

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing
6 Sections 2605-410 and 2605-595 as follows:

7 (20 ILCS 2605/2605-410)

8 Sec. 2605-410. Over Dimensional Load Police Escort Fund.
9 To charge, collect, and receive fees or moneys as described in
10 Section 15-312 of the Illinois Vehicle Code. All fees received
11 by the Illinois State Police under Section 15-312 of the
12 Illinois Vehicle Code shall be deposited into the Over
13 Dimensional Load Police Escort Fund, a special fund that is
14 created in the State treasury. Subject to appropriation, the
15 money in the Over Dimensional Load Police Escort Fund shall be
16 used by the Department for its expenses in providing police
17 escorts and commercial vehicle enforcement activities. This
18 Fund is dissolved upon the transfer of the remaining balance
19 from the Over Dimensional Load Police Escort Fund to the State
20 Police Operations Assistance Fund as provided under subsection
21 (a-5) of Section 6z-82 of the State Finance Act. This Section
22 is repealed on January 1, 2023.

23 (Source: P.A. 95-787, eff. 1-1-09.)

1 (20 ILCS 2605/2605-595)

2 Sec. 2605-595. State Police Firearm Services Fund.

3 (a) There is created in the State treasury a special fund
4 known as the State Police Firearm Services Fund. The Fund
5 shall receive revenue under the Firearm Concealed Carry Act,
6 the Firearm Dealer License Certification Act, and Section 5 of
7 the Firearm Owners Identification Card Act. The Fund may also
8 receive revenue from grants, pass-through grants, donations,
9 appropriations, and any other legal source.

10 (a-5) Notwithstanding any other provision of law to the
11 contrary, and in addition to any other transfers that may be
12 provided by law, on the effective date of this amendatory Act
13 of the 102nd General Assembly, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the remaining balance from the
16 Firearm Dealer License Certification Fund into the State
17 Police Firearm Services Fund. Upon completion of the transfer,
18 the Firearm Dealer License Certification Fund is dissolved,
19 and any future deposits due to that Fund and any outstanding
20 obligations or liabilities of that Fund shall pass to the
21 State Police Firearm Services Fund.

22 (b) The Illinois Department ~~of State Police~~ may use moneys
23 in the Fund to finance any of its lawful purposes, mandates,
24 functions, and duties under the Firearm Owners Identification
25 Card Act, the Firearm Dealer License Certification Act, and

1 the Firearm Concealed Carry Act, including the cost of sending
2 notices of expiration of Firearm Owner's Identification Cards,
3 concealed carry licenses, the prompt and efficient processing
4 of applications under the Firearm Owners Identification Card
5 Act and the Firearm Concealed Carry Act, the improved
6 efficiency and reporting of the LEADS and federal NICS law
7 enforcement data systems, and support for investigations
8 required under these Acts and law. Any surplus funds beyond
9 what is needed to comply with the aforementioned purposes
10 shall be used by the Illinois State Police ~~Department~~ to
11 improve the Law Enforcement Agencies Data System (LEADS) and
12 criminal history background check system.

13 (c) Investment income that is attributable to the
14 investment of moneys in the Fund shall be retained in the Fund
15 for the uses specified in this Section.

16 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

17 Section 10. The State Finance Act is amended by changing
18 Sections 5.457, 5.714, 5.664, 5.892, and 6z-82 as follows:

19 (30 ILCS 105/5.457)

20 Sec. 5.457. The State Offender DNA Identification System
21 Fund. This Fund is dissolved upon the transfer of the
22 remaining balance from the State Offender DNA Identification
23 System Fund to the State Crime Laboratory Fund as provided
24 under subsection (e) of Section 5-9-1.4 of the Unified Code of

1 Corrections. This Section is repealed on January 1, 2023.

2 (Source: P.A. 90-130, eff. 1-1-98; 90-655, eff. 7-30-98.)

3 (30 ILCS 105/5.664)

4 Sec. 5.664. The State Police Vehicle Maintenance Fund.
5 This Fund is dissolved upon the transfer of the remaining
6 balance from the State Police Vehicle Maintenance Fund to the
7 State Police Vehicle Fund as provided under subsection (b) of
8 Section 7c of the State Property Control Act. This Section is
9 repealed on January 1, 2023.

10 (Source: P.A. 94-839, eff. 6-6-06.)

11 (30 ILCS 105/5.714)

12 Sec. 5.714. The Over Dimensional Load Police Escort Fund.
13 This Fund is dissolved upon the transfer of the remaining
14 balance from the Over Dimensional Load Police Escort Fund to
15 the State Police Operations Assistance Fund as provided under
16 subsection (a-5) of Section 6z-82 of the State Finance Act.
17 This Section is repealed on January 1, 2023.

18 (Source: P.A. 95-787, eff. 1-1-09; 96-328, eff. 8-11-09.)

19 (30 ILCS 105/5.892)

20 Sec. 5.892. The Firearm Dealer License Certification Fund.
21 This Fund is dissolved upon the transfer of the remaining
22 balance from the Firearm Dealer License Certification Fund to
23 the State Police Firearm Services Fund as provided under

1 subsection (a-5) of Section 2605-595 of the Department of
2 State Police Law of the Civil Administrative Code of Illinois.

3 This Section is repealed on January 1, 2023.

4 (Source: P.A. 100-1178, eff. 1-18-19; 101-81, eff. 7-12-19.)

5 (30 ILCS 105/6z-82)

6 Sec. 6z-82. State Police Operations Assistance Fund.

7 (a) There is created in the State treasury a special fund
8 known as the State Police Operations Assistance Fund. The Fund
9 shall receive revenue under the Criminal and Traffic
10 Assessment Act. The Fund may also receive revenue from grants,
11 donations, appropriations, and any other legal source.

12 (a-5) Notwithstanding any other provision of law to the
13 contrary, and in addition to any other transfers that may be
14 provided by law, on the effective date of this amendatory Act
15 of the 102nd General Assembly, or as soon thereafter as
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the remaining balance from the Over
18 Dimensional Load Police Escort Fund into the State Police
19 Operations Assistance Fund. Upon completion of the transfer,
20 the Over Dimensional Load Police Escort Fund is dissolved, and
21 any future deposits due to that Fund and any outstanding
22 obligations or liabilities of that Fund shall pass to the
23 State Police Operations Assistance Fund.

24 This Fund may charge, collect, and receive fees or moneys
25 as described in Section 15-312 of the Illinois Vehicle Code,

1 and receive all fees received by the Illinois State Police
 2 under that Section. The moneys shall be used by the Illinois
 3 State Police for its expenses in providing police escorts and
 4 commercial vehicle enforcement activities.

5 (b) The Illinois ~~Department of~~ State Police may use moneys
 6 in the Fund to finance any of its lawful purposes or functions.

7 (c) Expenditures may be made from the Fund only as
 8 appropriated by the General Assembly by law.

9 (d) Investment income that is attributable to the
 10 investment of moneys in the Fund shall be retained in the Fund
 11 for the uses specified in this Section.

12 (e) The State Police Operations Assistance Fund shall not
 13 be subject to administrative chargebacks.

14 (f) Notwithstanding any other provision of State law to
 15 the contrary, on or after July 1, 2012, and until June 30,
 16 2013, in addition to any other transfers that may be provided
 17 for by law, at the direction of and upon notification from the
 18 Director of the Illinois State Police, the State Comptroller
 19 shall direct and the State Treasurer shall transfer amounts
 20 into the State Police Operations Assistance Fund from the
 21 designated funds not exceeding the following totals:

22 State Police Vehicle Fund \$2,250,000
 23 State Police Wireless Service
 24 Emergency Fund \$2,500,000
 25 State Police Services Fund \$3,500,000

26 (Source: P.A. 100-987, eff. 7-1-19.)

1 Section 15. The State Property Control Act is amended by
2 changing Sections 7b and 7c as follows:

3 (30 ILCS 605/7b)

4 Sec. 7b. Maintenance and operation of State Police
5 vehicles. All proceeds received by the Department of Central
6 Management Services under this Act from the sale of vehicles
7 operated by the Illinois ~~Department of~~ State Police shall be
8 deposited into the State Police Vehicle Fund ~~State Police~~
9 ~~Vehicle Maintenance Fund.~~

10 ~~The State Police Vehicle Maintenance Fund is created as a~~
11 ~~special fund in the State treasury. All moneys in the State~~
12 ~~Police Vehicle Maintenance Fund, subject to appropriation,~~
13 ~~shall be used by the Department of State Police for the~~
14 ~~maintenance and operation of vehicles for that Department.~~

15 (Source: P.A. 101-636, eff. 6-10-20.)

16 (30 ILCS 605/7c)

17 Sec. 7c. Acquisition of State Police vehicles.

18 (a) The State Police Vehicle Fund is created as a special
19 fund in the State treasury. All moneys in the Fund, subject to
20 appropriation, shall be used by the Illinois ~~Department of~~
21 State Police:

22 (1) for the acquisition of vehicles for the Illinois
23 State Police ~~that Department; or~~

1 (2) for debt service on bonds issued to finance the
2 acquisition of vehicles for the Illinois State Police; or
3 ~~that Department.~~

4 (3) for the maintenance and operation of vehicles for
5 the Illinois State Police.

6 (b) Notwithstanding any other provision of law to the
7 contrary, and in addition to any other transfers that may be
8 provided by law, on the effective date of this amendatory Act
9 of the 102nd General Assembly, or as soon thereafter as
10 practicable, the State Comptroller shall direct and the State
11 Treasurer shall transfer the remaining balance from the State
12 Police Vehicle Maintenance Fund into the State Police Vehicle
13 Fund. Upon completion of the transfer, the State Police
14 Vehicle Maintenance Fund is dissolved, and any future deposits
15 due to that Fund and any outstanding obligations or
16 liabilities of that Fund shall pass to the State Police
17 Vehicle Fund.

18 (Source: P.A. 100-987, eff. 7-1-19.)

19 Section 20. The Firearm Dealer License Certification Act
20 is amended by changing Section 5-70 as follows:

21 (430 ILCS 68/5-70)

22 Sec. 5-70. Fees and fines deposited in the State Police
23 Firearm Services Fund ~~Firearm Dealer License Certification~~
24 Fund. The Illinois State Police ~~Department~~ shall set and

1 collect a fee for each licensee certifying under this Act. The
2 fee may not exceed \$300 for a certified licensee operating
3 without a retail location. The fee may not exceed \$1,500 for
4 any certified licensee operating with a retail location. The
5 Illinois State Police Department may not charge a certified
6 licensee in this State, operating under the same or different
7 business name, fees exceeding \$40,000 for the certification of
8 multiple licenses. All fees and fines collected under this Act
9 shall be deposited in the State Police Firearm Services Fund
10 ~~Firearm Dealer License Certification Fund which is created in~~
11 ~~the State treasury~~. Moneys in the Fund shall be used for
12 implementation and administration of this Act.

13 (Source: P.A. 100-1178, eff. 1-18-19.)

14 Section 25. The Illinois Vehicle Code is amended by
15 changing Section 15-312 as follows:

16 (625 ILCS 5/15-312) (from Ch. 95 1/2, par. 15-312)

17 Sec. 15-312. Fees for police escort. When State Police
18 escorts are required by the Department of Transportation for
19 the safety of the motoring public, the following fees shall be
20 paid by the applicant:

21 (1) to the Department of Transportation: \$40 per hour
22 per vehicle based upon the pre-estimated time of the
23 movement to be agreed upon between the Department and the
24 applicant, with a minimum fee of \$80 per vehicle; and

1 (2) to the Illinois State Police: \$75 per hour per
2 State Police vehicle based upon the actual time of the
3 movement, with a minimum fee of \$300 per State Police
4 vehicle. The Illinois State Police shall remit the moneys
5 to the State Treasurer, who shall deposit the moneys into
6 the State Police Operations Assistance Fund ~~Over~~
7 ~~Dimensional Load Police Escort Fund~~.

8 The actual time of the movement shall be the time the
9 police escort is required to pick up the movement to the time
10 the movement is completed. Any delays or breakdowns shall be
11 considered part of the movement time. Any fraction of an hour
12 shall be rounded up to the next whole hour.

13 (Source: P.A. 100-1090, eff. 1-1-19.)

14 Section 30. The Criminal and Traffic Assessment Act is
15 amended by changing Section 15-70 as follows:

16 (705 ILCS 135/15-70)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 15-70. Conditional assessments. In addition to
19 payments under one of the Schedule of Assessments 1 through 13
20 of this Act, the court shall also order payment of any of the
21 following conditional assessment amounts for each sentenced
22 violation in the case to which a conditional assessment is
23 applicable, which shall be collected and remitted by the Clerk
24 of the Circuit Court as provided in this Section:

1 (1) arson, residential arson, or aggravated arson,
2 \$500 per conviction to the State Treasurer for deposit
3 into the Fire Prevention Fund;

4 (2) child pornography under Section 11-20.1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, \$500
6 per conviction, unless more than one agency is responsible
7 for the arrest in which case the amount shall be remitted
8 to each unit of government equally:

9 (A) if the arresting agency is an agency of a unit
10 of local government, \$500 to the treasurer of the unit
11 of local government for deposit into the unit of local
12 government's General Fund, except that if the Illinois
13 ~~Department~~ of State Police provides digital or
14 electronic forensic examination assistance, or both,
15 to the arresting agency then \$100 to the State
16 Treasurer for deposit into the State Crime Laboratory
17 Fund; or

18 (B) if the arresting agency is the Illinois
19 ~~Department~~ of State Police, \$500 to the State
20 Treasurer for deposit into the State Crime Laboratory
21 Fund;

22 (3) crime laboratory drug analysis for a drug-related
23 offense involving possession or delivery of cannabis or
24 possession or delivery of a controlled substance as
25 defined in the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control

1 and Community Protection Act, \$100 reimbursement for
2 laboratory analysis, as set forth in subsection (f) of
3 Section 5-9-1.4 of the Unified Code of Corrections;

4 (4) DNA analysis, \$250 on each conviction in which it
5 was used to the State Treasurer for deposit into the State
6 Crime Laboratory Fund ~~State Offender DNA Identification~~
7 ~~System Fund~~ as set forth in Section 5-9-1.4 ~~5-4-3~~ of the
8 Unified Code of Corrections;

9 (5) DUI analysis, \$150 on each sentenced violation in
10 which it was used as set forth in subsection (f) of Section
11 5-9-1.9 of the Unified Code of Corrections;

12 (6) drug-related offense involving possession or
13 delivery of cannabis or possession or delivery of a
14 controlled substance, other than methamphetamine, as
15 defined in the Cannabis Control Act or the Illinois
16 Controlled Substances Act, an amount not less than the
17 full street value of the cannabis or controlled substance
18 seized for each conviction to be disbursed as follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or
3 to the State Treasurer if the arresting agency was a
4 state agency;

5 (D) if the arrest was made in combination with
6 multiple law enforcement agencies, the clerk shall
7 equitably allocate the portion in subparagraph (C) of
8 this paragraph (6) among the law enforcement agencies
9 involved in the arrest;

10 (6.5) Kane County or Will County, in felony,
11 misdemeanor, local or county ordinance, traffic, or
12 conservation cases, up to \$30 as set by the county board
13 under Section 5-1101.3 of the Counties Code upon the entry
14 of a judgment of conviction, an order of supervision, or a
15 sentence of probation without entry of judgment under
16 Section 10 of the Cannabis Control Act, Section 410 of the
17 Illinois Controlled Substances Act, Section 70 of the
18 Methamphetamine Control and Community Protection Act,
19 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
20 the Criminal Code of 1961 or the Criminal Code of 2012,
21 Section 10-102 of the Illinois Alcoholism and Other Drug
22 Dependency Act, or Section 10 of the Steroid Control Act;
23 except in local or county ordinance, traffic, and
24 conservation cases, if fines are paid in full without a
25 court appearance, then the assessment shall not be imposed
26 or collected. Distribution of assessments collected under

1 this paragraph (6.5) shall be as provided in Section
2 5-1101.3 of the Counties Code;

3 (7) methamphetamine-related offense involving
4 possession or delivery of methamphetamine or any salt of
5 an optical isomer of methamphetamine or possession of a
6 methamphetamine manufacturing material as set forth in
7 Section 10 of the Methamphetamine Control and Community
8 Protection Act with the intent to manufacture a substance
9 containing methamphetamine or salt of an optical isomer of
10 methamphetamine, an amount not less than the full street
11 value of the methamphetamine or salt of an optical isomer
12 of methamphetamine or methamphetamine manufacturing
13 materials seized for each conviction to be disbursed as
14 follows:

15 (A) 12.5% of the street value assessment shall be
16 paid into the Youth Drug Abuse Prevention Fund, to be
17 used by the Department of Human Services for the
18 funding of programs and services for drug-abuse
19 treatment, and prevention and education services;

20 (B) 37.5% to the county in which the charge was
21 prosecuted, to be deposited into the county General
22 Fund;

23 (C) 50% to the treasurer of the arresting law
24 enforcement agency of the municipality or county, or
25 to the State Treasurer if the arresting agency was a
26 state agency;

1 (D) if the arrest was made in combination with
2 multiple law enforcement agencies, the clerk shall
3 equitably allocate the portion in subparagraph (C) of
4 this paragraph (6) among the law enforcement agencies
5 involved in the arrest;

6 (8) order of protection violation under Section 12-3.4
7 of the Criminal Code of 2012, \$200 for each conviction to
8 the county treasurer for deposit into the Probation and
9 Court Services Fund for implementation of a domestic
10 violence surveillance program and any other assessments or
11 fees imposed under Section 5-9-1.16 of the Unified Code of
12 Corrections;

13 (9) order of protection violation, \$25 for each
14 violation to the State Treasurer, for deposit into the
15 Domestic Violence Abuser Services Fund;

16 (10) prosecution by the State's Attorney of a:

17 (A) petty or business offense, \$4 to the county
18 treasurer of which \$2 deposited into the State's
19 Attorney Records Automation Fund and \$2 into the
20 Public Defender Records Automation Fund;

21 (B) conservation or traffic offense, \$2 to the
22 county treasurer for deposit into the State's Attorney
23 Records Automation Fund;

24 (11) speeding in a construction zone violation, \$250
25 to the State Treasurer for deposit into the Transportation
26 Safety Highway Hire-back Fund, unless (i) the violation

1 occurred on a highway other than an interstate highway and
2 (ii) a county police officer wrote the ticket for the
3 violation, in which case to the county treasurer for
4 deposit into that county's Transportation Safety Highway
5 Hire-back Fund;

6 (12) supervision disposition on an offense under the
7 Illinois Vehicle Code or similar provision of a local
8 ordinance, 50 cents, unless waived by the court, into the
9 Prisoner Review Board Vehicle and Equipment Fund;

10 (13) victim and offender are family or household
11 members as defined in Section 103 of the Illinois Domestic
12 Violence Act of 1986 and offender pleads guilty or no
13 contest to or is convicted of murder, voluntary
14 manslaughter, involuntary manslaughter, burglary,
15 residential burglary, criminal trespass to residence,
16 criminal trespass to vehicle, criminal trespass to land,
17 criminal damage to property, telephone harassment,
18 kidnapping, aggravated kidnaping, unlawful restraint,
19 forcible detention, child abduction, indecent solicitation
20 of a child, sexual relations between siblings,
21 exploitation of a child, child pornography, assault,
22 aggravated assault, battery, aggravated battery, heinous
23 battery, aggravated battery of a child, domestic battery,
24 reckless conduct, intimidation, criminal sexual assault,
25 predatory criminal sexual assault of a child, aggravated
26 criminal sexual assault, criminal sexual abuse, aggravated

1 criminal sexual abuse, violation of an order of
2 protection, disorderly conduct, endangering the life or
3 health of a child, child abandonment, contributing to
4 dependency or neglect of child, or cruelty to children and
5 others, \$200 for each sentenced violation to the State
6 Treasurer for deposit as follows: (i) for sexual assault,
7 as defined in Section 5-9-1.7 of the Unified Code of
8 Corrections, when the offender and victim are family
9 members, one-half to the Domestic Violence Shelter and
10 Service Fund, and one-half to the Sexual Assault Services
11 Fund; (ii) for the remaining offenses to the Domestic
12 Violence Shelter and Service Fund;

13 (14) violation of Section 11-501 of the Illinois
14 Vehicle Code, Section 5-7 of the Snowmobile Registration
15 and Safety Act, Section 5-16 of the Boat Registration and
16 Safety Act, or a similar provision, whose operation of a
17 motor vehicle, snowmobile, or watercraft while in
18 violation of Section 11-501, Section 5-7 of the Snowmobile
19 Registration and Safety Act, Section 5-16 of the Boat
20 Registration and Safety Act, or a similar provision
21 proximately caused an incident resulting in an appropriate
22 emergency response, \$1,000 maximum to the public agency
23 that provided an emergency response related to the
24 person's violation, and if more than one agency responded,
25 the amount payable to public agencies shall be shared
26 equally;

1 (15) violation of Section 401, 407, or 407.2 of the
2 Illinois Controlled Substances Act that proximately caused
3 any incident resulting in an appropriate drug-related
4 emergency response, \$1,000 as reimbursement for the
5 emergency response to the law enforcement agency that made
6 the arrest, and if more than one agency is responsible for
7 the arrest, the amount payable to law enforcement agencies
8 shall be shared equally;

9 (16) violation of reckless driving, aggravated
10 reckless driving, or driving 26 miles per hour or more in
11 excess of the speed limit that triggered an emergency
12 response, \$1,000 maximum reimbursement for the emergency
13 response to be distributed in its entirety to a public
14 agency that provided an emergency response related to the
15 person's violation, and if more than one agency responded,
16 the amount payable to public agencies shall be shared
17 equally;

18 (17) violation based upon each plea of guilty,
19 stipulation of facts, or finding of guilt resulting in a
20 judgment of conviction or order of supervision for an
21 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
22 the Criminal Code of 2012 that results in the imposition
23 of a fine, to be distributed as follows:

24 (A) \$50 to the county treasurer for deposit into
25 the Circuit Court Clerk Operation and Administrative
26 Fund to cover the costs in administering this

1 paragraph (17);

2 (B) \$300 to the State Treasurer who shall deposit
3 the portion as follows:

4 (i) if the arresting or investigating agency
5 is the Illinois ~~Department of~~ State Police, into
6 the State Police Law Enforcement Administration
7 Fund;

8 (ii) if the arresting or investigating agency
9 is the Department of Natural Resources, into the
10 Conservation Police Operations Assistance Fund;

11 (iii) if the arresting or investigating agency
12 is the Secretary of State, into the Secretary of
13 State Police Services Fund;

14 (iv) if the arresting or investigating agency
15 is the Illinois Commerce Commission, into the
16 Transportation Regulatory Fund; or

17 (v) if more than one of the State agencies in
18 this subparagraph (B) is the arresting or
19 investigating agency, then equal shares with the
20 shares deposited as provided in the applicable
21 items (i) through (iv) of this subparagraph (B);
22 and

23 (C) the remainder for deposit into the Specialized
24 Services for Survivors of Human Trafficking Fund;

25 (18) weapons violation under Section 24-1.1, 24-1.2,
26 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, \$100 for each conviction to the State Treasurer
2 for deposit into the Trauma Center Fund; and

3 (19) violation of subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code, \$250 to the State Treasurer for
5 deposit into the Scott's Law Fund, unless a county or
6 municipal police officer wrote the ticket for the
7 violation, in which case to the county treasurer for
8 deposit into that county's or municipality's
9 Transportation Safety Highway Hire-back Fund to be used as
10 provided in subsection (j) of Section 11-907 of the
11 Illinois Vehicle Code.

12 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
13 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

14 Section 35. The Unified Code of Corrections is amended by
15 changing Sections 5-4-3 and 5-9-1.4 as follows:

16 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

17 Sec. 5-4-3. Specimens; genetic marker groups.

18 (a) Any person convicted of, found guilty under the
19 Juvenile Court Act of 1987 for, or who received a disposition
20 of court supervision for, a qualifying offense or attempt of a
21 qualifying offense, convicted or found guilty of any offense
22 classified as a felony under Illinois law, convicted or found
23 guilty of any offense requiring registration under the Sex
24 Offender Registration Act, found guilty or given supervision

1 for any offense classified as a felony under the Juvenile
2 Court Act of 1987, convicted or found guilty of, under the
3 Juvenile Court Act of 1987, any offense requiring registration
4 under the Sex Offender Registration Act, or institutionalized
5 as a sexually dangerous person under the Sexually Dangerous
6 Persons Act, or committed as a sexually violent person under
7 the Sexually Violent Persons Commitment Act shall, regardless
8 of the sentence or disposition imposed, be required to submit
9 specimens of blood, saliva, or tissue to the Illinois
10 ~~Department of~~ State Police in accordance with the provisions
11 of this Section, provided such person is:

12 (1) convicted of a qualifying offense or attempt of a
13 qualifying offense on or after July 1, 1990 and sentenced
14 to a term of imprisonment, periodic imprisonment, fine,
15 probation, conditional discharge or any other form of
16 sentence, or given a disposition of court supervision for
17 the offense;

18 (1.5) found guilty or given supervision under the
19 Juvenile Court Act of 1987 for a qualifying offense or
20 attempt of a qualifying offense on or after January 1,
21 1997;

22 (2) ordered institutionalized as a sexually dangerous
23 person on or after July 1, 1990;

24 (3) convicted of a qualifying offense or attempt of a
25 qualifying offense before July 1, 1990 and is presently
26 confined as a result of such conviction in any State

1 correctional facility or county jail or is presently
2 serving a sentence of probation, conditional discharge or
3 periodic imprisonment as a result of such conviction;

4 (3.5) convicted or found guilty of any offense
5 classified as a felony under Illinois law or found guilty
6 or given supervision for such an offense under the
7 Juvenile Court Act of 1987 on or after August 22, 2002;

8 (4) presently institutionalized as a sexually
9 dangerous person or presently institutionalized as a
10 person found guilty but mentally ill of a sexual offense
11 or attempt to commit a sexual offense; or

12 (4.5) ordered committed as a sexually violent person
13 on or after the effective date of the Sexually Violent
14 Persons Commitment Act.

15 (a-1) Any person incarcerated in a facility of the
16 Illinois Department of Corrections or the Illinois Department
17 of Juvenile Justice on or after August 22, 2002, whether for a
18 term of years, natural life, or a sentence of death, who has
19 not yet submitted a specimen of blood, saliva, or tissue shall
20 be required to submit a specimen of blood, saliva, or tissue
21 prior to his or her final discharge, or release on parole,
22 aftercare release, or mandatory supervised release, as a
23 condition of his or her parole, aftercare release, or
24 mandatory supervised release, or within 6 months from August
25 13, 2009 (the effective date of Public Act 96-426), whichever
26 is sooner. A person incarcerated on or after August 13, 2009

1 (the effective date of Public Act 96-426) shall be required to
2 submit a specimen within 45 days of incarceration, or prior to
3 his or her final discharge, or release on parole, aftercare
4 release, or mandatory supervised release, as a condition of
5 his or her parole, aftercare release, or mandatory supervised
6 release, whichever is sooner. These specimens shall be placed
7 into the State or national DNA database, to be used in
8 accordance with other provisions of this Section, by the
9 Illinois State Police.

10 (a-2) Any person sentenced to life imprisonment in a
11 facility of the Illinois Department of Corrections after the
12 effective date of this amendatory Act of the 94th General
13 Assembly or sentenced to death after the effective date of
14 this amendatory Act of the 94th General Assembly shall be
15 required to provide a specimen of blood, saliva, or tissue
16 within 45 days after sentencing or disposition at a collection
17 site designated by the Illinois ~~Department of~~ State Police.
18 Any person serving a sentence of life imprisonment in a
19 facility of the Illinois Department of Corrections on the
20 effective date of this amendatory Act of the 94th General
21 Assembly or any person who is under a sentence of death on the
22 effective date of this amendatory Act of the 94th General
23 Assembly shall be required to provide a specimen of blood,
24 saliva, or tissue upon request at a collection site designated
25 by the Illinois ~~Department of~~ State Police.

26 (a-3) Any person seeking transfer to or residency in

1 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
2 Code, the Interstate Compact for Adult Offender Supervision,
3 or the Interstate Agreements on Sexually Dangerous Persons Act
4 shall be required to provide a specimen of blood, saliva, or
5 tissue within 45 days after transfer to or residency in
6 Illinois at a collection site designated by the Illinois
7 ~~Department of~~ State Police.

8 (a-3.1) Any person required by an order of the court to
9 submit a DNA specimen shall be required to provide a specimen
10 of blood, saliva, or tissue within 45 days after the court
11 order at a collection site designated by the Illinois
12 ~~Department of~~ State Police.

13 (a-3.2) On or after January 1, 2012 (the effective date of
14 Public Act 97-383), any person arrested for any of the
15 following offenses, after an indictment has been returned by a
16 grand jury, or following a hearing pursuant to Section 109-3
17 of the Code of Criminal Procedure of 1963 and a judge finds
18 there is probable cause to believe the arrestee has committed
19 one of the designated offenses, or an arrestee has waived a
20 preliminary hearing shall be required to provide a specimen of
21 blood, saliva, or tissue within 14 days after such indictment
22 or hearing at a collection site designated by the Illinois
23 ~~Department of~~ State Police:

24 (A) first degree murder;

25 (B) home invasion;

26 (C) predatory criminal sexual assault of a child;

1 (D) aggravated criminal sexual assault; or

2 (E) criminal sexual assault.

3 (a-3.3) Any person required to register as a sex offender
4 under the Sex Offender Registration Act, regardless of the
5 date of conviction as set forth in subsection (c-5.2) shall be
6 required to provide a specimen of blood, saliva, or tissue
7 within the time period prescribed in subsection (c-5.2) at a
8 collection site designated by the Illinois ~~Department of~~ State
9 Police.

10 (a-5) Any person who was otherwise convicted of or
11 received a disposition of court supervision for any other
12 offense under the Criminal Code of 1961 or the Criminal Code of
13 2012 or who was found guilty or given supervision for such a
14 violation under the Juvenile Court Act of 1987, may,
15 regardless of the sentence imposed, be required by an order of
16 the court to submit specimens of blood, saliva, or tissue to
17 the Illinois ~~Department of~~ State Police in accordance with the
18 provisions of this Section.

19 (b) Any person required by paragraphs (a) (1), (a) (1.5),
20 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
21 saliva, or tissue shall provide specimens of blood, saliva, or
22 tissue within 45 days after sentencing or disposition at a
23 collection site designated by the Illinois ~~Department of~~ State
24 Police.

25 (c) Any person required by paragraphs (a) (3), (a) (4), and
26 (a) (4.5) to provide specimens of blood, saliva, or tissue

1 shall be required to provide such specimens prior to final
2 discharge or within 6 months from August 13, 2009 (the
3 effective date of Public Act 96-426), whichever is sooner.
4 These specimens shall be placed into the State or national DNA
5 database, to be used in accordance with other provisions of
6 this Act, by the Illinois State Police.

7 (c-5) Any person required by paragraph (a-3) to provide
8 specimens of blood, saliva, or tissue shall, where feasible,
9 be required to provide the specimens before being accepted for
10 conditioned residency in Illinois under the interstate compact
11 or agreement, but no later than 45 days after arrival in this
12 State.

13 (c-5.2) Unless it is determined that a registered sex
14 offender has previously submitted a specimen of blood, saliva,
15 or tissue that has been placed into the State DNA database, a
16 person registering as a sex offender shall be required to
17 submit a specimen at the time of his or her initial
18 registration pursuant to the Sex Offender Registration Act or,
19 for a person registered as a sex offender on or prior to
20 January 1, 2012 (the effective date of Public Act 97-383),
21 within one year of January 1, 2012 (the effective date of
22 Public Act 97-383) or at the time of his or her next required
23 registration.

24 (c-6) The Illinois ~~Department of~~ State Police may
25 determine which type of specimen or specimens, blood, saliva,
26 or tissue, is acceptable for submission to the Division of

1 Forensic Services for analysis. The Illinois ~~Department of~~
2 State Police may require the submission of fingerprints from
3 anyone required to give a specimen under this Act.

4 (d) The Illinois ~~Department of~~ State Police shall provide
5 all equipment and instructions necessary for the collection of
6 blood specimens. The collection of specimens shall be
7 performed in a medically approved manner. Only a physician
8 authorized to practice medicine, a registered nurse or other
9 qualified person trained in venipuncture may withdraw blood
10 for the purposes of this Act. The specimens shall thereafter
11 be forwarded to the Illinois ~~Department of~~ State Police,
12 Division of Forensic Services, for analysis and categorizing
13 into genetic marker groupings.

14 (d-1) The Illinois ~~Department of~~ State Police shall
15 provide all equipment and instructions necessary for the
16 collection of saliva specimens. The collection of saliva
17 specimens shall be performed in a medically approved manner.
18 Only a person trained in the instructions promulgated by the
19 Illinois State Police on collecting saliva may collect saliva
20 for the purposes of this Section. The specimens shall
21 thereafter be forwarded to the Illinois ~~Department of~~ State
22 Police, Division of Forensic Services, for analysis and
23 categorizing into genetic marker groupings.

24 (d-2) The Illinois ~~Department of~~ State Police shall
25 provide all equipment and instructions necessary for the
26 collection of tissue specimens. The collection of tissue

1 specimens shall be performed in a medically approved manner.
2 Only a person trained in the instructions promulgated by the
3 Illinois State Police on collecting tissue may collect tissue
4 for the purposes of this Section. The specimens shall
5 thereafter be forwarded to the Illinois ~~Department of~~ State
6 Police, Division of Forensic Services, for analysis and
7 categorizing into genetic marker groupings.

8 (d-5) To the extent that funds are available, the Illinois
9 ~~Department of~~ State Police shall contract with qualified
10 personnel and certified laboratories for the collection,
11 analysis, and categorization of known specimens, except as
12 provided in subsection (n) of this Section.

13 (d-6) Agencies designated by the Illinois ~~Department of~~
14 State Police and the Illinois ~~Department of~~ State Police may
15 contract with third parties to provide for the collection or
16 analysis of DNA, or both, of an offender's blood, saliva, and
17 tissue specimens, except as provided in subsection (n) of this
18 Section.

19 (e) The genetic marker groupings shall be maintained by
20 the Illinois ~~Department of~~ State Police, Division of Forensic
21 Services.

22 (f) The genetic marker grouping analysis information
23 obtained pursuant to this Act shall be confidential and shall
24 be released only to peace officers of the United States, of
25 other states or territories, of the insular possessions of the
26 United States, of foreign countries duly authorized to receive

1 the same, to all peace officers of the State of Illinois and to
2 all prosecutorial agencies, and to defense counsel as provided
3 by Section 116-5 of the Code of Criminal Procedure of 1963. The
4 genetic marker grouping analysis information obtained pursuant
5 to this Act shall be used only for (i) valid law enforcement
6 identification purposes and as required by the Federal Bureau
7 of Investigation for participation in the National DNA
8 database, (ii) technology validation purposes, (iii) a
9 population statistics database, (iv) quality assurance
10 purposes if personally identifying information is removed, (v)
11 assisting in the defense of the criminally accused pursuant to
12 Section 116-5 of the Code of Criminal Procedure of 1963, or
13 (vi) identifying and assisting in the prosecution of a person
14 who is suspected of committing a sexual assault as defined in
15 Section 1a of the Sexual Assault Survivors Emergency Treatment
16 Act. Notwithstanding any other statutory provision to the
17 contrary, all information obtained under this Section shall be
18 maintained in a single State data base, which may be uploaded
19 into a national database, and which information may be subject
20 to expungement only as set forth in subsection (f-1).

21 (f-1) Upon receipt of notification of a reversal of a
22 conviction based on actual innocence, or of the granting of a
23 pardon pursuant to Section 12 of Article V of the Illinois
24 Constitution, if that pardon document specifically states that
25 the reason for the pardon is the actual innocence of an
26 individual whose DNA record has been stored in the State or

1 national DNA identification index in accordance with this
2 Section by the Illinois ~~Department of~~ State Police, the DNA
3 record shall be expunged from the DNA identification index,
4 and the Department shall by rule prescribe procedures to
5 ensure that the record and any specimens, analyses, or other
6 documents relating to such record, whether in the possession
7 of the Department or any law enforcement or police agency, or
8 any forensic DNA laboratory, including any duplicates or
9 copies thereof, are destroyed and a letter is sent to the court
10 verifying the expungement is completed. For specimens required
11 to be collected prior to conviction, unless the individual has
12 other charges or convictions that require submission of a
13 specimen, the DNA record for an individual shall be expunged
14 from the DNA identification databases and the specimen
15 destroyed upon receipt of a certified copy of a final court
16 order for each charge against an individual in which the
17 charge has been dismissed, resulted in acquittal, or that the
18 charge was not filed within the applicable time period. The
19 Department shall by rule prescribe procedures to ensure that
20 the record and any specimens in the possession or control of
21 the Department are destroyed and a letter is sent to the court
22 verifying the expungement is completed.

23 (f-5) Any person who intentionally uses genetic marker
24 grouping analysis information, or any other information
25 derived from a DNA specimen, beyond the authorized uses as
26 provided under this Section, or any other Illinois law, is

1 guilty of a Class 4 felony, and shall be subject to a fine of
2 not less than \$5,000.

3 (f-6) The Illinois ~~Department of~~ State Police may contract
4 with third parties for the purposes of implementing this
5 amendatory Act of the 93rd General Assembly, except as
6 provided in subsection (n) of this Section. Any other party
7 contracting to carry out the functions of this Section shall
8 be subject to the same restrictions and requirements of this
9 Section insofar as applicable, as the Illinois ~~Department of~~
10 State Police, and to any additional restrictions imposed by
11 the Illinois ~~Department of~~ State Police.

12 (g) For the purposes of this Section, "qualifying offense"
13 means any of the following:

14 (1) any violation or inchoate violation of Section
15 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
16 12-16 of the Criminal Code of 1961 or the Criminal Code of
17 2012;

18 (1.1) any violation or inchoate violation of Section
19 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
20 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
21 1961 or the Criminal Code of 2012 for which persons are
22 convicted on or after July 1, 2001;

23 (2) any former statute of this State which defined a
24 felony sexual offense;

25 (3) (blank);

26 (4) any inchoate violation of Section 9-3.1, 9-3.4,

1 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
2 the Criminal Code of 2012; or

3 (5) any violation or inchoate violation of Article 29D
4 of the Criminal Code of 1961 or the Criminal Code of 2012.

5 (g-5) (Blank).

6 (h) The Illinois ~~Department of~~ State Police shall be the
7 State central repository for all genetic marker grouping
8 analysis information obtained pursuant to this Act. The
9 Illinois ~~Department of~~ State Police may promulgate rules for
10 the form and manner of the collection of blood, saliva, or
11 tissue specimens and other procedures for the operation of
12 this Act. The provisions of the Administrative Review Law
13 shall apply to all actions taken under the rules so
14 promulgated.

15 (i) (1) A person required to provide a blood, saliva, or
16 tissue specimen shall cooperate with the collection of the
17 specimen and any deliberate act by that person intended to
18 impede, delay or stop the collection of the blood, saliva,
19 or tissue specimen is a Class 4 felony.

20 (2) In the event that a person's DNA specimen is not
21 adequate for any reason, the person shall provide another
22 DNA specimen for analysis. Duly authorized law enforcement
23 and corrections personnel may employ reasonable force in
24 cases in which an individual refuses to provide a DNA
25 specimen required under this Act.

26 (j) (Blank).

1 (k) All analysis and categorization assessments provided
2 under the Criminal and Traffic Assessments Act to the State
3 Crime Laboratory Fund ~~State Offender DNA Identification System~~
4 ~~Fund~~ shall be regulated as follows:

5 (1) (Blank). ~~The State Offender DNA Identification~~
6 ~~System Fund is hereby created as a special fund in the~~
7 ~~State Treasury.~~

8 (2) (Blank).

9 (3) Moneys deposited into the State Crime Laboratory
10 Fund ~~State Offender DNA Identification System Fund~~ shall
11 be used by Illinois State Police crime laboratories as
12 designated by the Director of the Illinois State Police.
13 These funds shall be in addition to any allocations made
14 pursuant to existing laws and shall be designated for the
15 exclusive use of State crime laboratories. These uses may
16 include, but are not limited to, the following:

17 (A) Costs incurred in providing analysis and
18 genetic marker categorization as required by
19 subsection (d).

20 (B) Costs incurred in maintaining genetic marker
21 groupings as required by subsection (e).

22 (C) Costs incurred in the purchase and maintenance
23 of equipment for use in performing analyses.

24 (D) Costs incurred in continuing research and
25 development of new techniques for analysis and genetic
26 marker categorization.

1 (E) Costs incurred in continuing education,
2 training, and professional development of forensic
3 scientists regularly employed by these laboratories.

4 (1) The failure of a person to provide a specimen, or of
5 any person or agency to collect a specimen, shall in no way
6 alter the obligation of the person to submit such specimen, or
7 the authority of the Illinois ~~Department of~~ State Police or
8 persons designated by the Illinois State Police ~~Department~~ to
9 collect the specimen, or the authority of the Illinois
10 ~~Department of~~ State Police to accept, analyze and maintain the
11 specimen or to maintain or upload results of genetic marker
12 grouping analysis information into a State or national
13 database.

14 (m) If any provision of this amendatory Act of the 93rd
15 General Assembly is held unconstitutional or otherwise
16 invalid, the remainder of this amendatory Act of the 93rd
17 General Assembly is not affected.

18 (n) Neither the Illinois ~~Department of~~ State Police, the
19 Division of Forensic Services, nor any laboratory of the
20 Division of Forensic Services may contract out forensic
21 testing for the purpose of an active investigation or a matter
22 pending before a court of competent jurisdiction without the
23 written consent of the prosecuting agency. For the purposes of
24 this subsection (n), "forensic testing" includes the analysis
25 of physical evidence in an investigation or other proceeding
26 for the prosecution of a violation of the Criminal Code of 1961

1 or the Criminal Code of 2012 or for matters adjudicated under
2 the Juvenile Court Act of 1987, and includes the use of
3 forensic databases and databanks, including DNA, firearm, and
4 fingerprint databases, and expert testimony.

5 (o) Mistake does not invalidate a database match. The
6 detention, arrest, or conviction of a person based upon a
7 database match or database information is not invalidated if
8 it is determined that the specimen was obtained or placed in
9 the database by mistake.

10 (p) This Section may be referred to as the Illinois DNA
11 Database Law of 2011.

12 (Source: P.A. 100-987, eff. 7-1-19.)

13 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

14 Sec. 5-9-1.4. (a) "Crime laboratory" means any
15 not-for-profit laboratory registered with the Drug Enforcement
16 Administration of the United States Department of Justice,
17 substantially funded by a unit or combination of units of
18 local government or the State of Illinois, which regularly
19 employs at least one person engaged in the analysis of
20 controlled substances, cannabis, methamphetamine, or steroids
21 for criminal justice agencies in criminal matters and provides
22 testimony with respect to such examinations.

23 (b) (Blank).

24 (c) In addition to any other disposition made pursuant to
25 the provisions of the Juvenile Court Act of 1987, any minor

1 adjudicated delinquent for an offense which if committed by an
2 adult would constitute a violation of the Cannabis Control
3 Act, the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or the
5 Steroid Control Act shall be required to pay a criminal
6 laboratory analysis assessment of \$100 for each adjudication.
7 Upon verified petition of the minor, the court may suspend
8 payment of all or part of the assessment if it finds that the
9 minor does not have the ability to pay the assessment. The
10 parent, guardian or legal custodian of the minor may pay some
11 or all of such assessment on the minor's behalf.

12 (d) All criminal laboratory analysis fees provided for by
13 this Section shall be collected by the clerk of the court and
14 forwarded to the appropriate crime laboratory fund as provided
15 in subsection (f).

16 (e) Crime laboratory funds shall be established as
17 follows:

18 (1) Any unit of local government which maintains a
19 crime laboratory may establish a crime laboratory fund
20 within the office of the county or municipal treasurer.

21 (2) Any combination of units of local government which
22 maintains a crime laboratory may establish a crime
23 laboratory fund within the office of the treasurer of the
24 county where the crime laboratory is situated.

25 (3) The State Crime Laboratory Fund is hereby created
26 as a special fund in the State Treasury. Notwithstanding

1 any other provision of law to the contrary, and in
2 addition to any other transfers that may be provided by
3 law, on the effective date of this amendatory Act of the
4 102nd General Assembly, or as soon thereafter as
5 practical, the State Comptroller shall direct and the
6 State Treasurer shall transfer the remaining balance from
7 the State Offender DNA Identification System Fund into the
8 State Crime Laboratory Fund. Upon completion of the
9 transfer, the State Offender DNA Identification System
10 Fund is dissolved, and any future deposits due to that
11 Fund and any outstanding obligations or liabilities of
12 that Fund shall pass to the State Crime Laboratory Fund.

13 (f) The analysis assessment provided for in subsection (c)
14 of this Section shall be forwarded to the office of the
15 treasurer of the unit of local government that performed the
16 analysis if that unit of local government has established a
17 crime laboratory fund, or to the State Crime Laboratory Fund
18 if the analysis was performed by a laboratory operated by the
19 Illinois State Police. If the analysis was performed by a
20 crime laboratory funded by a combination of units of local
21 government, the analysis assessment shall be forwarded to the
22 treasurer of the county where the crime laboratory is situated
23 if a crime laboratory fund has been established in that
24 county. If the unit of local government or combination of
25 units of local government has not established a crime
26 laboratory fund, then the analysis assessment shall be

1 forwarded to the State Crime Laboratory Fund.

2 (g) Moneys deposited into a crime laboratory fund created
3 pursuant to paragraphs (1) or (2) of subsection (e) of this
4 Section shall be in addition to any allocations made pursuant
5 to existing law and shall be designated for the exclusive use
6 of the crime laboratory. These uses may include, but are not
7 limited to, the following:

8 (1) costs incurred in providing analysis for
9 controlled substances in connection with criminal
10 investigations conducted within this State;

11 (2) purchase and maintenance of equipment for use in
12 performing analyses; and

13 (3) continuing education, training and professional
14 development of forensic scientists regularly employed by
15 these laboratories.

16 (h) Moneys deposited in the State Crime Laboratory Fund
17 created pursuant to paragraph (3) of subsection (d) of this
18 Section shall be used by State crime laboratories as
19 designated by the Director of State Police. These funds shall
20 be in addition to any allocations made pursuant to existing
21 law and shall be designated for the exclusive use of State
22 crime laboratories or for the sexual assault evidence tracking
23 system created under Section 50 of the Sexual Assault Evidence
24 Submission Act. These uses may include those enumerated in
25 subsection (g) of this Section.

26 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.