



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1961

Introduced 2/23/2007, by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

20 ILCS 1310/3	from Ch. 40, par. 2403
730 ILCS 5/5-9-1.5	from Ch. 38, par. 1005-9-1.5
730 ILCS 5/5-9-1.6	from Ch. 38, par. 1005-9-1.6

Amends the Domestic Violence Shelters Act. Provides that, in allotting moneys to domestic violence shelters or programs from the Domestic Violence Shelter and Service Fund, the Department must give priority to those shelters or programs that are located in the counties in which the fines were collected under Sections 5-9-1.5 and 5-9-1.6 of the Unified Code of Corrections. Amends the Unified Code of Corrections. Increases, by \$50, the amount of the fines for domestic violence and domestic battery. Requires the additional amounts be deposited into the Domestic Violence Shelter and Service Fund.

LRB095 05324 BDD 25405 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Domestic Violence Shelters Act is amended by
5 changing Section 3 as follows:

6 (20 ILCS 1310/3) (from Ch. 40, par. 2403)

7 Sec. 3. Funding to domestic violence shelters.

8 (a) The Department of Human Services shall provide for the
9 funding of domestic violence shelters and service programs in
10 part from the Domestic Violence Shelter and Service Fund and in
11 part from the General Revenue Fund.

12 (b) In allotting moneys from the Domestic Violence Shelter
13 and Service Fund, the Department must give priority to shelters
14 or programs that are located in the counties in which the fines
15 were collected under Sections 5-9-1.5 and 5-9-1.6 of the
16 Unified Code of Corrections. Additionally, in allotting moneys
17 under this Section ~~moneys from such fund~~, the Department shall
18 give priority to shelters or programs offering or proposing to
19 offer the broadest range of services and referrals to the
20 community served. Such shelters or programs may be operated by
21 community-based organizations or units of local government.

22 (c) The Department shall require shelters or programs
23 eligible for funding under this Act to provide matching funds

1 in such percentage as the Department shall by rule determine
2 and such percentage shall be uniform throughout the State.

3 (Source: P.A. 89-507, eff. 7-1-97.)

4 Section 10. The Unified Code of Corrections is amended by
5 changing Sections 5-9-1.5 and 5-9-1.6 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 \$250 ~~\$200~~ 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,

1 child abandonment, contributing to dependency or neglect of
2 child, or cruelty to children and others; provided that the
3 offender and victim are family or household members as defined
4 in Section 103 of the Illinois Domestic Violence Act of 1986.
5 Upon request of the victim or the victim's representative, the
6 court shall determine whether the fine will impose an undue
7 burden on the victim of the offense. For purposes of this
8 paragraph, the defendant may not be considered the victim's
9 representative. If the court finds that the fine would impose
10 an undue burden on the victim, the court may reduce or waive
11 the fine. The court shall order that the defendant may not use
12 funds belonging solely to the victim of the offense for payment
13 of the fine. The circuit clerk shall remit each fine within one
14 month of its receipt to the State Treasurer for deposit as
15 follows: (i) for sexual assault, as defined in Section 5-9-1.7,
16 when the offender and victim are family members, 60% ~~one-half~~
17 to the Domestic Violence Shelter and Service Fund, and 40%
18 ~~one-half~~ to the Sexual Assault Services Fund; (ii) for the
19 remaining offenses to the Domestic Violence Shelter and Service
20 Fund.

21 (Source: P.A. 93-810, eff. 1-1-05.)

22 (730 ILCS 5/5-9-1.6) (from Ch. 38, par. 1005-9-1.6)

23 Sec. 5-9-1.6. Fine for Domestic Battery. There shall be
24 added to every penalty imposed in sentencing for the offense of
25 domestic battery an additional fine in the amount of \$60 ~~\$10~~ to

1 be imposed upon a plea of guilty, stipulation of facts or
2 finding of guilty resulting in a judgment of conviction or
3 order of supervision.

4 Such additional amount shall be assessed by the court
5 imposing sentence and shall be collected by the Circuit Clerk
6 in addition to the fine, if any, and costs in the case. Each
7 such additional penalty shall be remitted by the Circuit Clerk
8 within one month after receipt to the State Treasurer for
9 deposit into the Domestic Violence Shelter and Service Fund.
10 The Circuit Clerk shall retain 10% of such penalty to cover the
11 costs incurred in administering and enforcing this Section.
12 Such additional penalty shall not be considered a part of the
13 fine for purposes of any reduction in the fine for time served
14 either before or after sentencing.

15 Not later than March 1 of each year the Clerk of the
16 Circuit Court shall submit to the State Comptroller a report of
17 the amount of funds remitted by him to the State Treasurer
18 under this Section during the preceding calendar year. Except
19 as otherwise provided by Supreme Court Rules, if a court in
20 sentencing an offender levies a gross amount for fine, costs,
21 fees and penalties, the amount of the additional penalty
22 provided for herein shall be collected from the amount
23 remaining after deducting from the gross amount levied all fees
24 of the Circuit Clerk, the State's Attorney and the Sheriff.
25 After deducting from the gross amount levied the fees and
26 additional penalty provided for herein, less any other

1 additional penalties provided by law, the clerk shall deposit
2 the amount of \$50 to the Domestic Violence Shelter and Service
3 Fund and remit the net balance remaining to the entity
4 authorized by law to receive the fine imposed in the case. For
5 purposes of this Section "fees of the Circuit Clerk" shall
6 include, if applicable, the fee provided for under Section
7 27.3a of the Clerks of Courts Act and the fee, if applicable,
8 payable to the county in which the violation occurred under
9 Section 5-1101 of the Counties Code.

10 (Source: P.A. 87-480; 87-895.)