



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5623

by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.7

from Ch. 38, par. 1005-9-1.7

Amends the Unified Code of Corrections. Provides the circuit court clerk shall retain an additional 10% of the fine in a sexual assault case and shall remit it within one month after receipt to the State Treasurer for deposit in the State Crime Laboratory Fund to pay for the costs of processing and analyzing the Illinois State Police Sexual Assault Evidence Collection Kits under the Sexual Assault Evidence Submission Act to assist in reduction of the number of un-analyzed and unprocessed Kits.

LRB100 19153 MRW 34418 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 5-9-1.7 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.

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

10 (1) "Sexual assault" means the commission or attempted
11 commission of the following: sexual exploitation of a
12 child, criminal sexual assault, predatory criminal sexual
13 assault of a child, aggravated criminal sexual assault,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 indecent solicitation of a child, public indecency, sexual
16 relations within families, promoting juvenile
17 prostitution, soliciting for a juvenile prostitute,
18 keeping a place of juvenile prostitution, patronizing a
19 juvenile prostitute, juvenile pimping, exploitation of a
20 child, obscenity, child pornography, aggravated child
21 pornography, harmful material, or ritualized abuse of a
22 child, as those offenses are defined in the Criminal Code
23 of 1961 or the Criminal Code of 2012.

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

3 (3) "Sexual assault organization" means any
4 not-for-profit organization providing comprehensive,
5 community-based services to victims of sexual assault.
6 "Community-based services" include, but are not limited
7 to, direct crisis intervention through a 24-hour response,
8 medical and legal advocacy, counseling, information and
9 referral services, training, and community education.

10 (b) Sexual assault fine; collection by clerk.

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

24 (2) Sexual assault fines shall be assessed by the court
25 imposing the sentence and shall be collected by the circuit
26 clerk. The circuit clerk shall retain 10% of the penalty to

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

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

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

18 (c) Sexual Assault Services Fund; administration. There is
19 created a Sexual Assault Services Fund. Moneys deposited into
20 the Fund under this Section shall be appropriated to the
21 Department of Public Health. Upon appropriation of moneys from
22 the Sexual Assault Services Fund, the Department of Public
23 Health shall make grants of these moneys from the Fund to
24 sexual assault organizations with whom the Department has
25 contracts for the purpose of providing community-based
26 services to victims of sexual assault. Grants made under this

1 Section are in addition to, and are not substitutes for, other
2 grants authorized and made by the Department.

3 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13;
4 97-1150, eff. 1-25-13.)