



State Government Administration Committee

Filed: 2/17/2010

09600HB5130ham001

LRB096 17682 RLC 35682 a

1 AMENDMENT TO HOUSE BILL 5130

2 AMENDMENT NO. _____. Amend House Bill 5130 on page 1, line
3 1, by replacing "money laundering" with "law enforcement"; and

4 on page 1, lines 5 and 6, by replacing "Section 2605-585" with
5 "Sections 2605-585 and 2605-590"; and

6 on page 1, by inserting immediately below line 16 the
7 following:

8 "(20 ILCS 2605/2605-590 new)

9 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys
10 deposited into the Drug Traffic Prevention Fund pursuant to
11 subsection (e) of Section 5-9-1.1 and subsection (c) of Section
12 5-9-1.5 of the Unified Code of Corrections shall be
13 appropriated to and administered by the Department of State
14 Police for funding of drug task forces and Metropolitan
15 Enforcement Groups in accordance with the Intergovernmental

1 Drug Laws Enforcement Act."; and

2 on page 29, by inserting immediately below line 16 the
3 following:

4 "Section 20. 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, 96-132, and 96-402)
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 for a drug related offense involving possession
17 or delivery of cannabis or possession or delivery of a
18 controlled substance as defined in the Cannabis Control Act,
19 the Illinois Controlled Substances Act, or the Methamphetamine
20 Control and Community Protection Act, a fee of \$50 shall be
21 assessed by the court, the proceeds of which shall be collected
22 by the Circuit Clerk and remitted to the State Treasurer under
23 Section 27.6 of the Clerks of Courts Act for deposit into the
24 Performance-enhancing Substance Testing Fund. This additional
25 fee of \$50 shall not be considered a part of the fine for
26 purposes of any reduction in the fine for time served either

1 before or after sentencing. The provisions of this subsection
2 (d), other than this sentence, are inoperative after June 30,
3 2011.

4 (e)~~(d)~~ In addition to any penalty imposed under subsection
5 (a) 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 Drug Traffic Prevention Fund. The moneys deposited into the
9 Drug Traffic Prevention Fund pursuant to this Section shall be
10 appropriated to and administered ~~State Police Services Fund and~~
11 ~~shall be used for grants~~ by the Department of State Police for
12 funding of ~~to~~ drug task forces and Metropolitan Enforcement
13 Groups in accordance with the Intergovernmental Drug Laws
14 Enforcement Act.

15 (Source: P.A. 94-550, eff. 1-1-06; 96-132, eff. 8-7-09; 96-402,
16 eff. 1-1-10, revised 10-6-09.)

17 (Text of Section from P.A. 94-556, 96-132, and 96-402)

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

19 (a) When a person has been adjudged guilty of a drug
20 related offense involving possession or delivery of cannabis or
21 possession or delivery of a controlled substance as defined in
22 the Cannabis Control Act, the Illinois Controlled Substances
23 Act, or the Methamphetamine Control and Community Protection
24 Act, in addition to any other penalty imposed, a fine shall be
25 levied by the court at not less than the full street value of

1 the cannabis or controlled substances 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 cannabis or controlled substance seized.

7 (b) In addition to any penalty imposed under subsection (a)
8 of this Section, a fine of \$100 shall be levied by the court,
9 the proceeds of which shall be collected by the Circuit Clerk
10 and remitted to the State Treasurer under Section 27.6 of the
11 Clerks of Courts Act for deposit into the Trauma Center Fund
12 for distribution as provided under Section 3.225 of the
13 Emergency Medical Services (EMS) Systems Act.

14 (c) In addition to any penalty imposed under subsection (a)
15 of this Section, a fee of \$5 shall be assessed 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 Spinal Cord Injury
19 Paralysis Cure Research Trust Fund. This additional fee of \$5
20 shall not be considered a part of the fine for purposes of any
21 reduction in the fine for time served either before or after
22 sentencing.

23 (d) In addition to any penalty imposed under subsection (a)
24 of this Section for a drug related offense involving possession
25 or delivery of cannabis or possession or delivery of a
26 controlled substance as defined in the Cannabis Control Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act, a fee of \$50 shall be
3 assessed by the court, the proceeds of which shall be collected
4 by the Circuit Clerk and remitted to the State Treasurer under
5 Section 27.6 of the Clerks of Courts Act for deposit into the
6 Performance-enhancing Substance Testing Fund. This additional
7 fee of \$50 shall not be considered a part of the fine for
8 purposes of any reduction in the fine for time served either
9 before or after sentencing. The provisions of this subsection
10 (d), other than this sentence, are inoperative after June 30,
11 2011.

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

23 (Source: P.A. 94-556, eff. 9-11-05; 96-132, eff. 8-7-09;
24 96-402, eff. 1-1-10, revised 10-6-09.)

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

2 (a) When a person has been adjudged guilty of a
3 methamphetamine related offense involving possession or
4 delivery of methamphetamine or any salt of an optical isomer of
5 methamphetamine or possession of a methamphetamine
6 manufacturing material as set forth in Section 10 of the
7 Methamphetamine Control and Community Protection Act with the
8 intent to manufacture a substance containing methamphetamine
9 or salt of an optical isomer of methamphetamine, in addition to
10 any other penalty imposed, a fine shall be levied by the court
11 at not less than the full street value of the methamphetamine
12 or salt of an optical isomer of methamphetamine or
13 methamphetamine manufacturing materials seized.

14 "Street value" shall be determined by the court on the
15 basis of testimony of law enforcement personnel and the
16 defendant as to the amount seized and such testimony as may be
17 required by the court as to the current street value of the
18 methamphetamine or salt of an optical isomer of methamphetamine
19 or methamphetamine manufacturing materials seized.

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

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

12 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;
13 revised 9-25-09.)".