



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/09/04, by Raymond Poe - Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.625 new

730 ILCS 5/5-9-1.5

730 ILCS 5/5-9-1.7

from Ch. 38, par. 1005-9-1.5

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

Amends the State Finance Act. Creates the Domestic Violence Healthcare Response Training Fund in the State Treasury. Amends the Unified Code of Corrections. Increases the domestic violence fine and the sexual assault fine from \$100 to \$200. Provides that when the offender and victim are family members, one-quarter of the fine shall be deposited into the Sexual Assault Services Fund and one-quarter into the Domestic Violence Healthcare Response Training Fund. Establishes the purposes for which moneys may be appropriated from the Domestic Violence Healthcare Response Training Fund.

LRB093 18062 RLC 43749 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to 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 5.625 as follows:

6 (30 ILCS 105/5.625 new)

7 Sec. 5.625. The Domestic Violence Healthcare Response  
8 Training Fund.

9 Section 10. The Unified Code of Corrections is amended by  
10 changing Sections 5-9-1.5 and 5-9-1.7 as follows:

11 (730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

12 Sec. 5-9-1.5. Domestic violence fine. In addition to any  
13 other penalty imposed, a fine of \$200 ~~\$100~~ shall be imposed  
14 upon any person who pleads guilty or no contest to or who is  
15 convicted of murder, voluntary manslaughter, involuntary  
16 manslaughter, burglary, residential burglary, criminal  
17 trespass to residence, criminal trespass to vehicle, criminal  
18 trespass to land, criminal damage to property, telephone  
19 harassment, kidnapping, aggravated kidnapping, unlawful  
20 restraint, forcible detention, child abduction, indecent  
21 solicitation of a child, sexual relations between siblings,  
22 exploitation of a child, child pornography, assault,  
23 aggravated assault, battery, aggravated battery, heinous  
24 battery, aggravated battery of a child, domestic battery,  
25 reckless conduct, intimidation, criminal sexual assault,  
26 predatory criminal sexual assault of a child, aggravated  
27 criminal sexual assault, criminal sexual abuse, aggravated  
28 criminal sexual abuse, violation of an order of protection,  
29 disorderly conduct, endangering the life or health of a child,  
30 child abandonment, contributing to dependency or neglect of

1 child, or cruelty to children and others; provided that the  
2 offender and victim are family or household members as defined  
3 in Section 103 of the Illinois Domestic Violence Act of 1986.  
4 Upon request of the victim or the victim's representative, the  
5 court shall determine whether the fine will impose an undue  
6 burden on the victim of the offense. For purposes of this  
7 paragraph, the defendant may not be considered the victim's  
8 representative. If the court finds that the fine would impose  
9 an undue burden on the victim, the court may reduce or waive  
10 the fine. The court shall order that the defendant may not use  
11 funds belonging solely to the victim of the offense for payment  
12 of the fine. The circuit clerk shall remit each fine within one  
13 month of its receipt to the State Treasurer for deposit as  
14 follows: (i) for sexual assault, as defined in Section 5-9-1.7,  
15 when the offender and victim are family members, one-half to  
16 the Domestic Violence Shelter and Service Fund, one-quarter ~~and~~  
17 ~~one-half~~ to the Sexual Assault Services Fund, and one-quarter  
18 to the Domestic Violence Healthcare Response Training Fund;  
19 (ii) for the remaining offenses to the Domestic Violence  
20 Shelter and Service Fund.

21 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

22 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

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

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

26 (1) "Sexual assault" means the commission or attempted  
27 commission of the following: criminal sexual assault,  
28 predatory criminal sexual assault of a child, aggravated  
29 criminal sexual assault, criminal sexual abuse, aggravated  
30 criminal sexual abuse, indecent solicitation of a child,  
31 public indecency, sexual relations within families,  
32 soliciting for a juvenile prostitute, keeping a place of  
33 juvenile prostitution, patronizing a juvenile prostitute,  
34 juvenile pimping, exploitation of a child, obscenity,  
35 child pornography, or harmful material, as those offenses

1 are defined in the Criminal Code of 1961.

2 (2) "Family member" shall have the meaning ascribed to  
3 it in Section 12-12 of the Criminal Code of 1961.

4 (3) "Sexual assault organization" means any  
5 not-for-profit organization providing comprehensive,  
6 community-based services to victims of sexual assault.  
7 "Community-based services" include, but are not limited  
8 to, direct crisis intervention through a 24-hour response,  
9 medical and legal advocacy, counseling, information and  
10 referral services, training, and community education.

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

12 (1) In addition to any other penalty imposed, a fine of  
13 \$200 ~~\$100~~ shall be imposed upon any person who pleads  
14 guilty or who is convicted of, or who receives a  
15 disposition of court supervision for, a sexual assault or  
16 attempt of a sexual assault. Upon request of the victim or  
17 the victim's representative, the court shall determine  
18 whether the fine will impose an undue burden on the victim  
19 of the offense. For purposes of this paragraph, the  
20 defendant may not be considered the victim's  
21 representative. If the court finds that the fine would  
22 impose an undue burden on the victim, the court may reduce  
23 or waive the fine. The court shall order that the defendant  
24 may not use funds belonging solely to the victim of the  
25 offense for payment of the fine.

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

33 (i) for family member offenders, one-quarter  
34 ~~one-half~~ to the Sexual Assault Services Fund, one  
35 quarter to the Domestic Violence Healthcare Response  
36 Training Fund, and one-half to the Domestic Violence

1 Shelter and Service Fund; and

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

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

15 (d) The Domestic Violence Healthcare Response Training  
16 Fund is created as a special fund in the State treasury. Moneys  
17 deposited into the Fund under this Section and Section 5-9-1.5  
18 shall be appropriated to the Department of Public Health. Upon  
19 appropriation of moneys from the Domestic Violence Healthcare  
20 Response Training Fund, the Department of Public Health shall  
21 make grants of these moneys from the Fund to sexual assault  
22 organizations with whom the Department has contracts for the  
23 purpose of providing training to persons who provide healthcare  
24 services to victims of sexual assault. Grants made under this  
25 Section are in addition to, and are not substitutes for, other  
26 grants authorized and made by the Department.

27 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.  
28 5-29-96.)