

1 AMENDMENT TO HOUSE BILL 9

2 AMENDMENT NO. _____. Amend House Bill 9 by replacing the
3 title with the following:

4 "AN ACT in relation to criminal law."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The State Finance Act is amended by adding
8 Section 5.545 as follows:

9 (30 ILCS 105/5.545 new)

10 Sec. 5.545. The Children's Advocacy Center Services
11 Fund.

12 Section 10. The Unified Code of Corrections is amended by
13 changing Sections 5-9-1.5 and 5-9-1.7 as follows:

14 (730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

15 Sec. 5-9-1.5. Domestic violence fine. In addition to
16 any other penalty imposed, a fine of not less than \$300 and
17 not more than \$1,000 \$100 shall be imposed upon any person
18 who pleads guilty or no contest to or who is convicted of
19 murder, voluntary manslaughter, involuntary manslaughter,

1 burglary, residential burglary, criminal trespass to
2 residence, criminal trespass to vehicle, criminal trespass to
3 land, criminal damage to property, telephone harassment,
4 kidnapping, aggravated kidnapping, unlawful restraint,
5 forcible detention, child abduction, indecent solicitation of
6 a child, sexual relations between siblings, exploitation of a
7 child, child pornography, assault, aggravated assault,
8 battery, aggravated battery, heinous battery, aggravated
9 battery of a child, domestic battery, reckless conduct,
10 intimidation, criminal sexual assault, predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, criminal sexual abuse, aggravated criminal sexual
13 abuse, violation of an order of protection, disorderly
14 conduct, endangering the life or health of a child, child
15 abandonment, contributing to dependency or neglect of child,
16 or cruelty to children and others; provided that the offender
17 and victim are family or household members as defined in
18 Section 103 of the Illinois Domestic Violence Act of 1986.
19 Upon request of the victim or the victim's representative,
20 the court shall determine whether the fine will impose an
21 undue burden on the victim of the offense. For purposes of
22 this paragraph, the defendant may not be considered the
23 victim's representative. If the court finds that the fine
24 would impose an undue burden on the victim, the court may
25 reduce or waive the fine. The court shall order that the
26 defendant may not use funds belonging solely to the victim of
27 the offense for payment of the fine. The circuit clerk shall
28 remit each fine within one month of its receipt to the State
29 Treasurer for deposit as follows: (i) for sexual assault, as
30 defined in Section 5-9-1.7, when the offender and victim are
31 family members, one-third ~~one-half~~ to the Domestic Violence
32 Shelter and Service Fund, one-third ~~and--one-half~~ to the
33 Sexual Assault Services Fund, and one-third to the Children's
34 Advocacy Center Services Fund; (ii) for the remaining

1 offenses to the Domestic Violence Shelter and Service Fund.
2 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

3 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
4 Sec. 5-9-1.7. Sexual assault fines.

5 (a) Definitions. The terms used in this Section shall
6 have the following meanings ascribed to them:

7 (1) "Sexual assault" means the commission or
8 attempted commission of the following: criminal sexual
9 assault, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, indecent
12 solicitation of a child, public indecency, sexual
13 relations within families, soliciting for a juvenile
14 prostitute, keeping a place of juvenile prostitution,
15 patronizing a juvenile prostitute, juvenile pimping,
16 exploitation of a child, obscenity, child pornography, or
17 harmful material, as those offenses are defined in the
18 Criminal Code of 1961.

19 (2) "Family member" shall have the meaning ascribed
20 to it in Section 12-12 of the Criminal Code of 1961.

21 (3) "Sexual assault organization" means any
22 not-for-profit organization providing comprehensive,
23 community-based services to victims of sexual assault.
24 "Community-based services" include, but are not limited
25 to, direct crisis intervention through a 24-hour
26 response, medical and legal advocacy, counseling,
27 information and referral services, training, and
28 community education.

29 (4) "Children's Advocacy Center" is any
30 organization that coordinates the multidisciplinary
31 investigation, prosecution, and treatment referral of
32 child sexual abuse and severe physical abuse cases.

33 (b) Sexual assault fine; collection by clerk.

1 (1) In addition to any other penalty imposed, a
2 fine of not less than \$300 and not more than \$1,000 \$100
3 shall be imposed upon any person who pleads guilty or who
4 is convicted of, or who receives a disposition of court
5 supervision for, a sexual assault or attempt of a sexual
6 assault. Upon request of the victim or the victim's
7 representative, the court shall determine whether the
8 fine will impose an undue burden on the victim of the
9 offense. For purposes of this paragraph, the defendant
10 may not be considered the victim's representative. If
11 the court finds that the fine would impose an undue
12 burden on the victim, the court may reduce or waive the
13 fine. The court shall order that the defendant may not
14 use funds belonging solely to the victim of the offense
15 for payment of the fine.

16 (2) Sexual assault fines shall be assessed by the
17 court imposing the sentence and shall be collected by the
18 circuit clerk. The circuit clerk shall retain 10% of the
19 penalty to cover the costs involved in administering and
20 enforcing this Section. The circuit clerk shall remit
21 the remainder of each fine within one month of its
22 receipt to the State Treasurer for deposit as follows:

23 (i) for family member offenders, one-third
24 one-half to the Sexual Assault Services Fund,
25 one-third and ~~one-half~~ to the Domestic Violence
26 Shelter and Service Fund, and one-third to
27 Children's Advocacy Center Services Fund.

28 (ii) for other than family member offenders,
29 one-half ~~the full amount~~ to the Sexual Assault
30 Services Fund and one-half to the Children's
31 Advocacy Center Services Fund.

32 (c) Sexual Assault Services Fund; administration. There
33 is created a Sexual Assault Services Fund. Moneys deposited
34 into the Fund under this Section shall be appropriated to the

1 Department of Human Services Public-Health. Upon
 2 appropriation of moneys from the Sexual Assault Services
 3 Fund, the Department of Human Services Public-Health shall
 4 make grants of these moneys from the Fund to sexual assault
 5 organizations with whom the Department has contracts for the
 6 purpose of providing community-based services to victims of
 7 sexual assault. Grants made under this Section are in
 8 addition to, and are not substitutes for, other grants
 9 authorized and made by the Department.

10 (d) Children's Advocacy Center Services Fund;
 11 administration. There is created a Children's Advocacy
 12 Center Services Fund. Moneys deposited into the Fund under
 13 this Section shall be appropriated to the Department of
 14 Children and Family Services. Upon appropriation of moneys
 15 from the Children's Advocacy Center Services Fund, the
 16 Department of Children and Family Services shall make grants
 17 of these moneys from the Fund to Children's Advocacy Centers
 18 with whom the Department has contracts for the purpose of
 19 providing multidisciplinary investigation, prosecution, and
 20 treatment referral of child sexual abuse and severe physical
 21 abuse cases. Grants made under this Section are in addition
 22 to, and are not substitutes for, other grants authorized and
 23 made by the Department.

24 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
 25 5-29-96.)".