

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-20 as follows:

6 (725 ILCS 5/124A-20)

7 Sec. 124A-20. Assessment waiver.

8 (a) As used in this Section:

9 "Assessments" means any costs imposed on a criminal  
10 defendant under Article 15 of the Criminal and Traffic  
11 Assessment Act, but does not include violation of the Illinois  
12 Vehicle Code assessments except in a county having a  
13 population of more than 3,000,000 ~~as provided in subsection~~  
14 ~~(a-5)~~.

15 "Indigent person" means any person who meets one or more  
16 of the following criteria:

17 (1) He or she is receiving assistance under one or  
18 more of the following means-based governmental public  
19 benefits programs: Supplemental Security Income; Aid to  
20 the Aged, Blind and Disabled; Temporary Assistance for  
21 Needy Families; Supplemental Nutrition Assistance Program;  
22 General Assistance; Transitional Assistance; or State  
23 Children and Family Assistance.

1           (2) His or her available personal income is 200% or  
2           less of the current poverty level, unless the applicant's  
3           assets that are not exempt under Part 9 or 10 of Article  
4           XII of the Code of Civil Procedure are of a nature and  
5           value that the court determines that the applicant is able  
6           to pay the assessments.

7           (3) He or she is, in the discretion of the court,  
8           unable to proceed in an action with payment of assessments  
9           and whose payment of those assessments would result in  
10          substantial hardship to the person or his or her family.

11          "Poverty level" means the current poverty level as  
12          established by the United States Department of Health and  
13          Human Services.

14          (a-5) (Blank). ~~In a county having a population of more~~  
15          ~~than 3,000,000, "assessments" means any costs imposed on a~~  
16          ~~criminal defendant under Article 15 of the Criminal and~~  
17          ~~Traffic Assessment Act, including violation of the Illinois~~  
18          ~~Vehicle Code assessments. This subsection is inoperative on~~  
19          ~~and after July 1, 2025.~~

20          (b) For criminal offenses reflected in Schedules 1, 3, 4,  
21          5, 7, and 8 of Article 15 of the Criminal and Traffic  
22          Assessment Act, upon the application of any defendant, after  
23          the commencement of an action, but no later than 30 days after  
24          sentencing:

25               (1) If the court finds that the applicant is an  
26               indigent person, the court shall grant the applicant a

1 full assessment waiver exempting him or her from the  
2 payment of any assessments.

3 (2) The court shall grant the applicant a partial  
4 assessment as follows:

5 (A) 75% of all assessments shall be waived if the  
6 applicant's available income is greater than 200% but  
7 no more than 250% of the poverty level, unless the  
8 applicant's assets that are not exempt under Part 9 or  
9 10 of Article XII of the Code of Civil Procedure are  
10 such that the applicant is able, without undue  
11 hardship, to pay the total assessments.

12 (B) 50% of all assessments shall be waived if the  
13 applicant's available income is greater than 250% but  
14 no more than 300% of the poverty level, unless the  
15 applicant's assets that are not exempt under Part 9 or  
16 10 of Article XII of the Code of Civil Procedure are  
17 such that the court determines that the applicant is  
18 able, without undue hardship, to pay a greater portion  
19 of the assessments.

20 (C) 25% of all assessments shall be waived if the  
21 applicant's available income is greater than 300% but  
22 no more than 400% of the poverty level, unless the  
23 applicant's assets that are not exempt under Part 9 or  
24 10 of Article XII of the Code of Civil Procedure are  
25 such that the court determines that the applicant is  
26 able, without undue hardship, to pay a greater portion

1           of the assessments.

2           (b-5) For traffic and petty offenses reflected in  
3 Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and  
4 Traffic Assessment Act, upon the application of any defendant,  
5 after the commencement of an action, but no later than 30 days  
6 after sentencing, the court shall grant the applicant a  
7 partial assessment as follows:

8           (1) 50% of all assessments shall be waived if the  
9 court finds that the applicant is an indigent person or if  
10 the applicant's available income is not greater than 200%  
11 of the poverty level, unless the applicant's assets that  
12 are not exempt under Part 9 or 10 of Article XII of the  
13 Code of Civil Procedure are such that the applicant is  
14 able, without undue hardship, to pay the total  
15 assessments.

16           (2) 37.5% of all assessments shall be waived if the  
17 applicant's available income is greater than 200% but no  
18 more than 250% of the poverty level, unless the  
19 applicant's assets that are not exempt under Part 9 or 10  
20 of Article XII of the Code of Civil Procedure are such that  
21 the applicant is able, without undue hardship, to pay the  
22 total assessments.

23           (3) 25% of all assessments shall be waived if the  
24 applicant's available income is greater than 250% but no  
25 more than 300% of the poverty level, unless the  
26 applicant's assets that are not exempt under Part 9 or 10

1 of Article XII of the Code of Civil Procedure are such that  
2 the court determines that the applicant is able, without  
3 undue hardship, to pay a greater portion of the  
4 assessments.

5 (4) 12.5% of all assessments shall be waived if the  
6 applicant's available income is greater than 300% but no  
7 more than 400% of the poverty level, unless the  
8 applicant's assets that are not exempt under Part 9 or 10  
9 of Article XII of the Code of Civil Procedure are such that  
10 the court determines that the applicant is able, without  
11 undue hardship, to pay a greater portion of the  
12 assessments.

13 (c) An application for a waiver of assessments shall be in  
14 writing, signed by the defendant or, if the defendant is a  
15 minor, by another person having knowledge of the facts, and  
16 filed no later than 30 days after sentencing. The contents of  
17 the application for a waiver of assessments, and the procedure  
18 for deciding the applications, shall be established by Supreme  
19 Court Rule. Factors to consider in evaluating an application  
20 shall include:

21 (1) the applicant's receipt of needs based  
22 governmental public benefits, including Supplemental  
23 Security Income (SSI); Aid to the Aged, Blind and Disabled  
24 (AABD); Temporary Assistance for Needy Families (TANF);  
25 Supplemental Nutrition Assistance Program (SNAP or "food  
26 stamps"); General Assistance; Transitional Assistance; or

1 State Children and Family Assistance;

2 (2) the employment status of the applicant and amount  
3 of monthly income, if any;

4 (3) income received from the applicant's pension,  
5 Social Security benefits, unemployment benefits, and other  
6 sources;

7 (4) income received by the applicant from other  
8 household members;

9 (5) the applicant's monthly expenses, including rent,  
10 home mortgage, other mortgage, utilities, food, medical,  
11 vehicle, childcare, debts, child support, and other  
12 expenses; and

13 (6) financial affidavits or other similar supporting  
14 documentation provided by the applicant showing that  
15 payment of the imposed assessments would result in  
16 substantial hardship to the applicant or the applicant's  
17 family.

18 (d) The clerk of court shall provide the application for a  
19 waiver of assessments to any defendant who indicates an  
20 inability to pay the assessments. The clerk of the court shall  
21 post in a conspicuous place in the courthouse a notice, no  
22 smaller than 8.5 x 11 inches and using no smaller than 30-point  
23 typeface printed in English and in Spanish, advising criminal  
24 defendants they may ask the court for a waiver of any court  
25 ordered assessments. The notice shall be substantially as  
26 follows:

1            "If you are unable to pay the required assessments,  
2            you may ask the court to waive payment of them. Ask the  
3            clerk of the court for forms."

4            (e) For good cause shown, the court may allow an applicant  
5            whose application is denied or who receives a partial  
6            assessment waiver to defer payment of the assessments, make  
7            installment payments, or make payment upon reasonable terms  
8            and conditions stated in the order.

9            (f) Nothing in this Section shall be construed to affect  
10           the right of a party to court-appointed counsel, as authorized  
11           by any other provision of law or by the rules of the Illinois  
12           Supreme Court.

13           (g) The provisions of this Section are severable under  
14           Section 1.31 of the Statute on Statutes.

15           (Source: P.A. 102-558, eff. 8-20-21; 102-620, eff. 8-27-21;  
16           103-1059, eff. 12-20-24.)

17           Section 99. Effective date. This Act takes effect upon  
18           becoming law.