



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2769

by Rep. Maurice A. West II

SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-20
705 ILCS 135/15-40
730 ILCS 5/5-9-1.7

from Ch. 38, par. 1005-9-1.7

Amends the Crime and Traffic Assessment Act. Provides that an additional assessment of \$100 shall be imposed upon any person who pleads guilty, is convicted of, or who receives a disposition of court supervision for, a sex offense or an attempted sex offense. Provides that the funds shall be deposited in the State Crime Laboratory Fund to pay for the costs of processing and analyzing the Illinois State Police Sexual Assault Evidence Collection Kits under the Sexual Assault Evidence Submission Act to assist in reduction of the number of unanalyzed and unprocessed Kits. Amends the Unified Code of Corrections. Defines "sex offense".

LRB101 08351 SLF 53420 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sexual assault assessments.

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

4 Section 5. The Criminal and Traffic Assessment Act is
5 amended by changing Sections 15-20 and 15-40 as follows:

6 (705 ILCS 135/15-20)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 15-20. SCHEDULE 4; felony sex offenses.

11 SCHEDULE 4: For a felony or attempted felony under Article
12 11 or Section 12-33 of the Criminal Code of 2012, the Clerk of
13 the Circuit Court shall collect \$1,414 ~~\$1,314~~ and remit as
14 follows:

15 (1) As the county's portion, \$354 to the county treasurer,
16 who shall deposit the money as follows:

17 (A) \$20 into the Court Automation Fund;

18 (B) \$20 into the Court Document Storage Fund;

19 (C) \$5 into the Circuit Court Clerk Operation and
20 Administrative Fund;

21 (D) \$255 into the county's General Fund;

22 (E) \$10 into the Child Advocacy Center Fund;

23 (F) \$2 into the State's Attorney Records Automation

1 Fund;

2 (G) \$2 into the Public Defender Records Automation

3 Fund;

4 (H) \$20 into the County Jail Medical Costs Fund; and

5 (I) \$20 into the Probation and Court Services Fund.

6 (2) As the State's portion, \$1,060 ~~\$960~~ to the State
7 Treasurer, who shall deposit the money as follows:

8 (A) \$520 into the State Police Operations Assistance
9 Fund;

10 (B) \$100 into the Violent Crime Victims Assistance
11 Fund;

12 (C) \$200 into the Sexual Assault Services Fund;

13 (D) \$100 into the Domestic Violence Shelter and
14 Services Fund;

15 (E) \$5 into the State Police Merit Board Public Safety
16 Fund; ~~and~~

17 (F) \$35 into the Traffic and Criminal Conviction
18 Surcharge Fund; and -

19 (G) \$100 into the State Crime Laboratory Fund, to pay
20 for the costs of processing and analyzing the Illinois
21 State Police Sexual Assault Evidence Collection Kits under
22 Section 15 of the Sexual Assault Evidence Submission Act to
23 assist in reduction of the number of un-analyzed and
24 unprocessed Kits.

25 (Source: P.A. 100-987, eff. 7-1-19.)

1 (705 ILCS 135/15-40)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 15-40. SCHEDULE 8; misdemeanor sex offenses.

6 SCHEDULE 8: For a misdemeanor or attempted misdemeanor
7 under Article 11 of the Criminal Code of 2012, the Clerk of the
8 Circuit Court shall collect \$1,284 ~~\$1,184~~ and remit as follows:

9 (1) As the county's portion, \$282 to the county treasurer,
10 who shall deposit the money as follows:

11 (A) \$20 into the Court Automation Fund;

12 (B) \$20 into the Court Document Storage Fund;

13 (C) \$5 into the Circuit Court Clerk Operation and
14 Administrative Fund;

15 (D) \$8 into the Circuit Court Clerk Electronic Citation
16 Fund;

17 (E) \$185 into the county's General Fund;

18 (F) \$10 into the Child Advocacy Center Fund;

19 (G) \$2 into the State's Attorney Records Automation
20 Fund;

21 (H) \$2 into the Public Defenders Records Automation
22 Fund;

23 (I) \$10 into the County Jail Medical Costs Fund; and

24 (J) \$20 into the Probation and Court Services Fund.

25 (2) As the State's portion, \$1,000 ~~\$900~~ to the State
26 Treasurer, who shall deposit the money as follows:

1 (A) \$500 into the State Police Operations Assistance
2 Fund;

3 (B) \$75 into the Violent Crime Victims Assistance Fund;

4 (C) \$200 into the Sexual Assault Services Fund;

5 (D) \$100 into the Domestic Violence Shelter and Service
6 Fund;

7 (E) \$5 into the State Police Merit Board Public Safety
8 Fund; ~~and~~

9 (F) \$20 into the Traffic and Criminal Conviction
10 Surcharge Fund; and -

11 (G) \$100 into the State Crime Laboratory Fund, to pay
12 for the costs of processing and analyzing the Illinois
13 State Police Sexual Assault Evidence Collection Kits under
14 Section 15 of the Sexual Assault Evidence Submission Act to
15 assist in reduction of the number of unanalyzed and
16 unprocessed Kits.

17 (3) As the arresting agency's portion, \$2, to the treasurer
18 of the unit of local government of the arresting agency, who
19 shall deposit the money into the E-citation Fund of that unit
20 of local government or as provided in subsection (c) of Section
21 10-5 of this Act if the arresting agency is a State agency,
22 unless more than one agency is responsible for the arrest in
23 which case the amount shall be remitted to each unit of
24 government equally.

25 (Source: P.A. 100-987, eff. 7-1-19.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-9-1.7 as follows:

3 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

4 (Text of Section before amendment by P.A. 100-987)

5 Sec. 5-9-1.7. Sexual assault fines.

6 (a) Definitions. The terms used in this Section shall have
7 the following meanings ascribed to them:

8 (1) "Sexual assault" means the commission or attempted
9 commission of the following: sexual exploitation of a
10 child, criminal sexual assault, predatory criminal sexual
11 assault of a child, aggravated criminal sexual assault,
12 criminal sexual abuse, aggravated criminal sexual abuse,
13 indecent solicitation of a child, public indecency, sexual
14 relations within families, promoting juvenile
15 prostitution, soliciting for a juvenile prostitute,
16 keeping a place of juvenile prostitution, patronizing a
17 juvenile prostitute, juvenile pimping, exploitation of a
18 child, obscenity, child pornography, aggravated child
19 pornography, harmful material, or ritualized abuse of a
20 child, as those offenses are defined in the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (2) "Family member" shall have the meaning ascribed to
23 it in Section 11-0.1 of the Criminal Code of 2012.

24 (3) "Sexual assault organization" means any
25 not-for-profit organization providing comprehensive,

1 community-based services to victims of sexual assault.
2 "Community-based services" include, but are not limited
3 to, direct crisis intervention through a 24-hour response,
4 medical and legal advocacy, counseling, information and
5 referral services, training, and community education.

6 (b) Sexual assault fine; collection by clerk.

7 (1) In addition to any other penalty imposed, a fine of
8 \$200 shall be imposed upon any person who pleads guilty or
9 who is convicted of, or who receives a disposition of court
10 supervision for, a sexual assault or attempt of a sexual
11 assault. Upon request of the victim or the victim's
12 representative, the court shall determine whether the fine
13 will impose an undue burden on the victim of the offense.
14 For purposes of this paragraph, the defendant may not be
15 considered the victim's representative. If the court finds
16 that the fine would impose an undue burden on the victim,
17 the court may reduce or waive the fine. The court shall
18 order that the defendant may not use funds belonging solely
19 to the victim of the offense for payment of the fine.

20 (2) Sexual assault fines shall be assessed by the court
21 imposing the sentence and shall be collected by the circuit
22 clerk. The circuit clerk shall retain 10% of the penalty to
23 cover the costs involved in administering and enforcing
24 this Section. The circuit clerk shall remit the remainder
25 of each fine within one month of its receipt to the State
26 Treasurer for deposit as follows:

1 (i) for family member offenders, one-half to the
2 Sexual Assault Services Fund, and one-half to the
3 Domestic Violence Shelter and Service Fund; and

4 (ii) for other than family member offenders, the
5 full amount to the Sexual Assault Services Fund.

6 (c) Sexual Assault Services Fund; administration. There is
7 created a Sexual Assault Services Fund. Moneys deposited into
8 the Fund under this Section shall be appropriated to the
9 Department of Public Health. Upon appropriation of moneys from
10 the Sexual Assault Services Fund, the Department of Public
11 Health shall make grants of these moneys from the Fund to
12 sexual assault organizations with whom the Department has
13 contracts for the purpose of providing community-based
14 services to victims of sexual assault. Grants made under this
15 Section are in addition to, and are not substitutes for, other
16 grants authorized and made by the Department.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;
18 97-1150, eff. 1-25-13.)

19 (Text of Section after amendment by P.A. 100-987)

20 Sec. 5-9-1.7. Sexual assault fines.

21 (a) Definitions. ~~In The terms used in this Section shall~~
22 ~~have the following meanings ascribed to them:~~

23 (1) "Sexual assault" means the commission or attempted
24 commission of the following: sexual exploitation of a
25 child, criminal sexual assault, predatory criminal sexual

1 assault of a child, aggravated criminal sexual assault,
2 criminal sexual abuse, aggravated criminal sexual abuse,
3 indecent solicitation of a child, public indecency, sexual
4 relations within families, promoting juvenile
5 prostitution, soliciting for a juvenile prostitute,
6 keeping a place of juvenile prostitution, patronizing a
7 juvenile prostitute, juvenile pimping, exploitation of a
8 child, obscenity, child pornography, aggravated child
9 pornography, harmful material, or ritualized abuse of a
10 child, as those offenses are defined in the Criminal Code
11 of 1961 or the Criminal Code of 2012.

12 (2) (Blank).

13 (3) "Sexual assault organization" means any
14 not-for-profit organization providing comprehensive,
15 community-based services to victims of sexual assault.
16 "Community-based services" include, but are not limited
17 to, direct crisis intervention through a 24-hour response,
18 medical and legal advocacy, counseling, information and
19 referral services, training, and community education.

20 (4) "Sex offense" means the commission or attempted
21 commission of an offense defined in Article 11 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, except
23 prostitution, duty of commercial film and photographic
24 print processors or computer technicians to report sexual
25 depiction of children, tie-in sales of obscene
26 publications to distributors, public indecency, adultery,

1 fornication, bigamy, or marrying a bigamist.

2 (b) (Blank).

3 (c) Sexual Assault Services Fund; administration. There is
4 created a Sexual Assault Services Fund. Moneys deposited into
5 the Fund under Section 15-20 and 15-40 of the Criminal and
6 Traffic Assessment Act shall be appropriated to the Department
7 of Public Health. Upon appropriation of moneys from the Sexual
8 Assault Services Fund, the Department of Public Health shall
9 make grants of these moneys from the Fund to sexual assault
10 organizations with whom the Department has contracts for the
11 purpose of providing community-based services to victims of
12 sexual assault. Grants made under this Section are in addition
13 to, and are not substitutes for, other grants authorized and
14 made by the Department.

15 (Source: P.A. 100-987, eff. 7-1-19.)

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.