



State Government Administration Committee

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09500HB4528ham001

LRB095 17813 WGH 47357 a

1 AMENDMENT TO HOUSE BILL 4528

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4528 by replacing  
3 the title with the following:

4 "AN ACT concerning scholarship funding."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The State Finance Act is amended by adding  
8 Section 5.708 as follows:

9 (30 ILCS 105/5.708 new)

10 Sec. 5.708. The 21st Century Scholarship Program Fund.

11 Section 10. The Higher Education Student Assistance Act is  
12 amended by adding Section 65.85 as follows:

13 (110 ILCS 947/65.85 new)

1       Sec. 65.85. 21st Century Scholarship Program and Fund. The  
2 21st Century Scholarship Program Fund is created as a special  
3 fund in the State treasury. Moneys in the Fund shall be  
4 appropriated to the Illinois Student Assistance Commission for  
5 scholarships under a program to be established by the  
6 Commission with the following requirements:

7           (1) To qualify, a student and at least one parent or  
8 guardian must sign a pledge stating that the student will  
9 graduate from high school without an arrest record and  
10 without abusing drugs or alcohol. The student must also not  
11 be suspended or expelled from any high school for violent  
12 behavior or abuse of drugs or alcohol. The student must  
13 also have at least a C average.

14           (2) A student who fulfills the pledge and therefore  
15 qualifies for the scholarship shall be identified by a  
16 guidance counselor or administrator at the high school the  
17 student attends.

18           (3) The scholarship will pay for one full year's  
19 tuition at a local community college of the student's  
20 choice.

21       Notwithstanding any other rulemaking authority that may  
22 exist, neither the Governor nor any agency or agency head under  
23 the jurisdiction of the Governor has any authority to make or  
24 promulgate rules to implement or enforce the provisions of this  
25 amendatory Act of the 95th General Assembly. If, however, the  
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th  
2 General Assembly, the Governor may suggest rules to the General  
3 Assembly by filing them with the Clerk of the House and  
4 Secretary of the Senate and by requesting that the General  
5 Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this amendatory Act of  
12 the 95th General Assembly, "rules" is given the meaning  
13 contained in Section 1-70 of the Illinois Administrative  
14 Procedure Act, and "agency" and "agency head" are given the  
15 meanings contained in Sections 1-20 and 1-25 of the Illinois  
16 Administrative Procedure Act to the extent that such  
17 definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 Section 15. The Clerks of Courts Act is amended by changing  
20 Section 27.6 as follows:

21 (705 ILCS 105/27.6)

22 (Text of Section after amendment by P.A. 95-600)

23 Sec. 27.6. (a) All fees, fines, costs, additional  
24 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk equalling an  
2 amount of \$55 or more, except the fee imposed by Section  
3 5-9-1.16 of the Unified Code of Corrections, the fine imposed  
4 by Section 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of  
5 Corrections, the additional fee required by subsections (b) and  
6 (c), restitution under Section 5-5-6 of the Unified Code of  
7 Corrections, reimbursement for the costs of an emergency  
8 response as provided under Section 11-501 of the Illinois  
9 Vehicle Code, any fees collected for attending a traffic safety  
10 program under paragraph (c) of Supreme Court Rule 529, any fee  
11 collected on behalf of a State's Attorney under Section 4-2002  
12 of the Counties Code or a sheriff under Section 4-5001 of the  
13 Counties Code, or any cost imposed under Section 124A-5 of the  
14 Code of Criminal Procedure of 1963, for convictions, orders of  
15 supervision, or any other disposition for a violation of  
16 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
17 similar provision of a local ordinance, and any violation of  
18 the Child Passenger Protection Act, or a similar provision of a  
19 local ordinance, and except as provided in subsections (d) and  
20 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the  
21 circuit clerk as follows: 44.5% shall be disbursed to the  
22 entity authorized by law to receive the fine imposed in the  
23 case; 16.825% shall be disbursed to the State Treasurer; and  
24 38.675% shall be disbursed to the county's general corporate  
25 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
26 shall be deposited by the State Treasurer into the Violent

1 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
2 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
3 be deposited into the Drivers Education Fund, and 6.948/17  
4 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
5 deposited into the Trauma Center Fund from the 16.825%  
6 disbursed to the State Treasurer, 50% shall be disbursed to the  
7 Department of Public Health and 50% shall be disbursed to the  
8 Department of Healthcare and Family Services. For fiscal year  
9 1993, amounts deposited into the Violent Crime Victims  
10 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
11 Fund, or the Drivers Education Fund shall not exceed 110% of  
12 the amounts deposited into those funds in fiscal year 1991. Any  
13 amount that exceeds the 110% limit shall be distributed as  
14 follows: 50% shall be disbursed to the county's general  
15 corporate fund and 50% shall be disbursed to the entity  
16 authorized by law to receive the fine imposed in the case. Not  
17 later than March 1 of each year the circuit clerk shall submit  
18 a report of the amount of funds remitted to the State Treasurer  
19 under this Section during the preceding year based upon  
20 independent verification of fines and fees. All counties shall  
21 be subject to this Section, except that counties with a  
22 population under 2,000,000 may, by ordinance, elect not to be  
23 subject to this Section. For offenses subject to this Section,  
24 judges shall impose one total sum of money payable for  
25 violations. The circuit clerk may add on no additional amounts  
26 except for amounts that are required by Sections 27.3a and

1 27.3c of this Act, unless those amounts are specifically waived  
2 by the judge. With respect to money collected by the circuit  
3 clerk as a result of forfeiture of bail, ex parte judgment or  
4 guilty plea pursuant to Supreme Court Rule 529, the circuit  
5 clerk shall first deduct and pay amounts required by Sections  
6 27.3a and 27.3c of this Act. This Section is a denial and  
7 limitation of home rule powers and functions under subsection  
8 (h) of Section 6 of Article VII of the Illinois Constitution.

9 (b) In addition to any other fines and court costs assessed  
10 by the courts, any person convicted or receiving an order of  
11 supervision for driving under the influence of alcohol or drugs  
12 shall pay an additional fee of \$100 to the clerk of the circuit  
13 court. This amount, less 2 1/2% that shall be used to defray  
14 administrative costs incurred by the clerk, shall be remitted  
15 by the clerk to the Treasurer within 60 days after receipt for  
16 deposit into the Trauma Center Fund. This additional fee of  
17 \$100 shall not be considered a part of the fine for purposes of  
18 any reduction in the fine for time served either before or  
19 after sentencing. Not later than March 1 of each year the  
20 Circuit Clerk shall submit a report of the amount of funds  
21 remitted to the State Treasurer under this subsection during  
22 the preceding calendar year.

23 (b-1) In addition to any other fines and court costs  
24 assessed by the courts, any person convicted or receiving an  
25 order of supervision for driving under the influence of alcohol  
26 or drugs shall pay an additional fee of \$5 to the clerk of the

1 circuit court. This amount, less 2 1/2% that shall be used to  
2 defray administrative costs incurred by the clerk, shall be  
3 remitted by the clerk to the Treasurer within 60 days after  
4 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
5 Research Trust Fund. This additional fee of \$5 shall not be  
6 considered a part of the fine for purposes of any reduction in  
7 the fine for time served either before or after sentencing. Not  
8 later than March 1 of each year the Circuit Clerk shall submit  
9 a report of the amount of funds remitted to the State Treasurer  
10 under this subsection during the preceding calendar year.

11 (c) In addition to any other fines and court costs assessed  
12 by the courts, any person convicted for a violation of Sections  
13 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
14 person sentenced for a violation of the Cannabis Control Act,  
15 the Illinois Controlled Substances Act, or the Methamphetamine  
16 Control and Community Protection Act shall pay an additional  
17 fee of \$100 to the clerk of the circuit court. This amount,  
18 less 2 1/2% that shall be used to defray administrative costs  
19 incurred by the clerk, shall be remitted by the clerk to the  
20 Treasurer within 60 days after receipt for deposit into the  
21 Trauma Center Fund. This additional fee of \$100 shall not be  
22 considered a part of the fine for purposes of any reduction in  
23 the fine for time served either before or after sentencing. Not  
24 later than March 1 of each year the Circuit Clerk shall submit  
25 a report of the amount of funds remitted to the State Treasurer  
26 under this subsection during the preceding calendar year.

1 (c-1) In addition to any other fines and court costs  
2 assessed by the courts, any person sentenced for a violation of  
3 the Cannabis Control Act, the Illinois Controlled Substances  
4 Act, or the Methamphetamine Control and Community Protection  
5 Act shall pay an additional fee of \$5 to the clerk of the  
6 circuit court. This amount, less 2 1/2% that shall be used to  
7 defray administrative costs incurred by the clerk, shall be  
8 remitted by the clerk to the Treasurer within 60 days after  
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
10 Research Trust Fund. This additional fee of \$5 shall not be  
11 considered a part of the fine for purposes of any reduction in  
12 the fine for time served either before or after sentencing. Not  
13 later than March 1 of each year the Circuit Clerk shall submit  
14 a report of the amount of funds remitted to the State Treasurer  
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State  
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses  
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
21 Animals Act and Section 26-5 of the Criminal Code of 1961;

22 (2) 20% of the amounts collected for Class A and Class  
23 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
24 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
25 for Animals Act and Section 26-5 of the Criminal Code of  
26 1961; and



1           (3) 50% of the amounts collected for Class C  
2           misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
3           for Animals Act and Section 26-5 of the Criminal Code of  
4           1961.

5           (e) Any person who receives a disposition of court  
6           supervision for a violation of the Illinois Vehicle Code or a  
7           similar provision of a local ordinance shall, in addition to  
8           any other fines, fees, and court costs, pay an additional fee  
9           of \$20, to be disbursed as provided in Section 16-104c of the  
10          Illinois Vehicle Code. In addition to the fee of \$20, the  
11          person shall also pay a fee of \$5, if not waived by the court.  
12          If this \$5 fee is collected, \$4.50 of the fee shall be  
13          deposited into the Circuit Court Clerk Operation and  
14          Administrative Fund created by the Clerk of the Circuit Court  
15          and 50 cents of the fee shall be deposited into the Prisoner  
16          Review Board Vehicle and Equipment Fund in the State treasury.

17          (f) This Section does not apply to the additional child  
18          pornography fines assessed and collected under Section  
19          5-9-1.14 of the Unified Code of Corrections.

20          (g) ~~(f)~~ Of the amounts collected as fines under subsection  
21          (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
22          deposited into the Illinois Military Family Relief Fund and 1%  
23          shall be deposited into the Circuit Court Clerk Operation and  
24          Administrative Fund created by the Clerk of the Circuit Court  
25          to be used to offset the costs incurred by the Circuit Court  
26          Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as  
2 provided by law.

3 (h) Notwithstanding any other rulemaking authority that  
4 may exist, neither the Governor nor any agency or agency head  
5 under the jurisdiction of the Governor has any authority to  
6 make or promulgate rules to implement or enforce the provisions  
7 of this amendatory Act of the 95th General Assembly. If,  
8 however, the Governor believes that rules are necessary to  
9 implement or enforce the provisions of this amendatory Act of  
10 the 95th General Assembly, the Governor may suggest rules to  
11 the General Assembly by filing them with the Clerk of the House  
12 and Secretary of the Senate and by requesting that the General  
13 Assembly authorize such rulemaking by law, enact those  
14 suggested rules into law, or take any other appropriate action  
15 in the General Assembly's discretion. Nothing contained in this  
16 amendatory Act of the 95th General Assembly shall be  
17 interpreted to grant rulemaking authority under any other  
18 Illinois statute where such authority is not otherwise  
19 explicitly given. For the purposes of this amendatory Act of  
20 the 95th General Assembly, "rules" is given the meaning  
21 contained in Section 1-70 of the Illinois Administrative  
22 Procedure Act, and "agency" and "agency head" are given the  
23 meanings contained in Sections 1-20 and 1-25 of the Illinois  
24 Administrative Procedure Act to the extent that such  
25 definitions apply to agencies or agency heads under the  
26 jurisdiction of the Governor.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
2 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
3 95-600, eff. 6-1-08; revised 11-19-07.)

4 Section 20. The Unified Code of Corrections is amended by  
5 adding Section 5-9-1.16 as follows:

6 (730 ILCS 5/5-9-1.16 new)

7 Sec. 5-9-1.16. Probation; supervision; judicial action  
8 fee. In addition to any other penalty imposed, any person who  
9 receives a sentence or disposition of probation, as defined in  
10 Section 5-1-18, or a disposition of court supervision, as  
11 defined in Section 5-1-21, shall pay a judicial action fee of  
12 \$100 to the clerk of the court. This additional fee shall be  
13 remitted by the clerk of the court to the State Treasurer  
14 within 60 days after receipt for deposit into the 21st Century  
15 Scholarship Program Fund. This additional fee of \$100 shall not  
16 be considered a part of the fine for purposes of any reduction  
17 in the fine for time served. Not later than March 1 of each  
18 year the Circuit Clerk shall submit a report of the amount of  
19 funds remitted to the State Treasurer under this Section during  
20 the preceding calendar year.

21 Notwithstanding any other rulemaking authority that may  
22 exist, neither the Governor nor any agency or agency head under  
23 the jurisdiction of the Governor has any authority to make or  
24 promulgate rules to implement or enforce the provisions of this

1 amendatory Act of the 95th General Assembly. If, however, the  
2 Governor believes that rules are necessary to implement or  
3 enforce the provisions of this amendatory Act of the 95th  
4 General Assembly, the Governor may suggest rules to the General  
5 Assembly by filing them with the Clerk of the House and  
6 Secretary of the Senate and by requesting that the General  
7 Assembly authorize such rulemaking by law, enact those  
8 suggested rules into law, or take any other appropriate action  
9 in the General Assembly's discretion. Nothing contained in this  
10 amendatory Act of the 95th General Assembly shall be  
11 interpreted to grant rulemaking authority under any other  
12 Illinois statute where such authority is not otherwise  
13 explicitly given. For the purposes of this amendatory Act of  
14 the 95th General Assembly, "rules" is given the meaning  
15 contained in Section 1-70 of the Illinois Administrative  
16 Procedure Act, and "agency" and "agency head" are given the  
17 meanings contained in Sections 1-20 and 1-25 of the Illinois  
18 Administrative Procedure Act to the extent that such  
19 definitions apply to agencies or agency heads under the  
20 jurisdiction of the Governor."