



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3738

Introduced 1/21/2022, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.970 new
730 ILCS 5/5-9.1-23 new

Amends the Unified Code of Corrections. Provides that when a person is adjudged guilty of first degree murder, any sex offense defined in the Sex Offender Registration Act, or financial exploitation of an elderly person or a person with a disability, in addition to any other disposition, penalty, or fine imposed, an analysis fee of \$150 shall be imposed for each digital device analyzed by a cyber crime laboratory. Provides that upon verified petition of the defendant, the court shall suspend payment of all or part of the fee if it finds that the defendant does not have the ability to pay the fee. Creates the State Police Crime Laboratory Fund in the State treasury. Provides that the analysis fee shall be forwarded to the office of the treasurer of the unit of local government that performed the forensic analysis if that unit of local government has established a cyber crime laboratory fund, or remitted to the State Treasurer for deposit into the State Crime Laboratory Fund if the analysis was performed by a laboratory operated by the Illinois State Police. Provides that moneys deposited into a cyber crime laboratory fund created by a unit or a combination of units of local government shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the cyber crime laboratory. Provides that moneys deposited in the State Crime Laboratory Fund shall be used by State crime laboratories as designated by the Director of the Illinois State Police. Provides that these funds shall be in addition to any allocations made according to existing law and shall be designated for the exclusive use of State crime laboratories. Adds various definitions. Amends the State Finance Act to make conforming changes.

LRB102 23463 RLC 35049 b

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 State Finance Act is amended by adding
5 Section 5.970 as follows:

6 (30 ILCS 105/5.970 new)

7 Sec. 5.970. The State Police Crime Laboratory Fund.

8 Section 10. The Unified Code of Corrections is amended by
9 adding Section 5-9.1-23 as follows:

10 (730 ILCS 5/5-9.1-23 new)

11 Sec. 5-9.1-23. Cyber crime laboratory fee.

12 (a) In this Section:

13 "Cyber crime laboratory" means a not-for-profit laboratory
14 substantially funded by a single unit or combination of units
15 of local government, including law enforcement agencies, or
16 the State of Illinois that regularly employs at least one
17 person engaged in the forensic analysis and examination of
18 digital devices for criminal justice agencies in criminal
19 matters and provides testimony with respect to such
20 examinations.

21 "Digital device" means a computer, mobile

1 telecommunications device, or any other electronic device that
2 accepts, processes, stores, retrieves, or outputs data and
3 includes, but is not limited to, auxiliary storage, including
4 cloud-based networks of remote services hosted on the
5 Internet, and telecommunications devices connected to
6 computers.

7 "Forensic analysis" means the use of scientifically
8 derived and proven methods toward the preservation,
9 collection, validation, identification, analysis,
10 interpretation, documentation and presentation of digital
11 evidence derived from digital sources and digital devices for
12 the purpose of facilitating or furthering the reconstruction
13 of events found to be criminal.

14 (b) When a person is adjudged guilty of any violation of:

15 (1) Section 9-1 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 (first degree murder);

17 (2) any sex offense defined in Section 2 of the Sex
18 Offender Registration Act; or

19 (3) Section 17-56 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 (financial exploitation of an
21 elderly person or a person with a disability),

22 in addition to any other disposition, penalty, or fine
23 imposed, an analysis fee of \$150 shall be imposed for each
24 digital device analyzed by a cyber crime laboratory. Upon
25 verified petition of the defendant, the court shall suspend
26 payment of all or part of the fee if it finds that the

1 defendant does not have the ability to pay the fee.

2 (c) In addition to any other disposition made under the
3 provisions of the Juvenile Court Act of 1987, any minor
4 adjudicated delinquent for an offense listed in subsection (b)
5 shall pay \$150 for each adjudication. Upon verified petition
6 of the minor, the court shall suspend payment of all or part of
7 the fee if it finds that the minor does not have the ability to
8 pay the fee. The parent, guardian, or legal custodian of the
9 minor may pay some or all of the fee on the minor's behalf.

10 (d) All cyber-crime forensic analysis fees provided for by
11 this Section shall be collected by the clerk of the court and
12 forwarded to the treasurer of the appropriate unit of
13 government for deposit into the appropriate fund as provided
14 in subsection (f).

15 (e) Crime laboratory funds shall be established as
16 follows:

17 (1) A unit of local government that maintains a cyber
18 crime laboratory may establish a cyber crime laboratory
19 fund within the office of the county or municipal
20 treasurer.

21 (2) Any combination of units of local government,
22 including law enforcement agencies, that maintains a cyber
23 crime laboratory may establish a cyber crime laboratory
24 fund within the office of the treasurer of the county
25 where the crime laboratory is situated.

26 (3) The State Police Crime Laboratory Fund is created

1 as a special fund in the State treasury.

2 (f) The analysis fee provided for in subsections (b) and
3 (c) shall be forwarded to the treasurer of the unit of local
4 government that performed the forensic analysis if that unit
5 of local government has established a cyber crime laboratory
6 fund, or remitted to the State Treasurer for deposit into the
7 State Crime Laboratory Fund if the analysis was performed by a
8 laboratory operated by the Illinois State Police. If the
9 analysis was performed by a cyber crime laboratory funded by a
10 combination of units of local government, the analysis fee
11 shall be forwarded to the treasurer of the county where the
12 crime laboratory is situated if a cyber crime laboratory fund
13 has been established in that county. If the unit of local
14 government or combination of units of local government has not
15 established a cyber crime laboratory fund, then the analysis
16 fee shall be remitted to the State Treasurer for deposit into
17 the State Crime Laboratory Fund.

18 (g) Moneys deposited into a cyber crime laboratory fund
19 created under paragraphs (1) and (2) of subsection (e) shall
20 be in addition to any allocations made pursuant to existing
21 law and shall be designated for the exclusive use of the cyber
22 crime laboratory. These uses may include, but are not limited
23 to, the following:

24 (1) Costs incurred in providing analysis for cyber
25 crime investigations conducted within this State.

26 (2) Purchase and maintenance of equipment for use in

1 performing analyses.

2 (3) Continuing education, training, and professional
3 development of forensic scientists regularly employed by
4 these laboratories.

5 (h) Moneys deposited in the State Crime Laboratory Fund
6 shall be used by State crime laboratories as designated by the
7 Director of the Illinois State Police. These funds shall be in
8 addition to any allocations made according to existing law and
9 shall be designated for the exclusive use of State crime
10 laboratories. These uses may include those enumerated in
11 subsection (g).