



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB3586

Introduced 2/28/2007, by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.675 new  
705 ILCS 105/27.6  
730 ILCS 5/5-9-1.14 new

Amends the State Finance Act. Creates the Sex Offender Investigation Fund in the State treasury. Amends the Clerks of Courts Act and the Unified Code of Corrections. Provides that there shall be added to every penalty imposed in sentencing for a sex offense as defined in the Sex Offender Registration Act an additional fine in the amount of \$500 to be imposed upon a plea of guilty, stipulation of facts or finding of guilty resulting in a judgment of conviction or order of supervision. Provides that the additional fines shall be deposited into the Sex Offender Investigation Fund. Provides that subject to appropriation, moneys in the Sex Offender Investigation Fund shall be used by the Department of State Police to investigate alleged sex offenses and to make grants to local law enforcement agencies to investigate alleged sex offenses as such grants are awarded by the Director of State Police under rules established by the Director of State Police.

LRB095 10163 RLC 30377 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 State Finance Act is amended by adding  
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Sex Offender Investigation Fund.

8 Section 10. The Clerks of Courts Act is amended by changing  
9 Section 27.6 as follows:

10 (705 ILCS 105/27.6)

11 Sec. 27.6. (a) All fees, fines, costs, additional  
12 penalties, bail balances assessed or forfeited, and any other  
13 amount paid by a person to the circuit clerk equalling an  
14 amount of \$55 or more, except the fine imposed by Section  
15 5-9-1.14 of the Unified Code of Corrections, the additional fee  
16 required by subsections (b) and (c), restitution under Section  
17 5-5-6 of the Unified Code of Corrections, reimbursement for the  
18 costs of an emergency response as provided under Section 11-501  
19 of the Illinois Vehicle Code, any fees collected for attending  
20 a traffic safety program under paragraph (c) of Supreme Court  
21 Rule 529, any fee collected on behalf of a State's Attorney

1 under Section 4-2002 of the Counties Code or a sheriff under  
2 Section 4-5001 of the Counties Code, or any cost imposed under  
3 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
4 convictions, orders of supervision, or any other disposition  
5 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
6 Vehicle Code, or a similar provision of a local ordinance, and  
7 any violation of the Child Passenger Protection Act, or a  
8 similar provision of a local ordinance, and except as provided  
9 in subsection (d) shall be disbursed within 60 days after  
10 receipt by the circuit clerk as follows: 44.5% shall be  
11 disbursed to the entity authorized by law to receive the fine  
12 imposed in the case; 16.825% shall be disbursed to the State  
13 Treasurer; and 38.675% shall be disbursed to the county's  
14 general corporate fund. Of the 16.825% disbursed to the State  
15 Treasurer, 2/17 shall be deposited by the State Treasurer into  
16 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
17 deposited into the Traffic and Criminal Conviction Surcharge  
18 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
19 and 6.948/17 shall be deposited into the Trauma Center Fund. Of  
20 the 6.948/17 deposited into the Trauma Center Fund from the  
21 16.825% disbursed to the State Treasurer, 50% shall be  
22 disbursed to the Department of Public Health and 50% shall be  
23 disbursed to the Department of Healthcare and Family Services.  
24 For fiscal year 1993, amounts deposited into the Violent Crime  
25 Victims Assistance Fund, the Traffic and Criminal Conviction  
26 Surcharge Fund, or the Drivers Education Fund shall not exceed

1 110% of the amounts deposited into those funds in fiscal year  
2 1991. Any amount that exceeds the 110% limit shall be  
3 distributed as follows: 50% shall be disbursed to the county's  
4 general corporate fund and 50% shall be disbursed to the entity  
5 authorized by law to receive the fine imposed in the case. 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 Section during the preceding year based upon  
9 independent verification of fines and fees. All counties shall  
10 be subject to this Section, except that counties with a  
11 population under 2,000,000 may, by ordinance, elect not to be  
12 subject to this Section. For offenses subject to this Section,  
13 judges shall impose one total sum of money payable for  
14 violations. The circuit clerk may add on no additional amounts  
15 except for amounts that are required by Sections 27.3a and  
16 27.3c of this Act, unless those amounts are specifically waived  
17 by the judge. With respect to money collected by the circuit  
18 clerk as a result of forfeiture of bail, ex parte judgment or  
19 guilty plea pursuant to Supreme Court Rule 529, the circuit  
20 clerk shall first deduct and pay amounts required by Sections  
21 27.3a and 27.3c of this Act. This Section is a denial and  
22 limitation of home rule powers and functions under subsection  
23 (h) of Section 6 of Article VII of the Illinois Constitution.

24 (b) In addition to any other fines and court costs assessed  
25 by the courts, any person convicted or receiving an order of  
26 supervision for driving under the influence of alcohol or drugs

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

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

26 (c) In addition to any other fines and court costs assessed

1 by the courts, any person convicted for a violation of Sections  
2 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
3 person sentenced for a violation of the Cannabis Control Act,  
4 the Illinois Controlled Substances Act, or the Methamphetamine  
5 Control and Community Protection Act shall pay an additional  
6 fee of \$100 to the clerk of the circuit court. This amount,  
7 less 2 1/2% that shall be used to defray administrative costs  
8 incurred by the clerk, shall be remitted by the clerk to the  
9 Treasurer within 60 days after receipt for deposit into the  
10 Trauma Center Fund. This additional fee of \$100 shall not be  
11 considered a part of the fine for purposes of any reduction in  
12 the fine for time served either before or after sentencing. Not  
13 later than March 1 of each year the Circuit Clerk shall submit  
14 a report of the amount of funds remitted to the State Treasurer  
15 under this subsection during the preceding calendar year.

16 (c-1) In addition to any other fines and court costs  
17 assessed by the courts, any person sentenced for a violation of  
18 the Cannabis Control Act, the Illinois Controlled Substances  
19 Act, or the Methamphetamine Control and Community Protection  
20 Act shall pay an additional fee of \$5 to the clerk of the  
21 circuit court. This amount, less 2 1/2% that shall be used to  
22 defray administrative costs incurred by the clerk, shall be  
23 remitted by the clerk to the Treasurer within 60 days after  
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
25 Research Trust Fund. This additional fee of \$5 shall not be  
26 considered a part of the fine for purposes of any reduction in

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

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

7 (1) 50% of the amounts collected for felony offenses  
8 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
9 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
10 Animals Act and Section 26-5 of the Criminal Code of 1961;

11 (2) 20% of the amounts collected for Class A and Class  
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
14 for Animals Act and Section 26-5 of the Criminal Code of  
15 1961; and

16 (3) 50% of the amounts collected for Class C  
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
18 for Animals Act and Section 26-5 of the Criminal Code of  
19 1961.

20 (e) Any person who receives a disposition of court  
21 supervision for a violation of the Illinois Vehicle Code shall,  
22 in addition to any other fines, fees, and court costs, pay an  
23 additional fee of \$20, to be disbursed as provided in Section  
24 16-104c of the Illinois Vehicle Code. In addition to the fee of  
25 \$20, the person shall also pay a fee of \$5, if not waived by the  
26 court. If this \$5 fee is collected, \$4.50 of the fee shall be

1 deposited into the Circuit Court Clerk Operation and  
2 Administrative Fund created by the Clerk of the Circuit Court  
3 and 50 cents of the fee shall be deposited into the Prisoner  
4 Review Board Vehicle and Equipment Fund in the State treasury.  
5 (Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05;  
6 94-1009, eff. 1-1-07.)

7 Section 15. The Unified Code of Corrections is amended by  
8 adding Section 5-9-1.14 as follows:

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

10 Sec. 5-9-1.14. Sex offender fines.

11 (a) There shall be added to every penalty imposed in  
12 sentencing for a sex offense as defined in Section 2 of the Sex  
13 Offender Registration Act an additional fine in the amount of  
14 \$500 to be imposed upon a plea of guilty, stipulation of facts  
15 or finding of guilty resulting in a judgment of conviction or  
16 order of supervision.

17 (b) Such additional amount shall be assessed by the court  
18 imposing sentence and shall be collected by the circuit clerk  
19 in addition to the fine, if any, and costs in the case. Each  
20 such additional penalty shall be remitted by the circuit clerk  
21 within one month after receipt to the State Treasurer for  
22 deposit into the Sex Offender Investigation Fund. The circuit  
23 clerk shall retain 10% of such penalty to cover the costs  
24 incurred in administering and enforcing this Section. Such



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

4 (c) 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 or her to the State  
7 Treasurer under this Section during the preceding calendar  
8 year. Except as otherwise provided by Supreme Court Rules, if a  
9 court in sentencing an offender levies a gross amount for fine,  
10 costs, 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 (d) Subject to appropriation, moneys in the Sex Offender  
25 Investigation Fund shall be used by the Department of State  
26 Police to investigate alleged sex offenses and to make grants

1 to local law enforcement agencies to investigate alleged sex  
2 offenses as such grants are awarded by the Director of State  
3 Police under rules established by the Director of State Police.