

# SB1304



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1304

Introduced 2/18/2015, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/124A-15

Amends the Code of Criminal Procedure of 1963. In provision regarding refund of costs, fines, or fees upon reversal of conviction on a finding of actual innocence, the refund shall be determined by the judge and paid by the clerk of the court based upon the availability of funds in the subject fund account.

LRB099 07058 MRW 27141 b

FISCAL NOTE ACT  
MAY APPLY

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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 124A-15 as follows:

6 (725 ILCS 5/124A-15)

7 Sec. 124A-15. Reversal of conviction; refund of fines,  
8 fees, and costs.

9 (a) A defendant convicted in a criminal prosecution whose  
10 conviction is reversed by a finding of factual innocence in a  
11 collateral proceeding such as habeas corpus or post-conviction  
12 relief under Article 122 of this Code is not liable for any  
13 costs or fees of the court or circuit clerk's office, or for  
14 any charge of subsistence while detained in custody. If the  
15 defendant has paid any costs, fine, or fees, in the case, a  
16 refund of those costs shall be determined by the judge and paid  
17 by the clerk of the court, the timing of the refund payment  
18 shall be determined by the clerk of the court based upon the  
19 availability of funds in the subject fund account ~~the clerk or~~  
20 ~~judge shall give him or her a certificate of the payment of~~  
21 ~~those costs, fine, or fees with the items of those expenses,~~  
22 ~~which, when audited and approved according to law, shall be~~  
23 ~~refunded to the defendant.~~

1           (b) To receive a refund under this Section, a defendant  
2 must submit a request for the refund to the clerk of the court  
3 on a form and in a manner prescribed by the clerk. The  
4 defendant must attach to the form an order from the court  
5 demonstrating the defendant's right to the refund and the  
6 amount of the refund.

7           (Source: P.A. 98-943, eff. 1-1-15.)