



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4985

Introduced 2/18/2020, by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-70

Amends the Criminal and Traffic Assessment Act. Provides that the court shall order payment of a conditional assessment of \$500 for a sentence for gunrunning or firearms trafficking collected and remitted by the Clerk of the Circuit Court for deposit into the Traffic and Criminal Conviction Surcharge Fund to be used by the Illinois Law Enforcement Training Standards Board as grants by the Illinois Law Enforcement Training Standards Board to units of local government to purchase bulletproof vests for local police departments and to hire peace officers.

LRB101 16762 RLC 66154 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7 (Section scheduled to be repealed on January 1, 2021)

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

15 (1) arson, residential arson, or aggravated arson,
16 \$500 per conviction to the State Treasurer for deposit into
17 the Fire Prevention Fund;

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

23 (A) if the arresting agency is an agency of a unit

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

9 (B) if the arresting agency is the Department of
10 State Police, \$500 to the State Treasurer for deposit
11 into the State Crime Laboratory Fund;

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

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

24 (5) DUI analysis, \$150 on each sentenced violation in
25 which it was used as set forth in subsection (f) of Section
26 5-9-1.9 of the Unified Code of Corrections;

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

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

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

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

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

25 (6.5) Kane County or Will County, in felony,
26 misdemeanor, local or county ordinance, traffic, or

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

18 (7) methamphetamine-related offense involving
19 possession or delivery of methamphetamine or any salt of an
20 optical isomer of methamphetamine or possession of a
21 methamphetamine manufacturing material as set forth in
22 Section 10 of the Methamphetamine Control and Community
23 Protection Act with the intent to manufacture a substance
24 containing methamphetamine or salt of an optical isomer of
25 methamphetamine, an amount not less than the full street
26 value of the methamphetamine or salt of an optical isomer

1 of methamphetamine or methamphetamine manufacturing
2 materials seized for each conviction to be disbursed as
3 follows:

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

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

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

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

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

1 Corrections;

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

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

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

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

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

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

25 (13) victim and offender are family or household
26 members as defined in Section 103 of the Illinois Domestic

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

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

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

22 (16) violation of reckless driving, aggravated
23 reckless driving, or driving 26 miles per hour or more in
24 excess of the speed limit that triggered an emergency
25 response, \$1,000 maximum reimbursement for the emergency
26 response to be distributed in its entirety to a public

1 agency that provided an emergency response related to the
2 person's violation, and if more than one agency responded,
3 the amount payable to public agencies shall be shared
4 equally;

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

11 (A) \$50 to the county treasurer for deposit into
12 the Circuit Court Clerk Operation and Administrative
13 Fund to cover the costs in administering this paragraph
14 (17);

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

17 (i) if the arresting or investigating agency
18 is the Department of State Police, into the State
19 Police Law Enforcement Administration Fund;

20 (ii) if the arresting or investigating agency
21 is the Department of Natural Resources, into the
22 Conservation Police Operations Assistance Fund;

23 (iii) if the arresting or investigating agency
24 is the Secretary of State, into the Secretary of
25 State Police Services Fund;

26 (iv) if the arresting or investigating agency

1 is the Illinois Commerce Commission, into the
2 Public Utility Fund; or

3 (v) if more than one of the State agencies in
4 this subparagraph (B) is the arresting or
5 investigating agency, then equal shares with the
6 shares deposited as provided in the applicable
7 items (i) through (iv) of this subparagraph (B);
8 and

9 (C) the remainder for deposit into the Specialized
10 Services for Survivors of Human Trafficking Fund;

11 (18) weapons violation under Section 24-1.1, 24-1.2,
12 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, \$100 for each conviction to the State Treasurer
14 for deposit into the Trauma Center Fund; ~~and~~

15 (19) violation of subsection (c) of Section 11-907 of
16 the Illinois Vehicle Code, \$250 to the State Treasurer for
17 deposit into the Scott's Law Fund, unless a county or
18 municipal police officer wrote the ticket for the
19 violation, in which case to the county treasurer for
20 deposit into that county's or municipality's
21 Transportation Safety Highway Hire-back Fund to be used as
22 provided in subsection (j) of Section 11-907 of the
23 Illinois Vehicle Code; and

24 (20) gunrunning or firearms trafficking, \$500 to the
25 State Treasurer for deposit into the Traffic and Criminal
26 Conviction Surcharge Fund to be used by the Illinois Law

1 Enforcement Training Standards Board as grants by the
2 Illinois Law Enforcement Training Standards Board to units
3 of local government to purchase bulletproof vests for local
4 police departments and to hire peace officers.

5 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
6 101-173, eff. 1-1-20.)