

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.)