11 (z) Tax objection complaints.

12 For each tax objection complaint containing one or more  
13 tax objections, regardless of the number of parcels  
14 involved or the number of taxpayers joining in the  
15 complaint, a minimum of \$50 and a maximum of \$100.

16 (aa) Tax Deeds.

17 (1) Petition for tax deed, if only one parcel is  
18 involved, a minimum of \$250 and a maximum of \$400.

19 (2) For each additional parcel, add a fee of a minimum  
20 of \$100 and a maximum of \$200.

21 (bb) Collections.

22 (1) For all collections made of others, except the  
23 State and county and except in maintenance or child support  
24 cases, a sum equal to 3.0% of the amount collected and  
25 turned over.

26 (2) Interest earned on any funds held by the clerk



1 shall be turned over to the county general fund as an  
2 earning of the office.

3 (3) For any check, draft, or other bank instrument  
4 returned to the clerk for non-sufficient funds, account  
5 closed, or payment stopped, \$25.

6 (4) In child support and maintenance cases, the clerk,  
7 if authorized by an ordinance of the county board, may  
8 collect an annual fee of up to \$36 from the person making  
9 payment for maintaining child support records and the  
10 processing of support orders to the State of Illinois KIDS  
11 system and the recording of payments issued by the State  
12 Disbursement Unit for the official record of the Court.  
13 This fee shall be in addition to and separate from amounts  
14 ordered to be paid as maintenance or child support and  
15 shall be deposited into a Separate Maintenance and Child  
16 Support Collection Fund, of which the clerk shall be the  
17 custodian, ex-officio, to be used by the clerk to maintain  
18 child support orders and record all payments issued by the  
19 State Disbursement Unit for the official record of the  
20 Court. The clerk may recover from the person making the  
21 maintenance or child support payment any additional cost  
22 incurred in the collection of this annual fee.

23 The clerk shall also be entitled to a fee of \$5 for  
24 certifications made to the Secretary of State as provided  
25 in Section 7-703 of the Family Financial Responsibility Law  
26 and these fees shall also be deposited into the Separate

1 Maintenance and Child Support Collection Fund.

2 (cc) Corrections of Numbers.

3 For correction of the case number, case title, or  
4 attorney computer identification number, if required by  
5 rule of court, on any document filed in the clerk's office,  
6 to be charged against the party that filed the document, a  
7 minimum of \$25 and a maximum of \$40.

8 (dd) Exceptions.

9 (1) The fee requirements of this Section shall not  
10 apply to police departments or other law enforcement  
11 agencies. In this Section, "law enforcement agency" means  
12 an agency of the State or a unit of local government which  
13 is vested by law or ordinance with the duty to maintain  
14 public order and to enforce criminal laws or ordinances.  
15 "Law enforcement agency" also means the Attorney General or  
16 any state's attorney.

17 (2) No fee provided herein shall be charged to any unit  
18 of local government or school district. The fee  
19 requirements of this Section shall not apply to any action  
20 instituted under subsection (b) of Section 11-31-1 of the  
21 Illinois Municipal Code by a private owner or tenant of  
22 real property within 1200 feet of a dangerous or unsafe  
23 building seeking an order compelling the owner or owners of  
24 the building to take any of the actions authorized under  
25 that subsection.

26 (3) The fee requirements of this Section shall not

1 apply to the filing of any commitment petition or petition  
2 for an order authorizing the administration of  
3 psychotropic medication or electroconvulsive therapy under  
4 the Mental Health and Developmental Disabilities Code.

5 (ee) Adoption.

6 (1) For an adoption ..... \$65

7 (2) Upon good cause shown, the court may waive the  
8 adoption filing fee in a special needs adoption. The term  
9 "special needs adoption" shall have the meaning ascribed to  
10 it by the Illinois Department of Children and Family  
11 Services.

12 (ff) Adoption exemptions.

13 No fee other than that set forth in subsection (ee)  
14 shall be charged to any person in connection with an  
15 adoption proceeding nor may any fee be charged for  
16 proceedings for the appointment of a confidential  
17 intermediary under the Adoption Act.

18 (gg) Unpaid fees.

19 Unless a court ordered payment schedule is implemented  
20 or the fee requirements of this Section are waived pursuant  
21 to court order, the clerk of the court may add to any  
22 unpaid fees and costs under this Section a delinquency  
23 amount equal to 5% of the unpaid fees that remain unpaid  
24 after 30 days, 10% of the unpaid fees that remain unpaid  
25 after 60 days, and 15% of the unpaid fees that remain  
26 unpaid after 90 days. Notice to those parties may be made

1 by signage posting or publication. The additional  
2 delinquency amounts collected under this Section shall be  
3 used to defray additional administrative costs incurred by  
4 the clerk of the circuit court in collecting unpaid fees  
5 and costs.

6 (Source: P.A. 95-172, eff. 8-14-07.)

7 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

8 Sec. 27.3b. The clerk of court may accept payment of fines,  
9 penalties, or costs by credit card or debit card approved by  
10 the clerk from an offender who has been convicted of or placed  
11 on court supervision for a traffic offense, petty offense,  
12 regulatory offense, ordinance offense, or misdemeanor or who  
13 has been convicted of a felony offense. The clerk of the  
14 circuit court may accept credit card payments over the Internet  
15 for fines, penalties, or costs from offenders on voluntary  
16 electronic pleas of guilty in minor traffic and conservation  
17 offenses to satisfy the requirement of written pleas of guilty  
18 as provided in Illinois Supreme Court Rule 529. The clerk of  
19 the circuit court may accept credit card payments over the  
20 Internet for fines or costs from offenders in regulatory  
21 offenses to satisfy the requirement of written pleas of guilty  
22 as provided in Section 111-3.1 of the Code of Criminal  
23 Procedure of 1963. The clerk of the court may also accept  
24 payment of statutory fees by a credit card or debit card. The  
25 clerk of the court may also accept the credit card or debit

1 card for the cash deposit of bail bond fees.

2 The Clerk of the circuit court is authorized to enter into  
3 contracts with credit card or debit card companies approved by  
4 the clerk and to negotiate the payment of convenience and  
5 administrative fees normally charged by those companies for  
6 allowing the clerk of the circuit court to accept their credit  
7 cards or debit cards in payment as authorized herein. The clerk  
8 of the circuit court is authorized to enter into contracts with  
9 third party fund guarantors, facilitators, and service  
10 providers under which those entities may contract directly with  
11 customers of the clerk of the circuit court and guarantee and  
12 remit the payments to the clerk of the circuit court. Where the  
13 offender pays fines, penalties, or costs by credit card or  
14 debit card or through a third party fund guarantor,  
15 facilitator, or service provider, or anyone paying statutory  
16 fees of the circuit court clerk or the posting of cash bail,  
17 the clerk shall collect a service fee of up to \$5 or the amount  
18 charged to the clerk for use of its services by the credit card  
19 or debit card issuer, third party fund guarantor, facilitator,  
20 or service provider. This service fee shall be in addition to  
21 any other fines, penalties, or costs. The clerk of the circuit  
22 court is authorized to negotiate the assessment of convenience  
23 and administrative fees by the third party fund guarantors,  
24 facilitators, and service providers with the revenue earned by  
25 the clerk of the circuit court to be remitted to the county  
26 general revenue fund.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 15. The Cannabis Control Act is amended by changing  
3 Sections 1, 4, 9, and 10 as follows:

4 (720 ILCS 550/1) (from Ch. 56 1/2, par. 701)

5 Sec. 1.

6 The General Assembly recognizes that (1) ~~the current state~~  
7 ~~of scientific and medical knowledge concerning the effects of~~  
8 ~~cannabis makes it necessary to acknowledge the physical,~~  
9 ~~psychological and sociological damage which is incumbent upon~~  
10 ~~its use; and (2)~~ the use of cannabis occupies the ~~unusual~~  
11 position of being widely used and pervasive among the citizens  
12 of Illinois ~~despite its harmful effects; and (2)~~ (2) ~~(3)~~ previous  
13 legislation enacted to control or forbid the use of cannabis  
14 has often unnecessarily and unrealistically drawn a large  
15 segment of our population within the criminal justice system  
16 without succeeding in deterring the expansion of cannabis use.  
17 It is, therefore, the intent of the General Assembly, in the  
18 interest of the health and welfare of the citizens of Illinois,  
19 to establish a reasonable penalty system which is responsive to  
20 the current state of knowledge concerning cannabis and which  
21 directs the greatest efforts of law enforcement agencies toward  
22 the commercial traffickers and large-scale purveyors of  
23 cannabis. To this end, this Act provides wide latitude in the  
24 sentencing discretion of the courts and establishes penalties

1 in a sharply rising progression based on the amount of  
2 substances containing cannabis involved in each case.

3 (Source: P.A. 77-758.)

4 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

5 Sec. 4. Cannabis possession.

6 (a) It is unlawful for any person knowingly to possess  
7 cannabis. Any person who violates this section with respect to:

8 (1) ~~(a)~~ not more than 30 ~~2.5~~ grams of any substance  
9 containing cannabis is guilty of a regulatory offense  
10 charged by a Uniform Cannabis Ticket and shall be fined  
11 \$100 ~~Class C misdemeanor;~~

12 (2) ~~(blank); (b) more than 2.5 grams but not more than~~  
13 ~~10 grams of any substance containing cannabis is guilty of~~  
14 ~~a Class B misdemeanor;~~

15 (3) ~~(blank); (c) more than 10 grams but not more than~~  
16 ~~30 grams of any substance containing cannabis is guilty of~~  
17 ~~a Class A misdemeanor; provided, that if any offense under~~  
18 ~~this subsection (c) is a subsequent offense, the offender~~  
19 ~~shall be guilty of a Class 4 felony;~~

20 (4) ~~(d)~~ more than 30 grams but not more than 500 grams  
21 of any substance containing cannabis is guilty of a Class A  
22 misdemeanor ~~4 felony;~~ provided that if any offense under  
23 this paragraph (4) ~~subsection (d)~~ is a subsequent offense,  
24 the offender shall be guilty of a Class 4 ~~3~~ felony;

25 (5) ~~(e)~~ more than 500 grams but not more than 2,000

1 grams of any substance containing cannabis is guilty of a  
2 Class 3 felony;

3 (6) ~~(f)~~ more than 2,000 grams but not more than 5,000  
4 grams of any substance containing cannabis is guilty of a  
5 Class 2 felony;

6 (7) ~~(g)~~ more than 5,000 grams of any substance  
7 containing cannabis is guilty of a Class 1 felony.

8 (Source: P.A. 90-397, eff. 8-15-97.)

9 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

10 Sec. 9. (a) Any person who engages in a calculated criminal  
11 cannabis conspiracy, as defined in subsection (b), is guilty of  
12 a Class 3 felony, and fined not more than \$200,000 and shall be  
13 subject to the forfeitures prescribed in subsection (c); except  
14 that, if any person engages in such offense after one or more  
15 prior convictions under this Section, Section 4 (a) (4) ~~(d)~~,  
16 Section 5 (d), Section 8 (d) or any law of the United States or  
17 of any State relating to cannabis, or controlled substances as  
18 defined in the Illinois Controlled Substances Act, in addition  
19 to the fine and forfeiture authorized above, he shall be guilty  
20 of a Class 1 felony for which an offender may not be sentenced  
21 to death.

22 (b) For purposes of this section, a person engages in a  
23 calculated criminal cannabis conspiracy when:

24 (1) he violates Section 4 (a) (4) ~~(d)~~, 4 (a) (5) ~~(e)~~, 5 (d), 5  
25 (e), 8 (c) or 8 (d) of this Act; and



1 (2) such violation is a part of a conspiracy undertaken or  
2 carried on with 2 or more other persons; and

3 (3) he obtains anything of value greater than \$500 from, or  
4 organizes, directs or finances such violation or conspiracy.

5 (c) Any person who is convicted under this Section of  
6 engaging in a calculated criminal cannabis conspiracy shall  
7 forfeit to the State of Illinois:

8 (1) the receipts obtained by him in such conspiracy; and

9 (2) any of his interests in, claims against, receipts from,  
10 or property or rights of any kind affording a source of  
11 influence over, such conspiracy.

12 (d) The circuit court may enter such injunctions,  
13 restraining orders, directions, or prohibitions, or take such  
14 other actions, including the acceptance of satisfactory  
15 performance bonds, in connection with any property, claim,  
16 receipt, right or other interest subject to forfeiture under  
17 this Section, as it deems proper.

18 (Source: P.A. 84-1233.)

19 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

20 Sec. 10. (a) Whenever any person who has not previously  
21 been convicted of, or placed on probation or court supervision  
22 for, any offense under this Act or any law of the United States  
23 or of any State relating to cannabis, or controlled substances  
24 as defined in the Illinois Controlled Substances Act, pleads  
25 guilty to or is found guilty of violating Sections ~~4(a), 4(b),~~

1 ~~4(e)~~, 5(a), 5(b), 5(c) or 8 of this Act, the court may, without  
2 entering a judgment and with the consent of such person,  
3 sentence him to probation.

4 (b) When a person is placed on probation, the court shall  
5 enter an order specifying a period of probation of 24 months,  
6 and shall defer further proceedings in the case until the  
7 conclusion of the period or until the filing of a petition  
8 alleging violation of a term or condition of probation.

9 (c) The conditions of probation shall be that the person:  
10 (1) not violate any criminal statute of any jurisdiction; (2)  
11 refrain from possession of a firearm or other dangerous weapon;  
12 (3) submit to periodic drug testing at a time and in a manner  
13 as ordered by the court, but no less than 3 times during the  
14 period of the probation, with the cost of the testing to be  
15 paid by the probationer; and (4) perform no less than 30 hours  
16 of community service, provided community service is available  
17 in the jurisdiction and is funded and approved by the county  
18 board.

19 (d) The court may, in addition to other conditions, require  
20 that the person:

21 (1) make a report to and appear in person before or  
22 participate with the court or such courts, person, or  
23 social service agency as directed by the court in the order  
24 of probation;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical or psychiatric treatment; or  
3 treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the  
5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) refrain from possessing a firearm or other  
8 dangerous weapon;

9 (7-5) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of his  
14 or her blood or urine or both for tests to determine the  
15 presence of any illicit drug;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a  
21 foster home.

22 (e) Upon violation of a term or condition of probation, the  
23 court may enter a judgment on its original finding of guilt and  
24 proceed as otherwise provided.

25 (f) Upon fulfillment of the terms and conditions of  
26 probation, the court shall discharge such person and dismiss

1 the proceedings against him.

2 (g) A disposition of probation is considered to be a  
3 conviction for the purposes of imposing the conditions of  
4 probation and for appeal, however, discharge and dismissal  
5 under this Section is not a conviction for purposes of  
6 disqualification or disabilities imposed by law upon  
7 conviction of a crime (including the additional penalty imposed  
8 for subsequent offenses under Section 4(a)(4), ~~4(e)~~, ~~4(d)~~, 5(c)  
9 or 5(d) of this Act).

10 (h) Discharge and dismissal under this Section, Section 410  
11 of the Illinois Controlled Substances Act, Section 70 of the  
12 Methamphetamine Control and Community Protection Act, Section  
13 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or  
14 subsection (c) of Section 11-14 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012 may occur only once with respect to  
16 any person.

17 (i) If a person is convicted of an offense under this Act,  
18 the Illinois Controlled Substances Act, or the Methamphetamine  
19 Control and Community Protection Act within 5 years subsequent  
20 to a discharge and dismissal under this Section, the discharge  
21 and dismissal under this Section shall be admissible in the  
22 sentencing proceeding for that conviction as a factor in  
23 aggravation.

24 (Source: P.A. 97-1118, eff. 1-1-13; 97-1150, eff. 1-25-13;  
25 98-164, eff. 1-1-14.)

1 Section 20. The Code of Criminal Procedure of 1963 is  
2 amended by adding Section 111-3.1 as follows:

3 (725 ILCS 5/111-3.1 new)

4 Sec. 111-3.1. Uniform Cannabis Ticket.

5 (a) As used in this Section, "local authorities" means a  
6 duly organized State, county, or municipal peace unit or police  
7 force.

8 (b) For violation of paragraph (1) of subsection (a) of  
9 Section 4 of the Cannabis Control Act, the local authorities  
10 having jurisdiction shall, except as otherwise provided in this  
11 Section, charge the violation by a Uniform Cannabis Ticket. A  
12 copy of the Uniform Cannabis Ticket shall be sent to the  
13 circuit court clerk, within 30 days, but in no event later than  
14 90 days after the violation. The Uniform Cannabis Ticket shall  
15 include:

16 (1) the name and address of the defendant;

17 (2) the violation charged;

18 (3) the municipality where the violation occurred or if  
19 in an unincorporated area the county where the violation  
20 occurred;

21 (4) the statutory fine for the offense;

22 (5) the date by which the fine must be paid or plea of  
23 not guilty entered by the defendant;

24 (6) a warning that failure to pay the fine or enter a  
25 plea of not guilty by the date set in the Ticket, may

1 result in an order of contempt by the court and shall  
2 result in issuance of a warrant of arrest for the  
3 defendant; and

4 (7) a notice that the person may plead guilty and pay  
5 the fine to the circuit court clerk or enter a plea of not  
6 guilty to the circuit court clerk and request a trial.

7 (c) A person may not be arrested for an offense subject to  
8 charging by a Uniform Cannabis Ticket, except as provided in  
9 this subsection. A person may be arrested if:

10 (1) he or she is in possession of an identification  
11 card, license, or other form of identification issued by  
12 the federal government, this State or any other state,  
13 municipality, or college or university, and fails to  
14 produce the identification upon request of a police officer  
15 who informs the person that he or she has been found in  
16 possession of what appears to the officer to be a violation  
17 of paragraph (1) of subsection (a) of Section 4 of the  
18 Cannabis Control Act;

19 (2) he or she is without any form of identification and  
20 fails or refuses to truthfully provide his or her name,  
21 address, and date of birth to a police officer who has  
22 informed the person that the officer intends to issue the  
23 person with a Uniform Cannabis Ticket for a violation of  
24 paragraph (1) of subsection (a) of Section 4 of the  
25 Cannabis Control Act; or

26 (3) he or she fails to pay the fine or enter a plea of

1 not guilty within the time period set in the Uniform  
2 Cannabis Ticket.

3 (d) The amount of bail for the offense charged by a Uniform  
4 Cannabis Ticket shall be the amount as the Illinois Supreme  
5 Court may establish by rule.

6 (e) The copy of the Uniform Cannabis Ticket filed with the  
7 circuit court constitutes a complaint to which the defendant  
8 may plead, unless he or she specifically requests that a  
9 verified complaint be filed. A Uniform Cannabis Ticket may be  
10 satisfied without a court appearance by a written plea of  
11 guilty, and payment of fines and costs equal to \$100, and if a  
12 failure to appear to answer the charge has been entered, in  
13 which case the fine and costs shall be equal to the \$100 fine  
14 plus \$35. The balance remaining after deducting the amount  
15 required by Section 27.1a or 27.2a of the Clerks of Courts Act  
16 shall be distributed as follows:

17 (1) 44.5% shall be disbursed to the entity authorized  
18 to receive the fine imposed in the case;

19 (2) 16.825% shall be disbursed to the State Treasurer;  
20 and

21 (3) 38.675% shall be disbursed to the county's general  
22 corporate fund.

23 (f) Except as otherwise provided in this Section, no other  
24 fines, fees, penalties, or costs shall be assessed on a  
25 conviction or plea of guilty to a Uniform Cannabis Ticket.

26 (g) A defendant who fails to pay the fine or enter a plea

1 of not guilty within the time period set in the Uniform  
2 Cannabis Ticket is guilty of a regulatory offense as provided  
3 in the offense charged in the Ticket.

4 (h) Nothing contained in this Section shall prohibit a unit  
5 of local government from enacting an ordinance or bylaw  
6 regulating or prohibiting the consumption of cannabis in public  
7 places and providing for additional penalties for the public  
8 use of cannabis, provided that the penalties are not greater  
9 than those for the public consumption of alcohol.

10 (i) No issuance of a Uniform Cannabis Ticket, conviction,  
11 or entry of a plea of guilty to a Uniform Cannabis Ticket shall  
12 be considered a criminal offense or a violation of parole,  
13 mandatory supervised release, probation, conditional  
14 discharge, or supervision.

15 (j) No Uniform Cannabis Ticket for a violation of paragraph  
16 (1) of subsection (a) of Section 4 of the Cannabis Control Act  
17 shall be maintained in any criminal record or database.

18 Section 25. The Unified Code of Corrections is amended by  
19 changing Sections 5-9-1.1 and 5-9-1.4 and by adding Sections  
20 5-1-18.1-1 and 5-4.5-83 as follows:

21 (730 ILCS 5/5-1-18.1-1 new)

22 Sec. 5-1-18.1-1. Regulatory Offense. "Regulatory offense"  
23 means an offense which is not to be considered a criminal  
24 offense and for which a fine in the amount specified in the



1 offense is the only allowed disposition.

2 (730 ILCS 5/5-4.5-83 new)

3 Sec. 5-4.5-83. REGULATORY OFFENSES; SENTENCE.

4 (a) FINE. A defendant may be sentenced to pay a fine not to  
5 exceed for each offense the amount specified in the statute  
6 defining that offense.

7 (b) PROBATION; CONDITIONAL DISCHARGE. A period of  
8 probation or conditional discharge shall not be imposed.

9 (c) SUPERVISION. A period of supervision shall not be  
10 imposed.

11 (d) NO CRIMINAL OFFENSE. A regulatory offense shall not be  
12 considered a criminal offense, for any purpose, or a violation  
13 of parole, mandatory supervised release, probation,  
14 conditional discharge, or supervision.

15 (e) RECORDS. Upon final disposition and payment of all  
16 finances and costs in relation to a regulatory offense after a  
17 court appearance before a judge, the judge shall order the  
18 sealing of the records of or relating to the regulatory offense  
19 from the official records kept by the circuit court clerk, as  
20 well as the obliteration of the name of the defendant from the  
21 official index requested to be kept by the circuit court clerk  
22 under Section 16 of the Clerks of Court Act. Upon final  
23 disposition and payment of all fines and costs in relation to a  
24 regulatory offense when a court appearance before a judge did  
25 not occur, the circuit court clerk shall immediately seek a

1 court order to seal the records of or relating to the  
2 regulatory offense from the official records kept by the  
3 circuit court clerk, as well as the obliteration of the name of  
4 the defendant from the official index requested to be kept by  
5 the circuit court clerk under Section 16 of the Clerks of Court  
6 Act. Upon entry of a sealing order, no information of any  
7 character relating to its records shall be given or furnished  
8 by the circuit court clerk to any person, bureau, or  
9 institution other than as provided in this Act or other State  
10 law, or when a governmental unit is required by state or  
11 federal law to consider this information in the performance of  
12 its duties. The circuit court clerk shall retain the records  
13 sealed under this subsection (e). The sealed records maintained  
14 under this subsection; however, are exempt from disclosure  
15 under the Freedom of Information Act. No regulatory offense  
16 record shall be maintained in any criminal record or database.

17 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

18 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,  
19 97-545, and 98-537)

20 Sec. 5-9-1.1. Drug related offenses.

21 (a) Except for a conviction or plea of guilty to a Uniform  
22 Cannabis Ticket, when ~~when~~ a person has been adjudged guilty of  
23 a drug related offense involving possession or delivery of  
24 cannabis or possession or delivery of a controlled substance,  
25 other than methamphetamine, as defined in the Cannabis Control

1 Act, as amended, or the Illinois Controlled Substances Act, as  
2 amended, in addition to any other penalty imposed, a fine shall  
3 be levied by the court at not less than the full street value  
4 of the cannabis or controlled substances seized.

5 "Street value" shall be determined by the court on the  
6 basis of testimony of law enforcement personnel and the  
7 defendant as to the amount seized and such testimony as may be  
8 required by the court as to the current street value of the  
9 cannabis or controlled substance seized.

10 (b) In addition to any penalty imposed under subsection (a)  
11 of this Section, a fine of \$100 shall be levied by the court,  
12 the proceeds of which shall be collected by the Circuit Clerk  
13 and remitted to the State Treasurer under Section 27.6 of the  
14 Clerks of Courts Act for deposit into the Trauma Center Fund  
15 for distribution as provided under Section 3.225 of the  
16 Emergency Medical Services (EMS) Systems Act.

17 (c) In addition to any penalty imposed under subsection (a)  
18 of this Section, a fee of \$5 shall be assessed by the court,  
19 the proceeds of which shall be collected by the Circuit Clerk  
20 and remitted to the State Treasurer under Section 27.6 of the  
21 Clerks of Courts Act for deposit into the Spinal Cord Injury  
22 Paralysis Cure Research Trust Fund. This additional fee of \$5  
23 shall not be considered a part of the fine for purposes of any  
24 reduction in the fine for time served either before or after  
25 sentencing.

26 (d) In addition to any penalty imposed under subsection (a)

1 of this Section for a drug related offense involving possession  
2 or delivery of cannabis or possession or delivery of a  
3 controlled substance as defined in the Cannabis Control Act,  
4 the Illinois Controlled Substances Act, or the Methamphetamine  
5 Control and Community Protection Act, a fee of \$50 shall be  
6 assessed by the court, the proceeds of which shall be collected  
7 by the Circuit Clerk and remitted to the State Treasurer under  
8 Section 27.6 of the Clerks of Courts Act for deposit into the  
9 Performance-enhancing Substance Testing Fund. This additional  
10 fee of \$50 shall not be considered a part of the fine for  
11 purposes of any reduction in the fine for time served either  
12 before or after sentencing. The provisions of this subsection  
13 (d), other than this sentence, are inoperative after June 30,  
14 2011.

15 (e) In addition to any penalty imposed under subsection (a)  
16 of this Section, a \$25 assessment shall be assessed by the  
17 court, the proceeds of which shall be collected by the Circuit  
18 Clerk and remitted to the State Treasurer for deposit into the  
19 Criminal Justice Information Projects Fund. The moneys  
20 deposited into the Criminal Justice Information Projects Fund  
21 under this Section shall be appropriated to and administered by  
22 the Illinois Criminal Justice Information Authority for  
23 funding of drug task forces and Metropolitan Enforcement  
24 Groups.

25 (f) In addition to any penalty imposed under subsection (a)  
26 of this Section, a \$20 assessment shall be assessed by the

1 court, the proceeds of which shall be collected by the Circuit  
2 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
3 the State Treasurer for deposit into the Prescription Pill and  
4 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
5 the Criminal Justice Information Projects Fund, for use by the  
6 Illinois Criminal Justice Information Authority for the costs  
7 associated with making grants from the Prescription Pill and  
8 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
9 for deposit into the Circuit Court Clerk Operation and  
10 Administrative Fund for the costs associated with  
11 administering this subsection.

12 (Source: P.A. 97-545, eff. 1-1-12; 98-537, eff. 8-23-13.)

13 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,  
14 97-545, and 98-537)

15 Sec. 5-9-1.1. Drug related offenses.

16 (a) Except for a conviction or plea of guilty to a Uniform  
17 Cannabis Ticket, when ~~when~~ a person has been adjudged guilty of  
18 a drug related offense involving possession or delivery of  
19 cannabis or possession or delivery of a controlled substance as  
20 defined in the Cannabis Control Act, the Illinois Controlled  
21 Substances Act, or the Methamphetamine Control and Community  
22 Protection Act, in addition to any other penalty imposed, a  
23 fine shall be levied by the court at not less than the full  
24 street value of the cannabis or controlled substances seized.

25 "Street value" shall be determined by the court on the

1 basis of testimony of law enforcement personnel and the  
2 defendant as to the amount seized and such testimony as may be  
3 required by the court as to the current street value of the  
4 cannabis or controlled substance seized.

5 (b) In addition to any penalty imposed under subsection (a)  
6 of this Section, a fine of \$100 shall be levied by the court,  
7 the proceeds of which shall be collected by the Circuit Clerk  
8 and remitted to the State Treasurer under Section 27.6 of the  
9 Clerks of Courts Act for deposit into the Trauma Center Fund  
10 for distribution as provided under Section 3.225 of the  
11 Emergency Medical Services (EMS) Systems Act.

12 (c) In addition to any penalty imposed under subsection (a)  
13 of this Section, a fee of \$5 shall be assessed by the court,  
14 the proceeds of which shall be collected by the Circuit Clerk  
15 and remitted to the State Treasurer under Section 27.6 of the  
16 Clerks of Courts Act for deposit into the Spinal Cord Injury  
17 Paralysis Cure Research Trust Fund. This additional fee of \$5  
18 shall not be considered a part of the fine for purposes of any  
19 reduction in the fine for time served either before or after  
20 sentencing.

21 (d) In addition to any penalty imposed under subsection (a)  
22 of this Section for a drug related offense involving possession  
23 or delivery of cannabis or possession or delivery of a  
24 controlled substance as defined in the Cannabis Control Act,  
25 the Illinois Controlled Substances Act, or the Methamphetamine  
26 Control and Community Protection Act, a fee of \$50 shall be

1 assessed by the court, the proceeds of which shall be collected  
2 by the Circuit Clerk and remitted to the State Treasurer under  
3 Section 27.6 of the Clerks of Courts Act for deposit into the  
4 Performance-enhancing Substance Testing Fund. This additional  
5 fee of \$50 shall not be considered a part of the fine for  
6 purposes of any reduction in the fine for time served either  
7 before or after sentencing. The provisions of this subsection  
8 (d), other than this sentence, are inoperative after June 30,  
9 2011.

10 (e) In addition to any penalty imposed under subsection (a)  
11 of this Section, a \$25 assessment shall be assessed by the  
12 court, the proceeds of which shall be collected by the Circuit  
13 Clerk and remitted to the State Treasurer for deposit into the  
14 Criminal Justice Information Projects Fund. The moneys  
15 deposited into the Criminal Justice Information Projects Fund  
16 under this Section shall be appropriated to and administered by  
17 the Illinois Criminal Justice Information Authority for  
18 funding of drug task forces and Metropolitan Enforcement  
19 Groups.

20 (f) In addition to any penalty imposed under subsection (a)  
21 of this Section, a \$20 assessment shall be assessed by the  
22 court, the proceeds of which shall be collected by the Circuit  
23 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
24 the State Treasurer for deposit into the Prescription Pill and  
25 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
26 the Criminal Justice Information Projects Fund, for use by the

1 Illinois Criminal Justice Information Authority for the costs  
2 associated with making grants from the Prescription Pill and  
3 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
4 for deposit into the Circuit Court Clerk Operation and  
5 Administrative Fund for the costs associated with  
6 administering this subsection.

7 (Source: P.A. 97-545, eff. 1-1-12; 98-537, eff. 8-23-13.)

8 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

9 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
10 not-for-profit laboratory registered with the Drug Enforcement  
11 Administration of the United States Department of Justice,  
12 substantially funded by a unit or combination of units of local  
13 government or the State of Illinois, which regularly employs at  
14 least one person engaged in the analysis of controlled  
15 substances, cannabis, methamphetamine, or steroids for  
16 criminal justice agencies in criminal matters and provides  
17 testimony with respect to such examinations.

18 (b) Except for a conviction or plea of guilty to a Uniform  
19 Cannabis Ticket, when ~~When~~ a person has been adjudged guilty of  
20 an offense in violation of the Cannabis Control Act, the  
21 Illinois Controlled Substances Act, the Methamphetamine  
22 Control and Community Protection Act, or the Steroid Control  
23 Act, in addition to any other disposition, penalty or fine  
24 imposed, a criminal laboratory analysis fee of \$100 for each  
25 offense for which he was convicted shall be levied by the



1 court. Any person placed on probation pursuant to Section 10 of  
2 the Cannabis Control Act, Section 410 of the Illinois  
3 Controlled Substances Act, Section 70 of the Methamphetamine  
4 Control and Community Protection Act, or Section 10 of the  
5 Steroid Control Act or placed on supervision for a violation of  
6 the Cannabis Control Act, the Illinois Controlled Substances  
7 Act or the Steroid Control Act shall be assessed a criminal  
8 laboratory analysis fee of \$100 for each offense for which he  
9 was charged. Upon verified petition of the person, the court  
10 may suspend payment of all or part of the fee if it finds that  
11 the person does not have the ability to pay the fee.

12 (c) In addition to any other disposition made pursuant to  
13 the provisions of the Juvenile Court Act of 1987, any minor  
14 adjudicated delinquent for an offense which if committed by an  
15 adult would constitute a violation of the Cannabis Control Act,  
16 the Illinois Controlled Substances Act, the Methamphetamine  
17 Control and Community Protection Act, or the Steroid Control  
18 Act shall be assessed a criminal laboratory analysis fee of  
19 \$100 for each adjudication. Upon verified petition of the  
20 minor, the court may suspend payment of all or part of the fee  
21 if it finds that the minor does not have the ability to pay the  
22 fee. The parent, guardian or legal custodian of the minor may  
23 pay some or all of such fee on the minor's behalf.

24 (d) All criminal laboratory analysis fees provided for by  
25 this Section shall be collected by the clerk of the court and  
26 forwarded to the appropriate crime laboratory fund as provided

1 in subsection (f).

2 (e) Crime laboratory funds shall be established as follows:

3 (1) Any unit of local government which maintains a  
4 crime laboratory may establish a crime laboratory fund  
5 within the office of the county or municipal treasurer.

6 (2) Any combination of units of local government which  
7 maintains a crime laboratory may establish a crime  
8 laboratory fund within the office of the treasurer of the  
9 county where the crime laboratory is situated.

10 (3) The State Crime Laboratory Fund is hereby created  
11 as a special fund in the State Treasury.

12 (f) The analysis fee provided for in subsections (b) and  
13 (c) of this Section shall be forwarded to the office of the  
14 treasurer of the unit of local government that performed the  
15 analysis if that unit of local government has established a  
16 crime laboratory fund, or to the State Crime Laboratory Fund if  
17 the analysis was performed by a laboratory operated by the  
18 Illinois State Police. If the analysis was performed by a crime  
19 laboratory funded by a combination of units of local  
20 government, the analysis fee shall be forwarded to the  
21 treasurer of the county where the crime laboratory is situated  
22 if a crime laboratory fund has been established in that county.  
23 If the unit of local government or combination of units of  
24 local government has not established a crime laboratory fund,  
25 then the analysis fee shall be forwarded to the State Crime  
26 Laboratory Fund. The clerk of the circuit court may retain the

1 amount of \$10 from each collected analysis fee to offset  
2 administrative costs incurred in carrying out the clerk's  
3 responsibilities under this Section.

4 (g) Fees deposited into a crime laboratory fund created  
5 pursuant to paragraphs (1) or (2) of subsection (e) of this  
6 Section shall be in addition to any allocations made pursuant  
7 to existing law and shall be designated for the exclusive use  
8 of the crime laboratory. These uses may include, but are not  
9 limited to, the following:

10 (1) costs incurred in providing analysis for  
11 controlled substances in connection with criminal  
12 investigations conducted within this State;

13 (2) purchase and maintenance of equipment for use in  
14 performing analyses; and

15 (3) continuing education, training and professional  
16 development of forensic scientists regularly employed by  
17 these laboratories.

18 (h) Fees deposited in the State Crime Laboratory Fund  
19 created pursuant to paragraph (3) of subsection (d) of this  
20 Section shall be used by State crime laboratories as designated  
21 by the Director of State Police. These funds shall be in  
22 addition to any allocations made pursuant to existing law and  
23 shall be designated for the exclusive use of State crime  
24 laboratories. These uses may include those enumerated in  
25 subsection (g) of this Section.

26 (Source: P.A. 94-556, eff. 9-11-05.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.".