



Sen. Terry Link

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09400SB1180sam002

LRB094 04829 RLC 46844 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 to every fine imposed upon a
19 plea of guilty, stipulation of facts or findings of guilty,
20 resulting in a judgment of conviction, or order of supervision
21 in criminal, traffic, local ordinance, county ordinance, or
22 conservation cases (except parking, registration, or
23 pedestrian violations), or upon a sentence of probation without
24 entry of judgment under Section 10 of the Cannabis Control Act
25 or Section 410 of the Controlled Substances Act. Such
26 additional fee penalty of ~~\$4~~ shall be assessed by the court
27 imposing the fine and shall be collected by the circuit clerk
28 in addition to any other fine, costs, fees, and penalties in
29 the case. Each such additional fee penalty of ~~\$4~~ shall be
30 remitted to the State Treasurer by the circuit clerk within one
31 month after receipt. The State Treasurer shall deposit the
32 additional fee penalty of ~~\$4~~ into the Traffic and Criminal
33 Conviction Surcharge Fund. The additional fee penalty of ~~\$4~~
34 shall be in addition to any other fine, costs, fees, and

1 penalties and shall not reduce or affect the distribution of
2 any other fine, costs, fees, and penalties.

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

7 (1) the financial resources and future ability of the
8 offender to pay the fine; and

9 (2) whether the fine will prevent the offender from
10 making court ordered restitution or reparation to the
11 victim of the offense; and

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."