



Rep. Donald L. Moffitt

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09600HB4779ham001

LRB096 16349 AJT 37775 a

1 AMENDMENT TO HOUSE BILL 4779

2 AMENDMENT NO. _____. Amend House Bill 4779 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 16-104a as follows:

6 (625 ILCS 5/16-104a) (from Ch. 95 1/2, par. 16-104a)

7 Sec. 16-104a. Additional penalty for certain violations.

8 (a) There is added to every fine imposed upon conviction of
9 an offense reportable to the Secretary of State under the
10 provisions of subdivision (a) (2) of Section 6-204 of this Act
11 an additional penalty of \$4 for each \$40, or fraction thereof,
12 of fine imposed. Each such additional penalty received shall be
13 remitted within one month to the State Treasurer to be
14 deposited into the Drivers Education Fund, unless the
15 additional penalty is subject to disbursement by the circuit
16 clerk under Section 27.5 of the Clerks of Courts Act. Such

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

26 When bail is forfeited for failure to appear in connection

1 with an offense reportable to the Secretary of State under
2 subdivision (a) (2) of Section 6-204 of this Act, and no fine
3 is imposed ex parte, \$4 of every \$40 cash deposit, or fraction
4 thereof, given to secure appearance shall be remitted within
5 one month to the State Treasurer to be deposited into the
6 Drivers Education Fund, unless the bail is subject to
7 disbursement by the circuit clerk under Section 27.5 of the
8 Clerks of Courts Act.

9 (b) In addition to any other fine or penalty required by
10 law for a person convicted of a violation of Section 11-503 or
11 11-601.5 of this Code or a similar provision of a local
12 ordinance, the court may, in its discretion, require the person
13 to pay an additional criminal penalty that shall be distributed
14 in its entirety to a public agency that provided an emergency
15 response related to the person's violation. The criminal
16 penalty may not exceed \$500 per public agency for each
17 emergency response. As used in this subsection, "emergency
18 response" means any incident requiring a response by a police
19 officer, an ambulance, a firefighter carried on the rolls of a
20 regularly constituted fire department or fire protection
21 district, a firefighter of a volunteer fire department, or a
22 member if a recognized not-for-profit rescue or emergency
23 medical service provider.

24 (Source: P.A. 91-716, eff. 10-1-00.)

25 Section 99. Effective date. This Act takes effect July 1,

1 2010.".