



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5845

Introduced 10/16/06, by Rep. Jil Tracy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.6

from Ch. 38, par. 1005-9-1.6

Amends the Unified Code of Corrections. Increases the additional fine for domestic battery from \$10 to \$200. Also provides that this additional fine applies to the offenses of assault and aggravated assault when the victims and the offenders are family or household members and the offense of aggravated domestic battery. Provides that the additional fines shall be deposited into the Domestic Violence Shelter and Service Fund. Effective immediately.

LRB094 21605 RLC 59985 b

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 Unified Code of Corrections is amended by
5 changing Section 5-9-1.6 as follows:

6 (730 ILCS 5/5-9-1.6) (from Ch. 38, par. 1005-9-1.6)

7 Sec. 5-9-1.6. Fine for certain domestic offenses ~~Domestic~~
8 ~~Battery~~. There shall be added to every penalty imposed in
9 sentencing for the offense of assault or aggravated assault if
10 the offender and victim are family or household members as
11 defined in Section 103 of the Illinois Domestic Violence Act of
12 1986, domestic battery, or aggravated domestic battery an
13 additional fine in the amount of \$200 ~~\$10~~ to be imposed upon a
14 plea of guilty, stipulation of facts or finding of guilty
15 resulting in a judgment of conviction or order of supervision.

16 Such additional amount shall be assessed by the court
17 imposing sentence and shall be collected by the Circuit Clerk
18 in addition to the fine, if any, and costs in the case. Each
19 such additional penalty shall be remitted by the Circuit Clerk
20 within one month after receipt to the State Treasurer for
21 deposit into the Domestic Violence Shelter and Service Fund.
22 The Circuit Clerk shall retain 10% of such penalty to cover the
23 costs incurred in administering and enforcing this Section.
24 Such additional penalty shall not be considered a part of the
25 fine for purposes of any reduction in the fine for time served
26 either before or after sentencing.

27 Not later than March 1 of each year the Clerk of the
28 Circuit Court shall submit to the State Comptroller a report of
29 the amount of funds remitted by him to the State Treasurer
30 under this Section during the preceding calendar year. Except
31 as otherwise provided by Supreme Court Rules, if a court in
32 sentencing an offender levies a gross amount for fine, costs,

1 fees and penalties, the amount of the additional penalty
2 provided for herein shall be collected from the amount
3 remaining after deducting from the gross amount levied all fees
4 of the Circuit Clerk, the State's Attorney and the Sheriff.
5 After deducting from the gross amount levied the fees and
6 additional penalty provided for herein, less any other
7 additional penalties provided by law, the clerk shall remit the
8 net balance remaining to the entity authorized by law to
9 receive the fine imposed in the case. For purposes of this
10 Section "fees of the Circuit Clerk" shall include, if
11 applicable, the fee provided for under Section 27.3a of the
12 Clerks of Courts Act and the fee, if applicable, payable to the
13 county in which the violation occurred under Section 5-1101 of
14 the Counties Code.

15 (Source: P.A. 87-480; 87-895.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.