

COMMON ISSUES IN CRIMINAL COURT FINES, FEES, AND COSTS IN COOK COUNTY

Last revised 1/26/2018

PRE-IMPOSITION OF FFC

"MANDATORY" FEES THAT ARE NOT MANDATORY

705 ILCS 105/27.2a(gg) may waive all 27.2a fees:

Felony Complaint Filed (Clerk)
Misdemeanor Complaint Filed (Clerk)
Minor Traffic/Ordinance Viol. (Clerk)
Quasi Criminal Complaint Conv. (Clerk)
Vacate or Amend Final Orders
Vacate Ex Parte Judgment
Vacate Bond Forfeiture Judgment
Vacate Bond Forfeiture Orders
Vacate SOS Failure to Appeal/Comply Notice

705 ILCS 105/27.3a(3) may waive all 27.3a fees:

Automation (Clerk), 27.3a-1*
Probation & Court Services Ops. Fee, 27.3a-1.1
State Police Ops. Fee, 27.3a-1.5
Cons. Police Ops. Asst. Fee, 27.3a-1.6
*if 27.3a-1 is waived, then no basis for remaining
& Document Storage (Clerk), also waivable, 27.3c(c)

Traffic Court Supervision Fee may be waived:

625 ILCS 5/16-104c – may be "waived by the court"

55 ILCS 5/4-2002.1(a) & (b) waived if indigent:

*shall only be taxed and collected "if possible"
Felony Complaint Conviction
Probable Cause Hearing
Misdemeanor Complaint Conviction
Quasi-Criminal Complaint Conviction
Per Day of Trial (State's Attorney)
& Arrestee's Medical Costs Fund, 730 ILCS 125/17

Waivable upon verified petition/unable to pay:

Crime Lab DUI Analysis, 730 ILCS 5/5-9-1.9
Crime Lab Drug Analysis, 730 ILCS 5/5-9-1.4(b)

"Mandatory" fees that are discretionary:

Emergency Resp. Penalty, 625 ILCS 5/16-104a(b)
Reimburse Ct Appt'd Counsel, 725 ILCS 5/113-3.1(a)
STD Testing Reimbursement, 730 ILCS 5/5-5-3(g)
Victim Counsel Svcs. Reimburse, 730 ILCS 5/5-5-6(g)

"Mandatory" fees that are repealed:

State Police Services Fund, 730 ILCS 5/5-9-1.1(d)

DNA Fee, 730 ILCS 5/5-4-3(j):

Only applicable if DNA not already in ISP system

RE: PROBATION/CD/SUPERVISION

Probation fees may be waived if indigent:

"The Court may only waive probation fees based on an offender's ability to pay." 730 ILCS 5/5-6-3(i)

Payment of FFC is not a mandatory condition:

Object to form order with mandatory imposition of payment as condition of Probation/CD/Supervision
730 ILCS 5/5-6-3(b); 5-6-3.1

POST-IMPOSITION OF FFC

Motion to Remove Payment as a Condition of Probation/Supervision/Conditional Discharge:

Payment is a discretionary condition
730 ILCS 5/5-6-3(b); 5-6-3.1

Petition to Revoke Fines

730 ILCS 5/5-9-2

May be filed at any time

People v. Mingo, 403 Ill. App. 3d 968 (2d Dist. 2010)

Object to Extending the Period of Probation/CD/Supervision for Unpaid FFC

Extension of the time period is discretionary, 730 ILCS 5/5-6-2(e) (the court "may extend"); 730 ILCS 5/5-6-3.1(e) (same)

This resource has been compiled by the Criminal Justice Advisory Committee of Chicago Appleseed Fund for Justice and Chicago Council of Lawyers. It is intended to benefit criminal law practitioners within Cook County by providing a quick and effective way to review the imposition of non-mandatory fines, fees, and costs, and to remedy the non-payment of fines, fees, and costs in cases involving probation, supervision, and conditional discharge. The most recent version of this resource may be found at www.chicagoappleseed.org/publication-library/.

