



ROLAND W. BURRIS  
ATTORNEY GENERAL  
STATE OF ILLINOIS

June 1, 1993

FILE NO. 93-013

FEES:  
Distribution of Traffic  
Fees, Fines and Costs  
to the State Treasurer

Dr. Thomas J. Jurkanin  
Executive Director  
Illinois Local Governmental Law  
Enforcement Officers Training Board  
600 South Second Street, Suite 300  
Springfield, Illinois 62704-2542

Dear Dr. Jurkanin:

I have your letter wherein you inquire whether circuit clerks are required to disburse to the State Treasurer a percentage of the monies collected under section 27.5 of the Clerks of Courts Act (Ill. Rev. Stat. 1991, ch. 25, par. 27.5, as amended by Public Act 87-1229, effective January 1, 1993; 705 ILCS 105/27.5 (West 1992)) and section 27.6 of the Act (added by Public Act 87-1229, effective January 1, 1993, to be codified at 705 ILCS 105/27.6) in traffic cases in which supervision and completion of a traffic safety program are ordered. For the reasons hereinafter stated, it is my opinion

that circuit clerks are required to remit to the State Treasurer the specified percentage of monies paid to the circuit clerks with respect to violations of those Acts and ordinances set forth in sections 27.5 and 27.6 of the Clerks of Courts Act, including fines, penalties and costs which are collected when supervision and completion of a traffic safety program are ordered in traffic cases, and excluding only those amounts which are expressly excepted by the statutes in question.

Sections 27.5 and 27.6 of the Clerks of Courts Act respectively provide, in pertinent part:

"§ 27.5. All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 13 of the Criminal Jurisprudence Act, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. \* \* \*" (Emphasis added.)

"§ 27.6. All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 13 of the Criminal Jurisprudence Act, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. \* \* \* (Emphasis added.)

The monies disbursed to the State Treasurer under these sections are deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, the Drivers Education Fund and the Trauma Center Fund, to support the programs associated with those funds.

The object of statutory construction is to ascertain and give effect to the true intent and meaning of the General Assembly in enacting a statute. (People v. Frieberg (1992), 147 Ill. 2d 326, 345.) In this regard, the language of a statute is the primary source for determining the legislative

intent in its enactment. Business and Professional People for the Public Interest v. Illinois Commerce Commission (1991), 146 Ill. 2d 175, 207.

Under the plain language of sections 27.5 and 27.6 of the Act, circuit clerks are required to disburse to the State Treasurer a percentage of all monies which they receive "for convictions, orders of supervision, or any other disposition for a violation of" the specified Acts or ordinances. The express language of the two sections clearly demonstrates that the General Assembly contemplated the application of sections 27.5 and 27.6 of the Act to circumstances in which an order of supervision is entered, although fees collected for attendance in a traffic safety program are to be excluded in determining the amounts to be remitted to the several recipients thereof. Consequently, it is my opinion that the requisite percentage of all fines, costs and penalties assessed when orders of supervision are entered in cases arising out of chapters 3, 4, 6, 11 and 12 of the Illinois Vehicle Code or similar local ordinances, excluding fees paid for attendance in a traffic safety program as a condition of supervision, must be remitted to the State Treasurer.

This conclusion is supported by the legislative history of sections 27.5 and 27.6 of the Act. During the Senate debate on House Bill 3884 (which, as Public Act 87-1229, effective January 1, 1993, amended section 27.5 and added section 27.6 to the Act), the following colloquy occurred:

" \* \* \*

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I would like to ask the sponsor a question as far as legislative intent, please.

\* \* \*

SENATOR RAICA:

Senator Cullerton, as you know, there was some question from the Illinois Local Governmental Law Enforcement Officers' Training Board regarding the one Section of the law. Can you tell me what the legislative intent is for adding the court supervision language into the Clerks of Court Act, please?

\* \* \*

SENATOR CULLERTON:

Yes. This bill, House Bill 3884, is enacted and written with the intention of including all cases with dispositions resulting in supervision, including traffic schools authorized by Supreme Court Rule 529 which require offenders to pay monies to the circuit clerk's office.

\* \* \*

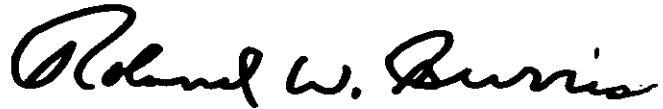
(Emphasis added.) (Remarks of Sen. Cullerton, July 1, 1992, Senate Debate on House Bill No. 3884 at 2.)

Based upon these statements, it is clear that the specific intent of the General Assembly was for sections 27.5 and 27.6 of the Act to extend to traffic cases in which supervision and the completion of a traffic safety program are ordered as a disposition. Consequently, it is my opinion that circuit clerks are required to remit to the State Treasurer the speci-

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fied percentage of the fees, fines and costs collected when supervision and completion of a traffic safety program are ordered in traffic cases which allege violations of the Acts or ordinances enumerated in sections 27.5 and 27.6 of the Clerks of Courts Act.

Respectfully yours,

A handwritten signature in cursive script, reading "Roland W. Burris".

ROLAND W. BURRIS  
ATTORNEY GENERAL