

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 which shall
9 not exceed for each offense:

10 (1) for a felony, \$25,000 or the amount specified in
11 the offense, whichever is greater, or where the offender is
12 a corporation, \$50,000 or the amount specified in the
13 offense, whichever is greater;

14 (2) for a Class A misdemeanor, \$2,500 or the amount
15 specified in the offense, whichever is greater;

16 (3) for a Class B or Class C misdemeanor, \$1,500;

17 (4) for a petty offense, \$1,000 or the amount specified
18 in the offense, whichever is less;

19 (5) for a business offense, the amount specified in the
20 statute defining that offense.

21 (b) A fine may be imposed in addition to a sentence of
22 conditional discharge, probation, periodic imprisonment, or
23 imprisonment.

24 (c) There shall be added to every fine imposed in
25 sentencing for a criminal or traffic offense, except an offense
26 relating to parking or registration, or offense by a
27 pedestrian, an additional penalty of \$9 ~~\$5~~ for each \$40, or
28 fraction thereof, of fine imposed. The additional penalty of \$9
29 ~~\$5~~ for each \$40, or fraction thereof, of fine imposed, if not
30 otherwise assessed, shall also be added to every fine imposed
31 upon a plea of guilty, stipulation of facts or findings of
32 guilty, resulting in a judgment of conviction, or order of

1 supervision in criminal, traffic, local ordinance, county
2 ordinance, and conservation cases (except parking,
3 registration, or pedestrian violations), or upon a sentence of
4 probation without entry of judgment under Section 10 of the
5 Cannabis Control Act or Section 410 of the Controlled
6 Substances Act.

7 Such additional amounts shall be assessed by the court
8 imposing the fine and shall be collected by the Circuit Clerk
9 in addition to the fine and costs in the case. Each such
10 additional penalty shall be remitted by the Circuit Clerk
11 within one month after receipt to the State Treasurer. The
12 State Treasurer shall deposit \$1 for each \$40, or fraction
13 thereof, of fine imposed into the LEADS Maintenance Fund. The
14 remaining surcharge amount shall be deposited into the Traffic
15 and Criminal Conviction Surcharge Fund, unless the fine, costs
16 or additional amounts are subject to disbursement by the
17 circuit clerk under Section 27.5 of the Clerks of Courts Act.
18 Such additional penalty shall not be considered a part of the
19 fine for purposes of any reduction in the fine for time served
20 either before or after sentencing. Not later than March 1 of
21 each year the Circuit Clerk shall submit a report of the amount
22 of funds remitted to the State Treasurer under this subsection
23 (c) during the preceding calendar year. Except as otherwise
24 provided by Supreme Court Rules, if a court in imposing a fine
25 against an offender levies a gross amount for fine, costs, fees
26 and penalties, the amount of the additional penalty provided
27 for herein shall be computed on the amount remaining after
28 deducting from the gross amount levied all fees of the Circuit
29 Clerk, the State's Attorney and the Sheriff. After deducting
30 from the gross amount levied the fees and additional penalty
31 provided for herein, less any other additional penalties
32 provided by law, the clerk shall remit the net balance
33 remaining to the entity authorized by law to receive the fine
34 imposed in the case. For purposes of this Section "fees of the
35 Circuit Clerk" shall include, if applicable, the fee provided
36 for under Section 27.3a of the Clerks of Courts Act and the

1 fee, if applicable, payable to the county in which the
2 violation occurred pursuant to Section 5-1101 of the Counties
3 Code.

4 (c-5) In addition to the fines imposed by subsection (c),
5 any person convicted or receiving an order of supervision for
6 driving under the influence of alcohol or drugs shall pay an
7 additional \$100 fee to the clerk. This additional fee, less 2
8 1/2% that shall be used to defray administrative costs incurred
9 by the clerk, shall be remitted by the clerk to the Treasurer
10 within 60 days after receipt for deposit into the Trauma Center
11 Fund. This additional fee of \$100 shall not be considered a
12 part of the fine for purposes of any reduction in the fine for
13 time served either before or after sentencing. Not later than
14 March 1 of each year the Circuit Clerk shall submit a report of
15 the amount of funds remitted to the State Treasurer under this
16 subsection (c-5) during the preceding calendar year.

17 The Circuit Clerk may accept payment of fines and costs by
18 credit card from an offender who has been convicted of a
19 traffic offense, petty offense or misdemeanor and may charge
20 the service fee permitted where fines and costs are paid by
21 credit card provided for in Section 27.3b of the Clerks of
22 Courts Act.

23 (c-7) In addition to the fines imposed by subsection (c),
24 any person convicted or receiving an order of supervision for
25 driving under the influence of alcohol or drugs shall pay an
26 additional \$5 fee to the clerk. This additional fee, less 2
27 1/2% that shall be used to defray administrative costs incurred
28 by the clerk, shall be remitted by the clerk to the Treasurer
29 within 60 days after receipt for deposit into the Spinal Cord
30 Injury Paralysis Cure Research Trust Fund. This additional fee
31 of \$5 shall not be considered a part of the fine for purposes
32 of any reduction in the fine for time served either before or
33 after sentencing. Not later than March 1 of each year the
34 Circuit Clerk shall submit a report of the amount of funds
35 remitted to the State Treasurer under this subsection (c-7)
36 during the preceding calendar year.

1 (c-9) (Blank). ~~There shall be added to every fine imposed~~
2 ~~in sentencing for a criminal or traffic offense, except an~~
3 ~~offense relating to parking or registration, or offense by a~~
4 ~~pedestrian, an additional penalty of \$4 imposed. The additional~~
5 ~~penalty of \$4 shall also be added to every fine imposed upon a~~
6 ~~plea of guilty, stipulation of facts or findings of guilty,~~
7 ~~resulting in a judgment of conviction, or order of supervision~~
8 ~~in criminal, traffic, local ordinance, county ordinance, or~~
9 ~~conservation cases (except parking, registration, or~~
10 ~~pedestrian violations), or upon a sentence of probation without~~
11 ~~entry of judgment under Section 10 of the Cannabis Control Act~~
12 ~~or Section 410 of the Controlled Substances Act. Such~~
13 ~~additional penalty of \$4 shall be assessed by the court~~
14 ~~imposing the fine and shall be collected by the circuit clerk~~
15 ~~in addition to any other fine, costs, fees, and penalties in~~
16 ~~the case. Each such additional penalty of \$4 shall be remitted~~
17 ~~to the State Treasurer by the circuit clerk within one month~~
18 ~~after receipt. The State Treasurer shall deposit the additional~~
19 ~~penalty of \$4 into the Traffic and Criminal Conviction~~
20 ~~Surcharge Fund. The additional penalty of \$4 shall be in~~
21 ~~addition to any other fine, costs, fees, and penalties and~~
22 ~~shall not reduce or affect the distribution of any other fine,~~
23 ~~costs, fees, and penalties.~~

24 (d) In determining the amount and method of payment of a
25 fine, except for those fines established for violations of
26 Chapter 15 of the Illinois Vehicle Code, the court shall
27 consider:

28 (1) the financial resources and future ability of the
29 offender to pay the fine; and

30 (2) whether the fine will prevent the offender from
31 making court ordered restitution or reparation to the
32 victim of the offense; and

33 (3) in a case where the accused is a dissolved
34 corporation and the court has appointed counsel to
35 represent the corporation, the costs incurred either by the
36 county or the State for such representation.

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

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

10 (Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.