

HB5801



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5801

by Rep. Jehan A. Gordon-Booth

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning authorized fines.

LRB098 19392 RLC 54548 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 ~~may~~ be sentenced to pay a fine as
9 provided in Article 4.5 of Chapter V.

10 (b) (Blank.)

11 (c) There shall be added to every fine imposed in
12 sentencing for a criminal or traffic offense, except an offense
13 relating to parking or registration, or offense by a
14 pedestrian, an additional penalty of \$10 for each \$40, or
15 fraction thereof, of fine imposed. The additional penalty of
16 \$10 for each \$40, or fraction thereof, of fine imposed, if not
17 otherwise assessed, shall also be added to every fine imposed
18 upon a plea of guilty, stipulation of facts or findings of
19 guilty, resulting in a judgment of conviction, or order of
20 supervision in criminal, traffic, local ordinance, county
21 ordinance, and conservation cases (except parking,
22 registration, or pedestrian violations), or upon a sentence of
23 probation without entry of judgment under Section 10 of the

1 Cannabis Control Act, Section 410 of the Illinois Controlled
2 Substances Act, or Section 70 of the Methamphetamine Control
3 and Community Protection Act.

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

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

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

26 The Circuit Clerk may accept payment of fines and costs by

1 credit card from an offender who has been convicted of a
2 traffic offense, petty offense or misdemeanor and may charge
3 the service fee permitted where fines and costs are paid by
4 credit card provided for in Section 27.3b of the Clerks of
5 Courts Act.

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

20 (c-9) (Blank).

21 (d) In determining the amount and method of payment of a
22 fine, except for those fines established for violations of
23 Chapter 15 of the Illinois Vehicle Code, the court shall
24 consider:

25 (1) the financial resources and future ability of the
26 offender to pay the fine; and

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

4 (3) in a case where the accused is a dissolved
5 corporation and the court has appointed counsel to
6 represent the corporation, the costs incurred either by the
7 county or the State for such representation.

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

10 (f) All fines, costs and additional amounts imposed under
11 this Section for any violation of Chapters 3, 4, 6, and 11 of
12 the Illinois Vehicle Code, or a similar provision of a local
13 ordinance, and any violation of the Child Passenger Protection
14 Act, or a similar provision of a local ordinance, shall be
15 collected and disbursed by the circuit clerk as provided under
16 Section 27.5 of the Clerks of Courts Act.

17 (Source: P.A. 94-556, eff. 9-11-05; 94-652, eff. 8-22-05;
18 94-987, eff. 6-30-06; 95-1052, eff. 7-1-09.)