



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3504

Introduced 2/23/2005, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.640 new

730 ILCS 5/5-9-1.1

730 ILCS 5/5-9-1.2

from Ch. 38, par. 1005-9-1.1

from Ch. 38, par. 1005-9-1.2

Amends State Finance Act. Creates the Methamphetamine Law Enforcement Fund in the State treasury. Amends the Unified Code of Corrections. Provides for the imposition of an additional \$100 fine upon a person adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance. Provides that the moneys from this additional fine shall be deposited into the Methamphetamine Law Enforcement Fund and equitably allocated to local law enforcement agencies to: (1) reimburse those agencies for the costs of securing and cleaning up sites and facilities used for the illegal manufacture of methamphetamine; (2) defray the costs of employing full-time or part-time peace officers from a Metropolitan Enforcement Group or other local drug task force, including overtime costs for those officers; and (3) defray the costs associated with medical or dental expenses incurred by the county resulting from the incarceration of methamphetamine addicts in the county jail or County Department of Corrections.

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FISCAL NOTE ACT
MAY APPLY

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 5.640 as follows:

6 (30 ILCS 105/5.640 new)

7 Sec. 5.640. The Methamphetamine Law Enforcement Fund.

8 Section 10. The Unified Code of Corrections is amended by
9 changing Sections 5-9-1.1 and 5-9-1.2 as follows:

10 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

11 Sec. 5-9-1.1. Drug related offenses.

12 (a) When a person has been adjudged guilty of a drug
13 related offense involving possession or delivery of cannabis or
14 possession or delivery of a controlled substance as defined in
15 the Cannabis Control Act, as amended, or the Illinois
16 Controlled Substances Act, as amended, in addition to any other
17 penalty imposed, a fine shall be levied by the court at not
18 less than the full street value of the cannabis or controlled
19 substances seized.

20 "Street value" shall be determined by the court on the
21 basis of testimony of law enforcement personnel and the
22 defendant as to the amount seized and such testimony as may be
23 required by the court as to the current street value of the
24 cannabis or controlled substance seized.

25 (b) In addition to any penalty imposed under subsection (a)
26 of this Section, a fine of \$200 ~~\$100~~ shall be levied by the
27 court, the proceeds of which shall be collected by the Circuit
28 Clerk and remitted to the State Treasurer under Section 27.6 of
29 the Clerks of Courts Act. One hundred dollars of that fine
30 shall be deposited ~~for deposit~~ into the Trauma Center Fund for

1 distribution as provided under Section 3.225 of the Emergency
2 Medical Services (EMS) Systems Act and \$100 of that fine shall
3 be deposited into the Methamphetamine Law Enforcement Fund and
4 allocated as provided in subsection (d) of Section 5-9-1.2.

5 (c) In addition to any penalty imposed under subsection (a)
6 of this Section, a fee of \$5 shall be assessed by the court,
7 the proceeds of which shall be collected by the Circuit Clerk
8 and remitted to the State Treasurer under Section 27.6 of the
9 Clerks of Courts Act for deposit into the Spinal Cord Injury
10 Paralysis Cure Research Trust Fund. This additional fee of \$5
11 shall not be considered a part of the fine for purposes of any
12 reduction in the fine for time served either before or after
13 sentencing.

14 (Source: P.A. 92-431, eff. 1-1-02.)

15 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

16 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
17 amounts collected as fines pursuant to Section 5-9-1.1 shall be
18 paid into the Youth Drug Abuse Prevention Fund, which is hereby
19 created in the State treasury, to be used by the Department of
20 Human Services for the funding of programs and services for
21 drug-abuse treatment, and prevention and education services,
22 for juveniles.

23 (b) Eighty-seven and one-half percent of the proceeds of
24 all fines received pursuant to Section 5-9-1.1 shall be
25 transmitted to and deposited in the treasurer's office at the
26 level of government as follows:

27 (1) If such seizure was made by a combination of law
28 enforcement personnel representing differing units of
29 local government, the court levying the fine shall
30 equitably allocate 50% of the fine among these units of
31 local government and shall allocate 37 1/2% to the county
32 general corporate fund. In the event that the seizure was
33 made by law enforcement personnel representing a unit of
34 local government from a municipality where the number of
35 inhabitants exceeds 2 million in population, the court

1 levying the fine shall allocate 87 1/2% of the fine to that
2 unit of local government. If the seizure was made by a
3 combination of law enforcement personnel representing
4 differing units of local government, and at least one of
5 those units represents a municipality where the number of
6 inhabitants exceeds 2 million in population, the court
7 shall equitably allocate 87 1/2% of the proceeds of the
8 fines received among the differing units of local
9 government.

10 (2) If such seizure was made by State law enforcement
11 personnel, then the court shall allocate 37 1/2% to the
12 State treasury and 50% to the county general corporate
13 fund.

14 (3) If a State law enforcement agency in combination
15 with a law enforcement agency or agencies of a unit or
16 units of local government conducted the seizure, the court
17 shall equitably allocate 37 1/2% of the fines to or among
18 the law enforcement agency or agencies of the unit or units
19 of local government which conducted the seizure and shall
20 allocate 50% to the county general corporate fund.

21 (c) The proceeds of all fines allocated to the law
22 enforcement agency or agencies of the unit or units of local
23 government pursuant to subsection (b) shall be made available
24 to that law enforcement agency as expendable receipts for use
25 in the enforcement of laws regulating controlled substances and
26 cannabis. The proceeds of fines awarded to the State treasury
27 shall be deposited in a special fund known as the Drug Traffic
28 Prevention Fund. Monies from this fund may be used by the
29 Department of State Police for use in the enforcement of laws
30 regulating controlled substances and cannabis; to satisfy
31 funding provisions of the Intergovernmental Drug Laws
32 Enforcement Act; and to defray costs and expenses associated
33 with returning violators of the Cannabis Control Act and the
34 Illinois Controlled Substances Act only, as provided in those
35 Acts, when punishment of the crime shall be confinement of the
36 criminal in the penitentiary. Moneys in the Drug Traffic

1 Prevention Fund deposited from fines awarded as a direct result
2 of enforcement efforts of the Illinois Conservation Police may
3 be used by the Department of Natural Resources Office of Law
4 Enforcement for use in enforcing laws regulating controlled
5 substances and cannabis on Department of Natural Resources
6 regulated lands and waterways. All other monies shall be paid
7 into the general revenue fund in the State treasury.

8 (d) There is created in the State treasury the
9 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
10 be equitably allocated to local law enforcement agencies to:
11 (1) reimburse those agencies for the costs of securing and
12 cleaning up sites and facilities used for the illegal
13 manufacture of methamphetamine; (2) defray the costs of
14 employing full-time or part-time peace officers from a
15 Metropolitan Enforcement Group or other local drug task force,
16 including overtime costs for those officers; and (3) defray the
17 costs associated with medical or dental expenses incurred by
18 the county resulting from the incarceration of methamphetamine
19 addicts in the county jail or County Department of Corrections.
20 (Source: P.A. 92-601, eff. 7-1-02.)