



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4652

Introduced 2/1/2012, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.811 new

30 ILCS 105/6z-93 new

705 ILCS 105/27.5

750 ILCS 5/612 new

from Ch. 25, par. 27.5

Amends the State Finance Act. Creates the Grandparents Custody Assistance Fund as a special fund in the State treasury. Provides that moneys in the Fund shall be paid as grants to public or private non-profit agencies that provide pro bono legal assistance to a grandparent or other first-degree relative seeking (i) custody of a child or (ii) to intervene in a custody dispute involving that child. Authorizes the Attorney General to manage the Fund. Defines "first-degree relative". Amends the Illinois Marriage and Dissolution of Marriage Act and the Clerks of Courts Act to provide for fines to be imposed when parties violate court orders relating to custody, visitation, or joint parenting, with certain exceptions. Provides for disposition of the fines.

LRB097 19516 AJO 64770 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning family law.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.811 and 6z-93 as follows:

6 (30 ILCS 105/5.811 new)

7 Sec. 5.811. The Grandparents Custody Assistance Fund.

8 (30 ILCS 105/6z-93 new)

9 Sec. 6z-93. The Grandparents Custody Assistance Fund. The
10 Grandparents Custody Assistance Fund is created as a special
11 fund in the State treasury. The Fund may accept fees, gifts,
12 grants, donations, and federal or State appropriations, for
13 use, subject to appropriation, by the Attorney General in
14 making grants to public or private non-profit agencies that
15 provide pro bono legal assistance to a grandparent or other
16 first-degree relative who is seeking (i) custody of a child or
17 (ii) to intervene in a custody dispute involving that child.
18 The Attorney General may seek private and public funds for
19 deposit into the Grandparents Custody Assistance Fund. Moneys
20 in the Fund may be appropriated only for the use of the
21 Attorney General in the performance of his or her powers and
22 duties under this Section. The Attorney General shall adopt

1 rules concerning application for and disbursement of moneys in
2 the Fund. For the purposes of this Section, "first-degree
3 relative" means a sibling, grandparent, aunt, or uncle of an
4 individual.

5 Section 10. The Clerks of Courts Act is amended by changing
6 Section 27.5 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk that equals an
11 amount less than \$55, except restitution under Section 5-5-6 of
12 the Unified Code of Corrections, reimbursement for the costs of
13 an emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, and except as otherwise

1 provided in this Section, shall be disbursed within 60 days
2 after receipt by the circuit clerk as follows: 47% shall be
3 disbursed to the entity authorized by law to receive the fine
4 imposed in the case; 12% shall be disbursed to the State
5 Treasurer; and 41% shall be disbursed to the county's general
6 corporate fund. Of the 12% disbursed to the State Treasurer,
7 1/6 shall be deposited by the State Treasurer into the Violent
8 Crime Victims Assistance Fund, 1/2 shall be deposited into the
9 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
10 be deposited into the Drivers Education Fund. For fiscal years
11 1992 and 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, Section 16-104c of the Illinois Vehicle
4 Code, and subsection (a) of Section 5-1101 of the Counties
5 Code, unless those amounts are specifically waived by the
6 judge. With respect to money collected by the circuit clerk as
7 a result of forfeiture of bail, ex parte judgment or guilty
8 plea pursuant to Supreme Court Rule 529, the circuit clerk
9 shall first deduct and pay amounts required by Sections 27.3a
10 and 27.3c of this Act. Unless a court ordered payment schedule
11 is implemented or fee requirements are waived pursuant to a
12 court order, the circuit clerk may add to any unpaid fees and
13 costs a delinquency amount equal to 5% of the unpaid fees that
14 remain unpaid after 30 days, 10% of the unpaid fees that remain
15 unpaid after 60 days, and 15% of the unpaid fees that remain
16 unpaid after 90 days. Notice to those parties may be made by
17 signage posting or publication. The additional delinquency
18 amounts collected under this Section shall be deposited in the
19 Circuit Court Clerk Operation and Administrative Fund to be
20 used to defray administrative costs incurred by the circuit
21 clerk in performing the duties required to collect and disburse
22 funds. This Section is a denial and limitation of home rule
23 powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

25 (b) The following amounts must be remitted to the State
26 Treasurer for deposit into the Illinois Animal Abuse Fund:

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

5 (2) 20% of the amounts collected for Class A and Class
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
8 for Animals Act and Section 26-5 of the Criminal Code of
9 1961; and

10 (3) 50% of the amounts collected for Class C
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
12 for Animals Act and Section 26-5 of the Criminal Code of
13 1961.

14 (c) Any person who receives a disposition of court
15 supervision for a violation of the Illinois Vehicle Code or a
16 similar provision of a local ordinance shall, in addition to
17 any other fines, fees, and court costs, pay an additional fee
18 of \$29, to be disbursed as provided in Section 16-104c of the
19 Illinois Vehicle Code. In addition to the fee of \$29, the
20 person shall also pay a fee of \$6, if not waived by the court.
21 If this \$6 fee is collected, \$5.50 of the fee shall be
22 deposited into the Circuit Court Clerk Operation and
23 Administrative Fund created by the Clerk of the Circuit Court
24 and 50 cents of the fee shall be deposited into the Prisoner
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (d) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of
3 Section 11-501 of the Illinois Vehicle Code, or a violation of
4 a similar provision of a local ordinance shall pay an
5 additional fee of \$35, to be disbursed as provided in Section
6 16-104d of that Code.

7 This subsection (d) becomes inoperative 7 years after the
8 effective date of Public Act 95-154.

9 (e) In all counties having a population of 3,000,000 or
10 more inhabitants:

11 (1) A person who is found guilty of or pleads guilty to
12 violating subsection (a) of Section 11-501 of the Illinois
13 Vehicle Code, including any person placed on court
14 supervision for violating subsection (a), shall be fined
15 \$750 as provided for by subsection (f) of Section 11-501.01
16 of the Illinois Vehicle Code, payable to the circuit clerk,
17 who shall distribute the money pursuant to subsection (f)
18 of Section 11-501.01 of the Illinois Vehicle Code.

19 (2) When a crime laboratory DUI analysis fee of \$150,
20 provided for by Section 5-9-1.9 of the Unified Code of
21 Corrections is assessed, it shall be disbursed by the
22 circuit clerk as provided by subsection (f) of Section
23 5-9-1.9 of the Unified Code of Corrections.

24 (3) When a fine for a violation of subsection (a) of
25 Section 11-605 of the Illinois Vehicle Code is \$150 or
26 greater, the additional \$50 which is charged as provided

1 for by subsection (f) of Section 11-605 of the Illinois
2 Vehicle Code shall be disbursed by the circuit clerk to a
3 school district or districts for school safety purposes as
4 provided by subsection (f) of Section 11-605.

5 (4) When a fine for a violation of subsection (a) of
6 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
7 greater, the additional \$50 which is charged as provided
8 for by subsection (c) of Section 11-1002.5 of the Illinois
9 Vehicle Code shall be disbursed by the circuit clerk to a
10 school district or districts for school safety purposes as
11 provided by subsection (c) of Section 11-1002.5 of the
12 Illinois Vehicle Code.

13 (5) When a mandatory drug court fee of up to \$5 is
14 assessed as provided in subsection (f) of Section 5-1101 of
15 the Counties Code, it shall be disbursed by the circuit
16 clerk as provided in subsection (f) of Section 5-1101 of
17 the Counties Code.

18 (6) When a mandatory teen court, peer jury, youth
19 court, or other youth diversion program fee is assessed as
20 provided in subsection (e) of Section 5-1101 of the
21 Counties Code, it shall be disbursed by the circuit clerk
22 as provided in subsection (e) of Section 5-1101 of the
23 Counties Code.

24 (7) When a Children's Advocacy Center fee is assessed
25 pursuant to subsection (f-5) of Section 5-1101 of the
26 Counties Code, it shall be disbursed by the circuit clerk

1 as provided in subsection (f-5) of Section 5-1101 of the
2 Counties Code.

3 (8) When a victim impact panel fee is assessed pursuant
4 to subsection (b) of Section 11-501.01 of the Illinois
5 Vehicle Code, it shall be disbursed by the circuit clerk to
6 the victim impact panel to be attended by the defendant.

7 (9) When a new fee collected in traffic cases is
8 enacted after January 1, 2010 (the effective date of Public
9 Act 96-735), it shall be excluded from the percentage
10 disbursement provisions of this Section unless otherwise
11 indicated by law.

12 (f) Any person who receives a disposition of court
13 supervision for a violation of Section 11-501 of the Illinois
14 Vehicle Code shall, in addition to any other fines, fees, and
15 court costs, pay an additional fee of \$50, which shall be
16 collected by the circuit clerk and then remitted to the State
17 Treasurer for deposit into the Roadside Memorial Fund, a
18 special fund in the State treasury. However, the court may
19 waive the fee if full restitution is complied with. Subject to
20 appropriation, all moneys in the Roadside Memorial Fund shall
21 be used by the Department of Transportation to pay fees imposed
22 under subsection (f) of Section 20 of the Roadside Memorial
23 Act. The fee shall be remitted by the circuit clerk within one
24 month after receipt to the State Treasurer for deposit into the
25 Roadside Memorial Fund.

26 (g) For any conviction or disposition of court supervision

1 for a violation of Section 11-1429 of the Illinois Vehicle
2 Code, the circuit clerk shall distribute the fines paid by the
3 person as specified by subsection (h) of Section 11-1429 of the
4 Illinois Vehicle Code.

5 (h) In addition to any other fines and court costs assessed
6 by the courts, a person fined under Section 612 of the Illinois
7 Marriage and Dissolution of Marriage Act for a violation of an
8 order concerning custody, visitation, or joint parenting shall
9 pay an additional fine of \$50 to the clerk of the circuit
10 court. This amount less 10% shall be remitted by the clerk to
11 the Treasurer within 30 days after receipt for deposit into the
12 Grandparents Custody Assistance Fund. The 10% retained by the
13 clerk shall be used to defray administrative costs that the
14 clerk incurs.

15 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;
16 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
17 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.
18 1-1-11; 97-333, eff. 8-12-11.)

19 Section 15. The Illinois Marriage and Dissolution of
20 Marriage Act is amended by adding Section 612 as follows:

21 (750 ILCS 5/612 new)

22 Sec. 612. Grandparents Custody Assistance Fund; fee. If the
23 court finds that one or more of the parties has violated an
24 order of the court with regards to custody, visitation, or

1 joint parenting, the court shall assess a \$50 fine against the
2 party in addition to any other penalty imposed, unless the
3 court determines to waive the fee because the court finds that
4 the imposition of it would place an undue burden on another
5 party who is not in violation of the court's order. The fine
6 shall be paid to the circuit clerk for deposit into the
7 Grandparents Custody Assistance Fund.