



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0193

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-70
720 ILCS 5/12C-75 new

Amends the Criminal and Traffic Assessment Act and the Criminal Code of 2012. Creates the offense of parental cyber-bullying. Provides that a person commits the offense when he or she: (1) is a parent or legal guardian of a minor who is under 18 years of age at the time of the commission of the offense; and (2) with the intent to discipline, embarrass, or alter the behavior of that minor, transmits, using electronic communication, any verbal or visual message posted on social media that the parent or legal guardian reasonably believes would coerce, intimidate, harass, or cause substantial emotional distress to the minor. Provides that a violation is a petty offense. Provides that if a person is convicted of parental cyber-bullying, the court shall order that person to pay for the costs of prosecution and that a portion of the fine, as determined by the court, be placed in escrow for the purchase of a certificate of deposit for use by the minor victim when he or she attains 18 years of age.

LRB101 04800 SLF 49809 b

FISCAL NOTE ACT
MAY APPLY

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 Criminal and Traffic Assessment Act is
5 amended by changing Section 15-70 as follows:

6 (705 ILCS 135/15-70)

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9 (Section scheduled to be repealed on January 1, 2021)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. 15-70. Conditional assessments. In addition to
11 payments under one of the Schedule of Assessments 1 through 13
12 of this Act, the court shall also order payment of any of the
13 following conditional assessment amounts for each sentenced
14 violation in the case to which a conditional assessment is
15 applicable, which shall be collected and remitted by the Clerk
16 of the Circuit Court as provided in this Section:

17 (1) arson, residential arson, or aggravated arson,
18 \$500 per conviction to the State Treasurer for deposit into
19 the Fire Prevention Fund;

20 (2) child pornography under Section 11-20.1 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, \$500
22 per conviction, unless more than one agency is responsible
23 for the arrest in which case the amount shall be remitted

1 to each unit of government equally:

2 (A) if the arresting agency is an agency of a unit
3 of local government \$500 to the treasurer of the unit
4 of local government for deposit into the unit of local
5 government's General Fund, except that if the
6 Department of State Police provides digital or
7 electronic forensic examination assistance, or both,
8 to the arresting agency then \$100 to the State
9 Treasurer for deposit into the State Crime Laboratory
10 Fund; or

11 (B) if the arresting agency is the Department of
12 State Police remitted to the State Treasurer for
13 deposit into the State Crime Laboratory Fund;

14 (3) crime laboratory drug analysis for a drug-related
15 offense involving possession or delivery of cannabis or
16 possession or delivery of a controlled substance as defined
17 in the Cannabis Control Act, the Illinois Controlled
18 Substances Act, or the Methamphetamine Control and
19 Community Protection Act, \$100 reimbursement for
20 laboratory analysis, as set forth in subsection (f) of
21 Section 5-9-1.4 of the Unified Code of Corrections;

22 (4) DNA analysis, \$250 on each conviction in which it
23 was used to the State Treasurer for deposit into the State
24 Offender DNA Identification System Fund as set forth in
25 Section 5-4-3 of the Unified Code of Corrections;

26 (5) DUI analysis, \$150 on each sentenced violation in

1 which it was used as set forth in subsection (f) of Section
2 5-9-1.9 of the Unified Code of Corrections;

3 (6) drug-related offense involving possession or
4 delivery of cannabis or possession or delivery of a
5 controlled substance, other than methamphetamine, as
6 defined in the Cannabis Control Act or the Illinois
7 Controlled Substances Act, an amount not less than the full
8 street value of the cannabis or controlled substance seized
9 for each conviction to be disbursed as follows:

10 (A) 12.5% of the street value assessment shall be
11 paid into the Youth Drug Abuse Prevention Fund, to be
12 used by the Department of Human Services for the
13 funding of programs and services for drug-abuse
14 treatment, and prevention and education services;

15 (B) 37.5% to the county in which the charge was
16 prosecuted, to be deposited into the county General
17 Fund;

18 (C) 50% to the treasurer of the arresting law
19 enforcement agency of the municipality or county, or to
20 the State Treasurer if the arresting agency was a state
21 agency;

22 (D) if the arrest was made in combination with
23 multiple law enforcement agencies, the clerk shall
24 equitably allocate the portion in subparagraph (C) of
25 this paragraph (6) among the law enforcement agencies
26 involved in the arrest;

1 (6.5) Kane County or Will County, in felony,
2 misdemeanor, local or county ordinance, traffic, or
3 conservation cases, up to \$30 as set by the county board
4 under Section 5-1101.3 of the Counties Code upon the entry
5 of a judgment of conviction, an order of supervision, or a
6 sentence of probation without entry of judgment under
7 Section 10 of the Cannabis Control Act, Section 410 of the
8 Illinois Controlled Substances Act, Section 70 of the
9 Methamphetamine Control and Community Protection Act,
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
11 the Criminal Code of 1961 or the Criminal Code of 2012,
12 Section 10-102 of the Illinois Alcoholism and Other Drug
13 Dependency Act, or Section 10 of the Steroid Control Act;
14 except in local or county ordinance, traffic, and
15 conservation cases, if fines are paid in full without a
16 court appearance, then the assessment shall not be imposed
17 or collected. Distribution of assessments collected under
18 this paragraph (6.5) shall be as provided in Section
19 5-1101.3 of the Counties Code;

20 (7) methamphetamine-related offense involving
21 possession or delivery of methamphetamine or any salt of an
22 optical isomer of methamphetamine or possession of a
23 methamphetamine manufacturing material as set forth in
24 Section 10 of the Methamphetamine Control and Community
25 Protection Act with the intent to manufacture a substance
26 containing methamphetamine or salt of an optical isomer of

1 methamphetamine, an amount not less than the full street
2 value of the methamphetamine or salt of an optical isomer
3 of methamphetamine or methamphetamine manufacturing
4 materials seized for each conviction to be disbursed as
5 follows:

6 (A) 12.5% of the street value assessment shall be
7 paid into the Youth Drug Abuse Prevention Fund, to be
8 used by the Department of Human Services for the
9 funding of programs and services for drug-abuse
10 treatment, and prevention and education services;

11 (B) 37.5% to the county in which the charge was
12 prosecuted, to be deposited into the county General
13 Fund;

14 (C) 50% to the treasurer of the arresting law
15 enforcement agency of the municipality or county, or to
16 the State Treasurer if the arresting agency was a state
17 agency;

18 (D) if the arrest was made in combination with
19 multiple law enforcement agencies, the clerk shall
20 equitably allocate the portion in subparagraph (C) of
21 this paragraph (6) among the law enforcement agencies
22 involved in the arrest;

23 (8) order of protection violation under Section 12-3.4
24 of the Criminal Code of 2012, \$200 for each conviction to
25 the county treasurer for deposit into the Probation and
26 Court Services Fund for implementation of a domestic

1 violence surveillance program and any other assessments or
2 fees imposed under Section 5-9-1.16 of the Unified Code of
3 Corrections;

4 (9) order of protection violation, \$25 for each
5 violation to the State Treasurer, for deposit into the
6 Domestic Violence Abuser Services Fund;

7 (10) prosecution by the State's Attorney of a:

8 (A) petty or business offense, \$4 to the county
9 treasurer of which \$2 deposited into the State's
10 Attorney Records Automation Fund and \$2 into the Public
11 Defender Records Automation Fund;

12 (B) conservation or traffic offense, \$2 to the
13 county treasurer for deposit into the State's Attorney
14 Records Automation Fund;

15 (11) speeding in a construction zone violation, \$250 to
16 the State Treasurer for deposit into the Transportation
17 Safety Highway Hire-back Fund, unless (i) the violation
18 occurred on a highway other than an interstate highway and
19 (ii) a county police officer wrote the ticket for the
20 violation, in which case to the county treasurer for
21 deposit into that county's Transportation Safety Highway
22 Hire-back Fund;

23 (12) supervision disposition on an offense under the
24 Illinois Vehicle Code or similar provision of a local
25 ordinance, 50 cents, unless waived by the court, into the
26 Prisoner Review Board Vehicle and Equipment Fund;

1 (13) victim and offender are family or household
2 members as defined in Section 103 of the Illinois Domestic
3 Violence Act of 1986 and offender pleads guilty or no
4 contest to or is convicted of murder, voluntary
5 manslaughter, involuntary manslaughter, burglary,
6 residential burglary, criminal trespass to residence,
7 criminal trespass to vehicle, criminal trespass to land,
8 criminal damage to property, telephone harassment,
9 kidnapping, aggravated kidnaping, unlawful restraint,
10 forcible detention, child abduction, indecent solicitation
11 of a child, sexual relations between siblings,
12 exploitation of a child, child pornography, assault,
13 aggravated assault, battery, aggravated battery, heinous
14 battery, aggravated battery of a child, domestic battery,
15 reckless conduct, intimidation, criminal sexual assault,
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual assault, criminal sexual abuse, aggravated
18 criminal sexual abuse, violation of an order of protection,
19 disorderly conduct, endangering the life or health of a
20 child, child abandonment, contributing to dependency or
21 neglect of child, or cruelty to children and others, \$200
22 for each sentenced violation to the State Treasurer for
23 deposit as follows: (i) for sexual assault, as defined in
24 Section 5-9-1.7 of the Unified Code of Corrections, when
25 the offender and victim are family members, one-half to the
26 Domestic Violence Shelter and Service Fund, and one-half to

1 the Sexual Assault Services Fund; (ii) for the remaining
2 offenses to the Domestic Violence Shelter and Service Fund;

3 (14) violation of Section 11-501 of the Illinois
4 Vehicle Code, Section 5-7 of the Snowmobile Registration
5 and Safety Act, Section 5-16 of the Boat Registration and
6 Safety Act, or a similar provision, whose operation of a
7 motor vehicle, snowmobile, or watercraft while in
8 violation of Section 11-501, Section 5-7 of the Snowmobile
9 Registration and Safety Act, Section 5-16 of the Boat
10 Registration and Safety Act, or a similar provision
11 proximately caused an incident resulting in an appropriate
12 emergency response, \$1,000 maximum to the public agency
13 that provided an emergency response related to the person's
14 violation, and if more than one agency responded, the
15 amount payable to public agencies shall be shared equally;

16 (15) violation of Section 401, 407, or 407.2 of the
17 Illinois Controlled Substances Act that proximately caused
18 any incident resulting in an appropriate drug-related
19 emergency response, \$1,000 as reimbursement for the
20 emergency response to the law enforcement agency that made
21 the arrest, and if more than one agency is responsible for
22 the arrest, the amount payable to law enforcement agencies
23 shall be shared equally;

24 (16) violation of reckless driving, aggravated
25 reckless driving, or driving 26 miles per hour or more in
26 excess of the speed limit that triggered an emergency

1 response, \$1,000 maximum reimbursement for the emergency
2 response to be distributed in its entirety to a public
3 agency that provided an emergency response related to the
4 person's violation, and if more than one agency responded,
5 the amount payable to public agencies shall be shared
6 equally;

7 (16.5) portions of fines imposed under Section 12C-75
8 of the Criminal Code of 2012 to pay for the costs of
9 prosecution and the purchase of a certificate of deposit
10 under that Section;

11 (17) violation based upon each plea of guilty,
12 stipulation of facts, or finding of guilt resulting in a
13 judgment of conviction or order of supervision for an
14 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
15 the Criminal Code of 2012 that results in the imposition of
16 a fine, to be distributed as follows:

17 (A) \$50 to the county treasurer for deposit into
18 the Circuit Court Clerk Operation and Administrative
19 Fund to cover the costs in administering this paragraph
20 (17);

21 (B) \$300 to the State Treasurer who shall deposit
22 the portion as follows:

23 (i) if the arresting or investigating agency
24 is the Department of State Police, into the State
25 Police Operations Assistance Fund;

26 (ii) if the arresting or investigating agency

1 is the Department of Natural Resources, into the
2 Conservation Police Operations Assistance Fund;

3 (iii) if the arresting or investigating agency
4 is the Secretary of State, into the Secretary of
5 State Police Services Fund;

6 (iv) if the arresting or investigating agency
7 is the Illinois Commerce Commission, into the
8 Public Utility Fund; or

9 (v) if more than one of the State agencies in
10 this subparagraph (B) is the arresting or
11 investigating agency, then equal shares with the
12 shares deposited as provided in the applicable
13 items (i) through (iv) of this subparagraph (B);
14 and

15 (C) the remainder for deposit into the Specialized
16 Services for Survivors of Human Trafficking Fund; and

17 (18) weapons violation under Section 24-1.1, 24-1.2,
18 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
19 of 2012, \$100 for each conviction to the State Treasurer
20 for deposit into the Trauma Center Fund.

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

22 Section 10. The Criminal Code of 2012 is amended by adding
23 Section 12C-75 as follows:

24 (720 ILCS 5/12C-75 new)

1 Sec. 12C-75. Parental cyber-bullying.

2 (a) In this Section:

3 "Electronic communication" has the meaning ascribed to
4 it in paragraph (2) of subsection (c) of Section 12-7.5 of
5 this Code.

6 "Emotional distress" has the meaning ascribed to it in
7 paragraph (3) of subsection (c) of Section 12-7.5 of this
8 Code.

9 "Harass" has the meaning ascribed to it in paragraph
10 (4) of subsection (c) of Section 12-7.5 of this Code.

11 "Social media" means websites and other online means of
12 communication that are used by large groups of people to
13 share information and to develop social and professional
14 contacts, including, but not limited to, Facebook,
15 Twitter, Pinterest, Instagram, and Myspace.

16 (b) A person commits parental cyber-bullying when he or
17 she:

18 (1) is a parent or legal guardian of a minor who is
19 under 18 years of age at the time of the commission of the
20 offense; and

21 (2) with the intent to discipline, embarrass, or alter
22 the behavior of that minor, transmits, using electronic
23 communication, any verbal or visual message posted on
24 social media that the parent or legal guardian reasonably
25 believes would coerce, intimidate, harass, or cause
26 substantial emotional distress to the minor.

1 (c) Sentence. Parental cyber-bullying is a petty offense.
2 If a person is convicted of parental cyber-bullying, the court
3 shall order that person to pay for the costs of prosecution
4 under Section 124A-5 of the Code of Criminal Procedure of 1963
5 and that a portion of the fine, as determined by the court, be
6 placed in escrow for the purchase of a certificate of deposit
7 for use by the minor victim when he or she attains 18 years of
8 age.