



Sen. Gary Forby

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09900HB3126sam002

LRB099 07364 MRW 49376 a

1 AMENDMENT TO HOUSE BILL 3126

2 AMENDMENT NO. _____. Amend House Bill 3126 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 as provided
9 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 \$15 for each \$40, or
15 fraction thereof, of fine imposed for violations other than
16 violations of Section 15-111 of the Illinois Vehicle Code; \$15

1 for each \$40 of the first \$330, or fraction thereof, of fine
2 imposed for a violation of Section 15-111 of the Illinois
3 Vehicle Code and \$10 for each subsequent \$40, or fraction
4 thereof, of fine imposed for violation of Section 15-111 of the
5 Illinois Vehicle Code, following the initial \$15 additional
6 penalty for each \$40 of the first \$330 of fine imposed. The
7 additional penalty under this subsection (c) of \$15 for each
8 ~~\$40, or fraction thereof, of fine imposed,~~ if not otherwise
9 assessed, shall also be added to every fine imposed upon a plea
10 of guilty, stipulation of facts or findings of guilty,
11 resulting in a judgment of conviction, or order of supervision
12 in criminal, traffic, local ordinance, county ordinance, and
13 conservation cases (except parking, registration, or
14 pedestrian violations), or upon a sentence of probation without
15 entry of judgment under Section 10 of the Cannabis Control Act,
16 Section 410 of the Illinois Controlled Substances Act, or
17 Section 70 of the Methamphetamine Control and Community
18 Protection Act.

19 Such additional amounts shall be assessed by the court
20 imposing the fine and shall be collected by the Circuit Clerk
21 in addition to the fine and costs in the case. Each such
22 additional penalty shall be remitted by the Circuit Clerk
23 within one month after receipt to the State Treasurer. The
24 State Treasurer shall deposit \$1 for each \$40, or fraction
25 thereof, of fine imposed into the LEADS Maintenance Fund. The
26 State Treasurer shall deposit \$3 for each \$40, or fraction

1 thereof, of fine imposed into the Law Enforcement Camera Grant
2 Fund. The remaining surcharge amount shall be deposited into
3 the Traffic and Criminal Conviction Surcharge Fund, unless the
4 fine, costs or additional amounts are subject to disbursement
5 by the circuit clerk under Section 27.5 of the Clerks of Courts
6 Act. Such additional penalty shall not be considered a part of
7 the fine for purposes of any reduction in the fine for time
8 served either before or after sentencing. Not later than March
9 1 of each year the Circuit Clerk shall submit a report of the
10 amount of funds remitted to the State Treasurer under this
11 subsection (c) during the preceding calendar year. Except as
12 otherwise provided by Supreme Court Rules, if a court in
13 imposing a fine against an offender levies a gross amount for
14 fine, costs, fees and penalties, the amount of the additional
15 penalty provided for herein shall be computed on the amount
16 remaining after deducting from the gross amount levied all fees
17 of the Circuit Clerk, the State's Attorney and the Sheriff.
18 After deducting from the gross amount levied the fees and
19 additional penalty provided for herein, less any other
20 additional penalties provided by law, the clerk shall remit the
21 net balance remaining to the entity authorized by law to
22 receive the fine imposed in the case. For purposes of this
23 Section "fees of the Circuit Clerk" shall include, if
24 applicable, the fee provided for under Section 27.3a of the
25 Clerks of Courts Act and the fee, if applicable, payable to the
26 county in which the violation occurred pursuant to Section

1 5-1101 of the Counties Code.

2 (c-5) In addition to the fines imposed by subsection (c),
3 any person convicted or receiving an order of supervision for
4 driving under the influence of alcohol or drugs shall pay an
5 additional \$100 fee to the clerk. This additional fee, less 2
6 1/2% that shall be used to defray administrative costs incurred
7 by the clerk, shall be remitted by the clerk to the Treasurer
8 within 60 days after receipt for deposit into the Trauma Center
9 Fund. This additional fee of \$100 shall not be considered a
10 part of the fine for purposes of any reduction in the fine for
11 time served either before or after sentencing. Not later than
12 March 1 of each year the Circuit Clerk shall submit a report of
13 the amount of funds remitted to the State Treasurer under this
14 subsection (c-5) during the preceding calendar year.

15 The Circuit Clerk may accept payment of fines and costs by
16 credit card from an offender who has been convicted of a
17 traffic offense, petty offense or misdemeanor and may charge
18 the service fee permitted where fines and costs are paid by
19 credit card provided for in Section 27.3b of the Clerks of
20 Courts Act.

21 (c-7) In addition to the fines imposed by subsection (c),
22 any person convicted or receiving an order of supervision for
23 driving under the influence of alcohol or drugs shall pay an
24 additional \$5 fee to the clerk. This additional fee, less 2
25 1/2% that shall be used to defray administrative costs incurred
26 by the clerk, shall be remitted by the clerk to the Treasurer

1 within 60 days after receipt for deposit into the Spinal Cord
2 Injury Paralysis Cure Research Trust Fund. This additional fee
3 of \$5 shall not be considered a part of the fine for purposes
4 of any reduction in the fine for time served either before or
5 after sentencing. Not later than March 1 of each year the
6 Circuit Clerk shall submit a report of the amount of funds
7 remitted to the State Treasurer under this subsection (c-7)
8 during the preceding calendar year.

9 (c-9) (Blank).

10 (d) In determining the amount and method of payment of a
11 fine, except for those fines established for violations of
12 Chapter 15 of the Illinois Vehicle Code, the court shall
13 consider:

14 (1) the financial resources and future ability of the
15 offender to pay the fine; and

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

19 (3) in a case where the accused is a dissolved
20 corporation and the court has appointed counsel to
21 represent the corporation, the costs incurred either by the
22 county or the State for such representation.

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

25 (f) All fines, costs and additional amounts imposed under
26 this Section for any violation of Chapters 3, 4, 6, and 11 of

1 the Illinois Vehicle Code, or a similar provision of a local
2 ordinance, and any violation of the Child Passenger Protection
3 Act, or a similar provision of a local ordinance, shall be
4 collected and disbursed by the circuit clerk as provided under
5 Section 27.5 of the Clerks of Courts Act.

6 (Source: P.A. 99-352, eff. 1-1-16.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".