



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5660

Introduced 2/20/2024, by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-308
730 ILCS 5/5-9-3

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

Amends the Illinois Vehicle Code. Provides that, whenever a person fails to appear in court and the court continues the case, if the clerk of the court elects to establish a system to send text, email, and telephone notifications, the clerk of the court may send notifications to an email address, may send a text message to the person's last known cellular telephone number, and if the person does not have a cellular telephone number, may reach the person at the person's last known landline telephone number regarding the continued court date. Deletes a provision that requires a court to enter an order of failure to appear if a person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person. Amends the Unified Code of Corrections. Deletes language that allowed the court use mitigating factors when deciding on contempt or imprisonment for nonpayment of a fine.

LRB103 36410 MXP 66512 b

1 AN ACT concerning courts.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

7 Sec. 6-308. Procedures for traffic violations.

8 (a) Any person cited for violating this Code or a similar
9 provision of a local ordinance for which a violation is a petty
10 offense as defined by Section 5-1-17 of the Unified Code of
11 Corrections, excluding business offenses as defined by Section
12 5-1-2 of the Unified Code of Corrections or a violation of
13 Section 15-111 or subsection (d) of Section 3-401 of this
14 Code, shall not be required to sign the citation for his or her
15 release. All other provisions of this Code or similar
16 provisions of local ordinances shall be governed by the
17 pretrial release provisions of the Illinois Supreme Court
18 Rules when it is not practical or feasible to take the person
19 before a judge to have conditions of pretrial release set or to
20 avoid undue delay because of the hour or circumstances.

21 (b) Whenever a person fails to appear in court, the court
22 may continue the case for a minimum of 30 days and the clerk of
23 the court shall send notice of the continued court date to the

1 person's last known address and, if the clerk of the court
2 elects to establish a system to send text, email, and
3 telephone notifications, may also send notifications to an
4 email address and may send a text message to the person's last
5 known cellular telephone number. If the person does not have a
6 cellular telephone number, the clerk of the court may reach
7 the person by calling the person's last known landline
8 telephone number regarding continued court dates. The notice
9 shall include a statement that a subsequent failure to appear
10 in court could result in a warrant for the defendant's arrest
11 and other significant consequences affecting their driving
12 privileges. If the person does not appear in court on or before
13 the continued court date or satisfy the court that the
14 person's appearance in and surrender to the court is
15 impossible for no fault of the person, the court shall enter an
16 order of failure to appear. The clerk of the court shall notify
17 the Secretary of State, on a report prescribed by the
18 Secretary, of the court's order. The Secretary, when notified
19 by the clerk of the court that an order of failure to appear
20 has been entered, shall immediately suspend the person's
21 driver's license, which shall be designated by the Secretary
22 as a Failure to Appear suspension. The Secretary shall not
23 remove the suspension, nor issue any permit or privileges to
24 the person whose license has been suspended, until notified by
25 the ordering court that the person has appeared and resolved
26 the violation. Upon compliance, the clerk of the court shall

1 ~~present the person with a notice of compliance containing the~~
2 ~~seal of the court, and shall notify the Secretary that the~~
3 ~~person has appeared and resolved the violation.~~

4 (c) Illinois Supreme Court Rules shall govern pretrial
5 release and appearance procedures when a person who is a
6 resident of another state that is not a member of the
7 Nonresident Violator Compact of 1977 is cited for violating
8 this Code or a similar provision of a local ordinance.

9 (d) The changes made to this Section by this amendatory
10 Act of the 103rd General Assembly apply to each individual
11 whose license was suspended pursuant to this Section prior to
12 the effective date of this amendatory Act of the 103rd General
13 Assembly, and the suspension shall be lifted by the Secretary
14 of State without further action by any court.

15 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 5-9-3 as follows:

18 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

19 Sec. 5-9-3. Default.

20 (a) An offender who defaults in the payment of a fine or
21 any installment of that fine may be held in contempt and
22 imprisoned for nonpayment. The court may issue a summons for
23 his appearance or a warrant of arrest.

24 (b) (Blank). ~~Unless the offender shows that his default~~

1 ~~was not due to his intentional refusal to pay, or not due to a~~
2 ~~failure on his part to make a good faith effort to pay, the~~
3 ~~court may order the offender imprisoned for a term not to~~
4 ~~exceed 6 months if the fine was for a felony, or 30 days if the~~
5 ~~fine was for a misdemeanor, a petty offense or a business~~
6 ~~offense. Payment of the fine at any time will entitle the~~
7 ~~offender to be released, but imprisonment under this Section~~
8 ~~shall not satisfy the payment of the fine.~~

9 (c) (Blank). ~~If it appears that the default in the payment~~
10 ~~of a fine is not intentional under paragraph (b) of this~~
11 ~~Section, the court may enter an order allowing the offender~~
12 ~~additional time for payment, reducing the amount of the fine~~
13 ~~or of each installment, or revoking the fine or the unpaid~~
14 ~~portion.~~

15 (d) (Blank). ~~When a fine is imposed on a corporation or~~
16 ~~unincorporated organization or association, it is the duty of~~
17 ~~the person or persons authorized to make disbursement of~~
18 ~~assets, and their superiors, to pay the fine from assets of the~~
19 ~~corporation or unincorporated organization or association. The~~
20 ~~failure of such persons to do so shall render them subject to~~
21 ~~proceedings under paragraphs (a) and (b) of this Section.~~

22 (e) A default in the payment of a fine, fee, cost, order of
23 restitution, judgment of bond forfeiture, judgment order of
24 forfeiture, or any installment thereof may be collected by any
25 and all means authorized for the collection of money
26 judgments. The State's Attorney of the county in which the

1 fine, fee, cost, order of restitution, judgment of bond
2 forfeiture, or judgment order of forfeiture was imposed may
3 retain attorneys and private collection agents for the purpose
4 of collecting any default in payment of any fine, fee, cost,
5 order of restitution, judgment of bond forfeiture, judgment
6 order of forfeiture, or installment thereof. An additional fee
7 of 30% of the delinquent amount and each taxable court cost
8 including, without limitation, costs of service of process,
9 shall be charged to the offender for any amount of the fine,
10 fee, cost, restitution, or judgment of bond forfeiture or
11 installment of the fine, fee, cost, restitution, or judgment
12 of bond forfeiture that remains unpaid after the time fixed
13 for payment of the fine, fee, cost, restitution, or judgment
14 of bond forfeiture by the court. The additional fee shall be
15 payable to the State's Attorney in order to compensate the
16 State's Attorney for costs incurred in collecting the
17 delinquent amount. The State's Attorney may enter into
18 agreements assigning any portion of the fee to the retained
19 attorneys or the private collection agent retained by the
20 State's Attorney. Any agreement between the State's Attorney
21 and the retained attorneys or collection agents shall require
22 the approval of the Circuit Clerk of that county. A default in
23 payment of a fine, fee, cost, restitution, or judgment of bond
24 forfeiture shall draw interest at the rate of 9% per annum.

25 (f) This Section does not apply against a minor or the
26 minor's parent, guardian, or legal custodian in cases subject

1 to Article III, IV, or V of the Juvenile Court Act of 1987, or
2 a minor under the age of 18 transferred to adult court or
3 excluded from juvenile court jurisdiction under Article V of
4 the Juvenile Court Act of 1987.

5 (Source: P.A. 103-379, eff. 7-28-23.)