



Rep. Litesa E. Wallace

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10000HB5623ham001

LRB100 19153 SLF 38428 a

1 AMENDMENT TO HOUSE BILL 5623

2 AMENDMENT NO. _____. Amend House Bill 5623 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 5-9-1.7 as follows:

6 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

7 Sec. 5-9-1.7. Sexual assault fines; sex offense
8 assessments.

9 (a) Definitions. In ~~The terms used in~~ this Section ~~shall~~
10 ~~have the following meanings ascribed to them:~~

11 (1) "Sexual assault" means the commission or attempted
12 commission of the following: sexual exploitation of a
13 child, criminal sexual assault, predatory criminal sexual
14 assault of a child, aggravated criminal sexual assault,
15 criminal sexual abuse, aggravated criminal sexual abuse,
16 indecent solicitation of a child, public indecency, sexual

1 relations within families, promoting juvenile
2 prostitution, soliciting for a juvenile prostitute,
3 keeping a place of juvenile prostitution, patronizing a
4 juvenile prostitute, juvenile pimping, exploitation of a
5 child, obscenity, child pornography, aggravated child
6 pornography, harmful material, or ritualized abuse of a
7 child, as those offenses are defined in the Criminal Code
8 of 1961 or the Criminal Code of 2012.

9 (2) "Family member" shall have the meaning ascribed to
10 it in Section 11-0.1 of the Criminal Code of 2012.

11 (3) "Sexual assault organization" means any
12 not-for-profit organization providing comprehensive,
13 community-based services to victims of sexual assault.
14 "Community-based services" include, but are not limited
15 to, direct crisis intervention through a 24-hour response,
16 medical and legal advocacy, counseling, information and
17 referral services, training, and community education.

18 (4) "Sex offense" means the commission or attempted
19 commission of an offense defined in Article 11 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, except
21 prostitution, duty of commercial film and photographic
22 print processors or computer technicians to report sexual
23 depiction of children, tie-in sales of obscene
24 publications to distributors, public indecency, adultery,
25 fornication, or bigamy and marrying a bigamist.

26 (b) Sexual assault fine and sex offense assessment;

1 collection by clerk.

2 (1) In addition to any other penalty imposed, a sexual
3 assault fine of \$200 shall be imposed upon any person who
4 pleads guilty or who is convicted of, or who receives a
5 disposition of court supervision for, a sexual assault or
6 attempt of a sexual assault, and a sex offense assessment
7 of \$100 shall be imposed upon any person who pleads guilty
8 or who is convicted of, or who receives a disposition of
9 court supervision for, a sex offense or attempt of a sex
10 offense. Upon request of the victim or the victim's
11 representative, the court shall determine whether the
12 fine, assessment, or both will impose an undue burden on
13 the victim of the offense. For purposes of this paragraph,
14 the defendant may not be considered the victim's
15 representative. If the court finds that the fine, assessment,
16 or both would impose an undue burden on the
17 victim, the court may reduce or waive the fine, assessment,
18 or both. The court shall order that the defendant may not
19 use funds belonging solely to the victim of the offense for
20 payment of the fine or assessment.

21 (2) Sexual assault fines and sex offense assessments
22 shall be assessed by the court imposing the sentence and
23 shall be collected by the circuit clerk. The circuit clerk
24 shall retain 10% of the sexual assault fine penalty to
25 cover the costs involved in administering and enforcing
26 this Section. The circuit court clerk shall remit the sex

1 offense assessment within one month after receipt to the
2 State Treasurer for deposit in the State Crime Laboratory
3 Fund to pay for the costs of processing and analyzing the
4 Illinois State Police Sexual Assault Evidence Collection
5 Kits under Section 15 of the Sexual Assault Evidence
6 Submission Act to assist in reduction of the number of
7 un-analyzed and unprocessed Kits. The circuit clerk shall
8 remit the remainder of each sexual assault fine within one
9 month of its receipt to the State Treasurer for deposit as
10 follows:

11 (i) for family member offenders, one-half to the
12 Sexual Assault Services Fund, and one-half to the
13 Domestic Violence Shelter and Service Fund; and

14 (ii) for other than family member offenders, the
15 full amount to the Sexual Assault Services Fund.

16 (c) Sexual Assault Services Fund; administration. There is
17 created a Sexual Assault Services Fund. Moneys deposited into
18 the Fund under this Section shall be appropriated to the
19 Department of Public Health. Upon appropriation of moneys from
20 the Sexual Assault Services Fund, the Department of Public
21 Health shall make grants of these moneys from the Fund to
22 sexual assault organizations with whom the Department has
23 contracts for the purpose of providing community-based
24 services to victims of sexual assault. Grants made under this
25 Section are in addition to, and are not substitutes for, other
26 grants authorized and made by the Department.

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;
2 97-1150, eff. 1-25-13.)".