



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3998

Introduced 3/4/2021, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-20
705 ILCS 135/15-40
730 ILCS 5/5-9-1.7

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

Amends the Crime and Traffic Assessment Act. Provides that an additional assessment of \$100 shall be imposed upon any person who pleads guilty, is convicted of, or who receives a disposition of court supervision for, a sex offense or an attempted sex offense. Provides that the funds shall be deposited 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 unanalyzed and unprocessed Kits. Amends the Unified Code of Corrections. Defines "sex offense".

LRB102 13709 KMF 19059 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is
5 amended by changing Sections 15-20 and 15-40 as follows:

6 (705 ILCS 135/15-20)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 15-20. SCHEDULE 4; felony sex offenses.

9 SCHEDULE 4: For a felony or attempted felony under Article
10 11 or Section 12-33 of the Criminal Code of 2012, the Clerk of
11 the Circuit Court shall collect \$1,414 ~~\$1,314~~ and remit as
12 follows:

13 (1) As the county's portion, \$354 to the county treasurer,
14 who shall deposit the money as follows:

15 (A) \$20 into the Court Automation Fund;

16 (B) \$20 into the Court Document Storage Fund;

17 (C) \$5 into the Circuit Court Clerk Operation and
18 Administrative Fund;

19 (D) \$255 into the county's General Fund;

20 (E) \$10 into the Child Advocacy Center Fund;

21 (F) \$2 into the State's Attorney Records Automation
22 Fund;

23 (G) \$2 into the Public Defender Records Automation

1 Fund;

2 (H) \$20 into the County Jail Medical Costs Fund; and

3 (I) \$20 into the Probation and Court Services Fund.

4 (2) As the State's portion, \$1,060 ~~\$960~~ to the State
5 Treasurer, who shall deposit the money as follows:

6 (A) \$520 into the State Police Operations Assistance
7 Fund;

8 (B) \$100 into the Violent Crime Victims Assistance
9 Fund;

10 (C) \$200 into the Sexual Assault Services Fund;

11 (D) \$100 into the Domestic Violence Shelter and
12 Services Fund;

13 (E) \$5 into the State Police Merit Board Public Safety
14 Fund; ~~and~~

15 (F) \$35 into the Traffic and Criminal Conviction
16 Surcharge Fund; ~~and~~

17 (G) \$100 into the State Crime Laboratory Fund, to pay
18 for the costs of processing and analyzing the Illinois
19 State Police Sexual Assault Evidence Collection Kits under
20 Section 15 of the Sexual Assault Evidence Submission Act
21 to assist in reduction of the number of unanalyzed and
22 unprocessed Kits.

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

24 (705 ILCS 135/15-40)

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

1 Sec. 15-40. SCHEDULE 8; misdemeanor sex offenses.

2 SCHEDULE 8: For a misdemeanor or attempted misdemeanor
3 under Article 11 of the Criminal Code of 2012, the Clerk of the
4 Circuit Court shall collect \$1,284 ~~\$1,184~~ and remit as
5 follows:

6 (1) As the county's portion, \$282 to the county treasurer,
7 who shall deposit the money as follows:

8 (A) \$20 into the Court Automation Fund;

9 (B) \$20 into the Court Document Storage Fund;

10 (C) \$5 into the Circuit Court Clerk Operation and
11 Administrative Fund;

12 (D) \$8 into the Circuit Court Clerk Electronic
13 Citation Fund;

14 (E) \$185 into the county's General Fund;

15 (F) \$10 into the Child Advocacy Center Fund;

16 (G) \$2 into the State's Attorney Records Automation
17 Fund;

18 (H) \$2 into the Public Defenders Records Automation
19 Fund;

20 (I) \$10 into the County Jail Medical Costs Fund; and

21 (J) \$20 into the Probation and Court Services Fund.

22 (2) As the State's portion, \$1,000 ~~\$900~~ to the State
23 Treasurer, who shall deposit the money as follows:

24 (A) \$500 into the State Police Operations Assistance
25 Fund;

26 (B) \$75 into the Violent Crime Victims Assistance

1 Fund;

2 (C) \$200 into the Sexual Assault Services Fund;

3 (D) \$100 into the Domestic Violence Shelter and
4 Service Fund;

5 (E) \$5 into the State Police Merit Board Public Safety
6 Fund; ~~and~~

7 (F) \$20 into the Traffic and Criminal Conviction
8 Surcharge Fund; ~~and~~

9 (G) \$100 into the State Crime Laboratory Fund, to pay
10 for the costs of processing and analyzing the Illinois
11 State Police Sexual Assault Evidence Collection Kits under
12 Section 15 of the Sexual Assault Evidence Submission Act
13 to assist in reduction of the number of unanalyzed and
14 unprocessed Kits.

15 (3) As the arresting agency's portion, \$2, to the
16 treasurer of the unit of local government of the arresting
17 agency, who shall deposit the money into the E-citation Fund
18 of that unit of local government or as provided in subsection
19 (c) of Section 10-5 of this Act if the arresting agency is a
20 State agency, unless more than one agency is responsible for
21 the arrest in which case the amount shall be remitted to each
22 unit of government equally.

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

24 Section 10. The Unified Code of Corrections is amended by
25 changing Section 5-9-1.7 as follows:

1 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

2 Sec. 5-9-1.7. Sexual assault fines; sex offense
3 assessments.

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

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

20 (2) (Blank).

21 (3) "Sexual assault organization" means any
22 not-for-profit organization providing comprehensive,
23 community-based services to victims of sexual assault.
24 "Community-based services" include, but are not limited
25 to, direct crisis intervention through a 24-hour response,

1 medical and legal advocacy, counseling, information and
2 referral services, training, and community education.

3 (4) "Sex offense" means the commission or attempted
4 commission of an offense defined in Article 11 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, except
6 prostitution, duty of commercial film and photographic
7 print processors or computer technicians to report sexual
8 depiction of children, tie-in sales of obscene
9 publications to distributors, public indecency, adultery,
10 fornication, bigamy, or marrying a bigamist.

11 (b) (Blank).

12 (c) Sexual Assault Services Fund; administration. There is
13 created a Sexual Assault Services Fund. Moneys deposited into
14 the Fund under Section 15-20 and 15-40 of the Criminal and
15 Traffic Assessment Act shall be appropriated to the Department
16 of Public Health. Upon appropriation of moneys from the Sexual
17 Assault Services Fund, the Department of Public Health shall
18 make grants of these moneys from the Fund to sexual assault
19 organizations with whom the Department has contracts for the
20 purpose of providing community-based services to victims of
21 sexual assault. Grants made under this Section are in addition
22 to, and are not substitutes for, other grants authorized and
23 made by the Department.

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