

# HB4289



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4289**

by Rep. Patricia Reid Lindner

#### SYNOPSIS AS INTRODUCED:

725 ILCS 240/10

from Ch. 70, par. 510

Amends the Violent Crime Victims Assistance Act. In provisions requiring imposition of a \$25 or \$20 penalty upon conviction of or placement on supervision for certain offenses, deletes language providing that the penalty shall be imposed only if no other fine is imposed, and adds language providing that the penalty shall be imposed in addition to any other penalty or fine imposed by the court.

LRB095 15492 RLC 41485 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 Violent Crime Victims Assistance Act is  
5 amended by changing Section 10 as follows:

6 (725 ILCS 240/10) (from Ch. 70, par. 510)

7 Sec. 10. Violent Crime Victims Assistance Fund.

8 (a) The "Violent Crime Victims Assistance Fund" is created  
9 as a special fund in the State Treasury to provide monies for  
10 the grants to be awarded under this Act.

11 (b) On and after September 18, 1986, there shall be an  
12 additional penalty collected from each defendant upon  
13 conviction of any felony or upon conviction of or disposition  
14 of supervision for any misdemeanor, or upon conviction of or  
15 disposition of supervision for any offense under the Illinois  
16 Vehicle Code, exclusive of offenses enumerated in paragraph  
17 (a)(2) of Section 6-204 of that Code, and exclusive of any  
18 offense enumerated in Article VI of Chapter 11 of that Code  
19 relating to restrictions, regulations and limitations on the  
20 speed at which a motor vehicle is driven or operated, an  
21 additional penalty of \$4 for each \$40, or fraction thereof, of  
22 fine imposed. Such additional amounts shall be collected by the  
23 Clerk of the Circuit Court in addition to the fine and costs in

1 the case. Each such additional penalty collected under this  
2 subsection (b) or subsection (c) of this Section shall be  
3 remitted by the Clerk of the Circuit Court within one month  
4 after receipt to the State Treasurer for deposit into the  
5 Violent Crime Victims Assistance Fund, except as provided in  
6 subsection (g) of this Section. Such additional penalty shall  
7 not be considered a part of the fine for purposes of any  
8 reduction made in the fine for time served either before or  
9 after sentencing. Not later than March 1 of each year the Clerk  
10 of the Circuit Court shall submit to the State Comptroller a  
11 report of the amount of funds remitted by him to the State  
12 Treasurer under this Section during the preceding calendar  
13 year. Except as otherwise provided by Supreme Court Rules, if a  
14 court in sentencing an offender levies a gross amount for fine,  
15 costs, fees and penalties, the amount of the additional penalty  
16 provided for herein shall be computed on the amount remaining  
17 after deducting from the gross amount levied all fees of the  
18 Circuit Clerk, the State's Attorney and the Sheriff. After  
19 deducting from the gross amount levied the fees and additional  
20 penalty provided for herein, less any other additional  
21 penalties provided by law, the clerk shall remit the net  
22 balance remaining to the entity authorized by law to receive  
23 the fine imposed in the case. For purposes of this Section  
24 "fees of the Circuit Clerk" shall include, if applicable, the  
25 fee provided for under Section 27.3a of the Clerks of Courts  
26 Act and the fee, if applicable, payable to the county in which

1 the violation occurred pursuant to Section 5-1101 of the  
2 Counties Code.

3 (c) In addition to any other penalty or fine imposed by the  
4 court, when ~~When~~ any person is convicted in Illinois ~~on or~~  
5 ~~after August 28, 1986,~~ of an offense listed below, or placed on  
6 supervision for such an offense ~~on or after September 18, 1986,~~  
7 ~~and no other fine is imposed,~~ the following penalty shall be  
8 collected by the Circuit Court Clerk:

9 (1) \$25, for any crime of violence as defined in  
10 subsection (c) of Section 2 of the Crime Victims  
11 Compensation Act; and

12 (2) \$20, for any other felony or misdemeanor, excluding  
13 any conservation offense.

14 Such charge shall not be subject to the provisions of  
15 Section 110-14 of the Code of Criminal Procedure of 1963.

16 (d) Monies forfeited, and proceeds from the sale of  
17 property forfeited and seized, under the forfeiture provisions  
18 of Section 11-20.1A of the Criminal Code of 1961 shall be  
19 accepted for the Violent Crime Victims Assistance Fund.

20 (e) Investment income which is attributable to the  
21 investment of monies in the Violent Crime Victims Assistance  
22 Fund shall be credited to that fund for uses specified in this  
23 Act. The Treasurer shall provide the Attorney General a monthly  
24 status report on the amount of money in the Fund.

25 (f) Monies from the fund may be granted on and after July  
26 1, 1984.

1           (g) All amounts and charges imposed under this Section for  
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
3 Vehicle Code, or a similar provision of a local ordinance, or  
4 any violation of the Child Passenger Protection Act, or a  
5 similar provision of a local ordinance, shall be collected and  
6 disbursed by the circuit clerk as provided under Section 27.5  
7 of the Clerks of Courts Act.

8           (Source: P.A. 89-688, eff. 6-1-97; 90-372, eff. 7-1-98.)