



Lake County Illinois

Legislation Text

File #: 15-0594, Version: 1

Joint resolution authorizing and establishing fees for the Lake County State's Attorney's Office Alternative Prosecution Program (APP).

- The State's Attorney has created an APP for first time, nonviolent criminal offenders.
- This APP is at the heart of the mission of the State's Attorney's Office, to seek justice, uphold the integrity of the criminal justice system and promote trustworthy government in Lake County.
- Successful completion of the APP will provide an opportunity for first time, nonviolent criminal offenders to ultimately avoid a criminal conviction.
- Defendants applying and admitted into APP will be screened and monitored by the Lake County State's Attorney's APP staff.
- Defendants will be required to agree to the written conditions of the program, will be admitting to the offense, will have sentencing deferred, will submit to initial and periodic drug and alcohol testing.
- Defendants will be subject to being sentenced for the offense that is admitted, if they fail to comply with the conditions of the program or commit a new offense during the one year term of the program.
- Defendants and their charges will be dismissed upon the successful performance of the conditions of the program, which will be within one year of the defendant's entry into the APP.
- As part of the program, defendants applying and admitted into the APP shall be ordered to pay actual restitution, if any, along with fees and costs made payable to the Lake County Circuit Court.
- Fees and costs made payable to the Lake County Circuit Court Clerk, will include: APP Application and Initial Drug Testing Fee of \$70, APP Fee up to \$1,500, APP Drug Testing Monitoring Fee of \$125, and Anticrime Program Restitution Fee of \$200.
- Anticrime Program Restitution Fee of \$200, shall be collected by the Lake County Circuit Court Clerk as requested by the Lake County State's Attorney and approved by the Court, and payments shall be directed by the Lake County Circuit Court Clerk to the recognized not for profit anticrime programs operating within Lake County.
- The Nineteenth Judicial Circuit Court of Lake County Administrative Order 15-08 affirms that the Lake County Circuit Court Clerk shall accept fees from the defendants participating in the APP and shall distribute the fees and costs accordingly.

RESOLUTION

WHEREAS, the Lake County State's Attorney's Office has created the APP for first time, non-violent criminal offenders where a defendant will have the opportunity to ultimately avoid a criminal conviction;

WHEREAS, defendants applying and admitted into the APP will be screened and monitored by the Lake County State's Attorney's APP staff; and

WHEREAS, defendants will be required to agree to the written conditions of the program, will be admitting to the offense, will have sentencing deferred, will submit to initial and periodic drug and alcohol testing, will be subject to being sentenced for the offense that is admitted if they fail to comply with the conditions of the program or commit a new offense during the one year term of the program,

or the defendant and the charge will be dismissed upon the successful performance of the conditions of the program which will be within one year of the defendant's entry into the APP; and

WHEREAS, 19th Judicial Circuit Court of Lake County Administrative Order 15-08 orders the Lake County Circuit Court Clerk to accept fees from the defendants participating in the APP and distribute the fees and costs accordingly; and

WHEREAS, as part of the program, defendants applying and admitted into the APP shall be ordered to pay actual restitution, if any, along with fees and costs made payable to the Lake County Circuit Court Clerk, and distributed as follows:

- APP Application and Initial Drug Testing Fee of \$70 and APP Drug Testing Monitoring Fee of \$125 shall be collected, deposited into, and kept in an account marked for the use of the Lake County Probation Department for drug testing to be completed by the applicant/participant; revenue shall be appropriated in account 101-3200020-46440.
- APP Fee not to exceed \$1,500 shall be collected, deposited into, and kept in an account specifically designated for the Lake County State's Attorney's Office APP; accumulated funds will be appropriated in the future to pay for the operation and administration of the APP and revenue shall be appropriated in account 101-3360010-46010. The Lake County State's Attorney shall reduce or waive such fee when the defendant is unable to pay the full amount of the fee.
- Anticrime Program Restitution Fee of \$200; shall be collected by the Lake County Circuit Court Clerk as requested by the Lake County State's Attorney and approved by the Court and payments shall be directed by the Lake County Circuit Court Clerk to the recognized not-for-profit anticrime programs operating within Lake County.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, program fees for the Lake County State's Attorney's Office Alternative Prosecution Program shall be appropriated as identified.

DATED, at Waukegan, Lake County, Illinois on June 9, 2015.