

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
17 \$100 of each \$500 additional fine imposed under this Section to
18 the State's Attorney of the county which prosecuted the case or
19 the local law enforcement agency that investigated the case
20 leading to the defendant's judgment of conviction or order of
21 supervision and after such remission the net balance remaining
22 to the entity authorized by law to receive the fine imposed in
23 the case. For purposes of this Section "fees of the circuit
24 clerk" shall include, if applicable, the fee provided for under
25 Section 27.3a of the Clerks of Courts Act and the fee, if
26 applicable, payable to the county in which the violation

1 occurred under Section 5-1101 of the Counties Code.

2 (d) Subject to appropriation, moneys in the Sex Offender
3 Investigation Fund shall be used by the Department of State
4 Police to investigate alleged sex offenses and to make grants
5 to local law enforcement agencies to investigate alleged sex
6 offenses as such grants are awarded by the Director of State
7 Police under rules established by the Director of State Police.