

1 AN ACT in relation to 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
5 by changing Sections 5-9-1.5 and 5-9-1.7 as follows:

6 (730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

7 Sec. 5-9-1.5. Domestic violence fine. In addition to
8 any other penalty imposed, a fine of \$200 ~~\$100~~ shall be
9 imposed upon any person who pleads guilty or no contest to or
10 who is convicted of murder, voluntary manslaughter,
11 involuntary manslaughter, burglary, residential burglary,
12 criminal trespass to residence, criminal trespass to vehicle,
13 criminal trespass to land, criminal damage to property,
14 telephone harassment, kidnapping, aggravated kidnapping,
15 unlawful restraint, forcible detention, child abduction,
16 indecent solicitation of a child, sexual relations between
17 siblings, exploitation of a child, child pornography,
18 assault, aggravated assault, battery, aggravated battery,
19 heinous battery, aggravated battery of a child, domestic
20 battery, reckless conduct, intimidation, criminal sexual
21 assault, predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, criminal sexual abuse,
23 aggravated criminal sexual abuse, violation of an order of
24 protection, disorderly conduct, endangering the life or
25 health of a child, child abandonment, contributing to
26 dependency or neglect of child, or cruelty to children and
27 others; provided that the offender and victim are family or
28 household members as defined in Section 103 of the Illinois
29 Domestic Violence Act of 1986. Upon request of the victim or
30 the victim's representative, the court shall determine
31 whether the fine will impose an undue burden on the victim of

1 the offense. For purposes of this paragraph, the defendant
 2 may not be considered the victim's representative. If the
 3 court finds that the fine would impose an undue burden on the
 4 victim, the court may reduce or waive the fine. The court
 5 shall order that the defendant may not use funds belonging
 6 solely to the victim of the offense for payment of the fine.
 7 The circuit clerk shall remit each fine within one month of
 8 its receipt to the State Treasurer for deposit as follows:
 9 (i) for sexual assault, as defined in Section 5-9-1.7, when
 10 the offender and victim are family members, one-half to the
 11 Domestic Violence Shelter and Service Fund, and one-half to
 12 the Sexual Assault Services Fund; (ii) for the remaining
 13 offenses to the Domestic Violence Shelter and Service Fund.
 14 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

15 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

16 Sec. 5-9-1.7. Sexual assault fines.

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

19 (1) "Sexual assault" means the commission or
 20 attempted commission of the following: criminal sexual
 21 assault, predatory criminal sexual assault of a child,
 22 aggravated criminal sexual assault, criminal sexual
 23 abuse, aggravated criminal sexual abuse, indecent
 24 solicitation of a child, public indecency, sexual
 25 relations within families, soliciting for a juvenile
 26 prostitute, keeping a place of juvenile prostitution,
 27 patronizing a juvenile prostitute, juvenile pimping,
 28 exploitation of a child, obscenity, child pornography, or
 29 harmful material, as those offenses are defined in the
 30 Criminal Code of 1961.

31 (2) "Family member" shall have the meaning ascribed
 32 to it in Section 12-12 of the Criminal Code of 1961.

33 (3) "Sexual assault organization" means any

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

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

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

23 (2) Sexual assault fines shall be assessed by the
 24 court imposing the sentence and shall be collected by the
 25 circuit clerk. The circuit clerk shall retain 10% of the
 26 penalty to cover the costs involved in administering and
 27 enforcing this Section. The circuit clerk shall remit
 28 the remainder of each fine within one month of its
 29 receipt to the State Treasurer for deposit as follows:

- 30 (i) for family member offenders, one-half to
- 31 the Sexual Assault Services Fund, and one-half to
- 32 the Domestic Violence Shelter and Service Fund; and
- 33 (ii) for other than family member offenders,
- 34 the full amount to the Sexual Assault Services Fund.

1 (c) Sexual Assault Services Fund; administration. There
2 is created a Sexual Assault Services Fund. Moneys deposited
3 into the Fund under this Section shall be appropriated to the
4 Department of Public Health. Upon appropriation of moneys
5 from the Sexual Assault Services Fund, the Department of
6 Public Health shall make grants of these moneys from the Fund
7 to sexual assault organizations with whom the Department has
8 contracts for the purpose of providing community-based
9 services to victims of sexual assault. Grants made under this
10 Section are in addition to, and are not substitutes for,
11 other grants authorized and made by the Department.

12 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
13 5-29-96.)