

# SB1581



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1581

Introduced 2/9/2017, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Amends the Unified Code of Corrections. In provisions concerning authorized fines, provides that an additional penalty is imposed in sentencing for an offense concerning vehicle wheel and axle loads and gross weights of \$15 for each \$40 of the first \$330, or fraction thereof, of fine imposed for a violation and \$10 for each subsequent \$40, or fraction thereof, of fine imposed for a violation following the initial \$15 surcharge for each \$40 of the first \$330 of fine imposed (rather than an additional penalty of \$15 for each \$40, or fraction thereof, of fine imposed). Effective immediately.

LRB100 09335 RLC 19496 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-9-1 as follows:

6 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)  
7 Sec. 5-9-1. Authorized fines.

8 (a) An offender may be sentenced to pay a fine as provided  
9 in Article 4.5 of Chapter V.

10 (b) (Blank.)

11 (c) There shall be added to every fine imposed in  
12 sentencing for a criminal or traffic offense, except an offense  
13 relating to parking or registration, or offense by a  
14 pedestrian, an additional penalty of \$15 for each \$40, or  
15 fraction thereof, of fine imposed for violations other than  
16 violations of Section 15-111 of the Illinois Vehicle Code; \$15  
17 for each \$40 of the first \$330, or fraction thereof, of fine  
18 imposed for a violation of Section 15-111 of the Illinois  
19 Vehicle Code and \$10 for each subsequent \$40, or fraction  
20 thereof, of fine imposed for violation of Section 15-111 of the  
21 Illinois Vehicle Code, following the initial \$15 additional  
22 penalty for each \$40 of the first \$330 of fine imposed. The  
23 additional penalty under this subsection (c) of \$15 for each

1 ~~\$40, or fraction thereof, of fine imposed,~~ if not otherwise  
2 assessed, shall also be added to every fine imposed upon a plea  
3 of guilty, stipulation of facts or findings of guilty,  
4 resulting in a judgment of conviction, or order of supervision  
5 in criminal, traffic, local ordinance, county ordinance, and  
6 conservation cases (except parking, registration, or  
7 pedestrian violations), or upon a sentence of probation without  
8 entry of judgment under Section 10 of the Cannabis Control Act,  
9 Section 410 of the Illinois Controlled Substances Act, or  
10 Section 70 of the Methamphetamine Control and Community  
11 Protection Act.

12       Such additional amounts shall be assessed by the court  
13 imposing the fine and shall be collected by the Circuit Clerk  
14 in addition to the fine and costs in the case. Each such  
15 additional penalty shall be remitted by the Circuit Clerk  
16 within one month after receipt to the State Treasurer. The  
17 State Treasurer shall deposit \$1 for each \$40, or fraction  
18 thereof, of fine imposed into the LEADS Maintenance Fund. The  
19 State Treasurer shall deposit \$3 for each \$40, or fraction  
20 thereof, of fine imposed into the Law Enforcement Camera Grant  
21 Fund. The remaining surcharge amount shall be deposited into  
22 the Traffic and Criminal Conviction Surcharge Fund, unless the  
23 fine, costs or additional amounts are subject to disbursement  
24 by the circuit clerk under Section 27.5 of the Clerks of Courts  
25 Act. Such additional penalty shall not be considered a part of  
26 the fine for purposes of any reduction in the fine for time

1 served either before or after sentencing. Not later than March  
2 1 of each year the Circuit Clerk shall submit a report of the  
3 amount of funds remitted to the State Treasurer under this  
4 subsection (c) during the preceding calendar year. Except as  
5 otherwise provided by Supreme Court Rules, if a court in  
6 imposing a fine against an offender levies a gross amount for  
7 fine, costs, fees and penalties, the amount of the additional  
8 penalty provided for herein shall be computed on the amount  
9 remaining after deducting from the gross amount levied all fees  
10 of the Circuit Clerk, the State's Attorney and the Sheriff.  
11 After deducting from the gross amount levied the fees and  
12 additional penalty provided for herein, less any other  
13 additional penalties provided by law, the clerk shall remit the  
14 net balance remaining to the entity authorized by law to  
15 receive the fine imposed in the case. For purposes of this  
16 Section "fees of the Circuit Clerk" shall include, if  
17 applicable, the fee provided for under Section 27.3a of the  
18 Clerks of Courts Act and the fee, if applicable, payable to the  
19 county in which the violation occurred pursuant to Section  
20 5-1101 of the Counties Code.

21 (c-5) In addition to the fines imposed by subsection (c),  
22 any person convicted or receiving an order of supervision for  
23 driving under the influence of alcohol or drugs shall pay an  
24 additional \$100 fee to the clerk. This additional fee, less 2  
25 1/2% that shall be used to defray administrative costs incurred  
26 by the clerk, shall be remitted by the clerk to the Treasurer

1 within 60 days after receipt for deposit into the Trauma Center  
2 Fund. This additional fee of \$100 shall not be considered a  
3 part of the fine for purposes of any reduction in the fine for  
4 time served either before or after sentencing. Not later than  
5 March 1 of each year the Circuit Clerk shall submit a report of  
6 the amount of funds remitted to the State Treasurer under this  
7 subsection (c-5) during the preceding calendar year.

8 The Circuit Clerk may accept payment of fines and costs by  
9 credit card from an offender who has been convicted of a  
10 traffic offense, petty offense or misdemeanor and may charge  
11 the service fee permitted where fines and costs are paid by  
12 credit card provided for in Section 27.3b of the Clerks of  
13 Courts Act.

14 (c-7) In addition to the fines imposed by subsection (c),  
15 any person convicted or receiving an order of supervision for  
16 driving under the influence of alcohol or drugs shall pay an  
17 additional \$5 fee to the clerk. This additional fee, less 2  
18 1/2% that shall be used to defray administrative costs incurred  
19 by the clerk, shall be remitted by the clerk to the Treasurer  
20 within 60 days after receipt for deposit into the Spinal Cord  
21 Injury Paralysis Cure Research Trust Fund. This additional fee  
22 of \$5 shall not be considered a part of the fine for purposes  
23 of any reduction in the fine for time served either before or  
24 after sentencing. Not later than March 1 of each year the  
25 Circuit Clerk shall submit a report of the amount of funds  
26 remitted to the State Treasurer under this subsection (c-7)

1 during the preceding calendar year.

2 (c-9) (Blank).

3 (d) In determining the amount and method of payment of a  
4 fine, except for those fines established for violations of  
5 Chapter 15 of the Illinois Vehicle Code, the court shall  
6 consider:

7 (1) the financial resources and future ability of the  
8 offender to pay the fine; and

9 (2) whether the fine will prevent the offender from  
10 making court ordered restitution or reparation to the  
11 victim of the offense; and

12 (3) in a case where the accused is a dissolved  
13 corporation and the court has appointed counsel to  
14 represent the corporation, the costs incurred either by the  
15 county or the State for such representation.

16 (e) The court may order the fine to be paid forthwith or  
17 within a specified period of time or in installments.

18 (f) All fines, costs and additional amounts imposed under  
19 this Section for any violation of Chapters 3, 4, 6, and 11 of  
20 the Illinois Vehicle Code, or a similar provision of a local  
21 ordinance, and any violation of the Child Passenger Protection  
22 Act, or a similar provision of a local ordinance, shall be  
23 collected and disbursed by the circuit clerk as provided under  
24 Section 27.5 of the Clerks of Courts Act.

25 (Source: P.A. 99-352, eff. 1-1-16.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.