



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4171

Introduced 2/27/2009, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Amends the Unified Code of Corrections. Provides that a State agency may not: (1) award a qualified ex-offender any low interest loan so that the ex-offender may start and operate his or her own business; or (2) award a grant to the qualified ex-offender so that the ex-offender may have a business plan developed in order to receive a loan to start up his or her own business unless the State agency has received a written certification from the court that the qualified ex-offender has paid all court ordered restitution to the victim or victims of the offense, fines, court costs, or other payments imposed by the court as punishment for the offense.

LRB096 01995 RLC 12006 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 Section 5-9-1 as follows:

6 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
7 Sec. 5-9-1. Authorized fines.

8 (a) An offender may be sentenced to pay a fine which shall
9 not exceed for each offense:

10 (1) for a felony, \$25,000 or the amount specified in
11 the offense, whichever is greater, or where the offender is
12 a corporation, \$50,000 or the amount specified in the
13 offense, whichever is greater;

14 (2) for a Class A misdemeanor, \$2,500 or the amount
15 specified in the offense, whichever is greater;

16 (3) for a Class B or Class C misdemeanor, \$1,500;

17 (4) for a petty offense, \$1,000 or the amount specified
18 in the offense, whichever is less;

19 (5) for a business offense, the amount specified in the
20 statute defining that offense.

21 (b) A fine may be imposed in addition to a sentence of
22 conditional discharge, probation, periodic imprisonment, or
23 imprisonment.

1 (c) There shall be added to every fine imposed in
2 sentencing for a criminal or traffic offense, except an offense
3 relating to parking or registration, or offense by a
4 pedestrian, an additional penalty of \$10 for each \$40, or
5 fraction thereof, of fine imposed. The additional penalty of
6 \$10 for each \$40, or fraction thereof, of fine imposed, if not
7 otherwise assessed, shall also be added to every fine imposed
8 upon a plea of guilty, stipulation of facts or findings of
9 guilty, resulting in a judgment of conviction, or order of
10 supervision in criminal, traffic, local ordinance, county
11 ordinance, and conservation cases (except parking,
12 registration, or pedestrian violations), or upon a sentence of
13 probation without entry of judgment under Section 10 of the
14 Cannabis Control Act, Section 410 of the Illinois Controlled
15 Substances Act, or Section 70 of the Methamphetamine Control
16 and Community Protection Act.

17 Such additional amounts shall be assessed by the court
18 imposing the fine and shall be collected by the Circuit Clerk
19 in addition to the fine and costs in the case. Each such
20 additional penalty shall be remitted by the Circuit Clerk
21 within one month after receipt to the State Treasurer. The
22 State Treasurer shall deposit \$1 for each \$40, or fraction
23 thereof, of fine imposed into the LEADS Maintenance Fund. The
24 State Treasurer shall deposit \$1 for each \$40, or fraction
25 thereof, of fine imposed into the Law Enforcement Camera Grant
26 Fund. The remaining surcharge amount shall be deposited into

1 the Traffic and Criminal Conviction Surcharge Fund, unless the
2 fine, costs or additional amounts are subject to disbursement
3 by the circuit clerk under Section 27.5 of the Clerks of Courts
4 Act. Such additional penalty shall not be considered a part of
5 the fine for purposes of any reduction in the fine for time
6 served either before or after sentencing. Not later than March
7 1 of each year the Circuit Clerk shall submit a report of the
8 amount of funds remitted to the State Treasurer under this
9 subsection (c) during the preceding calendar year. Except as
10 otherwise provided by Supreme Court Rules, if a court in
11 imposing a fine against an offender levies a gross amount for
12 fine, costs, fees and penalties, the amount of the additional
13 penalty provided for herein shall be computed on the amount
14 remaining after deducting from the gross amount levied all fees
15 of the Circuit Clerk, the State's Attorney and the Sheriff.
16 After deducting from the gross amount levied the fees and
17 additional penalty provided for herein, less any other
18 additional penalties provided by law, the clerk shall remit the
19 net balance remaining to the entity authorized by law to
20 receive the fine imposed in the case. For purposes of this
21 Section "fees of the Circuit Clerk" shall include, if
22 applicable, the fee provided for under Section 27.3a of the
23 Clerks of Courts Act and the fee, if applicable, payable to the
24 county in which the violation occurred pursuant to Section
25 5-1101 of the Counties Code.

26 (c-5) In addition to the fines imposed by subsection (c),

1 any person convicted or receiving an order of supervision for
2 driving under the influence of alcohol or drugs shall pay an
3 additional \$100 fee to the clerk. This additional fee, less 2
4 1/2% that shall be used to defray administrative costs incurred
5 by the clerk, shall be remitted by the clerk to the Treasurer
6 within 60 days after receipt for deposit into the Trauma Center
7 Fund. This additional fee of \$100 shall not be considered a
8 part of the fine for purposes of any reduction in the fine for
9 time served either before or after sentencing. Not later than
10 March 1 of each year the Circuit Clerk shall submit a report of
11 the amount of funds remitted to the State Treasurer under this
12 subsection (c-5) during the preceding calendar year.

13 The Circuit Clerk may accept payment of fines and costs by
14 credit card from an offender who has been convicted of a
15 traffic offense, petty offense or misdemeanor and may charge
16 the service fee permitted where fines and costs are paid by
17 credit card provided for in Section 27.3b of the Clerks of
18 Courts Act.

19 (c-7) In addition to the fines imposed by subsection (c),
20 any person convicted or receiving an order of supervision for
21 driving under the influence of alcohol or drugs shall pay an
22 additional \$5 fee to the clerk. This additional fee, less 2
23 1/2% that shall be used to defray administrative costs incurred
24 by the clerk, shall be remitted by the clerk to the Treasurer
25 within 60 days after receipt for deposit into the Spinal Cord
26 Injury Paralysis Cure Research Trust Fund. This additional fee

1 of \$5 shall not be considered a part of the fine for purposes
2 of any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection (c-7)
6 during the preceding calendar year.

7 (c-9) (Blank).

8 (d) In determining the amount and method of payment of a
9 fine, except for those fines established for violations of
10 Chapter 15 of the Illinois Vehicle Code, the court shall
11 consider:

12 (1) the financial resources and future ability of the
13 offender to pay the fine; and

14 (2) whether the fine will prevent the offender from
15 making court ordered restitution or reparation to the
16 victim of the offense; and

17 (3) in a case where the accused is a dissolved
18 corporation and the court has appointed counsel to
19 represent the corporation, the costs incurred either by the
20 county or the State for such representation.

21 (e) The court may order the fine to be paid forthwith or
22 within a specified period of time or in installments.

23 (f) All fines, costs and additional amounts imposed under
24 this Section for any violation of Chapters 3, 4, 6, and 11 of
25 the Illinois Vehicle Code, or a similar provision of a local
26 ordinance, and any violation of the Child Passenger Protection

1 Act, or a similar provision of a local ordinance, shall be
2 collected and disbursed by the circuit clerk as provided under
3 Section 27.5 of the Clerks of Courts Act.

4 (g) A State agency may not:

5 (1) award a qualified ex-offender any low interest loan
6 so that the ex-offender may start and operate his or her
7 own business; or

8 (2) award a grant to the qualified ex-offender so that
9 the ex-offender may have a business plan developed in order
10 to receive a loan to start up his or her own business
11 unless the State agency has received a written certification
12 from the court that the qualified ex-offender has paid all
13 court ordered restitution to the victim or victims of the
14 offense, fines, court costs, or other payments imposed by the
15 court as punishment for the offense.

16 For the purposes of this subsection (g):

17 "State agency" has the meaning ascribed to it in
18 Section 1-7 of the Illinois State Auditing Act.

19 "Qualified ex-offender" means any person who:

20 (1) is an eligible offender, as defined under
21 Section 5-5.5-5 of this Code;

22 (2) was sentenced to a period of incarceration in
23 an Illinois adult correctional center; and

24 (3) presents to the State agency an application for
25 a grant or loan and a professional business plan.

26 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;

1 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)