

1 AN ACT in relation to circuit clerks.

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

4 Section 5. The Clerks of Courts Act is amended by
5 changing Sections 27.5 and 27.6 as follows:

6 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

7 Sec. 27.5. All fees, fines, costs, additional penalties,
8 bail balances assessed or forfeited, and any other amount
9 paid by a person to the circuit clerk that equals an amount
10 less than \$55, except restitution under Section 5-5-6 of the
11 Unified Code of Corrections, reimbursement for the costs of
12 an emergency response as provided under Section 5-5-3 of the
13 Unified Code of Corrections, any fees collected for attending
14 a traffic safety program under paragraph (c) of Supreme Court
15 Rule 529, any fee collected on behalf of a State's Attorney
16 under Section 4-2002 of the Counties Code or a sheriff under
17 Section 4-5001 of the Counties Code, or any cost imposed
18 under Section 124A-5 of the Code of Criminal Procedure of
19 1963, for convictions, orders of supervision, or any other
20 disposition for a violation of Chapters 3, 4, 6, 11, and 12
21 of the Illinois Vehicle Code, or a similar provision of a
22 local ordinance, and any violation of the Child Passenger
23 Protection Act, or a similar provision of a local ordinance,
24 fees collected for electronic monitoring, drug or alcohol
25 testing and screening, probation fees authorized under
26 Section 5-6-3 of the Unified Code of Corrections, and
27 supervision fees authorized under Section 5-6-3.1 of the
28 Unified Code of Corrections, shall be disbursed within 60
29 days after receipt by the circuit clerk as follows: 47%
30 shall be disbursed to the entity authorized by law to receive
31 the fine imposed in the case; 12% shall be disbursed to the

1 State Treasurer; and 41% shall be disbursed to the county's
2 general corporate fund. Of the 12% disbursed to the State
3 Treasurer, 1/6 shall be deposited by the State Treasurer into
4 the Violent Crime Victims Assistance Fund, 1/2 shall be
5 deposited into the Traffic and Criminal Conviction Surcharge
6 Fund, and 1/3 shall be deposited into the Drivers Education
7 Fund. For fiscal years 1992 and 1993, amounts deposited into
8 the Violent Crime Victims Assistance Fund, the Traffic and
9 Criminal Conviction Surcharge Fund, or the Drivers Education
10 Fund shall not exceed 110% of the amounts deposited into
11 those funds in fiscal year 1991. Any amount that exceeds the
12 110% limit shall be distributed as follows: 50% shall be
13 disbursed to the county's general corporate fund and 50%
14 shall be disbursed to the entity authorized by law to receive
15 the fine imposed in the case. Not later than March 1 of each
16 year the circuit clerk shall submit a report of the amount of
17 funds remitted to the State Treasurer under this Section
18 during the preceding year based upon independent verification
19 of fines and fees. All counties shall be subject to this
20 Section, except that counties with a population under
21 2,000,000 may, by ordinance, elect not to be subject to this
22 Section. For offenses subject to this Section, judges shall
23 impose one total sum of money payable for violations. The
24 circuit clerk may add on no additional amounts except for
25 amounts that are required by Sections 27.3a and 27.3c of this
26 Act, unless those amounts are specifically waived by the
27 judge. With respect to money collected by the circuit clerk
28 as a result of forfeiture of bail, ex parte judgment or
29 guilty plea pursuant to Supreme Court Rule 529, the circuit
30 clerk shall first deduct and pay amounts required by Sections
31 27.3a and 27.3c of this Act. This Section is a denial and
32 limitation of home rule powers and functions under subsection
33 (h) of Section 6 of Article VII of the Illinois Constitution.
34 (Source: P.A. 89-234, eff. 1-1-96.)

1 (705 ILCS 105/27.6)

2 Sec. 27.6. (a) All fees, fines, costs, additional
3 penalties, bail balances assessed or forfeited, and any other
4 amount paid by a person to the circuit clerk equalling an
5 amount of \$55 or more, except the additional fee required by
6 subsections (b) and (c), restitution under Section 5-5-6 of
7 the Unified Code of Corrections, reimbursement for the costs
8 of an emergency response as provided under Section 5-5-3 of
9 the Unified Code of Corrections, any fees collected for
10 attending a traffic safety program under paragraph (c) of
11 Supreme Court Rule 529, any fee collected on behalf of a
12 State's Attorney under Section 4-2002 of the Counties Code or
13 a sheriff under Section 4-5001 of the Counties Code, or any
14 cost imposed under Section 124A-5 of the Code of Criminal
15 Procedure of 1963, for convictions, orders of supervision, or
16 any other disposition for a violation of Chapters 3, 4, 6,
17 11, and 12 of the Illinois Vehicle Code, or a similar
18 provision of a local ordinance, and any violation of the
19 Child Passenger Protection Act, or a similar provision of a
20 local ordinance, fees collected for electronic monitoring,
21 drug or alcohol testing and screening, probation fees
22 authorized under Section 5-6-3 of the Unified Code of
23 Corrections and supervision fees authorized under Section
24 5-6-3.1 of the Unified Code of Corrections, shall be
25 disbursed within 60 days after receipt by the circuit clerk
26 as follows: 44.5% shall be disbursed to the entity
27 authorized by law to receive the fine imposed in the case;
28 16.825% shall be disbursed to the State Treasurer; and
29 38.675% shall be disbursed to the county's general corporate
30 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
31 shall be deposited by the State Treasurer into the Violent
32 Crime Victims Assistance Fund, 5.052/17 shall be deposited
33 into the Traffic and Criminal Conviction Surcharge Fund, 3/17
34 shall be deposited into the Drivers Education Fund, and

1 6.948/17 shall be deposited into the Trauma Center Fund. Of
2 the 6.948/17 deposited into the Trauma Center Fund from the
3 16.825% disbursed to the State Treasurer, 50% shall be
4 disbursed to the Department of Public Health and 50% shall be
5 disbursed to the Department of Public Aid. For fiscal year
6 1993, amounts deposited into the Violent Crime Victims
7 Assistance Fund, the Traffic and Criminal Conviction
8 Surcharge Fund, or the Drivers Education Fund shall not
9 exceed 110% of the amounts deposited into those funds in
10 fiscal year 1991. Any amount that exceeds the 110% limit
11 shall be distributed as follows: 50% shall be disbursed to
12 the county's general corporate fund and 50% shall be
13 disbursed to the entity authorized by law to receive the fine
14 imposed in the case. Not later than March 1 of each year the
15 circuit clerk shall submit a report of the amount of funds
16 remitted to the State Treasurer under this Section during the
17 preceding year based upon independent verification of fines
18 and fees. All counties shall be subject to this Section,
19 except that counties with a population under 2,000,000 may,
20 by ordinance, elect not to be subject to this Section. For
21 offenses subject to this Section, judges shall impose one
22 total sum of money payable for violations. The circuit clerk
23 may add on no additional amounts except for amounts that are
24 required by Sections 27.3a and 27.3c of this Act, unless
25 those amounts are specifically waived by the judge. With
26 respect to money collected by the circuit clerk as a result
27 of forfeiture of bail, ex parte judgment or guilty plea
28 pursuant to Supreme Court Rule 529, the circuit clerk shall
29 first deduct and pay amounts required by Sections 27.3a and
30 27.3c of this Act. This Section is a denial and limitation of
31 home rule powers and functions under subsection (h) of
32 Section 6 of Article VII of the Illinois Constitution.

33 (b) In addition to any other fines and court costs
34 assessed by the courts, any person convicted or receiving an

1 order of supervision for driving under the influence of
2 alcohol or drugs shall pay an additional fee of \$25 to the
3 clerk of the circuit court. This amount, less 2 1/2% that
4 shall be used to defray administrative costs incurred by the
5 clerk, shall be remitted by the clerk to the Treasurer within
6 60 days after receipt for deposit into the Trauma Center
7 Fund. This additional fee of \$25 shall not be considered a
8 part of the fine for purposes of any reduction in the fine
9 for time served either before or after sentencing. Not later
10 than March 1 of each year the Circuit Clerk shall submit a
11 report of the amount of funds remitted to the State Treasurer
12 under this subsection during the preceding calendar year.

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

29 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;
30 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.