

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Sections 11-501 and 16-104b as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of
8 alcohol, other drug or drugs, intoxicating compound or
9 compounds or any combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood
13 or breath is 0.08 or more based on the definition of
14 blood and breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating
17 compound or combination of intoxicating compounds to a
18 degree that renders the person incapable of driving
19 safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds to a
25 degree that renders the person incapable of safely
26 driving; or

27 (6) there is any amount of a drug, substance, or
28 compound in the person's breath, blood, or urine
29 resulting from the unlawful use or consumption of
30 cannabis listed in the Cannabis Control Act, a controlled
31 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3) and (d) of
9 this Section, every person convicted of violating this
10 Section or a similar provision of a local ordinance, shall be
11 guilty of a Class A misdemeanor and, in addition to any other
12 criminal or administrative action, for any second conviction
13 of violating this Section or a similar provision of a law of
14 another state or local ordinance committed within 5 years of
15 a previous violation of this Section or a similar provision
16 of a local ordinance shall be mandatorily sentenced to a
17 minimum of 48 consecutive hours of imprisonment or assigned
18 to a minimum of 100 hours of community service as may be
19 determined by the court. Every person convicted of violating
20 this Section or a similar provision of a local ordinance
21 shall be subject to a mandatory minimum fine of \$500 and a
22 mandatory 5 days of community service in a program benefiting
23 children if the person committed a violation of paragraph (a)
24 or a similar provision of a local ordinance while
25 transporting a person under age 16. Every person convicted a
26 second time for violating this Section or a similar provision
27 of a local ordinance within 5 years of a previous violation
28 of this Section or a similar provision of a law of another
29 state or local ordinance shall be subject to a mandatory
30 minimum fine of \$500 and 10 days of mandatory community
31 service in a program benefiting children if the current
32 offense was committed while transporting a person under age
33 16. The imprisonment or assignment under this subsection
34 shall not be subject to suspension nor shall the person be

1 eligible for probation in order to reduce the sentence or
2 assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section, Section 11-501.1, paragraph
7 (b) of Section 11-401, or Section 9-3 of the Criminal
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time
10 during a period in which his or her driving privileges
11 are revoked or suspended where the revocation or
12 suspension was for a violation of this Section, Section
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
14 of the Criminal Code of 1961 is guilty of a Class 3
15 felony.

16 (3) A person who violates this Section a fourth or
17 subsequent time during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of this
20 Section, Section 11-501.1, paragraph (b) of Section
21 11-401, or Section 9-3 of the Criminal Code of 1961 is
22 guilty of a Class 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a child
26 under age 16 in the vehicle at the time of the offense shall
27 have his or her punishment under this Act enhanced by 2 days
28 of imprisonment for a first offense, 10 days of imprisonment
29 for a second offense, 30 days of imprisonment for a third
30 offense, and 90 days of imprisonment for a fourth or
31 subsequent offense, in addition to the fine and community
32 service required under subsection (c) and the possible
33 imprisonment required under subsection (d). The imprisonment
34 or assignment under this subsection shall not be subject to

1 suspension nor shall the person be eligible for probation in
2 order to reduce the sentence or assignment.

3 (d) (1) Every person convicted of committing a violation
4 of this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of this
9 Section, or a similar provision of a law of another state
10 or a local ordinance when the cause of action is the same
11 as or substantially similar to this Section, for the
12 third or subsequent time;

13 (B) the person committed a violation of paragraph
14 (a) while driving a school bus with children on board;

15 (C) the person in committing a violation of
16 paragraph (a) was involved in a motor vehicle accident
17 that resulted in great bodily harm or permanent
18 disability or disfigurement to another, when the
19 violation was a proximate cause of the injuries; or

20 (D) the person committed a violation of paragraph
21 (a) for a second time and has been previously convicted
22 of violating Section 9-3 of the Criminal Code of 1961
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person has
27 previously been convicted under subparagraph (C) of this
28 paragraph (1).

29 (2) Aggravated driving under the influence of alcohol,
30 other drug or drugs, or intoxicating compound or compounds,
31 or any combination thereof is a Class 4 felony for which a
32 person, if sentenced to a term of imprisonment, shall be
33 sentenced to not less than one year and not more than 3 years
34 for a violation of subparagraph (A), (B) or (D) of paragraph

1 (1) of this subsection (d) and not less than one year and not
2 more than 12 years for a violation of subparagraph (C) of
3 paragraph (1) of this subsection (d). For any prosecution
4 under this subsection (d), a certified copy of the driving
5 abstract of the defendant shall be admitted as proof of any
6 prior conviction.

7 (e) After a finding of guilt and prior to any final
8 sentencing, or an order for supervision, for an offense based
9 upon an arrest for a violation of this Section or a similar
10 provision of a local ordinance, individuals shall be required
11 to undergo a professional evaluation to determine if an
12 alcohol, drug, or intoxicating compound abuse problem exists
13 and the extent of the problem. Programs conducting these
14 evaluations shall be licensed by the Department of Human
15 Services. The cost of any professional evaluation shall be
16 paid for by the individual required to undergo the
17 professional evaluation.

18 (f) Every person found guilty of violating this Section,
19 whose operation of a motor vehicle while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the
22 expense of an emergency response as provided under Section
23 5-5-3 of the Unified Code of Corrections.

24 (g) The Secretary of State shall revoke the driving
25 privileges of any person convicted under this Section or a
26 similar provision of a local ordinance.

27 (h) Every person sentenced under subsection (d) of this
28 Section and who receives a term of probation or conditional
29 discharge shall be required to serve a minimum term of either
30 30 days community service or, beginning July 1, 1993, 48
31 consecutive hours of imprisonment as a condition of the
32 probation or conditional discharge. This mandatory minimum
33 term of imprisonment or assignment of community service shall
34 not be suspended and shall not be subject to reduction by the

1 court.

2 (i) The Secretary of State may use ignition interlock
3 device requirements when granting driving relief to
4 individuals who have been arrested for a second or subsequent
5 offense of this Section or a similar provision of a local
6 ordinance. The Secretary shall establish by rule and
7 regulation the procedures for use of the interlock system.

8 (j) In addition to any other penalties and liabilities,
9 a person who is found guilty of or pleads guilty to violating
10 this Section, including any person placed on court
11 supervision for violating this Section, shall be fined \$100,
12 payable to the circuit clerk, who shall distribute the money
13 to the law enforcement agency that made the arrest. If the
14 person has been previously convicted of violating this
15 Section or a similar provision of a local ordinance, the fine
16 shall be \$200. In the event that more than one agency is
17 responsible for the arrest, the \$100 or \$200 shall be shared
18 equally. Any moneys received by a law enforcement agency
19 under this subsection (j) shall be used to purchase law
20 enforcement equipment that will assist in the prevention of
21 alcohol related criminal violence throughout the State. This
22 shall include, but is not limited to, in-car video cameras,
23 radar and laser speed detection devices, and alcohol breath
24 testers. Any moneys received by the Department of State
25 Police under this subsection (j) shall be deposited into the
26 State Police DUI Fund and shall be used to purchase law
27 enforcement equipment that will assist in the prevention of
28 alcohol related criminal violence throughout the State.

29 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
30 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
31 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,
32 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

33 (625 ILCS 5/16-104b)

1 Sec. 16-104b. Amounts for Trauma Center Fund. In
2 counties that have elected not to distribute moneys under the
3 disbursement formulas in Sections 27.5 and 27.6 of the Clerks
4 of Courts Act, the Circuit Clerk of the County, when
5 collecting fees, fines, costs, additional penalties, bail
6 balances assessed or forfeited, and any other amount imposed
7 upon a conviction of or an order of supervision for a
8 violation of laws or ordinances regulating the movement of
9 traffic that amounts to \$55 or more, shall remit \$5 of the
10 total amount collected, less 2 1/2% of the \$5 to help defray
11 the administrative costs incurred by the Clerk, except that
12 upon a conviction or order of supervision for driving under
13 the influence of alcohol or drugs the Clerk shall remit \$105
14 \$30 of the total amount collected (\$5 for a traffic violation
15 that amounts to \$55 or more and an additional fee of \$100 \$25
16 to be collected by the Circuit Clerk for a conviction or
17 order of supervision for driving under the influence of
18 alcohol or drugs), less the 2 1/2%, within 60 days to the
19 State Treasurer to be deposited into the Trauma Center Fund.
20 Of the amounts deposited into the Trauma Center Fund under
21 this Section, 50% shall be disbursed to the Department of
22 Public Health and 50% shall be disbursed to the Department of
23 Public Aid. Not later than March 1 of each year the Circuit
24 Clerk shall submit a report of the amount of funds remitted
25 to the State Treasurer under this Section during the
26 preceding calendar year.

27 (Source: P.A. 88-667, eff. 9-16-94; 89-105, eff. 1-1-96.)

28 Section 15. The Clerks of Courts Act is amended by
29 changing Section 27.6 as follows:

30 (705 ILCS 105/27.6)

31 Sec. 27.6. (a) All fees, fines, costs, additional
32 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk equalling an
2 amount of \$55 or more, except the additional fee required by
3 subsections (b) and (c), restitution under Section 5-5-6 of
4 the Unified Code of Corrections, reimbursement for the costs
5 of an emergency response as provided under Section 5-5-3 of
6 the Unified Code of Corrections, any fees collected for
7 attending a traffic safety program under paragraph (c) of
8 Supreme Court Rule 529, any fee collected on behalf of a
9 State's Attorney under Section 4-2002 of the Counties Code or
10 a sheriff under Section 4-5001 of the Counties Code, or any
11 cost imposed under Section 124A-5 of the Code of Criminal
12 Procedure of 1963, for convictions, orders of supervision, or
13 any other disposition for a violation of Chapters 3, 4, 6,
14 11, and 12 of the Illinois Vehicle Code, or a similar
15 provision of a local ordinance, and any violation of the
16 Child Passenger Protection Act, or a similar provision of a
17 local ordinance, shall be disbursed within 60 days after
18 receipt by the circuit clerk as follows: 44.5% shall be
19 disbursed to the entity authorized by law to receive the fine
20 imposed in the case; 16.825% shall be disbursed to the State
21 Treasurer; and 38.675% shall be disbursed to the county's
22 general corporate fund. Of the 16.825% disbursed to the State
23 Treasurer, 2/17 shall be deposited by the State Treasurer
24 into the Violent Crime Victims Assistance Fund, 5.052/17
25 shall be deposited into the Traffic and Criminal Conviction
26 Surcharge Fund, 3/17 shall be deposited into the Drivers
27 Education Fund, and 6.948/17 shall be deposited into the
28 Trauma Center Fund. Of the 6.948/17 deposited into the Trauma
29 Center Fund from the 16.825% disbursed to the State
30 Treasurer, 50% shall be disbursed to the Department of Public
31 Health and 50% shall be disbursed to the Department of Public
32 Aid. For fiscal year 1993, amounts deposited into the Violent
33 Crime Victims Assistance Fund, the Traffic and Criminal
34 Conviction Surcharge Fund, or the Drivers Education Fund

1 shall not exceed 110% of the amounts deposited into those
2 funds in fiscal year 1991. Any amount that exceeds the 110%
3 limit shall be distributed as follows: 50% shall be
4 disbursed to the county's general corporate fund and 50%
5 shall be disbursed to the entity authorized by law to receive
6 the fine imposed in the case. Not later than March 1 of each
7 year the circuit clerk shall submit a report of the amount of
8 funds remitted to the State Treasurer under this Section
9 during the preceding year based upon independent verification
10 of fines and fees. All counties shall be subject to this
11 Section, except that counties with a population under
12 2,000,000 may, by ordinance, elect not to be subject to this
13 Section. For offenses subject to this Section, judges shall
14 impose one total sum of money payable for violations. The
15 circuit clerk may add on no additional amounts except for
16 amounts that are required by Sections 27.3a and 27.3c of this
17 Act, unless those amounts are specifically waived by the
18 judge. With respect to money collected by the circuit clerk
19 as a result of forfeiture of bail, ex parte judgment or
20 guilty plea pursuant to Supreme Court Rule 529, the circuit
21 clerk shall first deduct and pay amounts required by Sections
22 27.3a and 27.3c of this Act. This Section is a denial and
23 limitation of home rule powers and functions under subsection
24 (h) of Section 6 of Article VII of the Illinois Constitution.

25 (b) In addition to any other fines and court costs
26 assessed by the courts, any person convicted or receiving an
27 order of supervision for driving under the influence of
28 alcohol or drugs shall pay an additional fee of \$100 \$25 to
29 the clerk of the circuit court. This amount, less 2 1/2%
30 that shall be used to defray administrative costs incurred by
31 the clerk, shall be remitted by the clerk to the Treasurer
32 within 60 days after receipt for deposit into the Trauma
33 Center Fund. This additional fee of \$100 \$25 shall not be
34 considered a part of the fine for purposes of any reduction

1 in the fine for time served either before or after
2 sentencing. Not later than March 1 of each year the Circuit
3 Clerk shall submit a report of the amount of funds remitted
4 to the State Treasurer under this subsection during the
5 preceding calendar year.

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

21 (c) In addition to any other fines and court costs
22 assessed by the courts, any person convicted for a violation
23 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
24 1961 or a person sentenced for a violation of the Cannabis
25 Control Act or the Controlled Substance Act shall pay an
26 additional fee of \$100 to the clerk of the circuit court.
27 This amount, less 2 1/2% that shall be used to defray
28 administrative costs incurred by the clerk, shall be remitted
29 by the clerk to the Treasurer within 60 days after receipt
30 for deposit into the Trauma Center Fund. This additional fee
31 of \$100 shall not be considered a part of the fine for
32 purposes of any reduction in the fine for time served either
33 before or after sentencing. Not later than March 1 of each
34 year the Circuit Clerk shall submit a report of the amount of

1 funds remitted to the State Treasurer under this subsection
2 during the preceding calendar year.

3 (c-1) In addition to any other fines and court costs
4 assessed by the courts, any person sentenced for a violation
5 of the Cannabis Control Act or the Illinois Controlled
6 Substances Act shall pay an additional fee of \$5 to the clerk
7 of the circuit court. This amount, less 2 1/2% that shall be
8 used to defray administrative costs incurred by the clerk,
9 shall be remitted by the clerk to the Treasurer within 60
10 days after receipt for deposit into the Spinal Cord Injury
11 Paralysis Cure Research Trust Fund. This additional fee of
12 \$5 shall not be considered a part of the fine for purposes of
13 any reduction in the fine for time served either before or
14 after sentencing. Not later than March 1 of each year the
15 Circuit Clerk shall submit a report of the amount of funds
16 remitted to the State Treasurer under this subsection during
17 the preceding calendar year.

18 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;
19 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

20 Section 20. The Unified Code of Corrections is amended
21 by changing Sections 5-9-1 and 5-9-1.1 as follows:

22 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

24 (a) An offender may be sentenced to pay a fine which
25 shall not exceed for each offense:

26 (1) for a felony, \$25,000 or the amount specified
27 in the offense, whichever is greater, or where the
28 offender is a corporation, \$50,000 or the amount
29 specified in the offense, whichever is greater;

30 (2) for a Class A misdemeanor, \$2,500 or the amount
31 specified in the offense, whichever is greater;

32 (3) for a Class B or Class C misdemeanor, \$1,500;

1 (4) for a petty offense, \$1,000 or the amount
2 specified in the offense, whichever is less;

3 (5) for a business offense, the amount specified in
4 the statute defining that offense.

5 (b) A fine may be imposed in addition to a sentence of
6 conditional discharge, probation, periodic imprisonment, or
7 imprisonment.

8 (c) There shall be added to every fine imposed in
9 sentencing for a criminal or traffic offense, except an
10 offense relating to parking or registration, or offense by a
11 pedestrian, an additional penalty of \$5 for each \$40, or
12 fraction thereof, of fine imposed. The additional penalty of
13 \$5 for each \$40, or fraction thereof, of fine imposed, if not
14 otherwise assessed, shall also be added to every fine imposed
15 upon a plea of guilty, stipulation of facts or findings of
16 guilty, resulting in a judgment of conviction, or order of
17 supervision in criminal, traffic, local ordinance, county
18 ordinance, and conservation cases (except parking,
19 registration, or pedestrian violations), or upon a sentence
20 of probation without entry of judgment under Section 10 of
21 the Cannabis Control Act or Section 410 of the Controlled
22 Substances Act.

23 Such additional amounts shall be assessed by the court
24 imposing the fine and shall be collected by the Circuit Clerk
25 in addition to the fine and costs in the case. Each such
26 additional penalty shall be remitted by the Circuit Clerk
27 within one month after receipt to the State Treasurer. The
28 State Treasurer shall deposit \$1 for each \$40, or fraction
29 thereof, of fine imposed into the LEADS Maintenance Fund.
30 The remaining surcharge amount shall be deposited into the
31 Traffic and Criminal Conviction Surcharge Fund, unless the
32 fine, costs or additional amounts are subject to disbursement
33 by the circuit clerk under Section 27.5 of the Clerks of
34 Courts Act. Such additional penalty shall not be considered

1 a part of the fine for purposes of any reduction in the fine
2 for time served either before or after sentencing. Not
3 later than March 1 of each year the Circuit Clerk shall
4 submit a report of the amount of funds remitted to the State
5 Treasurer under this subsection (c) during the preceding
6 calendar year. Except as otherwise provided by Supreme Court
7 Rules, if a court in imposing a fine against an offender
8 levies a gross amount for fine, costs, fees and penalties,
9 the amount of the additional penalty provided for herein
10 shall be computed on the amount remaining after deducting
11 from the gross amount levied all fees of the Circuit Clerk,
12 the State's Attorney and the Sheriff. After deducting from
13 the gross amount levied the fees and additional penalty
14 provided for herein, less any other additional penalties
15 provided by law, the clerk shall remit the net balance
16 remaining to the entity authorized by law to receive the fine
17 imposed in the case. For purposes of this Section "fees of
18 the Circuit Clerk" shall include, if applicable, the fee
19 provided for under Section 27.3a of the Clerks of Courts Act
20 and the fee, if applicable, payable to the county in which
21 the violation occurred pursuant to Section 5-1101 of the
22 Counties Code.

23 (c-5) In addition to the fines imposed by subsection
24 (c), any person convicted or receiving an order of
25 supervision for driving under the influence of alcohol or
26 drugs shall pay an additional \$100 \$25 fee to the clerk.
27 This additional fee, less 2 1/2% that shall be used to defray
28 administrative costs incurred by the clerk, shall be remitted
29 by the clerk to the Treasurer within 60 days after receipt
30 for deposit into the Trauma Center Fund. This additional fee
31 of \$100 \$25 shall not be considered a part of the fine for
32 purposes of any reduction in the fine for time served either
33 before or after sentencing. Not later than March 1 of each
34 year the Circuit Clerk shall submit a report of the amount of

1 funds remitted to the State Treasurer under this subsection
2 (c-5) during the preceding calendar year.

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

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

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

28 (1) the financial resources and future ability of
29 the offender to pay the fine; and

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

33 (3) in a case where the accused is a dissolved
34 corporation and the court has appointed counsel to

1 represent the corporation, the costs incurred either by
2 the county or the State for such representation.

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

5 (f) All fines, costs and additional amounts imposed
6 under this Section for any violation of Chapters 3, 4, 6, and
7 11 of the Illinois Vehicle Code, or a similar provision of a
8 local ordinance, and any violation of the Child Passenger
9 Protection Act, or a similar provision of a local ordinance,
10 shall be collected and disbursed by the circuit clerk as
11 provided under Section 27.5 of the Clerks of Courts Act.

12 (Source: P.A. 89-105, eff. 1-1-96; 90-130, eff. 1-1-98;
13 90-384, eff. 1-1-98; 90-655, eff. 7-30-98.)

14 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

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

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

24 "Street value" shall be determined by the court on the
25 basis of testimony of law enforcement personnel and the
26 defendant as to the amount seized and such testimony as may
27 be required by the court as to the current street value of
28 the cannabis or controlled substance seized.

29 (b) In addition to any penalty imposed under subsection
30 (a) of this Section, a fine of \$100 shall be levied by the
31 court, the proceeds of which shall be collected by the
32 Circuit Clerk and remitted to the State Treasurer under
33 Section 27.6 of the Clerks of Courts Act for deposit into the

1 Trauma Center Fund for distribution as provided under Section
2 3.225 of the Emergency Medical Services (EMS) Systems Act.

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

12 (Source: P.A. 89-516, eff. 7-18-96.)