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SEP 29 2011  
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**GENERAL ORDER 11-23**

**This Order supersedes General Order 10-01.**

SEP 29 2011

**WHEREAS**, pursuant to 730 ILCS 5/5-6-3(i), the Court may impose upon an offender sentenced to probation, conditional discharge, or community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation, conditional discharge or supervised community service ordered by the Court, a fee of \$50 for each month of probation, conditional discharge supervision or supervised community service ordered by the Court, unless after determining the inability of a person sentenced to probation to pay the fee, the Court assess a lesser fee; and

**WHEREAS**, 730 ILCS 5/5-6-3(i) provides that the Circuit Court may adopt a standard probation fee guide determining an offender's ability to pay the probation supervision fees under guidelines developed by the Administrative Office of the Illinois Courts.

**IT IS HEREBY ORDERED** that the Circuit Clerk of Kane County is hereby charged to collect a \$50 per month probation fee or a lesser amount as ordered by the Court; and

**IT IS FURTHER ORDERED** that the Circuit Court of Kane County shall adopt the "Ability to Pay Probation Guidelines of the Kane County Court," said guidelines being attached hereto. In addition, the Court has the discretion to adjust the monthly fee amounts in some cases due to special financial considerations. The Court shall determine a person's financial status at the time of plea utilizing the Ability to Pay Probation Guidelines of the Kane County Court; and

**IT IS FURTHER ORDERED** that the Circuit Clerk of Kane County is hereby charged to deposit 2% from all probation fees collected into the Probation Victim Services Fee (Account Number 276-430-000-35180) and the remainder into the Probation Fund (Account Number 270-430-0000-35900); and

**IT IS FURTHER ORDERED** that the Circuit Clerk is hereby charged to collect and deposit \$100 per year or part of a year from all persons who are ordered to conditional discharge under the supervision of probation or court services into the Probation Fund (Account Number 270-430-0000-35900); and

**IT IS FURTHER ORDERED** that the Circuit Clerk is hereby charged to collect and deposit an additional \$50 from all offenders ordered to supervised community service as a condition of conditional discharge. If said offender has not completed the required hours of community service after six months from the date the matter was ordered, the Circuit Clerk is ordered to collect and deposit an additional \$25 per month until the required hours are completed. The aforementioned supervised community service fees shall be deposited into the Probation Fund (Account Number 270-430-0000-35900). For offenders who are determined to be indigent, the Court has the discretion to waive all or part of the community service fees; and

**IT IS FURTHER ORDERED** that the Circuit Clerk is hereby charged to collect and deposit \$50 from all offenders ordered to supervised community service. If said offender has not completed the required hours of community service after six months from the date the matter was ordered, the Circuit Clerk is ordered to collect and deposit an additional \$25 per month until the required hours are completed. The aforementioned supervised community service fees shall be deposited into the Probation Fund (Account Number 270-430-0000-35900). For offenders who are determined to be indigent, the Court has the discretion to waive all or part of the community service fees. Those persons sentenced to report for probation and/or reporting conditional discharge are exempt from paying any community service fees.

DATED this 29<sup>TH</sup> day of September, 2011.

  
F. Keith Brown, Chief Judge

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**ABILITY TO PAY PROBATION GUIDELINES OF THE KANE COUNTY COURT**

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Monthly Probation Fee Amount <sup>1</sup>	Household Gross Income <sup>2</sup> Zero Dependents	Household Gross Income One Dependent	Household Gross Income Two Dependents	Household Gross Income Three or More Dependents
\$20	\$0.00-\$14,500	\$0.00-\$20,500	\$0.00-\$26,000	\$0.00-\$29,000
\$25	\$14,501-\$18,500	\$20,501-\$24,000	\$26,001-\$29,500	\$29,001-\$32,500
\$30	\$18,501-\$22,000	\$24,001-\$27,500	\$29,501-\$33,000	\$32,501-\$36,000
\$35	\$22,001-\$25,500	\$27,001-\$31,000	\$33,001-\$36,500	\$36,001-\$39,000
\$40	\$25,501-\$29,000	\$31,001-\$34,500	\$36,501-\$40,000	\$39,001-\$42,500
\$45	\$29,001-\$32,500	\$34,501-\$37,500	\$40,001-\$43,000	\$42,501-\$49,000
\$50	\$32,501 +	\$37,501 +	\$43,000 +	\$49,001 +

<sup>1</sup> Monthly fee amounts may be adjusted in some cases due to special financial consideration. Such cases require appropriate justification, documentation, and specific findings.

<sup>2</sup> Income of victims/complaining witnesses (e.g. in domestic violence cases) should not be included.