



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4288

Introduced 1/30/2004, by Raymond Poe

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.5	from Ch. 38, par. 1005-9-1.5
730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7

Amends the Unified Code of Corrections. Increases the domestic violence fine and the sexual assault fine from \$100 to \$200.

LRB093 17812 RLC 43493 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 by
5 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 any
8 other penalty imposed, a fine of \$200 ~~\$100~~ shall be imposed
9 upon any person who pleads guilty or no contest to or who is
10 convicted of murder, voluntary manslaughter, involuntary
11 manslaughter, burglary, residential burglary, criminal
12 trespass to residence, criminal trespass to vehicle, criminal
13 trespass to land, criminal damage to property, telephone
14 harassment, kidnapping, aggravated kidnapping, unlawful
15 restraint, forcible detention, child abduction, indecent
16 solicitation of a child, sexual relations between siblings,
17 exploitation of a child, child pornography, assault,
18 aggravated assault, battery, aggravated battery, heinous
19 battery, aggravated battery of a child, domestic battery,
20 reckless conduct, intimidation, criminal sexual assault,
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual assault, criminal sexual abuse, aggravated
23 criminal sexual abuse, violation of an order of protection,
24 disorderly conduct, endangering the life or health of a child,
25 child abandonment, contributing to dependency or neglect of
26 child, or cruelty to children and others; provided that the
27 offender and victim are family or household members as defined
28 in Section 103 of the Illinois Domestic Violence Act of 1986.
29 Upon request of the victim or the victim's representative, the
30 court shall determine whether the fine will impose an undue
31 burden on the victim of the offense. For purposes of this
32 paragraph, the defendant may not be considered the victim's

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

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

13 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

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

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

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

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

30 (3) "Sexual assault organization" means any
31 not-for-profit organization providing comprehensive,
32 community-based services to victims of sexual assault.
33 "Community-based services" include, but are not limited
34 to, direct crisis intervention through a 24-hour response,
35 medical and legal advocacy, counseling, information and

1 referral services, training, and community education.

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

3 (1) In addition to any other penalty imposed, a fine of
4 \$200 ~~\$100~~ shall be imposed upon any person who pleads
5 guilty or who is convicted of, or who receives a
6 disposition of court supervision for, a sexual assault or
7 attempt of a sexual assault. Upon request of the victim or
8 the victim's representative, the court shall determine
9 whether the fine will impose an undue burden on the victim
10 of the offense. For purposes of this paragraph, the
11 defendant may not be considered the victim's
12 representative. If the court finds that the fine would
13 impose an undue burden on the victim, the court may reduce
14 or waive the fine. The court shall order that the defendant
15 may not use funds belonging solely to the victim of the
16 offense for payment of the fine.

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

24 (i) for family member offenders, one-half to the
25 Sexual Assault Services Fund, and one-half to the
26 Domestic Violence Shelter and Service Fund; and

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

29 (c) Sexual Assault Services Fund; administration. There is
30 created a Sexual Assault Services Fund. Moneys deposited into
31 the Fund under this Section shall be appropriated to the
32 Department of Public Health. Upon appropriation of moneys from
33 the Sexual Assault Services Fund, the Department of Public
34 Health shall make grants of these moneys from the Fund to
35 sexual assault organizations with whom the Department has
36 contracts for the purpose of providing community-based

1 services to victims of sexual assault. Grants made under this
2 Section are in addition to, and are not substitutes for, other
3 grants authorized and made by the Department.

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