

1 AN ACT concerning fees.

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

4 Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2505-655 as follows:

7 (20 ILCS 2505/2505-655 new)

8 Sec. 2505-655. Collection of past due circuit court fees.

9 Upon certification by the Clerk of the Circuit Court of the
10 amounts of delinquent court fees, the Department of Revenue may
11 collect the past due fees by intercepting the tax refund of any
12 person owing the fees. The Department of Revenue shall enter
13 into an agreement with the Clerk of the Circuit Court as
14 provided in Section 27.2b of the Clerks of Courts Act prior to
15 undertaking any collections under this Section. Any agreement
16 between the Department of Revenue and the Clerk of the Circuit
17 Court for the intercept of tax refunds shall contain provisions
18 for certification of debt, notification to the taxpayer of the
19 intercept, treatment of joint returns, and protest of the
20 intercept that are consistent with the requirements for a
21 refund withholding request under Section 911.2 of the Illinois
22 Income Tax Act.

23 Section 10. The Illinois Income Tax Act is amended by
24 changing Section 911.3 as follows:

25 (35 ILCS 5/911.3)

26 Sec. 911.3. Refunds withheld; order of honoring requests.

27 The Department shall honor refund withholding requests in the
28 following order:

29 (1) a refund withholding request to collect an unpaid
30 State tax;

1 (2) a refund withholding request to collect certified
2 past due child support amounts under Section 2505-650 of
3 the Department of Revenue Law of the Civil Administrative
4 Code of Illinois;

5 (3) a refund withholding request to collect any debt
6 owed to the State;

7 (4) a refund withholding request made by the Secretary
8 of the Treasury of the United States, or his or her
9 delegate, to collect any tax liability arising from Title
10 26 of the United States Code; ~~and~~

11 (5) a refund withholding request pursuant to Section
12 911.2 of this Act; ~~and~~

13 (6) a refund withholding request to collect certified
14 past due fees owed to the Clerk of the Circuit Court as
15 authorized under Section 2505-655 of the Department of
16 Revenue Law of the Civil Administrative Code of Illinois.

17 (Source: P.A. 92-826, eff. 8-21-02.)

18 Section 15. The Clerks of Courts Act is amended by changing
19 Section 27.3b and by adding Section 27.2b as follows:

20 (705 ILCS 105/27.2b new)

21 Sec. 27.2b. State income tax refund intercept. The Clerk of
22 the Circuit Court may enter into an agreement with the Illinois
23 Department of Revenue to establish a pilot program for the
24 purpose of collecting certain fees. The purpose shall be to
25 intercept, in whole or in part, State income tax refunds due
26 the persons who owe past due fees to the Clerk of the Circuit
27 Court in order to satisfy unpaid fees pursuant to the fee
28 requirements of Sections 27.1a, 27.2, and 27.2a of this Act.
29 The agreement shall include, but may not be limited to, a
30 certification by the Clerk of the Circuit Court that the debt
31 claims forwarded to the Department of Revenue are valid and
32 that reasonable efforts have been made to notify persons of the
33 delinquency of the debt. The agreement shall include provisions
34 for payment of the intercept by the Department of Revenue to

1 the Clerk of the Circuit Court and procedures for an
2 appeal/protest by the debtor when an intercept occurs. The
3 agreement may also include provisions to allow the Department
4 of Revenue to recover its cost for administering the program.

5 Intercepts made pursuant to this Section shall not
6 interfere with the collection of debts related to child
7 support. During the collection of debts under this Section,
8 when there are 2 or more debt claims certified to the
9 Department at the same time, priority of collection shall be as
10 provided in Section 911.3 of the Illinois Income Tax Act.

11 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

12 Sec. 27.3b. The clerk of court may accept payment of fines,
13 penalties, or costs by credit card or debit card approved by
14 the clerk from an offender who has been convicted of or placed
15 on court supervision for a traffic offense, petty offense,
16 ordinance offense, or misdemeanor or who has been convicted of
17 a felony offense. The clerk of the circuit court may accept
18 credit card payments over the Internet for fines, penalties, or
19 costs from offenders on voluntary electronic pleas of guilty in
20 minor traffic and conservation offenses to satisfy the
21 requirement of written pleas of guilty as provided in Illinois
22 Supreme Court Rule 529. The clerk of the court may also accept
23 payment of statutory fees by a credit card or debit card. The
24 clerk of the court may also accept the credit card or debit
25 card for the cash deposit of bail bond fees up to \$300.

26 The Clerk of the circuit court is authorized to enter into
27 contracts with credit card or debit card companies approved by
28 the clerk and to negotiate the payment of convenience and
29 administrative fees to pay those companies fees normally
30 charged by those companies for allowing the clerk of the
31 circuit court to accept their credit cards or debit cards in
32 payment as authorized herein. The clerk of the circuit court is
33 authorized to enter into contracts with third party fund
34 quarantors, facilitators, and service providers under which
35 those entities may contract directly with customers of the

1 clerk of the circuit court and guarantee and remit the payments
2 to the clerk of the circuit court. Where the offender pays
3 fines, penalties, or costs by credit card or debit card or
4 through a third party fund guarantor, facilitator, or service
5 provider, or anyone paying statutory fees of the circuit court
6 clerk or the posting of cash bail, the clerk shall collect a
7 service fee of up to \$5 or the amount charged to the clerk for
8 use of its services by the credit card or debit card issuer,
9 third party fund guarantor, facilitator, or service provider.
10 This service fee shall be in addition to any other fines,
11 penalties, or costs. The clerk of the circuit court is
12 authorized to negotiate the assessment of convenience and
13 administrative fees by the third party fund guarantors,
14 facilitators, and service providers with the revenue earned by
15 the clerk of the circuit court to be remitted to the county
16 general revenue fund.

17 (Source: P.A. 93-391, eff. 1-1-04.)

18 Section 20. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by changing Section 706.3 as follows:

20 (750 ILCS 5/706.3)

21 Sec. 706.3. Information concerning obligors.

22 (a) In this Section:

23 "Arrearage", "delinquency", "obligor", and "order for
24 support" have the meanings attributed to those terms in the
25 Income Withholding for Support Act.

26 "Consumer reporting agency" has the meaning attributed to
27 that term in Section 603(f) of the Fair Credit Reporting Act,
28 15 U.S.C. 1681a(f).

29 (b) Whenever a court of competent jurisdiction finds that
30 an obligor either owes an arrearage of more than \$10,000, ~~or~~ is
31 delinquent in payment of an amount equal to at least 3 months'
32 support obligation pursuant to an order for support, or fails
33 to pay the child support annual fee for a period of 3 years,
34 the court shall direct the clerk of the court to make

1 information concerning the obligor available to consumer
2 reporting agencies.

3 (c) Whenever a court of competent jurisdiction finds that
4 an obligor either owes an arrearage of more than \$10,000 or is
5 delinquent in payment of an amount equal to at least 3 months'
6 support obligation pursuant to an order for support, the court
7 shall direct the clerk of the court to cause the obligor's name
8 and address to be published in a newspaper of general
9 circulation in the area in which the obligor resides. The clerk
10 shall cause the obligor's name and address to be published only
11 after sending to the obligor at the obligor's last known
12 address, by certified mail, return receipt requested, a notice
13 of intent to publish the information. This subsection (c)
14 applies only if the obligor resides in the county in which the
15 clerk of the court holds office.

16 (Source: P.A. 90-466, eff. 1-1-98; 90-673, eff. 1-1-99.)