

HB3509



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3509

Introduced 2/28/2007, by Rep. Suzanne Bassi

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 victim and the offender are family or household members and to the offense of aggravated domestic battery. Provides that the additional fines shall be deposited into the Domestic Violence Shelter and Service Fund. Effective immediately.

LRB095 09306 RLC 29500 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 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.

1 Such additional penalty shall not be considered a part of the
2 fine for purposes of any reduction in the fine for time served
3 either before or after sentencing.

4 Not later than March 1 of each year the Clerk of the
5 Circuit Court shall submit to the State Comptroller a report of
6 the amount of funds remitted by him to the State Treasurer
7 under this Section during the preceding calendar year. Except
8 as otherwise provided by Supreme Court Rules, if a court in
9 sentencing an offender levies a gross amount for fine, costs,
10 fees and penalties, the amount of the additional penalty
11 provided for herein shall be collected from the amount
12 remaining after deducting from the gross amount levied all fees
13 of the Circuit Clerk, the State's Attorney and the Sheriff.
14 After deducting from the gross amount levied the fees and
15 additional penalty provided for herein, less any other
16 additional penalties provided by law, the clerk shall remit the
17 net balance remaining to the entity authorized by law to
18 receive the fine imposed in the case. For purposes of this
19 Section "fees of the Circuit Clerk" shall include, if
20 applicable, the fee provided for under Section 27.3a of the
21 Clerks of Courts Act and the fee, if applicable, payable to the
22 county in which the violation occurred under Section 5-1101 of
23 the Counties Code.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.