



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Susana Mendoza, Maria Antonia Berrios,
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SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-14	from Ch. 38, par. 110-14
730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7

Amends the Code of Criminal Procedure of 1963. Provides that the provision that a person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense shall be allowed a credit of \$5 for each day incarcerated does not apply to a person incarcerated for sexual assault. Amends the Unified Code of Corrections. Includes the offenses of sexual exploitation of a child and ritualized abuse of a child in the definition of sexual assault for the purpose of the imposition of the fine for the commission or attempted commission of a sexual assault.

LRB093 18421 RLC 46885 b

FISCAL NOTE ACT
MAY APPLY

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-14 as follows:

6 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

7 Sec. 110-14. Credit for Incarceration on Bailable Offense.

8 (a) Any person incarcerated on a bailable offense who does
9 not supply bail and against whom a fine is levied on conviction
10 of such offense shall be allowed a credit of \$5 for each day so
11 incarcerated upon application of the defendant. However, in no
12 case shall the amount so allowed or credited exceed the amount
13 of the fine.

14 (b) Subsection (a) does not apply to a person incarcerated
15 for sexual assault as defined in paragraph (1) of subsection
16 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

17 (Source: P.A. 88-287.)

18 Section 10. The Unified Code of Corrections is amended by
19 changing Section 5-9-1.7 as follows:

20 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

21 Sec. 5-9-1.7. Sexual assault fines.

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

24 (1) "Sexual assault" means the commission or attempted
25 commission of the following: sexual exploitation of a
26 child, criminal sexual assault, predatory criminal sexual
27 assault of a child, aggravated criminal sexual assault,
28 criminal sexual abuse, aggravated criminal sexual abuse,
29 indecent solicitation of a child, public indecency, sexual
30 relations within families, soliciting for a juvenile

1 prostitute, keeping a place of juvenile prostitution,
2 patronizing a juvenile prostitute, juvenile pimping,
3 exploitation of a child, obscenity, child pornography, ~~or~~
4 harmful material, or ritualized abuse of a child, as those
5 offenses are defined in the Criminal Code of 1961.

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

8 (3) "Sexual assault organization" means any
9 not-for-profit organization providing comprehensive,
10 community-based services to victims of sexual assault.
11 "Community-based services" include, but are not limited
12 to, direct crisis intervention through a 24-hour response,
13 medical and legal advocacy, counseling, information and
14 referral services, training, and community education.

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

16 (1) In addition to any other penalty imposed, a fine of
17 \$100 shall be imposed upon any person who pleads guilty or
18 who is convicted of, or who receives a disposition of court
19 supervision for, a sexual assault or attempt of a sexual
20 assault. Upon request of the victim or the victim's
21 representative, the court shall determine whether the fine
22 will impose an undue burden on the victim of the offense.
23 For purposes of this paragraph, the defendant may not be
24 considered the victim's representative. If the court finds
25 that the fine would impose an undue burden on the victim,
26 the court may reduce or waive the fine. The court shall
27 order that the defendant may not use funds belonging solely
28 to the victim of the offense for payment of the fine.

29 (2) Sexual assault fines shall be assessed by the court
30 imposing the sentence and shall be collected by the circuit
31 clerk. The circuit clerk shall retain 10% of the penalty to
32 cover the costs involved in administering and enforcing
33 this Section. The circuit clerk shall remit the remainder
34 of each fine within one month of its receipt to the State
35 Treasurer for deposit as follows:

36 (i) for family member offenders, one-half to the

1 Sexual Assault Services Fund, and one-half to the
2 Domestic Violence Shelter and Service Fund; and

3 (ii) for other than family member offenders, the
4 full amount to the Sexual Assault Services Fund.

5 (c) Sexual Assault Services Fund; administration. There is
6 created a Sexual Assault Services Fund. Moneys deposited into
7 the Fund under this Section shall be appropriated to the
8 Department of Public Health. Upon appropriation of moneys from
9 the Sexual Assault Services Fund, the Department of Public
10 Health shall make grants of these moneys from the Fund to
11 sexual assault organizations with whom the Department has
12 contracts for the purpose of providing community-based
13 services to victims of sexual assault. Grants made under this
14 Section are in addition to, and are not substitutes for, other
15 grants authorized and made by the Department.

16 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
17 5-29-96.)