

# HB5802



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5802

by Rep. Jehan A. Gordon-Booth

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning authorized fines.

LRB098 18474 RLC 53611 b

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 Section 5-9-1 as follows:

6 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

7 Sec. 5-9-1. Authorized fines.

8 (a) An ~~An~~ offender may be sentenced to pay a fine as  
9 provided in Article 4.5 of Chapter V.

10 (b) (Blank.)

11 (c) There shall be added to every fine imposed in  
12 sentencing for a criminal or traffic offense, except an offense  
13 relating to parking or registration, or offense by a  
14 pedestrian, an additional penalty of \$10 for each \$40, or  
15 fraction thereof, of fine imposed. The additional penalty of  
16 \$10 for each \$40, or fraction thereof, of fine imposed, if not  
17 otherwise assessed, shall also be added to every fine imposed  
18 upon a plea of guilty, stipulation of facts or findings of  
19 guilty, resulting in a judgment of conviction, or order of  
20 supervision in criminal, traffic, local ordinance, county  
21 ordinance, and conservation cases (except parking,  
22 registration, or pedestrian violations), or upon a sentence of  
23 probation without entry of judgment under Section 10 of the

1 Cannabis Control Act, Section 410 of the Illinois Controlled  
2 Substances Act, or Section 70 of the Methamphetamine Control  
3 and Community Protection Act.

4 Such additional amounts shall be assessed by the court  
5 imposing the fine and shall be collected by the Circuit Clerk  
6 in addition to the fine and costs in the case. Each such  
7 additional penalty shall be remitted by the Circuit Clerk  
8 within one month after receipt to the State Treasurer. The  
9 State Treasurer shall deposit \$1 for each \$40, or fraction  
10 thereof, of fine imposed into the LEADS Maintenance Fund. The  
11 State Treasurer shall deposit \$1 for each \$40, or fraction  
12 thereof, of fine imposed into the Law Enforcement Camera Grant  
13 Fund. The remaining surcharge amount shall be deposited into  
14 the Traffic and Criminal Conviction Surcharge Fund, unless the  
15 fine, costs or additional amounts are subject to disbursement  
16 by the circuit clerk under Section 27.5 of the Clerks of Courts  
17 Act. Such additional penalty shall not be considered a part of  
18 the fine for purposes of any reduction in the fine for time  
19 served either before or after sentencing. Not later than March  
20 1 of each year the Circuit Clerk shall submit a report of the  
21 amount of funds remitted to the State Treasurer under this  
22 subsection (c) during the preceding calendar year. Except as  
23 otherwise provided by Supreme Court Rules, if a court in  
24 imposing a fine against an offender levies a gross amount for  
25 fine, costs, fees and penalties, the amount of the additional  
26 penalty provided for herein shall be computed on the amount

1 remaining after deducting from the gross amount levied all fees  
2 of the Circuit Clerk, the State's Attorney and the Sheriff.  
3 After deducting from the gross amount levied the fees and  
4 additional penalty provided for herein, less any other  
5 additional penalties provided by law, the clerk shall remit the  
6 net balance remaining to the entity authorized by law to  
7 receive the fine imposed in the case. For purposes of this  
8 Section "fees of the Circuit Clerk" shall include, if  
9 applicable, the fee provided for under Section 27.3a of the  
10 Clerks of Courts Act and the fee, if applicable, payable to the  
11 county in which the violation occurred pursuant to Section  
12 5-1101 of the Counties Code.

13 (c-5) In addition to the fines imposed by subsection (c),  
14 any person convicted or receiving an order of supervision for  
15 driving under the influence of alcohol or drugs shall pay an  
16 additional \$100 fee to the clerk. This additional fee, less 2  
17 1/2% that shall be used to defray administrative costs incurred  
18 by the clerk, shall be remitted by the clerk to the Treasurer  
19 within 60 days after receipt for deposit into the Trauma Center  
20 Fund. This additional fee of \$100 shall not be considered a  
21 part of the fine for purposes of any reduction in the fine for  
22 time served either before or after sentencing. Not later than  
23 March 1 of each year the Circuit Clerk shall submit a report of  
24 the amount of funds remitted to the State Treasurer under this  
25 subsection (c-5) during the preceding calendar year.

26 The Circuit Clerk may accept payment of fines and costs by

1 credit card from an offender who has been convicted of a  
2 traffic offense, petty offense or misdemeanor and may charge  
3 the service fee permitted where fines and costs are paid by  
4 credit card provided for in Section 27.3b of the Clerks of  
5 Courts Act.

6 (c-7) In addition to the fines imposed by subsection (c),  
7 any person convicted or receiving an order of supervision for  
8 driving under the influence of alcohol or drugs shall pay an  
9 additional \$5 fee to the clerk. This additional fee, less 2  
10 1/2% that shall be used to defray administrative costs incurred  
11 by the clerk, shall be remitted by the clerk to the Treasurer  
12 within 60 days after receipt for deposit into the Spinal Cord  
13 Injury Paralysis Cure Research Trust Fund. This additional fee  
14 of \$5 shall not be considered a part of the fine for purposes  
15 of any reduction in the fine for time served either before or  
16 after sentencing. Not later than March 1 of each year the  
17 Circuit Clerk shall submit a report of the amount of funds  
18 remitted to the State Treasurer under this subsection (c-7)  
19 during the preceding calendar year.

20 (c-9) (Blank).

21 (d) In determining the amount and method of payment of a  
22 fine, except for those fines established for violations of  
23 Chapter 15 of the Illinois Vehicle Code, the court shall  
24 consider:

25 (1) the financial resources and future ability of the  
26 offender to pay the fine; and

1           (2) whether the fine will prevent the offender from  
2 making court ordered restitution or reparation to the  
3 victim of the offense; and

4           (3) in a case where the accused is a dissolved  
5 corporation and the court has appointed counsel to  
6 represent the corporation, the costs incurred either by the  
7 county or the State for such representation.

8           (e) The court may order the fine to be paid forthwith or  
9 within a specified period of time or in installments.

10           (f) All fines, costs and additional amounts imposed under  
11 this Section for any violation of Chapters 3, 4, 6, and 11 of  
12 the Illinois Vehicle Code, or a similar provision of a local  
13 ordinance, and any violation of the Child Passenger Protection  
14 Act, or a similar provision of a local ordinance, shall be  
15 collected and disbursed by the circuit clerk as provided under  
16 Section 27.5 of the Clerks of Courts Act.

17           (Source: P.A. 94-556, eff. 9-11-05; 94-652, eff. 8-22-05;  
18 94-987, eff. 6-30-06; 95-1052, eff. 7-1-09.)