

# HB3199



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3199

by Rep. Diane Pappas

### SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-70

Amends the Criminal and Traffic Assessment Act. Provides that the court shall order payment of \$500 for a controlled substance trafficking violation to the State Treasurer for deposit into the State Board of Education Special Purpose Trust Fund, for the purpose of a grant program administered by the Illinois State Board of Education for primary and secondary schools to apply for a grant for drug prevention and mental health services.

LRB101 07885 SLF 52940 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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9 (Section scheduled to be repealed on January 1, 2021)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, \$500 to the State Treasurer for deposit  
13 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 (7.5) controlled substance trafficking violation under  
24 Section 401.1 of the Illinois Controlled Substances Act,  
25 \$500 to the State Treasurer, for deposit into the State  
26 Board of Education Special Purpose Trust Fund, for the

1 purpose of a grant program administered by the Illinois  
2 State Board of Education for primary and secondary schools  
3 to apply for a grant for drug prevention and mental health  
4 services;

5 (8) order of protection violation under Section 12-3.4  
6 of the Criminal Code of 2012, \$200 for each conviction to  
7 the county treasurer for deposit into the Probation and  
8 Court Services Fund for implementation of a domestic  
9 violence surveillance program and any other assessments or  
10 fees imposed under Section 5-9-1.16 of the Unified Code of  
11 Corrections;

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

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

16 (A) petty or business offense, \$4 to the county  
17 treasurer of which \$2 deposited into the State's  
18 Attorney Records Automation Fund and \$2 into the Public  
19 Defender Records Automation Fund;

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

23 (11) speeding in a construction zone violation, \$250 to  
24 the State Treasurer for deposit into the Transportation  
25 Safety Highway Hire-back Fund, unless (i) the violation  
26 occurred on a highway other than an interstate highway and

1 (ii) a county police officer wrote the ticket for the  
2 violation, in which case to the county treasurer for  
3 deposit into that county's Transportation Safety Highway  
4 Hire-back Fund;

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

9 (13) victim and offender are family or household  
10 members as defined in Section 103 of the Illinois Domestic  
11 Violence Act of 1986 and offender pleads guilty or no  
12 contest to or is convicted of murder, voluntary  
13 manslaughter, involuntary manslaughter, burglary,  
14 residential burglary, criminal trespass to residence,  
15 criminal trespass to vehicle, criminal trespass to land,  
16 criminal damage to property, telephone harassment,  
17 kidnapping, aggravated kidnapping, unlawful restraint,  
18 forcible detention, child abduction, indecent solicitation  
19 of a child, sexual relations between siblings,  
20 exploitation of a child, child pornography, assault,  
21 aggravated assault, battery, aggravated battery, heinous  
22 battery, aggravated battery of a child, domestic battery,  
23 reckless conduct, intimidation, criminal sexual assault,  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, criminal sexual abuse, aggravated  
26 criminal sexual abuse, violation of an order of protection,



1 disorderly conduct, endangering the life or health of a  
2 child, child abandonment, contributing to dependency or  
3 neglect of child, or cruelty to children and others, \$200  
4 for each sentenced violation to the State Treasurer for  
5 deposit as follows: (i) for sexual assault, as defined in  
6 Section 5-9-1.7 of the Unified Code of Corrections, when  
7 the offender and victim are family members, one-half to the  
8 Domestic Violence Shelter and Service Fund, and one-half to  
9 the Sexual Assault Services Fund; (ii) for the remaining  
10 offenses to the Domestic Violence Shelter and Service Fund;

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

24 (15) violation of Section 401, 407, or 407.2 of the  
25 Illinois Controlled Substances Act that proximately caused  
26 any incident resulting in an appropriate drug-related

1 emergency response, \$1,000 as reimbursement for the  
2 emergency response to the law enforcement agency that made  
3 the arrest, and if more than one agency is responsible for  
4 the arrest, the amount payable to law enforcement agencies  
5 shall be shared equally;

6 (16) violation of reckless driving, aggravated  
7 reckless driving, or driving 26 miles per hour or more in  
8 excess of the speed limit that triggered an emergency  
9 response, \$1,000 maximum reimbursement for the emergency  
10 response to be distributed in its entirety to a public  
11 agency that provided an emergency response related to the  
12 person's violation, and if more than one agency responded,  
13 the amount payable to public agencies shall be shared  
14 equally;

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

21 (A) \$50 to the county treasurer for deposit into  
22 the Circuit Court Clerk Operation and Administrative  
23 Fund to cover the costs in administering this paragraph  
24 (17);

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

1 (i) if the arresting or investigating agency  
2 is the Department of State Police, into the State  
3 Police Law Enforcement Administration Fund;

4 (ii) if the arresting or investigating agency  
5 is the Department of Natural Resources, into the  
6 Conservation Police Operations Assistance Fund;

7 (iii) if the arresting or investigating agency  
8 is the Secretary of State, into the Secretary of  
9 State Police Services Fund;

10 (iv) if the arresting or investigating agency  
11 is the Illinois Commerce Commission, into the  
12 Public Utility Fund; or

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

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

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

25 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)