

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 5-9-1 as follows:

6 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
7 Sec. 5-9-1. Authorized fines.

8 (a) An offender may be sentenced to pay a fine as provided
9 in Article 4.5 of Chapter V.

10 (b) (Blank.)

11 (c) There shall be added to every fine imposed in
12 sentencing for a criminal or traffic offense, except an offense
13 relating to parking or registration, or offense by a
14 pedestrian, an additional penalty of \$15 for each \$40, or
15 fraction thereof, of fine imposed for violations other than
16 violations of Section 15-111 of the Illinois Vehicle Code; \$15
17 for each \$40 of the first \$330, or fraction thereof, of fine
18 imposed for a violation of Section 15-111 of the Illinois
19 Vehicle Code and \$10 for each subsequent \$40, or fraction
20 thereof, of fine imposed for violation of Section 15-111 of the
21 Illinois Vehicle Code, following the initial \$15 additional
22 penalty for each \$40 of the first \$330 of fine imposed. The
23 additional penalty under this subsection (c) of \$15 for each

1 ~~\$40, or fraction thereof, of fine imposed,~~ if not otherwise
2 assessed, shall also be added to every fine imposed upon a plea
3 of guilty, stipulation of facts or findings of guilty,
4 resulting in a judgment of conviction, or order of supervision
5 in criminal, traffic, local ordinance, county ordinance, and
6 conservation cases (except parking, registration, or
7 pedestrian violations), or upon a sentence of probation without
8 entry of judgment under Section 10 of the Cannabis Control Act,
9 Section 410 of the Illinois Controlled Substances Act, or
10 Section 70 of the Methamphetamine Control and Community
11 Protection Act.

12 Such additional amounts shall be assessed by the court
13 imposing the fine and shall be collected by the Circuit Clerk
14 in addition to the fine and costs in the case. Each such
15 additional penalty shall be remitted by the Circuit Clerk
16 within one month after receipt to the State Treasurer. The
17 State Treasurer shall deposit \$1 for each \$40, or fraction
18 thereof, of fine imposed into the LEADS Maintenance Fund. The
19 State Treasurer shall deposit \$3 for each \$40, or fraction
20 thereof, of fine imposed into the Law Enforcement Camera Grant
21 Fund. The remaining surcharge amount shall be deposited into
22 the Traffic and Criminal Conviction Surcharge Fund, unless the
23 fine, costs or additional amounts are subject to disbursement
24 by the circuit clerk under Section 27.5 of the Clerks of Courts
25 Act. Such additional penalty shall not be considered a part of
26 the fine for purposes of any reduction in the fine for time

1 served either before or after sentencing. Not later than March
2 1 of each year the Circuit Clerk shall submit a report of the
3 amount of funds remitted to the State Treasurer under this
4 subsection (c) during the preceding calendar year. Except as
5 otherwise provided by Supreme Court Rules, if a court in
6 imposing a fine against an offender levies a gross amount for
7 fine, costs, fees and penalties, the amount of the additional
8 penalty provided for herein shall be computed on the amount
9 remaining after deducting from the gross amount levied all fees
10 of the Circuit Clerk, the State's Attorney and the Sheriff.
11 After deducting from the gross amount levied the fees and
12 additional penalty provided for herein, less any other
13 additional penalties provided by law, the clerk shall remit the
14 net balance remaining to the entity authorized by law to
15 receive the fine imposed in the case. For purposes of this
16 Section "fees of the Circuit Clerk" shall include, if
17 applicable, the fee provided for under Section 27.3a of the
18 Clerks of Courts Act and the fee, if applicable, payable to the
19 county in which the violation occurred pursuant to Section
20 5-1101 of the Counties Code.

21 (c-5) In addition to the fines imposed by subsection (c),
22 any person convicted or receiving an order of supervision for
23 driving under the influence of alcohol or drugs shall pay an
24 additional \$100 fee to the clerk. This additional fee, less 2
25 1/2% that shall be used to defray administrative costs incurred
26 by the clerk, shall be remitted by the clerk to the Treasurer

1 within 60 days after receipt for deposit into the Trauma Center
2 Fund. This additional fee of \$100 shall not be considered a
3 part of the fine for purposes of any reduction in the fine for
4 time served either before or after sentencing. Not later than
5 March 1 of each year the Circuit Clerk shall submit a report of
6 the amount of funds remitted to the State Treasurer under this
7 subsection (c-5) during the preceding calendar year.

8 The Circuit Clerk may accept payment of fines and costs by
9 credit card from an offender who has been convicted of a
10 traffic offense, petty offense or misdemeanor and may charge
11 the service fee permitted where fines and costs are paid by
12 credit card provided for in Section 27.3b of the Clerks of
13 Courts Act.

14 (c-7) In addition to the fines imposed by subsection (c),
15 any person convicted or receiving an order of supervision for
16 driving under the influence of alcohol or drugs shall pay an
17 additional \$5 fee to the clerk. This additional fee, less 2
18 1/2% that shall be used to defray administrative costs incurred
19 by the clerk, shall be remitted by the clerk to the Treasurer
20 within 60 days after receipt for deposit into the Spinal Cord
21 Injury Paralysis Cure Research Trust Fund. This additional fee
22 of \$5 shall not be considered a part of the fine for purposes
23 of any reduction in the fine for time served either before or
24 after sentencing. Not later than March 1 of each year the
25 Circuit Clerk shall submit a report of the amount of funds
26 remitted to the State Treasurer under this subsection (c-7)

1 during the preceding calendar year.

2 (c-9) (Blank).

3 (d) In determining the amount and method of payment of a
4 fine, except for those fines established for violations of
5 Chapter 15 of the Illinois Vehicle Code, the court shall
6 consider:

7 (1) the financial resources and future ability of the
8 offender to pay the fine; and

9 (2) whether the fine will prevent the offender from
10 making court ordered restitution or reparation to the
11 victim of the offense; and

12 (3) in a case where the accused is a dissolved
13 corporation and the court has appointed counsel to
14 represent the corporation, the costs incurred either by the
15 county or the State for such representation.

16 (e) The court may order the fine to be paid forthwith or
17 within a specified period of time or in installments.

18 (f) All fines, costs and additional amounts imposed under
19 this Section for any violation of Chapters 3, 4, 6, and 11 of
20 the Illinois Vehicle Code, or a similar provision of a local
21 ordinance, and any violation of the Child Passenger Protection
22 Act, or a similar provision of a local ordinance, shall be
23 collected and disbursed by the circuit clerk as provided under
24 Section 27.5 of the Clerks of Courts Act.

25 (Source: P.A. 99-352, eff. 1-1-16.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.