



Sen. Terry Link

**Filed: 5/13/2005**

09400SB1180sam001

LRB094 04829 RLC 46563 a

1 AMENDMENT TO SENATE BILL 1180

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1180 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-9-1 as follows:

6 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

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

10 (1) for a felony, \$25,000 or the amount specified in  
11 the offense, whichever is greater, or where the offender is  
12 a corporation, \$50,000 or the amount specified in the  
13 offense, whichever is greater;

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

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

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

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

21 (b) A fine may be imposed in addition to a sentence of  
22 conditional discharge, probation, periodic imprisonment, or  
23 imprisonment.

24 (c) There shall be added to every fine imposed in

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

15 Such additional amounts shall be assessed by the court  
16 imposing the fine and shall be collected by the Circuit Clerk  
17 in addition to the fine and costs in the case. Each such  
18 additional penalty shall be remitted by the Circuit Clerk  
19 within one month after receipt to the State Treasurer. The  
20 State Treasurer shall deposit \$1 for each \$40, or fraction  
21 thereof, of fine imposed into the LEADS Maintenance Fund. The  
22 remaining surcharge amount shall be deposited into the Traffic  
23 and Criminal Conviction Surcharge Fund, unless the fine, costs  
24 or additional amounts are subject to disbursement by the  
25 circuit clerk under Section 27.5 of the Clerks of Courts Act.  
26 Such additional penalty shall not be considered a part of the  
27 fine for purposes of any reduction in the fine for time served  
28 either before or after sentencing. Not later than March 1 of  
29 each year the Circuit Clerk shall submit a report of the amount  
30 of funds remitted to the State Treasurer under this subsection  
31 (c) during the preceding calendar year. Except as otherwise  
32 provided by Supreme Court Rules, if a court in imposing a fine  
33 against an offender levies a gross amount for fine, costs, fees  
34 and penalties, the amount of the additional penalty provided

1 for herein shall be computed on the amount remaining after  
2 deducting from the gross amount levied all fees of the Circuit  
3 Clerk, the State's Attorney and the Sheriff. After deducting  
4 from the gross amount levied the fees and additional penalty  
5 provided for herein, less any other additional penalties  
6 provided by law, the clerk shall remit the net balance  
7 remaining to the entity authorized by law to receive the fine  
8 imposed in the case. For purposes of this Section "fees of the  
9 Circuit Clerk" shall include, if applicable, the fee provided  
10 for under Section 27.3a of the Clerks of Courts Act and the  
11 fee, if applicable, payable to the county in which the  
12 violation occurred pursuant to Section 5-1101 of the Counties  
13 Code.

14 (c-5) In addition to the fines imposed by subsection (c),  
15 any person convicted or receiving an order of supervision for  
16 driving under the influence of alcohol or drugs shall pay an  
17 additional \$100 fee to the clerk. This additional fee, less 2  
18 1/2% that shall be used to defray administrative costs incurred  
19 by the clerk, shall be remitted by the clerk to the Treasurer  
20 within 60 days after receipt for deposit into the Trauma Center  
21 Fund. This additional fee of \$100 shall not be considered a  
22 part of the fine for purposes of any reduction in the fine for  
23 time served either before or after sentencing. Not later than  
24 March 1 of each year the Circuit Clerk shall submit a report of  
25 the amount of funds remitted to the State Treasurer under this  
26 subsection (c-5) during the preceding calendar year.

27 The Circuit Clerk may accept payment of fines and costs by  
28 credit card from an offender who has been convicted of a  
29 traffic offense, petty offense or misdemeanor and may charge  
30 the service fee permitted where fines and costs are paid by  
31 credit card provided for in Section 27.3b of the Clerks of  
32 Courts Act.

33 (c-7) In addition to the fines imposed by subsection (c),  
34 any person convicted or receiving an order of supervision for

1 driving under the influence of alcohol or drugs shall pay an  
2 additional \$5 fee to the clerk. This additional fee, less 2  
3 1/2% that shall be used to defray administrative costs incurred  
4 by the clerk, shall be remitted by the clerk to the Treasurer  
5 within 60 days after receipt for deposit into the Spinal Cord  
6 Injury Paralysis Cure Research Trust Fund. This additional fee  
7 of \$5 shall not be considered a part of the fine for purposes  
8 of any reduction in the fine for time served either before or  
9 after sentencing. Not later than March 1 of each year the  
10 Circuit Clerk shall submit a report of the amount of funds  
11 remitted to the State Treasurer under this subsection (c-7)  
12 during the preceding calendar year.

13 (c-9) There shall be added to every fine imposed in  
14 sentencing for a criminal or traffic offense, except an offense  
15 relating to parking or registration, or offense by a  
16 pedestrian, an additional fee penalty of \$4 for every \$40, or  
17 portion thereof, of the fine imposed. The additional fee  
18 ~~penalty of \$4~~ shall also be added by the circuit clerk to every  
19 fine imposed by the court upon a plea of guilty, stipulation of  
20 facts or findings of guilty, resulting in a judgment of  
21 conviction, or order of supervision in criminal, traffic, local  
22 ordinance, county ordinance, or conservation cases (except  
23 parking, registration, or pedestrian violations), or upon a  
24 sentence of probation without entry of judgment under Section  
25 10 of the Cannabis Control Act or Section 410 of the Controlled  
26 Substances Act. Such additional fee penalty of \$4 shall be  
27 charged and assessed by the court imposing the fine and shall  
28 be collected by the circuit clerk in addition to any other  
29 fine, costs, fees, and penalties in the case. The fee shall be  
30 paid at the time of filing the pleading, paper, or other  
31 document containing the disposition described above by or on  
32 behalf of the defendant. Each such additional fee penalty of \$4  
33 shall be remitted to the State Treasurer by the circuit clerk  
34 within one month after receipt. The State Treasurer shall

1 deposit the additional fee ~~penalty of \$4~~ into the Traffic and  
2 Criminal Conviction Surcharge Fund. The additional fee ~~penalty~~  
3 ~~of \$4~~ shall be in addition to any other fine, costs, fees, and  
4 penalties ~~and shall not reduce or affect the distribution of~~  
5 ~~any other fine, costs, fees, and penalties.~~

6 (d) In determining the amount and method of payment of a  
7 fine, except for those fines established for violations of  
8 Chapter 15 of the Illinois Vehicle Code, the court shall  
9 consider:

10 (1) the financial resources and future ability of the  
11 offender to pay the fine; and

12 (2) whether the fine will prevent the offender from  
13 making court ordered restitution or reparation to the  
14 victim of the offense; and

15 (3) in a case where the accused is a dissolved  
16 corporation and the court has appointed counsel to  
17 represent the corporation, the costs incurred either by the  
18 county or the State for such representation.

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

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

28 (Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law."