

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 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
23 defendant as to the amount seized and such testimony as may be
24 required by the court as to the current street value of the
25 cannabis or controlled substance seized.

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

1 for distribution as provided under Section 3.225 of the
2 Emergency Medical Services (EMS) Systems Act.

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

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

13 (730 ILCS 5/5-9-1.1-5 new)

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

15 (a) When a person has been adjudged guilty of a
16 methamphetamine related offense involving possession or
17 delivery of methamphetamine or any salt of an optical isomer of
18 methamphetamine or possession of a methamphetamine
19 manufacturing chemical set forth in paragraph (z-1) of Section
20 102 of the Illinois Controlled Substances Act with the intent
21 to manufacture a substance containing methamphetamine or salt
22 of an optical isomer of methamphetamine, in addition to any
23 other penalty imposed, a fine shall be levied by the court at
24 not less than the full street value of the methamphetamine or
25 salt of an optical isomer of methamphetamine or methamphetamine
26 manufacturing chemicals seized.

27 "Street value" shall be determined by the court on the
28 basis of testimony of law enforcement personnel and the
29 defendant as to the amount seized and such testimony as may be
30 required by the court as to the current street value of the
31 methamphetamine or salt of an optical isomer of methamphetamine
32 or methamphetamine manufacturing chemicals seized.

33 (b) In addition to any penalty imposed under subsection (a)
34 of this Section, a fine of \$100 shall be levied by the court,
35 the proceeds of which shall be collected by the Circuit Clerk

1 and remitted to the State Treasurer under Section 27.6 of the
2 Clerks of Courts Act for deposit into the Methamphetamine Law
3 Enforcement Fund and allocated as provided in subsection (d) of
4 Section 5-9-1.2.

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

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

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

17 (1) If such seizure was made by a combination of law
18 enforcement personnel representing differing units of
19 local government, the court levying the fine shall
20 equitably allocate 50% of the fine among these units of
21 local government and shall allocate 37 1/2% to the county
22 general corporate fund. In the event that the seizure was
23 made by law enforcement personnel representing a unit of
24 local government from a municipality where the number of
25 inhabitants exceeds 2 million in population, the court
26 levying the fine shall allocate 87 1/2% of the fine to that
27 unit of local government. If the seizure was made by a
28 combination of law enforcement personnel representing
29 differing units of local government, and at least one of
30 those units represents a municipality where the number of
31 inhabitants exceeds 2 million in population, the court
32 shall equitably allocate 87 1/2% of the proceeds of the
33 fines received among the differing units of local
34 government.

35 (2) If such seizure was made by State law enforcement

1 personnel, then the court shall allocate 37 1/2% to the
2 State treasury and 50% to the county general corporate
3 fund.

4 (3) If a State law enforcement agency in combination
5 with a law enforcement agency or agencies of a unit or
6 units of local government conducted the seizure, the court
7 shall equitably allocate 37 1/2% of the fines to or among
8 the law enforcement agency or agencies of the unit or units
9 of local government which conducted the seizure and shall
10 allocate 50% to the county general corporate fund.

11 (c) The proceeds of all fines allocated to the law
12 enforcement agency or agencies of the unit or units of local
13 government pursuant to subsection (b) shall be made available
14 to that law enforcement agency as expendable receipts for use
15 in the enforcement of laws regulating controlled substances and
16 cannabis. The proceeds of fines awarded to the State treasury
17 shall be deposited in a special fund known as the Drug Traffic
18 Prevention Fund. Monies from this fund may be used by the
19 Department of State Police for use in the enforcement of laws
20 regulating controlled substances and cannabis; to satisfy
21 funding provisions of the Intergovernmental Drug Laws
22 Enforcement Act; and to defray costs and expenses associated
23 with returning violators of the Cannabis Control Act and the
24 Illinois Controlled Substances Act only, as provided in those
25 Acts, when punishment of the crime shall be confinement of the
26 criminal in the penitentiary. Moneys in the Drug Traffic
27 Prevention Fund deposited from fines awarded as a direct result
28 of enforcement efforts of the Illinois Conservation Police may
29 be used by the Department of Natural Resources Office of Law
30 Enforcement for use in enforcing laws regulating controlled
31 substances and cannabis on Department of Natural Resources
32 regulated lands and waterways. All other monies shall be paid
33 into the general revenue fund in the State treasury.

34 (d) There is created in the State treasury the
35 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
36 be equitably allocated to local law enforcement agencies to:

1 (1) reimburse those agencies for the costs of securing and
2 cleaning up sites and facilities used for the illegal
3 manufacture of methamphetamine; (2) defray the costs of
4 employing full-time or part-time peace officers from a
5 Metropolitan Enforcement Group or other local drug task force,
6 including overtime costs for those officers; and (3) defray the
7 costs associated with medical or dental expenses incurred by
8 the county resulting from the incarceration of methamphetamine
9 addicts in the county jail or County Department of Corrections.

10 (Source: P.A. 92-601, eff. 7-1-02.)