

HB2890



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2890

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

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

Amends the Unified Code of Corrections. In provisions concerning authorized fines, provides that the additional fine imposed in sentencing for a criminal or traffic offense concerning wheel and axle loads and gross weights is \$15 for the first \$330, or fraction thereof, of fine imposed for a violation and \$10 for each subsequent \$40, or fraction thereof, of fine imposed for a violation following the initial \$15 surcharge for the first \$330 of fine imposed. Effective immediately.

LRB100 10611 RLC 20830 b

FISCAL NOTE ACT
MAY APPLY

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 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
17 for the first \$330, or fraction thereof, of fine imposed for a
18 violation of Section 15-111 of the Illinois Vehicle Code and
19 \$10 for each subsequent \$40, or fraction thereof, of fine
20 imposed for violation of Section 15-111 of the Illinois Vehicle
21 Code, following the initial \$15 surcharge for the first \$330 of
22 fine imposed. The additional penalty under this subsection (c)
23 ~~of \$15 for each \$40, or fraction thereof, of fine imposed, if~~

1 not otherwise assessed, shall also be added to every fine
2 imposed upon a plea of guilty, stipulation of facts or findings
3 of guilty, resulting in a judgment of conviction, or order of
4 supervision in criminal, traffic, local ordinance, county
5 ordinance, and conservation cases (except parking,
6 registration, or pedestrian violations), or upon a sentence of
7 probation without entry of judgment under Section 10 of the
8 Cannabis Control Act, Section 410 of the Illinois Controlled
9 Substances Act, or Section 70 of the Methamphetamine Control
10 and Community Protection Act.

11 Such additional amounts shall be assessed by the court
12 imposing the fine and shall be collected by the Circuit Clerk
13 in addition to the fine and costs in the case. Each such
14 additional penalty shall be remitted by the Circuit Clerk
15 within one month after receipt to the State Treasurer. The
16 State Treasurer shall deposit \$1 for each \$40, or fraction
17 thereof, of fine imposed into the LEADS Maintenance Fund. The
18 State Treasurer shall deposit \$3 for each \$40, or fraction
19 thereof, of fine imposed into the Law Enforcement Camera Grant
20 Fund. The remaining surcharge amount shall be deposited into
21 the Traffic and Criminal Conviction Surcharge Fund, unless the
22 fine, costs or additional amounts are subject to disbursement
23 by the circuit clerk under Section 27.5 of the Clerks of Courts
24 Act. Such additional penalty shall not be considered a part of
25 the fine for purposes of any reduction in the fine for time
26 served either before or after sentencing. Not later than March

1 of each year the Circuit Clerk shall submit a report of the
2 amount of funds remitted to the State Treasurer under this
3 subsection (c) during the preceding calendar year. Except as
4 otherwise provided by Supreme Court Rules, if a court in
5 imposing a fine against an offender levies a gross amount for
6 fine, costs, fees and penalties, the amount of the additional
7 penalty provided for herein shall be computed on the amount
8 remaining after deducting from the gross amount levied all fees
9 of the Circuit Clerk, the State's Attorney and the Sheriff.
10 After deducting from the gross amount levied the fees and
11 additional penalty provided for herein, less any other
12 additional penalties provided by law, the clerk shall remit the
13 net balance remaining to the entity authorized by law to
14 receive the fine imposed in the case. For purposes of this
15 Section "fees of the Circuit Clerk" shall include, if
16 applicable, the fee provided for under Section 27.3a of the
17 Clerks of Courts Act and the fee, if applicable, payable to the
18 county in which the violation occurred pursuant to Section
19 5-1101 of the Counties Code.

20 (c-5) In addition to the fines imposed by subsection (c),
21 any person convicted or receiving an order of supervision for
22 driving under the influence of alcohol or drugs shall pay an
23 additional \$100 fee to the clerk. This additional fee, less 2
24 1/2% that shall be used to defray administrative costs incurred
25 by the clerk, shall be remitted by the clerk to the Treasurer
26 within 60 days after receipt for deposit into the Trauma Center

1 Fund. This additional fee of \$100 shall not be considered a
2 part of the fine for purposes of any reduction in the fine for
3 time served either before or after sentencing. Not later than
4 March 1 of each year the Circuit Clerk shall submit a report of
5 the amount of funds remitted to the State Treasurer under this
6 subsection (c-5) during the preceding calendar year.

7 The Circuit Clerk may accept payment of fines and costs by
8 credit card from an offender who has been convicted of a
9 traffic offense, petty offense or misdemeanor and may charge
10 the service fee permitted where fines and costs are paid by
11 credit card provided for in Section 27.3b of the Clerks of
12 Courts Act.

13 (c-7) 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 \$5 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 Spinal Cord
20 Injury Paralysis Cure Research Trust Fund. This additional fee
21 of \$5 shall not be considered a part of the fine for purposes
22 of any reduction in the fine for time served either before or
23 after sentencing. Not later than March 1 of each year the
24 Circuit Clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this subsection (c-7)
26 during the preceding calendar year.

1 (c-9) (Blank).

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

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

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

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

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

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

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

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