



Elementary Secondary Education Committee

Filed: 3/4/2009

09600HB0272ham001

LRB096 04765 NHT 22744 a

1 AMENDMENT TO HOUSE BILL 272

2 AMENDMENT NO. _____. Amend House Bill 272 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The State Finance Act is amended by adding
5 Section 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Performance-enhancing Substance Testing
8 Fund."; and

9 on page 6, by replacing lines 3 through 7 with the following:

10 "(f) The Performance-enhancing Substance Testing Fund is
11 created as a special fund in the State treasury. All money in
12 the Fund shall be used, subject to appropriation, by the
13 Department of Public Health to distribute as grants to pay the
14 costs of the performance-enhancing substance testing program
15 established under subsection (d) of this Section."; and

1 on page 7, immediately below line 10, by inserting the
2 following:

3 "Section 10. The Unified Code of Corrections is amended by
4 changing Section 5-9-1.1 as follows:

5 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

6 (Text of Section from P.A. 94-550)

7 Sec. 5-9-1.1. Drug related offenses.

8 (a) When a person has been adjudged guilty of a drug
9 related offense involving possession or delivery of cannabis or
10 possession or delivery of a controlled substance, other than
11 methamphetamine, as defined in the Cannabis Control Act, as
12 amended, or the Illinois Controlled Substances Act, as amended,
13 in addition to any other penalty imposed, a fine shall be
14 levied by the court at not less than the full street value of
15 the cannabis or controlled substances seized.

16 "Street value" shall be determined by the court on the
17 basis of testimony of law enforcement personnel and the
18 defendant as to the amount seized and such testimony as may be
19 required by the court as to the current street value of the
20 cannabis or controlled substance seized.

21 (b) In addition to any penalty imposed under subsection (a)
22 of this Section, a fine of \$100 shall be levied by the court,
23 the proceeds of which shall be collected by the Circuit Clerk

1 and remitted to the State Treasurer under Section 27.6 of the
2 Clerks of Courts Act for deposit into the Trauma Center Fund
3 for distribution as provided under Section 3.225 of the
4 Emergency Medical Services (EMS) Systems Act.

5 (c) In addition to any penalty imposed under subsection (a)
6 of this Section, a fee of \$5 shall be assessed by the court,
7 the proceeds of which shall be collected by the Circuit Clerk
8 and remitted to the State Treasurer under Section 27.6 of the
9 Clerks of Courts Act for deposit into the Spinal Cord Injury
10 Paralysis Cure Research Trust Fund. This additional fee of \$5
11 shall not be considered a part of the fine for purposes of any
12 reduction in the fine for time served either before or after
13 sentencing.

14 (d) In addition to any penalty imposed under subsection (a)
15 of this Section for a drug related offense involving possession
16 or delivery of a controlled substance, other than
17 methamphetamine, as defined in the Illinois Controlled
18 Substances Act, a fee of \$50 shall be assessed by the court,
19 the proceeds of which shall be collected by the Circuit Clerk
20 and remitted to the State Treasurer under Section 27.6 of the
21 Clerks of Courts Act for deposit into the Performance-enhancing
22 Substance Testing Fund. This additional fee of \$50 shall not be
23 considered a part of the fine for purposes of any reduction in
24 the fine for time served either before or after sentencing.

25 (Source: P.A. 94-550, eff. 1-1-06.)

1 (Text of Section from P.A. 94-556)

2 Sec. 5-9-1.1. Drug related offenses.

3 (a) When a person has been adjudged guilty of a drug
4 related offense involving possession or delivery of cannabis or
5 possession or delivery of a controlled substance as defined in
6 the Cannabis Control Act, the Illinois Controlled Substances
7 Act, or the Methamphetamine Control and Community Protection
8 Act, in addition to any other penalty imposed, a fine shall be
9 levied by the court at not less than the full street value of
10 the cannabis or controlled substances seized.

11 "Street value" shall be determined by the court on the
12 basis of testimony of law enforcement personnel and the
13 defendant as to the amount seized and such testimony as may be
14 required by the court as to the current street value of the
15 cannabis or controlled substance seized.

16 (b) In addition to any penalty imposed under subsection (a)
17 of this Section, a fine of \$100 shall be levied by the court,
18 the proceeds of which shall be collected by the Circuit Clerk
19 and remitted to the State Treasurer under Section 27.6 of the
20 Clerks of Courts Act for deposit into the Trauma Center Fund
21 for distribution as provided under Section 3.225 of the
22 Emergency Medical Services (EMS) Systems Act.

23 (c) In addition to any penalty imposed under subsection (a)
24 of this Section, a fee of \$5 shall be assessed by the court,
25 the proceeds of which shall be collected by the Circuit Clerk
26 and remitted to the State Treasurer under Section 27.6 of the

1 Clerks of Courts Act for deposit into the Spinal Cord Injury
2 Paralysis Cure Research Trust Fund. This additional fee of \$5
3 shall not be considered a part of the fine for purposes of any
4 reduction in the fine for time served either before or after
5 sentencing.

6 (d) In addition to any penalty imposed under subsection (a)
7 of this Section for a drug related offense involving possession
8 or delivery of a controlled substance, other than
9 methamphetamine, as defined in the Illinois Controlled
10 Substances Act, a fee of \$50 shall be assessed by the court,
11 the proceeds of which shall be collected by the Circuit Clerk
12 and remitted to the State Treasurer under Section 27.6 of the
13 Clerks of Courts Act for deposit into the Performance-enhancing
14 Substance Testing Fund. This additional fee of \$50 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing.

17 (Source: P.A. 94-556, eff. 9-11-05.)".