

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered December 30, 2014.

(Deleted material is struck through and new material is underscored.)

Effective January 1, 2015, Supreme Court Rules 501, 503, 526, and 556 are amended, as follows.

Amended Rule 501

Rule 501. Definitions

(a) Bond Certificates. Bail security documents which also guarantee payment of judgments for fines, penalties and costs, not to exceed \$140 for any single offense or \$500 for multiple offenses arising out of the same occurrence (auto bond certificates), or not to exceed \$500 for any single offense covered by Rule 526(b)(1) (truck bond certificates), which are issued or guaranteed, in counties other than Cook, by companies or membership associations authorized to do so by the Director of Insurance, State of Illinois, under regulations issued by this court. (Note: Copies of these regulations may be obtained by writing to: Director, Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, IL 62704-6488.) The privilege of issuing bond certificates for use in Cook County shall be governed by rule of the Circuit Court of Cook County. (Note: Copies of the Cook County rule may be obtained by writing to: Office of the Chief Judge, Richard J. Daley Center, Chicago IL 60602.)

(b) Cash or Cash Bail. United States currency; transfer of United States currency by means of credit cards, debit cards, or electronic fund transfer; traveler's checks issued by major banks or express companies which, alone or in combination with currency, total the exact amount required to be deposited as bail; and negotiable drafts on major credit card companies, under conditions approved by the Administrative Director.

(c) Conservation Offense. Any case charging a violation listed below, except any charge punishable upon conviction by imprisonment in the penitentiary:

- (1) The Fish and Aquatic Life Code, as amended (515 ILCS 5/1-1 *et seq.*);
- (2) The Wildlife Code, as amended (520 ILCS 5/1.1 *et seq.*);
- (3) The Boat Registration and Safety Act, as amended (625 ILCS 45/1-1 *et seq.*);
- (4) The Park District Code, as amended (70 ILCS 1205/1-1 *et seq.*);
- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (7) The State Forest Act, as amended (525 ILCS 40/ 0.01 *et seq.*);

- (8) The Forest Fire Protection District Act, as amended (425 ILCS 40/ 0.01 *et seq.*);
- (9) The Snowmobile Registration and Safety Act, as amended (625 ILCS 40/1-1 *et seq.*);
- (10) The Endangered Species Protection Act, as amended (520 ILCS 10/1 *et seq.*);
- (11) The Forest Products Transportation Act, as amended (225 ILCS 740/1 *et seq.*);
- (12) The Timber Buyers Licensing Act, as amended (225 ILCS 735/1 *et seq.*);
- (13) The Downstate Forest Preserve District Act, as amended (70 ILCS 805/ 0.001 *et seq.*);
- (14) The Exotic Weed Act, as amended (525 ILCS 10/1 *et seq.*);
- (15) The Ginseng Harvesting Act, as amended (525 ILCS 20/ 0.01 *et seq.*);
- (16) The Cave Protection Act, as amended (525 ILCS 5/1 *et seq.*);
- (17) Any regulations, proclamations or ordinances adopted pursuant to any code or act named in this Rule 501(c);
- (18) Ordinances adopted pursuant to the Counties Code for the acquisition of property for parks or recreational areas (55 ILCS 5/5-1005(18)).
- (19) The Recreational Trails of Illinois Act, as amended (20 ILCS 862/1 *et seq.*).

(d) Driver's License. A current driver's license or temporary visitor's driver's license issued by the Secretary of State of Illinois. However, restricted driving permits, monitoring device driving permits, instruction permits, probationary licenses or temporary licenses issued under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*) shall not be accepted in lieu of or in addition to bail amounts established in Rule 526.

(e) Unit of Local Government. Any county, municipality, township, special district, or unit designated as a unit of local government by law.

(f) Traffic Offense. Any case which charges a violation of any statute, ordinance or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, including cases charging violations under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*), but excluding cases in which a ticket was served by "tie-on," "hang-on," or "appended" methods and cases charging violations of:

- (1) Section 9-3(b) of the Criminal Code of 1961, as amended (reckless homicide) (720 ILCS 5/9-3(b));
- (2) Section 12-5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12-5);
- (3) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4-100 *et seq.*);
- (4) Any charge punishable upon conviction by imprisonment in the penitentiary;
- (5) "Jay walking" ordinances of any unit of local government;
- (6) Any conservation offense (see Rule 501(c)).

(g) Promise to Comply. An option available to Illinois residents and residents of other member jurisdictions of the Nonresident Violator Compact of 1977 (625 ILCS 5/6-800 *et seq.*) to obtain release from custody without bail following arrests on view for minor traffic offenses (see

625 ILCS 5/6-306.4(a) or 6-308(a)) by signing a written promise to comply with the terms of the Uniform Citation and Complaint (625 ILCS 5/6-306.4 or 6-308). Residents of Illinois not charged with a petty traffic violation, and nonresidents charged with traffic offenses specified in section 6-306.4(b) of the Illinois Vehicle Code, as amended (625 ILCS 6-306.4(b)), shall not be released on a promise to comply, but must post bail or secure release in accordance with these rules.

(h) Individual Bond. Bonds authorized without security for persons arrested for or charged with offenses covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules (see Rule 553(d)).

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended June 11, 2014, eff. July 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015.

Amended Rule 503

Rule 503. Multiple Charges under These Rules

(a) Amount of Bail–Hearing Date. Police officers should refrain from issuing multiple citations for offenses arising out of the same occurrence. A person arrested and charged with more than one offense arising out of the same occurrence when the bail is established for each such offense under Rule 526, 527 or 528 shall be released from custody as follows:

(1) If bail for each such offense is established by Rule 526, and the accused is eligible for release on each charge by a promise to comply pursuant to section 6–306.4 or 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.4 or 6-308), he or she may elect to be released by executing the written promise on the complaint copy; a court appearance shall be required on each charge.

(2) In all other cases, the accused shall be released from custody after posting bail on the charge for which the highest bail is required, and, except as provided below, a court appearance shall be required on each charge. Whether a court appearance will be required for any other offenses charged at the same time as an offense requiring bail under Rule 526(b)(1) will be determined without regard to such truck violations. A separate bail shall be required for each case involving truck violations under Rule 526(b)(1) or similar municipal ordinances, and all such charges may be satisfied without a court appearance under Rule 529.

(3) No court appearance shall be required under this rule where all charges are traffic and

conservation offenses which may be satisfied without a court appearance under Rule 529 and the accused elects to post separate cash bail on each such charge.

(4) No court appearance shall be required under this rule where all charges are traffic offenses which may be satisfied without a court appearance under Rule 529, the separate bails required for all such charges do not exceed ~~\$300~~ \$500, and the accused has deposited an approved bond certificate in lieu of bail; in such event, if the accused does not appear on the date set for appearance, or any date to which the case(s) may be continued, it shall be presumed he has elected to post separate bails and consented to the entry of *ex parte* judgment on each such charge (see Rule 556(b)).

All such charges, whenever practicable, should be set for hearing on the same day in the same court, to be disposed of at the same time (see Rule 501(b) for definition of “Cash Bail”).

(b) New Bail—Application of Bail and Return of Balance. After final disposition of a charge for which bail was posted, the court shall set new bail in a single amount to cover any concurrent charges which may be continued for further hearing at a future date. The clerk may apply any cash or security originally posted as bail to payment of any fine, penalties and costs due on the charge for which bail was originally posted or any other charge disposed of at the same time, but shall return any remaining balance to the accused and shall not retain the balance to apply, in whole or in part, to any new bail set by the court, without the consent of the accused.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended December 30, 2014, eff. Jan. 1, 2015.

Amended Rule 526

Rule 526. Bail Schedule—Traffic Offenses

(a) Bail in Minor Traffic Offenses. Unless released on a written promise to comply and except as provided in paragraphs (b), (c), (d) and (f) of this rule a person arrested for a traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount of \$120 in one of the following ways: (1) by posting \$120 cash bail (see Rule 501(b) for definition of “Cash Bail”); or (2) by depositing, in lieu of such amount, an approved bond certificate; or (3) by depositing, in lieu of such amount, a current Illinois driver’s license.

(b) Bail in Certain Truck Offenses.

(1) Persons charged with a violation of section 3-401(d) or 15-111 of the Illinois Vehicle Code, as amended (truck overweight) (625 ILCS 5/3-401(d) or 5/15-111), charged with a violation of section 15-112(e) of the Illinois Vehicle Code, as amended (gross weight) (625 ILCS 5/15-112(e)), or charged with a violation punishable by fine pursuant to sections 15-

113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code, as amended (permit moves) (625 ILCS 5/15-113.1 *et seq.*), unless released on a written promise to comply, shall post cash bail in an amount equal to the amount of the minimum fine fixed by statute, plus penalties and costs (see Rule 501(b) for definition of “Cash Bail”). The accused may, in lieu of cash bail, deposit a money order issued by a money transfer service company which has been approved by the Administrative Director under regulations issued by this court. The money order shall be made payable to the clerk of the circuit court of the county in which the violation occurred. When the bail for any offense hereunder does not exceed \$500, the accused may, at his option, deposit a truck bond certificate in lieu of bail.

(2) Persons charged with violating section 15-112(g) of the Illinois Vehicle Code, as amended, by refusing to stop and submit a vehicle and load to weighing after being directed to do so by an officer, or with violating section 15-112(g) by removing all or part of the load prior to weighing shall post bail in the amount of \$1,200 (625 ILCS 5/15-112(g)).

(c) Bail in Other Traffic Offenses (Rules of the Road). Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code, unless released on a written promise to comply, shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/11-601	Speeding, but only when more than 20 mph over the posted limit but not more than 25 mph over the posted limit	\$140
(2) 625 ILCS 5/11-601.5	Speeding, but only when 26 mph over the posted limit but less than 35 mph over the posted limit	\$1,500
	Speeding, but only when 35 mph or more over the posted limit	\$2,000
(3) 625 ILCS 5/11-204	Fleeing or Attempting to Elude Police Officer	\$2,000
(4) Blank		
(5) 625 ILCS 5/11-501	Misdemeanor Driving Under Influence of	\$3,000

Alcohol or Drugs or
with 0.08 or more
Blood- or Breath
Alcohol
Concentration

(6) 625 ILCS 5/11-503	Reckless Driving	\$2,000
(7) 625 ILCS 5/11-506	Street Racing	\$2,000
(8) 625 ILCS 5/12-603.1	Use of Safety Belts, Driver or Passenger	\$60

(d) Bail in Other Traffic Offenses (Vehicle Title & Registration Law). Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/3-707	Operating Without Insurance	\$2,000
(2) 625 ILCS 5/3-708	Operating when Registration Suspended for Non-insurance	\$3,000
(3) 625 ILCS 5/3-710	Display of False Insurance Card	\$2,000

(e) Driver's License or Bond Certificate in Lieu of or in Addition to Bail. An accused who has a valid Illinois driver's license may deposit his driver's license in lieu of the bail specified in subparagraphs ~~(1),~~ (2), (3), and (6), ~~and (8)~~ of Rule 526(c) and subparagraphs (1) and (3) of Rule 526(d). In lieu of posting the cash amount specified in subparagraphs (5) and (7) of Rule 526(c) or subparagraph (2) of Rule 526(d), an accused must post \$1,000 bail and his current Illinois driver's license. Persons who do not possess a valid Illinois driver's license shall post bail in the amounts specified in Rule 526(c) or 526(d), ~~except that an accused may deposit~~

~~an approved bond certificate in lieu of the bail specified in subparagraphs (1) or (8) of Rule 526(e).~~

(f) Bail in Other Traffic Offenses (Driver Licensing Law). Persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/6-301	Unlawful Use of License	\$1,500
(2) 625 ILCS 5/6-303	Misdemeanor Driving With Suspended or Revoked License <u>under the following circumstances:</u> <u>(a) All cases other than those where the license is suspended for failure to appear</u> <u>(b) License suspended for failure to appear (see Rule 526(a))</u>	\$1,500
See article VI, "Penalties," Illinois Vehicle Code (625 ILCS 5/6-601)		
(3) 625 ILCS 5/6-304.1	Permitting Driving Under Influence of Alcohol or Drugs	\$1,500
(4) 625 ILCS 5/6-101	Unlicensed Driving, under the following circumstances: <u>(a) All cases other than those charging license expired for less than one year</u> <u>(b) License expired less than one year (see Rule 526(a))</u>	\$1,500
See article VI, "Penalties," Illinois Vehicle Code (625 ILCS 5/6-601)		
(5) 625 ILCS 5/6-507	Commercial Driver's License	\$1,500

(g) Bail for Traffic Offenses Defined by Ordinance. Bail for traffic offenses defined by any ordinances of any unit of local government which are similar to those described in this Rule 526 shall be the same amounts as provided for in this rule.

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 29, 1978, effective November 1, 1978; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended January 11, 1990, effective immediately; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 27, 1993, effective October 1, 1993; amended April 11, 2000, effective immediately; amended September 30, 2002, effective immediately; amended December 5, 2003, effective immediately; amended May 30, 2008, effective immediately; amended June 11, 2009, effective immediately; amended June 3, 2010, effective September 15, 2010; amended December 7, 2011, effective immediately; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015.

Amended Rule 556

Rule 556. Procedure if Defendant Fails to Appear

(a) Promise to Comply or Driver's License Deposited. If a person accused of a traffic offense has executed a written promise to comply (see Rule 501(g)), or deposited his driver's license in lieu of or in addition to cash bail or cash deposit and bond, and does not appear on the date set for appearance, or any date to which the case may be continued, the court shall continue the case for a minimum of 30 days and require a notice of the continued court date to be sent to the defendant at his last known address. The clerk shall notify the defendant of the court's order. If the defendant does not appear on the continued court date or, within that period, satisfy the court that his appearance is impossible and without any fault on his part, the court shall enter an order of failure to appear to answer the charge(s). A verified charge may be filed (if none has previously been filed) and a summons or warrant of arrest for the defendant may be issued. Within 21 days after the date to which the case had been continued, the clerk shall notify the Secretary of State of the court's order. The Secretary of State shall, in the case of an Illinois licensed driver who has deposited his driver's license, immediately suspend the defendant's driving privileges in accordance with sections 6-306.3 or 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.3 or 6-308); if the defendant is not an Illinois licensed driver or resident the Secretary of State shall notify the appropriate driver's licensing authority pursuant to the Nonresident Violator Compact of 1977, as amended (625 ILCS 5/6-800 *et seq.*). The clerk of the circuit court shall notify the Secretary of State of the final disposition of the case as provided in Rule 552 when the defendant has appeared and otherwise satisfied his obligations following an order of failure to appear under this paragraph (a). The court may in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount

equal to the cash bail required by this article. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552, and if the accused is an Illinois registered driver, the clerk shall notify the Secretary of State of the unsatisfied judgment pursuant to section 6–306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.6(a)).

(b) Court Appearance Not Required–Cash Bail Posted or Bond Certificate Deposited. In all cases in which a court appearance is not required under Rule 551 and cash bail is posted or a bond certificate deposited, the defendant shall be provided with a statement, in substantially the following form, on the "Complaint" or on the bond form:

"In the event you fail to appear in court to answer a charge that does not require you to appear in court, you thereby consent to the entry of a judgment against you in the amount of all applicable fines, penalties and costs, and the application of the cash bail or other security you have deposited to their payment and satisfaction."

If the defendant does not appear on the date set for appearance, or any date to which the case may be continued, the court may enter an *ex parte* judgment against the defendant assessing fines, penalties and costs in an amount equal to the cash bail required by this article. The clerk of the circuit court shall apply the cash bail or security in payment thereof pursuant to Rule 529.

(c) Court Appearance Required--Cash Bail Posted or Bond Certificate Deposited. If a defendant fails to appear on the date set for appearance, or any date to which the case may be continued, and a court appearance is required, the court shall enter an order declaring the bail to be forfeited and continue the case for a minimum of 30 days. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear on the continued court date or, within that period, satisfy the court that his appearance is impossible and without any fault on his part, the court shall enter judgment in accordance with sections 110–7 and 110–8 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110–7, 110–8). In addition to forfeiture, a verified charge may be filed and a summons or warrant of arrest may issue. The court may, with the concurrence of the prosecuting agency, in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount equal to the cash bail required by this article. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of court shall notify the Secretary of State of the conviction pursuant to Rule 552 and of any unsatisfied judgment pursuant to section 6–306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.6(a)).

(d) Individual Bonds. In all cases in which a defendant released by giving individual bond under Rule 553(d) fails to appear on the date set for appearance, or any date to which the case may be continued, the court shall enter an order declaring the bond to be forfeited and continue the case for a minimum of 30 days. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear on the continued court date or, within that period, satisfy the court that his appearance is impossible and without any fault on his part, the court shall enter judgment in accordance with section 110–8 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/110–8). In addition to forfeiture, a verified charge

may be filed and a summons or warrant of arrest may issue. The court may in lieu of the foregoing procedure, enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount equal to the cash bail required by this article. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552 and of the unsatisfied judgment pursuant to section 6–306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.6(a)).

(e) Notice to Appear. In all cases in which a defendant is issued a Notice to Appear under section 107–12 of the Code of Criminal Procedure of 1963, as amended (725 ILCS 5/107–12), and fails to appear on the date set for appearance, or any date to which the case may be continued, the court may enter an *ex parte* judgment of conviction against an accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount equal to the cash bail required by this article. Payment received for fines, penalties, and costs assessed following the entry of an *ex parte* judgment shall be disbursed by the clerk pursuant to Rule 529. The clerk of the court shall notify the Secretary of State of the conviction pursuant to Rule 552 and of the unsatisfied judgment pursuant to section 6–306.6(a) of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.6(a)). In lieu of the foregoing procedure, a summons or warrant of arrest may be issued.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended May 24, 1995, effective January 1, 1996; amended October 22, 1999, effective December 1, 1999; amended December 5, 2003, effective January 1, 2004; amended December 30, 2014, eff. Jan. 1, 2015.

Committee Comments
(December 5, 2003)

Supreme Court Rule 556 ("Procedure if Defendant Fails to Appear") delineates several procedures if the defendant fails to appear after depositing a driver's license in lieu of bond, executes a written promise to comply, posts bond or issued a notice to appear.

The rule provided that the court may "enter an *ex parte* judgment of conviction against any accused charged with an offense punishable by a fine only and in so doing shall assess fines, penalties and costs in an amount not to exceed the cash bail required by this article." Rule 556 does not detail the specific costs and penalties, or their amounts, in the entry of *ex parte* judgments. The clerk is then left with deciding which costs, fees and additional penalties (and their amounts) should be applied. This is currently being determined on a county by county basis.

The committee concluded that distribution under Rule 556 was not a "levy of a gross amount."

See Rule 529, Committee Comments.

The committee believes that consistency and uniformity in disbursing funds from *ex parte* judgments was of the utmost importance in the efficient administration of justice and recommends that the fines, penalties and costs assessed by equal to bail, and the distribution of those amounts should be pursuant to Supreme Court Rule 529(a). The State's Attorney fee, if any, would be included within the county's 38.675% distribution.