

# SB1946



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1946

Introduced 2/15/2013, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning default in the payment of a fine or any installment of a fine.

LRB098 08815 RLC 38941 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)  
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the ~~the~~ payment of a fine  
9 or any installment of that fine may be held in contempt and  
10 imprisoned for nonpayment. The court may issue a summons for  
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due  
13 to his intentional refusal to pay, or not due to a failure on  
14 his part to make a good faith effort to pay, the court may  
15 order the offender imprisoned for a term not to exceed 6 months  
16 if the fine was for a felony, or 30 days if the fine was for a  
17 misdemeanor, a petty offense or a business offense. Payment of  
18 the fine at any time will entitle the offender to be released,  
19 but imprisonment under this Section shall not satisfy the  
20 payment of the fine.

21 (c) If it appears that the default in the payment of a fine  
22 is not intentional under paragraph (b) of this Section, the  
23 court may enter an order allowing the offender additional time

1 for payment, reducing the amount of the fine or of each  
2 installment, or revoking the fine or the unpaid portion.

3 (d) When a fine is imposed on a corporation or  
4 unincorporated organization or association, it is the duty of  
5 the person or persons authorized to make disbursement of  
6 assets, and their superiors, to pay the fine from assets of the  
7 corporation or unincorporated organization or association. The  
8 failure of such persons to do so shall render them subject to  
9 proceedings under paragraphs (a) and (b) of this Section.

10 (e) A default in the payment of a fine, fee, cost, order of  
11 restitution, judgment of bond forfeiture, judgment order of  
12 forfeiture, or any installment thereof may be collected by any  
13 and all means authorized for the collection of money judgments.  
14 The State's Attorney of the county in which the fine, fee,  
15 cost, order of restitution, judgment of bond forfeiture, or  
16 judgment order of forfeiture was imposed may retain attorneys  
17 and private collection agents for the purpose of collecting any  
18 default in payment of any fine, fee, cost, order of  
19 restitution, judgment of bond forfeiture, judgment order of  
20 forfeiture, or installment thereof. An additional fee of 30% of  
21 the delinquent amount is to be charged to the offender for any  
22 amount of the fine, fee, cost, restitution, or judgment of bond  
23 forfeiture or installment of the fine, fee, cost, restitution,  
24 or judgment of bond forfeiture that remains unpaid after the  
25 time fixed for payment of the fine, fee, cost, restitution, or  
26 judgment of bond forfeiture by the court. The additional fee

1 shall be payable to the State's Attorney in order to compensate  
2 the State's Attorney for costs incurred in collecting the  
3 delinquent amount. The State's Attorney may enter into  
4 agreements assigning any portion of the fee to the retained  
5 attorneys or the private collection agent retained by the  
6 State's Attorney. Any agreement between the State's Attorney  
7 and the retained attorneys or collection agents shall require  
8 the approval of the Circuit Clerk of that county. A default in  
9 payment of a fine, fee, cost, restitution, or judgment of bond  
10 forfeiture shall draw interest at the rate of 9% per annum.

11 (Source: P.A. 95-514, eff. 1-1-08; 95-606, eff. 6-1-08; 95-876,  
12 eff. 8-21-08.)