

HB0170



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0170

Introduced 1/19/2007, by Rep. Ed Sullivan, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.6
730 ILCS 5/5-9-1.14 new

Amends the Clerks of Courts Act and the Unified Code of Corrections. Provides that an additional fine of \$500 shall be imposed upon a person convicted of child pornography. Provides that the additional fines shall be distributed to the unit of local government whose law enforcement officers investigated the case that gave rise to the conviction of the defendant for child pornography.

LRB095 04103 RLC 24141 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Clerks of Courts Act is amended by changing
5 Section 27.6 as follows:

6 (705 ILCS 105/27.6)

7 Sec. 27.6. (a) All fees, fines, costs, additional
8 penalties, bail balances assessed or forfeited, and any other
9 amount paid by a person to the circuit clerk equalling an
10 amount of \$55 or more, except the additional fee required by
11 subsections (b) and (c), restitution under Section 5-5-6 of the
12 Unified Code of Corrections, reimbursement for the costs of an
13 emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, and except as provided
2 in subsection (d) shall be disbursed within 60 days after
3 receipt by the circuit clerk as follows: 44.5% shall be
4 disbursed to the entity authorized by law to receive the fine
5 imposed in the case; 16.825% shall be disbursed to the State
6 Treasurer; and 38.675% shall be disbursed to the county's
7 general corporate fund. Of the 16.825% disbursed to the State
8 Treasurer, 2/17 shall be deposited by the State Treasurer into
9 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
10 deposited into the Traffic and Criminal Conviction Surcharge
11 Fund, 3/17 shall be deposited into the Drivers Education Fund,
12 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
13 the 6.948/17 deposited into the Trauma Center Fund from the
14 16.825% disbursed to the State Treasurer, 50% shall be
15 disbursed to the Department of Public Health and 50% shall be
16 disbursed to the Department of Healthcare and Family Services.
17 For fiscal year 1993, amounts deposited into the Violent Crime
18 Victims Assistance Fund, the Traffic and Criminal Conviction
19 Surcharge Fund, or the Drivers Education Fund shall not exceed
20 110% of the amounts deposited into those funds in fiscal year
21 1991. Any amount that exceeds the 110% limit shall be
22 distributed as follows: 50% shall be disbursed to the county's
23 general corporate fund and 50% shall be disbursed to the entity
24 authorized by law to receive the fine imposed in the case. Not
25 later than March 1 of each year the circuit clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer

1 under this Section during the preceding year based upon
2 independent verification of fines and fees. All counties shall
3 be subject to this Section, except that counties with a
4 population under 2,000,000 may, by ordinance, elect not to be
5 subject to this Section. For offenses subject to this Section,
6 judges shall impose one total sum of money payable for
7 violations. The circuit clerk may add on no additional amounts
8 except for amounts that are required by Sections 27.3a and
9 27.3c of this Act, unless those amounts are specifically waived
10 by the judge. With respect to money collected by the circuit
11 clerk as a result of forfeiture of bail, ex parte judgment or
12 guilty plea pursuant to Supreme Court Rule 529, the circuit
13 clerk shall first deduct and pay amounts required by Sections
14 27.3a and 27.3c of this Act. This Section is a denial and
15 limitation of home rule powers and functions under subsection
16 (h) of Section 6 of Article VII of the Illinois Constitution.

17 (b) In addition to any other fines and court costs assessed
18 by the courts, any person convicted or receiving an order of
19 supervision for driving under the influence of alcohol or drugs
20 shall pay an additional fee of \$100 to the clerk of the circuit
21 court. This amount, less 2 1/2% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the Treasurer within 60 days after receipt for
24 deposit into the Trauma Center Fund. This additional fee of
25 \$100 shall not be considered a part of the fine for purposes of
26 any reduction in the fine for time served either before or

1 after sentencing. Not later than March 1 of each year the
2 Circuit Clerk shall submit a report of the amount of funds
3 remitted to the State Treasurer under this subsection during
4 the preceding calendar year.

5 (b-1) In addition to any other fines and court costs
6 assessed by the courts, any person convicted or receiving an
7 order of supervision for driving under the influence of alcohol
8 or drugs shall pay an additional fee of \$5 to the clerk of the
9 circuit court. This amount, less 2 1/2% that shall be used to
10 defray administrative costs incurred by the clerk, shall be
11 remitted by the clerk to the Treasurer within 60 days after
12 receipt for deposit into the Spinal Cord Injury Paralysis Cure
13 Research Trust Fund. This additional fee of \$5 shall not be
14 considered a part of the fine for purposes of any reduction in
15 the fine for time served either before or after sentencing. Not
16 later than March 1 of each year the Circuit Clerk shall submit
17 a report of the amount of funds remitted to the State Treasurer
18 under this subsection during the preceding calendar year.

19 (c) In addition to any other fines and court costs assessed
20 by the courts, any person convicted for a violation of Sections
21 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
22 person sentenced for a violation of the Cannabis Control Act,
23 the Illinois Controlled Substances Act, or the Methamphetamine
24 Control and Community Protection Act shall pay an additional
25 fee of \$100 to the clerk of the circuit court. This amount,
26 less 2 1/2% that shall be used to defray administrative costs

1 incurred by the clerk, shall be remitted by the clerk to the
2 Treasurer within 60 days after receipt for deposit into the
3 Trauma Center Fund. This additional fee of \$100 shall not be
4 considered a part of the fine for purposes of any reduction in
5 the fine for time served either before or after sentencing. Not
6 later than March 1 of each year the Circuit Clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this subsection during the preceding calendar year.

9 (c-1) In addition to any other fines and court costs
10 assessed by the courts, any person sentenced for a violation of
11 the Cannabis Control Act, the Illinois Controlled Substances
12 Act, or the Methamphetamine Control and Community Protection
13 Act shall pay an additional fee of \$5 to the clerk of the
14 circuit court. This amount, less 2 1/2% that shall be used to
15 defray administrative costs incurred by the clerk, shall be
16 remitted by the clerk to the Treasurer within 60 days after
17 receipt for deposit into the Spinal Cord Injury Paralysis Cure
18 Research Trust Fund. This additional fee of \$5 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing. Not
21 later than March 1 of each year the Circuit Clerk shall submit
22 a report of the amount of funds remitted to the State Treasurer
23 under this subsection during the preceding calendar year.

24 (d) The following amounts must be remitted to the State
25 Treasurer for deposit into the Illinois Animal Abuse Fund:

26 (1) 50% of the amounts collected for felony offenses

1 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
2 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
3 Animals Act and Section 26-5 of the Criminal Code of 1961;

4 (2) 20% of the amounts collected for Class A and Class
5 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
6 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
7 for Animals Act and Section 26-5 of the Criminal Code of
8 1961; and

9 (3) 50% of the amounts collected for Class C
10 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
11 for Animals Act and Section 26-5 of the Criminal Code of
12 1961.

13 (e) Any person who receives a disposition of court
14 supervision for a violation of the Illinois Vehicle Code shall,
15 in addition to any other fines, fees, and court costs, pay an
16 additional fee of \$20, to be disbursed as provided in Section
17 16-104c of the Illinois Vehicle Code. In addition to the fee of
18 \$20, the person shall also pay a fee of \$5, if not waived by the
19 court. If this \$5 fee is collected, \$4.50 of the fee shall be
20 deposited into the Circuit Court Clerk Operation and
21 Administrative Fund created by the Clerk of the Circuit Court
22 and 50 cents of the fee shall be deposited into the Prisoner
23 Review Board Vehicle and Equipment Fund in the State treasury.

24 (f) This Section does not apply to the additional child
25 pornography fines assessed and collected under Section
26 5-9-1.14 of the Unified Code of Corrections.

1 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;
2 94-1009, eff. 1-1-07.)

3 Section 10. The Unified Code of Corrections is amended by
4 adding Section 5-9-1.14 as follows:

5 (730 ILCS 5/5-9-1.14 new)

6 Sec. 5-9-1.14. Additional child pornography fines. In
7 addition to any other penalty imposed, a fine of \$500 shall be
8 imposed upon a person convicted of child pornography under
9 Section 11-20.1 of the Criminal Code of 1961. Such additional
10 fine shall be assessed by the court imposing sentence and shall
11 be collected by the circuit clerk. Each such additional fine
12 shall be remitted by the circuit clerk within one month after
13 receipt to the county treasurer for deposit into a special fund
14 in the county treasury. The moneys in the special fund, within
15 7 days after receipt, shall be distributed to the unit of local
16 government whose law enforcement officers investigated the
17 case that gave rise to the conviction of the defendant for
18 child pornography.