

**SB1328**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB1328**

Introduced 2/9/2017, by Sen. Chapin Rose

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/5-9-1.1

from Ch. 38, par. 1005-9-1.1

Amends the Unified Code of Corrections. Provides that the \$25 assessment for drug related offenses appropriated to and administered by the Illinois Criminal Justice Information Authority shall be distributed to fund Department of State Police drug task forces and Metropolitan Enforcement Groups by dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.

LRB100 08307 RLC 18410 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 5-9-1.1 as follows:

6 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

7 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,  
8 97-545, 98-537, and 99-480)

9 Sec. 5-9-1.1. Drug related offenses.

10 (a) When a person has been adjudged guilty of a drug  
11 related offense involving possession or delivery of cannabis or  
12 possession or delivery of a controlled substance, other than  
13 methamphetamine, as defined in the Cannabis Control Act, as  
14 amended, or the Illinois Controlled Substances Act, as amended,  
15 in addition to any other penalty imposed, a fine shall be  
16 levied by the court at not less than the full street value of  
17 the cannabis or controlled substances seized.

18 "Street value" shall be determined by the court on the  
19 basis of testimony of law enforcement personnel and the  
20 defendant as to the amount seized and such testimony as may be  
21 required by the court as to the current street value of the  
22 cannabis or controlled substance seized.

23 (b) In addition to any penalty imposed under subsection (a)

1 of this Section, a fine of \$100 shall be levied by the court,  
2 the proceeds of which shall be collected by the Circuit Clerk  
3 and remitted to the State Treasurer under Section 27.6 of the  
4 Clerks of Courts Act for deposit into the Trauma Center Fund  
5 for distribution as provided under Section 3.225 of the  
6 Emergency Medical Services (EMS) Systems Act.

7 (c) In addition to any penalty imposed under subsection (a)  
8 of this Section, a fee of \$5 shall be assessed by the court,  
9 the proceeds of which shall be collected by the Circuit Clerk  
10 and remitted to the State Treasurer under Section 27.6 of the  
11 Clerks of Courts Act for deposit into the Spinal Cord Injury  
12 Paralysis Cure Research Trust Fund. This additional fee of \$5  
13 shall not be considered a part of the fine for purposes of any  
14 reduction in the fine for time served either before or after  
15 sentencing.

16 (d) In addition to any penalty imposed under subsection (a)  
17 of this Section for a drug related offense involving possession  
18 or delivery of cannabis or possession or delivery of a  
19 controlled substance as defined in the Cannabis Control Act,  
20 the Illinois Controlled Substances Act, or the Methamphetamine  
21 Control and Community Protection Act, a fee of \$50 shall be  
22 assessed by the court, the proceeds of which shall be collected  
23 by the Circuit Clerk and remitted to the State Treasurer under  
24 Section 27.6 of the Clerks of Courts Act for deposit into the  
25 Performance-enhancing Substance Testing Fund. This additional  
26 fee of \$50 shall not be considered a part of the fine for

1 purposes of any reduction in the fine for time served either  
2 before or after sentencing. The provisions of this subsection  
3 (d), other than this sentence, are inoperative after June 30,  
4 2011.

5 (e) In addition to any penalty imposed under subsection (a)  
6 of this Section, a \$25 assessment shall be assessed by the  
7 court, the proceeds of which shall be collected by the Circuit  
8 Clerk and remitted to the State Treasurer for deposit into the  
9 Criminal Justice Information Projects Fund. The moneys  
10 deposited into the Criminal Justice Information Projects Fund  
11 under this Section shall be appropriated to and administered by  
12 the Illinois Criminal Justice Information Authority for  
13 distribution to fund Department of State Police ~~funding of~~ drug  
14 task forces and Metropolitan Enforcement Groups by dividing the  
15 funds equally by the total number of Department of State Police  
16 drug task forces and Illinois Metropolitan Enforcement Groups.

17 (f) In addition to any penalty imposed under subsection (a)  
18 of this Section, a \$40 assessment shall be assessed by the  
19 court, the proceeds of which shall be collected by the Circuit  
20 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
21 the State Treasurer for deposit into the Prescription Pill and  
22 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
23 the Criminal Justice Information Projects Fund, for use by the  
24 Illinois Criminal Justice Information Authority for the costs  
25 associated with making grants from the Prescription Pill and  
26 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%

1 for deposit into the Circuit Court Clerk Operation and  
2 Administrative Fund for the costs associated with  
3 administering this subsection.

4 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

5 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,  
6 97-545, 98-537, and 99-480)

7 Sec. 5-9-1.1. Drug related offenses.

8 (a) When a person has been adjudged guilty of a drug  
9 related offense involving possession or delivery of cannabis or  
10 possession or delivery of a controlled substance as defined in  
11 the Cannabis Control Act, the Illinois Controlled Substances  
12 Act, or the Methamphetamine Control and Community Protection  
13 Act, in addition to any other penalty imposed, a fine shall be  
14 levied by the court at not less than the full street value of  
15 the cannabis or controlled substances seized.

16 "Street value" shall be determined by the court on the  
17 basis of testimony of law enforcement personnel and the  
18 defendant as to the amount seized and such testimony as may be  
19 required by the court as to the current street value of the  
20 cannabis or controlled substance seized.

21 (b) In addition to any penalty imposed under subsection (a)  
22 of this Section, a fine of \$100 shall be levied by the court,  
23 the proceeds of which shall be collected by the Circuit Clerk  
24 and remitted to the State Treasurer under Section 27.6 of the  
25 Clerks of Courts Act for deposit into the Trauma Center Fund

1 for distribution as provided under Section 3.225 of the  
2 Emergency Medical Services (EMS) Systems Act.

3 (c) In addition to any penalty imposed under subsection (a)  
4 of this Section, a fee of \$5 shall be assessed by the court,  
5 the proceeds of which shall be collected by the Circuit Clerk  
6 and remitted to the State Treasurer under Section 27.6 of the  
7 Clerks of Courts Act for deposit into the Spinal Cord Injury  
8 Paralysis Cure Research Trust Fund. This additional fee of \$5  
9 shall not be considered a part of the fine for purposes of any  
10 reduction in the fine for time served either before or after  
11 sentencing.

12 (d) In addition to any penalty imposed under subsection (a)  
13 of this Section for a drug related offense involving possession  
14 or delivery of cannabis or possession or delivery of a  
15 controlled substance as defined in the Cannabis Control Act,  
16 the Illinois Controlled Substances Act, or the Methamphetamine  
17 Control and Community Protection Act, a fee of \$50 shall be  
18 assessed by the court, the proceeds of which shall be collected  
19 by the Circuit Clerk and remitted to the State Treasurer under  
20 Section 27.6 of the Clerks of Courts Act for deposit into the  
21 Performance-enhancing Substance Testing Fund. This additional  
22 fee of \$50 shall not be considered a part of the fine for  
23 purposes of any reduction in the fine for time served either  
24 before or after sentencing. The provisions of this subsection  
25 (d), other than this sentence, are inoperative after June 30,  
26 2011.

1 (e) In addition to any penalty imposed under subsection (a)  
2 of this Section, a \$25 assessment shall be assessed by the  
3 court, the proceeds of which shall be collected by the Circuit  
4 Clerk and remitted to the State Treasurer for deposit into the  
5 Criminal Justice Information Projects Fund. The moneys  
6 deposited into the Criminal Justice Information Projects Fund  
7 under this Section shall be appropriated to and administered by  
8 the Illinois Criminal Justice Information Authority for  
9 distribution to fund Department of State Police ~~funding of~~ drug  
10 task forces and Metropolitan Enforcement Groups by dividing the  
11 funds equally by the total number of Department of State Police  
12 drug task forces and Illinois Metropolitan Enforcement Groups.

13 (f) In addition to any penalty imposed under subsection (a)  
14 of this Section, a \$40 assessment shall be assessed by the  
15 court, the proceeds of which shall be collected by the Circuit  
16 Clerk. Of the collected proceeds, (i) 90% shall be remitted to  
17 the State Treasurer for deposit into the Prescription Pill and  
18 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into  
19 the Criminal Justice Information Projects Fund, for use by the  
20 Illinois Criminal Justice Information Authority for the costs  
21 associated with making grants from the Prescription Pill and  
22 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%  
23 for deposit into the Circuit Court Clerk Operation and  
24 Administrative Fund for the costs associated with  
25 administering this subsection.

26 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)