THIRD DIVISION
JUNE 3, 2015

No. 1-13-2599

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 12 CR 16791
	)	
JEFFREY DUNLAP,	)	Honorable
	)	Matthew E. Coghlan,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE PUCINSKI delivered the judgment of the court.
Justices Lavin and Hyman concurred in the judgment.

O R D E R

¶ 1 *Held*: The plain language of section 4-2002.1(a) of the Counties Code (55 ILCS 5/4-2002.1(a) (West 2012)) allows the imposition of a $60 Felony Complaint Conviction State's Attorney fee in defendant's case. The $5 Electronic Citation Fee (705 ILCS 105/27.3e (West 2012)) and the $250 State DNA ID System fee (730 ILCS 5/5-4-3(j) (West 2012)) are vacated.

¶ 2 Following a bench trial, defendant Jeffrey Dunlap was convicted of possession of a controlled substance and sentenced to 24 months of probation and 100 days in the Cook County Department of Corrections. On appeal, defendant contends that this court should vacate several

fees that were imposed by the trial court. For the reasons that follow, we affirm defendant's conviction and sentence but order modification of the fines, fees, and costs order.

¶ 3 Defendant's conviction arose from the events of August 12, 2012. After his arrest, defendant was charged by information with one count of possession of a controlled substance with intent to deliver and one count of delivery of a controlled substance. Following a bench trial, the trial court found defendant guilty of possession of a controlled substance, a Class 4 felony. 720 ILCS 570/402(c) (West 2012). The trial court sentenced defendant to 24 months' probation and 100 days of incarceration as a condition of probation. 730 ILCS 5/5-4.5-45(d) (West 2012). The trial court also imposed fines and fees in the amount of $1,209.

¶ 4 On appeal, defendant contends that this court must vacate the $5 Electronic Citation Fee (705 ILCS 105/27.3e (West 2012)), the $250 State DNA ID System fee (730 ILCS 5/5-4-3(j) (West 2012)), and the $60 Felony Complaint Conviction State's Attorney fee (55 ILCS 5/4-2002.1(a) (West 2012)). The State concedes that the first two fees were improperly imposed. We accept the State's concession and accordingly vacate the specified fees.

¶ 5 The parties disagree as to the applicability of the $60 Felony Complaint Conviction State's Attorney fee. Section 4-2002.1(a) of the Counties Code entitles the State's Attorney in Cook County to the following fee:

> "For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, $60. All other cases punishable by imprisonment in the penitentiary, $60." 55 ILCS 5/4-2002.1(a) (West 2012).

Defendant asserts that according to the statute's plain language, a $60 fee should only be imposed when a defendant is charged by way of grand jury indictment. Because defendant was charged by information, he maintains that he is exempt from the fee. The State agrees that the statute should be given its plain meaning, but argues that pursuant to the second sentence quoted above, a $60 fee applies to all criminal cases punishable by imprisonment in the penitentiary, not just those charged by indictment.[1]

¶ 6 We agree with the State. Statutory language must be given its plain and ordinary meaning. *Murray v. Chicago Youth Ctr.*, 224 Ill. 2d 213, 235 (2007). A statute should be read as a whole and construed so that no part of it is rendered meaningless or superfluous. *People v. Jones*, 214 Ill. 2d 187, 193 (2005). Here, the first sentence of the quoted paragraph specifies that a $60 fine applies to prosecutions on indictments for nine particular crimes. The second sentence then acts as a catch-all, applying a $60 fine to "all other cases" that are punishable by imprisonment in the penitentiary. The second sentence does not say that it applies only if charges for non-enumerated crimes are brought via indictment; had the legislature intended that meaning, it could have easily said so. Under defendant's interpretation, the legislature would have had to intend to exclude all criminal cases charged by information from imposition of the fee. We cannot impute this intent. Defendant's argument fails.

[1] The parties agree that although defendant was not sentenced to a term of imprisonment, he was convicted of a crime punishable by imprisonment in the penitentiary. See 720 ILCS 570/402(c) (West 2012) (possession of a controlled substance is a Class 4 felony); 730 ILCS 5/5-4.5-45(a) (West 2012) (sentencing range for Class 4 felony is one to three years in prison).

¶ 7 For the reasons explained above, we affirm defendant's conviction and sentence and order the clerk of the circuit court to modify the fines, fees, and costs order consistent with our decision.

¶ 8 Affirmed as modified.