

those fines, fees and assessments if the defendant meets the standards for an indigent person, which is set forth in the Act, and files a petition within 30 days of sentencing. 725 Ill. Comp. Stat. Ann. 5/124A-20.

5. Illinois Supreme Court Rules states in part';

a) In criminal cases, the circuit court retains jurisdiction to correct the following sentencing errors at any time following judgment and after notice to the parties, including during the pendency of an appeal, on the court's own motion, or on motion of any party:

(1) Errors in the imposition or calculation of fines, fees, assessments, or costs;

(2) Errors in the application of per diem credit against fines;

(3) Errors in the calculation of presentence custody credit; and

(4) Clerical errors in the written sentencing order or other part of the record resulting in a discrepancy between the record and the actual judgment of the court.

(b) Where a circuit court's judgment pursuant to this rule is entered more than 30 days after the final judgment, the judgment constitutes a final judgment on a justiciable matter and is subject to appeal in accordance with Supreme Court Rule 303.

6. Per People v. Graves, 235 Ill. 2d 244, 250, 919 N.E.2d 906, 909 (2009):

A "fee" is defined as a charge that "seeks to recoup expenses incurred by the state," or to compensate the state for some expenditure incurred in prosecuting the defendant. Jones, 223 Ill.2d at 582, 308 Ill.Dec. 402, 861 N.E.2d 967. A "fine," however, is " 'punitive in nature' " and is " 'a pecuniary punishment imposed as part of a sentence on a person convicted of a criminal offense.' " Jones, 223 Ill.2d at 581, 308 Ill.Dec. 402, 861 N.E.2d 967, quoting People v. White, 333 Ill.App.3d 777, 781, 267 Ill.Dec. 464, 776 N.E.2d 836 (2002).

7. In People v. Garza, the defendant sought to have three financial obligations reduced or vacated by the Court. First, defendant sought to revoke the laboratory analysis assessment. The Court found that the laboratory analysis assessment is not a fine. It is a fee, which is not subject to revocation pursuant to section 5-9-2 of the Code. See People v. Littlejohn, 338 Ill. App. 3d 281, 283, 273 Ill.Dec. 30, 788 N.E.2d 339 (2003). People v. Garza, 2018 IL App (3d) 160684, 119 N.E.3d 25.

8. The costs statute leaves no discretion in the trial court because it directs that court to give judgment against the convicted offender to pay the costs of the prosecution. People v. Terneus, 239 Ill. App. 3d 669, 607 N.E.2d 568 (1992)
9. Therefore, this court retains jurisdiction to correct errors in the Order as it relates to Fines, Costs, and Assessments even after 30 days have elapsed after the entry of the Sentencing Order.
10. Although the Court may revoke or modify a “fine” after 30 days have elapsed after the entry of the Sentencing Order, it may not revoke or modify costs or assessments unless such modification is based upon an error in the imposition or calculation.
11. Wherefore, after consideration of the defendant’s Motion and the law that applies, this court find and orders:

The Circuit Clerk is directed to send copies of this Order to the Defendant by certified mail within 10 days of its entry.

Date: _____

Judge Robert A Miller