



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2680

Introduced 2/24/2009, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.1  
730 ILCS 5/5-9-1.1-5

from Ch. 38, par. 1005-9-1.1

Amends the Unified Code of Corrections. Provides that when a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis, possession or delivery of a controlled substance, or possession or delivery of methamphetamine in addition to any penalty imposed, a \$25 assessment shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer for deposit into the State Police Services Fund and shall be used for grants by the Department of State Police to drug task forces and Metropolitan Enforcement Groups in accordance with the Intergovernmental Drug Laws Enforcement Act.

LRB096 09585 RLC 19746 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 Sections 5-9-1.1 and 5-9-1.1-5 as follows:

6 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

7 (Text of Section from P.A. 94-550)

8 Sec. 5-9-1.1. Drug related offenses.

9 (a) When a person has been adjudged guilty of a drug  
10 related offense involving possession or delivery of cannabis or  
11 possession or delivery of a controlled substance, other than  
12 methamphetamine, as defined in the Cannabis Control Act, as  
13 amended, or the Illinois Controlled Substances Act, as amended,  
14 in addition to any other penalty imposed, a fine shall be  
15 levied by the court at not less than the full street value of  
16 the cannabis or controlled substances seized.

17 "Street value" shall be determined by the court on the  
18 basis of testimony of law enforcement personnel and the  
19 defendant as to the amount seized and such testimony as may be  
20 required by the court as to the current street value of the  
21 cannabis or controlled substance seized.

22 (b) In addition to any penalty imposed under subsection (a)  
23 of this Section, a fine of \$100 shall be levied by the court,

1 the proceeds of which shall be collected by the Circuit Clerk  
2 and remitted to the State Treasurer under Section 27.6 of the  
3 Clerks of Courts Act for deposit into the Trauma Center Fund  
4 for distribution as provided under Section 3.225 of the  
5 Emergency Medical Services (EMS) Systems Act.

6 (c) In addition to any penalty imposed under subsection (a)  
7 of this Section, a fee of \$5 shall be assessed by the court,  
8 the proceeds of which shall be collected by the Circuit Clerk  
9 and remitted to the State Treasurer under Section 27.6 of the  
10 Clerks of Courts Act for deposit into the Spinal Cord Injury  
11 Paralysis Cure Research Trust Fund. This additional fee of \$5  
12 shall not be considered a part of the fine for purposes of any  
13 reduction in the fine for time served either before or after  
14 sentencing.

15 (d) In addition to any penalty imposed under subsection (a)  
16 of this Section, a \$25 assessment shall be assessed by the  
17 court, the proceeds of which shall be collected by the Circuit  
18 Clerk and remitted to the State Treasurer for deposit into the  
19 State Police Services Fund and shall be used for grants by the  
20 Department of State Police to drug task forces and Metropolitan  
21 Enforcement Groups in accordance with the Intergovernmental  
22 Drug Laws Enforcement Act.

23 (Source: P.A. 94-550, eff. 1-1-06.)

24 (Text of Section from P.A. 94-556)

25 Sec. 5-9-1.1. Drug related offenses.

1           (a) When a person has been adjudged guilty of a drug  
2 related offense involving possession or delivery of cannabis or  
3 possession or delivery of a controlled substance as defined in  
4 the Cannabis Control Act, the Illinois Controlled Substances  
5 Act, or the Methamphetamine Control and Community Protection  
6 Act, in addition to any other penalty imposed, a fine shall be  
7 levied by the court at not less than the full street value of  
8 the cannabis or controlled substances seized.

9           "Street value" shall be determined by the court on the  
10 basis of testimony of law enforcement personnel and the  
11 defendant as to the amount seized and such testimony as may be  
12 required by the court as to the current street value of the  
13 cannabis or controlled substance seized.

14           (b) In addition to any penalty imposed under subsection (a)  
15 of this Section, a fine of \$100 shall be levied by the court,  
16 the proceeds of which shall be collected by the Circuit Clerk  
17 and remitted to the State Treasurer under Section 27.6 of the  
18 Clerks of Courts Act for deposit into the Trauma Center Fund  
19 for distribution as provided under Section 3.225 of the  
20 Emergency Medical Services (EMS) Systems Act.

21           (c) In addition to any penalty imposed under subsection (a)  
22 of this Section, a fee of \$5 shall be assessed by the court,  
23 the proceeds of which shall be collected by the Circuit Clerk  
24 and remitted to the State Treasurer under Section 27.6 of the  
25 Clerks of Courts Act for deposit into the Spinal Cord Injury  
26 Paralysis Cure Research Trust Fund. This additional fee of \$5

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

4 (d) In addition to any penalty imposed under subsection (a)  
5 of this Section, a \$25 assessment shall be assessed by the  
6 court, the proceeds of which shall be collected by the Circuit  
7 Clerk and remitted to the State Treasurer for deposit into the  
8 State Police Services Fund and shall be used for grants by the  
9 Department of State Police to drug task forces and Metropolitan  
10 Enforcement Groups in accordance with the Intergovernmental  
11 Drug Laws Enforcement Act.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 (730 ILCS 5/5-9-1.1-5)

14 Sec. 5-9-1.1-5. Methamphetamine related offenses.

15 (a) When a person has been adjudged guilty of a  
16 methamphetamine related offense involving possession or  
17 delivery of methamphetamine or any salt of an optical isomer of  
18 methamphetamine or possession of a methamphetamine  
19 manufacturing chemical set forth in paragraph (z-1) of Section  
20 102 of the Illinois Controlled Substances Act with the intent  
21 to manufacture a substance containing methamphetamine or salt  
22 of an optical isomer of methamphetamine, in addition to any  
23 other penalty imposed, a fine shall be levied by the court at  
24 not less than the full street value of the methamphetamine or  
25 salt of an optical isomer of methamphetamine or methamphetamine

1 manufacturing chemicals seized.

2 "Street value" shall be determined by the court on the  
3 basis of testimony of law enforcement personnel and the  
4 defendant as to the amount seized and such testimony as may be  
5 required by the court as to the current street value of the  
6 methamphetamine or salt of an optical isomer of methamphetamine  
7 or methamphetamine manufacturing chemicals seized.

8 (b) In addition to any penalty imposed under subsection (a)  
9 of this Section, a fine of \$100 shall be levied by the court,  
10 the proceeds of which shall be collected by the Circuit Clerk  
11 and remitted to the State Treasurer under Section 27.6 of the  
12 Clerks of Courts Act for deposit into the Methamphetamine Law  
13 Enforcement Fund and allocated as provided in subsection (d) of  
14 Section 5-9-1.2.

15 (c) In addition to any penalty imposed under subsection (a)  
16 of this Section, a \$25 assessment shall be assessed by the  
17 court, the proceeds of which shall be collected by the Circuit  
18 Clerk and remitted to the State Treasurer for deposit into the  
19 State Police Services Fund and shall be used for grants by the  
20 Department of State Police to drug task forces and Metropolitan  
21 Enforcement Groups in accordance with the Intergovernmental  
22 Drug Laws Enforcement Act.

23 (Source: P.A. 94-550, eff. 1-1-06.)