



Rep. Litesa E. Wallace

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10000SB3500ham001

LRB100 20828 SLF 43552 a

1 AMENDMENT TO SENATE BILL 3500

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3500 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal and Traffic Assessment Act is  
5 amended by changing Sections 15-20 and 15-40 as follows:

6 (705 ILCS 135/15-20)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 15-20. SCHEDULE 4; felony sex offenses.

11 SCHEDULE 4: For a felony or attempted felony under Article  
12 11 or Section 12-33 of the Criminal Code of 2012, the Clerk of  
13 the Circuit Court shall collect \$1,414 ~~\$1,314~~ and remit as  
14 follows:

15 (1) As the county's portion, \$354 to the county treasurer,  
16 who shall deposit the money as follows:

- 1 (A) \$20 into the Court Automation Fund;
- 2 (B) \$20 into the Court Document Storage Fund;
- 3 (C) \$5 into the Circuit Court Clerk Operation and  
4 Administrative Fund;
- 5 (D) \$255 into the county's General Fund;
- 6 (E) \$10 into the Child Advocacy Center Fund;
- 7 (F) \$2 into the State's Attorney Records Automation  
8 Fund;
- 9 (G) \$2 into the Public Defender Records Automation  
10 Fund;
- 11 (H) \$20 into the County Jail Medical Costs Fund; and
- 12 (I) \$20 into the Probation and Court Services Fund.
- 13 (2) As the State's portion, \$1,060 ~~\$960~~ to the State  
14 Treasurer, who shall deposit the money as follows:
- 15 (A) \$520 into the State Police Operations Assistance  
16 Fund;
- 17 (B) \$100 into the Violent Crime Victims Assistance  
18 Fund;
- 19 (C) \$200 into the Sexual Assault Services Fund;
- 20 (D) \$100 into the Domestic Violence Shelter and  
21 Services Fund;
- 22 (E) \$5 into the State Police Merit Board Public Safety  
23 Fund; ~~and~~
- 24 (F) \$35 into the Traffic and Criminal Conviction  
25 Surcharge Fund; and ~~and~~
- 26 (G) \$100 into the State Crime Laboratory Fund, to pay

1       for the costs of processing and analyzing the Illinois  
2       State Police Sexual Assault Evidence Collection Kits under  
3       Section 15 of the Sexual Assault Evidence Submission Act to  
4       assist in reduction of the number of un-analyzed and  
5       unprocessed Kits.

6       (Source: P.A. 100-987, eff. 7-1-19.)

7               (705 ILCS 135/15-40)

8               (This Section may contain text from a Public Act with a  
9       delayed effective date)

10              (Section scheduled to be repealed on January 1, 2021)

11              Sec. 15-40. SCHEDULE 8; misdemeanor sex offenses.

12              SCHEDULE 8: For a misdemeanor or attempted misdemeanor  
13       under Article 11 of the Criminal Code of 2012, the Clerk of the  
14       Circuit Court shall collect \$1,284 ~~\$1,184~~ and remit as follows:

15              (1) As the county's portion, \$282 to the county treasurer,  
16       who shall deposit the money as follows:

17                      (A) \$20 into the Court Automation Fund;

18                      (B) \$20 into the Court Document Storage Fund;

19                      (C) \$5 into the Circuit Court Clerk Operation and  
20       Administrative Fund;

21                      (D) \$8 into the Circuit Court Clerk Electronic Citation  
22       Fund;

23                      (E) \$185 into the county's General Fund;

24                      (F) \$10 into the Child Advocacy Center Fund;

25                      (G) \$2 into the State's Attorney Records Automation

1 Fund;

2 (H) \$2 into the Public Defenders Records Automation  
3 Fund;

4 (I) \$10 into the County Jail Medical Costs Fund; and

5 (J) \$20 into the Probation and Court Services Fund.

6 (2) As the State's portion, \$1,000 ~~\$900~~ to the State  
7 Treasurer, who shall deposit the money as follows:

8 (A) \$500 into the State Police Operations Assistance  
9 Fund;

10 (B) \$75 into the Violent Crime Victims Assistance Fund;

11 (C) \$200 into the Sexual Assault Services Fund;

12 (D) \$100 into the Domestic Violence Shelter and Service  
13 Fund;

14 (E) \$5 into the State Police Merit Board Public Safety  
15 Fund; ~~and~~

16 (F) \$20 into the Traffic and Criminal Conviction  
17 Surcharge Fund; and ~~and~~

18 (G) \$100 into the State Crime Laboratory Fund, to pay  
19 for the costs of processing and analyzing the Illinois  
20 State Police Sexual Assault Evidence Collection Kits under  
21 Section 15 of the Sexual Assault Evidence Submission Act to  
22 assist in reduction of the number of un-analyzed and  
23 unprocessed Kits.

24 (3) As the arresting agency's portion, \$2, to the treasurer  
25 of the unit of local government of the arresting agency, who  
26 shall deposit the money into the E-citation Fund of that unit

1 of local government or as provided in subsection (c) of Section  
2 10-5 of this Act if the arresting agency is a State agency,  
3 unless more than one agency is responsible for the arrest in  
4 which case the amount shall be remitted to each unit of  
5 government equally.

6 (Source: P.A. 100-987, eff. 7-1-19.)

7 Section 10. The Criminal Code of 2012 is amended by  
8 changing Section 33-5 as follows:

9 (720 ILCS 5/33-5)

10 Sec. 33-5. Preservation of evidence.

11 (a) It is unlawful for a law enforcement agency or an agent  
12 acting on behalf of the law enforcement agency to intentionally  
13 fail to comply with the provisions of subsections ~~subsection~~  
14 (a) or (a-5) of Section 116-4 of the Code of Criminal Procedure  
15 of 1963.

16 (b) Sentence. A person who violates this Section is guilty  
17 of a Class 4 felony.

18 (c) For purposes of this Section, "law enforcement agency"  
19 has the meaning ascribed to it in subsection (e) of Section  
20 116-4 of the Code of Criminal Procedure of 1963.

21 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

22 Section 15. The Code of Criminal Procedure of 1963 is  
23 amended by changing Section 116-4 as follows:

1 (725 ILCS 5/116-4)

2 Sec. 116-4. Preservation of evidence for forensic testing.

3 (a) Before or after the trial in a prosecution for a  
4 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
5 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012 or in a prosecution  
7 for an offense defined in Article 9 of that Code, or in a  
8 prosecution for an attempt in violation of Section 8-4 of that  
9 Code of any of the above-enumerated offenses, unless otherwise  
10 provided ~~herein under subsection (b) or (c)~~ this Section, a law  
11 enforcement agency or an agent acting on behalf of the law  
12 enforcement agency shall preserve, subject to a continuous  
13 chain of custody, any physical evidence in their possession or  
14 control that is reasonably likely to contain forensic evidence,  
15 including, but not limited to, fingerprints or biological  
16 material secured in relation to a trial and with sufficient  
17 documentation to locate that evidence.

18 (a-5) Notwithstanding any provision of this Code to the  
19 contrary, forensic testing that would result in the complete  
20 consumption of an evidentiary sample shall be permitted if the  
21 forensic testing utilizes methods sufficiently established in  
22 the particular field that have gained general acceptance and  
23 the forensic testing was not conducted in bad faith.

24 (b) After a judgment of conviction is entered, the evidence  
25 shall either be impounded with the Clerk of the Circuit Court

1 or shall be securely retained by a law enforcement agency.  
2 Retention shall be permanent in cases where a sentence of death  
3 is imposed. Retention shall be until the completion of the  
4 sentence, including the period of mandatory supervised release  
5 for the offense, or January 1, 2006, whichever is later, for  
6 any conviction for an offense or an attempt of an offense  
7 defined in Article 9 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 or in Section 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 or for 7  
11 years following any conviction for any other felony for which  
12 the defendant's genetic profile may be taken by a law  
13 enforcement agency and submitted for comparison in a forensic  
14 DNA database for unsolved offenses.

15 (c) After a judgment of conviction is entered, the law  
16 enforcement agency required to retain evidence described in  
17 subsection (a) may petition the court with notice to the  
18 defendant or, in cases where the defendant has died, his or her  
19 estate, his or her attorney of record, or an attorney appointed  
20 for that purpose by the court for entry of an order allowing it  
21 to dispose of evidence if, after a hearing, the court  
22 determines by a preponderance of the evidence that:

23 (1) it has no significant value for forensic science  
24 analysis and should be returned to its rightful owner,  
25 destroyed, used for training purposes, or as otherwise  
26 provided by law; ~~or~~

1           (2) it has no significant value for forensic science  
2 analysis and is of a size, bulk, or physical character not  
3 usually retained by the law enforcement agency and cannot  
4 practicably be retained by the law enforcement agency; or

5           (3) there no longer exists a reasonable basis to  
6 require the preservation of the evidence because of the  
7 death of the defendant; however, this paragraph (3) does  
8 not apply if a sentence of death was imposed.

9           (d) The court may order the disposition of the evidence if  
10 the defendant is allowed the opportunity to take reasonable  
11 measures to remove or preserve portions of the evidence in  
12 question for future testing.

13           (d-5) Any order allowing the disposition of evidence  
14 pursuant to subsection (c) or (d) shall be a final and  
15 appealable order. No evidence shall be disposed of until 30  
16 days after the order is entered, and if a notice of appeal is  
17 filed, no evidence shall be disposed of until the mandate has  
18 been received by the circuit court from the appellate court.

19           (d-10) All records documenting the possession, control,  
20 storage, and destruction of evidence and all police reports,  
21 evidence control or inventory records, and other reports cited  
22 in this Section, including computer records, must be retained  
23 for as long as the evidence exists and may not be disposed of  
24 without the approval of the Local Records Commission.

25           (e) In this Section, "law enforcement agency" includes any  
26 of the following or an agent acting on behalf of any of the



1 following: a municipal police department, county sheriff's  
2 office, any prosecuting authority, the Department of State  
3 Police, or any other State, university, county, federal, or  
4 municipal police unit or police force.

5 "Biological material" includes, but is not limited to, any  
6 blood, hair, saliva, or semen from which genetic marker  
7 groupings may be obtained.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 20. The Unified Code of Corrections is amended by  
10 changing Section 5-9-1.7 as follows:

11 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

12 (Text of Section before amendment by P.A. 100-987)

13 Sec. 5-9-1.7. Sexual assault fines; sex offense  
14 assessments.

15 (a) Definitions. ~~In The terms used in this Section shall~~  
16 ~~have the following meanings ascribed to them:~~

17 (1) "Sexual assault" means the commission or attempted  
18 commission of the following: sexual exploitation of a  
19 child, criminal sexual assault, predatory criminal sexual  
20 assault of a child, aggravated criminal sexual assault,  
21 criminal sexual abuse, aggravated criminal sexual abuse,  
22 indecent solicitation of a child, public indecency, sexual  
23 relations within families, promoting juvenile  
24 prostitution, soliciting for a juvenile prostitute,

1 keeping a place of juvenile prostitution, patronizing a  
2 juvenile prostitute, juvenile pimping, exploitation of a  
3 child, obscenity, child pornography, aggravated child  
4 pornography, harmful material, or ritualized abuse of a  
5 child, as those offenses are defined in the Criminal Code  
6 of 1961 or the Criminal Code of 2012.

7 (2) "Family member" shall have the meaning ascribed to  
8 it in Section 11-0.1 of the Criminal Code of 2012.

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

16 (4) "Sex offense" means the commission or attempted  
17 commission of an offense defined in Article 11 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012, except  
19 prostitution, duty of commercial film and photographic  
20 print processors or computer technicians to report sexual  
21 depiction of children, tie-in sales of obscene  
22 publications to distributors, public indecency, adultery,  
23 fornication, bigamy, or marrying a bigamist.

24 (b) Sexual assault fine and sex offense assessment;  
25 collection by clerk.

26 (1) In addition to any other penalty imposed, a sexual

1        assault fine of \$200 shall be imposed upon any person who  
2        pleads guilty or who is convicted of, or who receives a  
3        disposition of court supervision for, a sexual assault or  
4        attempt of a sexual assault, and a sex offense assessment  
5        of \$100 shall be imposed upon any person who pleads guilty  
6        or who is convicted of, or who receives a disposition of  
7        court supervision for, a sex offense or attempt of a sex  
8        offense. Upon request of the victim or the victim's  
9        representative, the court shall determine whether the  
10       fine, assessment, or both, will impose an undue burden on  
11       the victim of the offense. For purposes of this paragraph,  
12       the defendant may not be considered the victim's  
13       representative. If the court finds that the fine, assessment,  
14       or both, would impose an undue burden on the  
15       victim, the court may reduce or waive the fine, assessment,  
16       or both. The court shall order that the defendant may not  
17       use funds belonging solely to the victim of the offense for  
18       payment of the fine or assessment.

19        (2) Sexual assault fines and sex offense assessments  
20        shall be assessed by the court imposing the sentence and  
21        shall be collected by the circuit clerk. The circuit clerk  
22        shall retain 10% of the sexual assault fine ~~penalty~~ to  
23        cover the costs involved in administering and enforcing  
24        this Section. The circuit court clerk shall remit the sex  
25        offense assessment within one month after receipt to the  
26        State Treasurer for deposit in the State Crime Laboratory

1       Fund to pay for the costs of processing and analyzing the  
2       Illinois State Police Sexual Assault Evidence Collection  
3       Kits under Section 15 of the Sexual Assault Evidence  
4       Submission Act to assist in reduction of the number of  
5       un-analyzed and unprocessed Kits. The circuit clerk shall  
6       remit the remainder of each sexual assault fine within one  
7       month of its receipt to the State Treasurer for deposit as  
8       follows:

9               (i) for family member offenders, one-half to the  
10              Sexual Assault Services Fund, and one-half to the  
11              Domestic Violence Shelter and Service Fund; and

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

14       (c) Sexual Assault Services Fund; administration. There is  
15       created a Sexual Assault Services Fund. Moneys deposited into  
16       the Fund under this Section shall be appropriated to the  
17       Department of Public Health. Upon appropriation of moneys from  
18       the Sexual Assault Services Fund, the Department of Public  
19       Health shall make grants of these moneys from the Fund to  
20       sexual assault organizations with whom the Department has  
21       contracts for the purpose of providing community-based  
22       services to victims of sexual assault. Grants made under this  
23       Section are in addition to, and are not substitutes for, other  
24       grants authorized and made by the Department.

25       (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;  
26       97-1150, eff. 1-25-13.)

1 (Text of Section after amendment by P.A. 100-987)

2 Sec. 5-9-1.7. Sexual assault fines; sex offense  
3 assessments.

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

6 (1) "Sexual assault" means the commission or attempted  
7 commission of the following: sexual exploitation of a  
8 child, criminal sexual assault, predatory criminal sexual  
9 assault of a child, aggravated criminal sexual assault,  
10 criminal sexual abuse, aggravated criminal sexual abuse,  
11 indecent solicitation of a child, public indecency, sexual  
12 relations within families, promoting juvenile  
13 prostitution, soliciting for a juvenile prostitute,  
14 keeping a place of juvenile prostitution, patronizing a  
15 juvenile prostitute, juvenile pimping, exploitation of a  
16 child, obscenity, child pornography, aggravated child  
17 pornography, harmful material, or ritualized abuse of a  
18 child, as those offenses are defined in the Criminal Code  
19 of 1961 or the Criminal Code of 2012.

20 (2) (Blank).

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 response,

1 medical and legal advocacy, counseling, information and  
2 referral services, training, and community education.

3 (4) "Sex offense" means the commission or attempted  
4 commission of an offense defined in Article 11 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, except  
6 prostitution, duty of commercial film and photographic  
7 print processors or computer technicians to report sexual  
8 depiction of children, tie-in sales of obscene  
9 publications to distributors, public indecency, adultery,  
10 fornication, bigamy, or marrying a bigamist.

11 (b) (Blank).

12 (c) Sexual Assault Services Fund; administration. There is  
13 created a Sexual Assault Services Fund. Moneys deposited into  
14 the Fund under Section 15-20 and 15-40 of the Criminal and  
15 Traffic Assessment Act shall be appropriated to the Department  
16 of Public Health. Upon appropriation of moneys from the Sexual  
17 Assault Services Fund, the Department of Public Health shall  
18 make grants of these moneys from the Fund to sexual assault  
19 organizations with whom the Department has contracts for the  
20 purpose of providing community-based services to victims of  
21 sexual assault. 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. 100-987, eff. 7-1-19.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act."