



Adopted in House Comm. on Apr 06, 2005

09400HB3504ham001

LRB094 08206 RLC 44230 a

1 AMENDMENT TO HOUSE BILL 3504

2 AMENDMENT NO. _____. Amend House Bill 3504 by replacing
3 everything after the enacting clause with the following:

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 and by adding Section
10 5-9-1.1-5 as follows:

11 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

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

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

21 "Street value" shall be determined by the court on the
22 basis of testimony of law enforcement personnel and the

1 defendant as to the amount seized and such testimony as may be
2 required by the court as to the current street value of the
3 cannabis or controlled substance seized.

4 (b) In addition to any penalty imposed under subsection (a)
5 of this Section, a fine of \$100 shall be levied by the court,
6 the proceeds of which shall be collected by the Circuit Clerk
7 and remitted to the State Treasurer under Section 27.6 of the
8 Clerks of Courts Act for deposit into the Trauma Center Fund
9 for distribution as provided under Section 3.225 of the
10 Emergency Medical Services (EMS) Systems Act.

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

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

21 (730 ILCS 5/5-9-1.1-5 new)

22 Sec. 5-9-1.1-5. Methamphetamine related offenses.

23 (a) When a person has been adjudged guilty of a
24 methamphetamine related offense involving possession or
25 delivery of methamphetamine or any salt of an optical isomer of
26 methamphetamine or possession of a methamphetamine
27 manufacturing chemical set forth in paragraph (z-1) of Section
28 102 of the Illinois Controlled Substances Act with the intent
29 to manufacture a substance containing methamphetamine or salt
30 of an optical isomer of methamphetamine, in addition to any
31 other penalty imposed, a fine shall be levied by the court at
32 not less than the full street value of the methamphetamine or
33 salt of an optical isomer of methamphetamine or methamphetamine

1 manufacturing chemicals seized.

2 "Street value" shall be determined by the court on the
3 basis of testimony of law enforcement personnel and the
4 defendant as to the amount seized and such testimony as may be
5 required by the court as to the current street value of the
6 methamphetamine or salt of an optical isomer of methamphetamine
7 or methamphetamine manufacturing chemicals seized.

8 (b) In addition to any penalty imposed under subsection (a)
9 of this Section, a fine of \$100 shall be levied by the court,
10 the proceeds of which shall be collected by the Circuit Clerk
11 and remitted to the State Treasurer under Section 27.6 of the
12 Clerks of Courts Act for deposit into the Methamphetamine Law
13 Enforcement Fund and allocated as provided in subsection (d) of
14 Section 5-9-1.2.

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

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

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

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

23 (c) The proceeds of all fines allocated to the law
24 enforcement agency or agencies of the unit or units of local
25 government pursuant to subsection (b) shall be made available
26 to that law enforcement agency as expendable receipts for use
27 in the enforcement of laws regulating controlled substances and
28 cannabis. The proceeds of fines awarded to the State treasury
29 shall be deposited in a special fund known as the Drug Traffic
30 Prevention Fund. Monies from this fund may be used by the
31 Department of State Police for use in the enforcement of laws
32 regulating controlled substances and cannabis; to satisfy
33 funding provisions of the Intergovernmental Drug Laws
34 Enforcement Act; and to defray costs and expenses associated

1 with returning violators of the Cannabis Control Act and the
2 Illinois Controlled Substances Act only, as provided in those
3 Acts, when punishment of the crime shall be confinement of the
4 criminal in the penitentiary. Moneys in the Drug Traffic
5 Prevention Fund deposited from fines awarded as a direct result
6 of enforcement efforts of the Illinois Conservation Police may
7 be used by the Department of Natural Resources Office of Law
8 Enforcement for use in enforcing laws regulating controlled
9 substances and cannabis on Department of Natural Resources
10 regulated lands and waterways. All other monies shall be paid
11 into the general revenue fund in the State treasury.

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