



Rep. Dennis M. Reboletti

Filed: 3/12/2013

09800HB1925ham001

LRB098 07512 MRW 42644 a

1 AMENDMENT TO HOUSE BILL 1925

2 AMENDMENT NO. _____. Amend House Bill 1925, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Sections 5.826 and 6z-98 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Mental Health Reporting Continuing
8 Education Fund.

9 (30 ILCS 105/6z-98 new)

10 Sec. 6z-98. Mental Health Reporting Continuing Education
11 Fund.

12 (a) There is created in the State treasury a special fund
13 known as the Mental Health Reporting Continuing Education Fund.
14 The Fund shall receive revenue under subsection (c-12) of
15 Section 5-9-1 of the Unified Code of Corrections. The Fund may

1 also receive revenue from grants, donations, appropriations,
2 and any other legal source.

3 (b) The executive director of the Administrative Office of
4 the Illinois Courts shall use moneys in the Fund to reimburse
5 circuit court judges and circuit court clerks for continuing
6 education programs for reporting information to the Department
7 of State Police required under Section 6-103.1 of the Mental
8 Health and Developmental Disabilities Code relating to persons
9 prohibited from possessing a firearm under the Firearm Owners
10 Identification Card Act.

11 (c) Expenditures may be made from the Fund only as
12 appropriated by the General Assembly by law.

13 (d) Investment income that is attributable to the
14 investment of moneys in the Fund shall be retained in the Fund
15 for the uses specified in this Section.

16 (e) The Fund shall not be subject to administrative
17 chargebacks.

18 Section 10. The Unified Code of Corrections is amended by
19 changing Section 5-9-1 as follows:

20 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

21 Sec. 5-9-1. Authorized fines.

22 (a) An offender may be sentenced to pay a fine as provided
23 in Article 4.5 of Chapter V.

24 (b) (Blank.)

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 (c-12) There shall be added to every fine imposed in
9 sentencing for an Article 12 offense of the Criminal Code of
10 2012 involving the use of a firearm and an Article 24 offense
11 of the Criminal Code of 2012 an additional penalty of \$50.

12 The additional amount shall be assessed by the court
13 imposing the fine and shall be collected by the Circuit Clerk
14 in addition to the fine and costs in the case. Each additional
15 penalty shall be remitted by the Circuit Clerk within one month
16 after receipt to the State Treasurer. The State Treasurer shall
17 deposit moneys collected under this subsection into the Mental
18 Health Reporting Continuing Education Fund. The additional
19 penalty shall not be considered a part of the fine for purposes
20 of any reduction in the fine for time served either before or
21 after sentencing. Not later than March 1 of each year the
22 Circuit Clerk shall submit a report of the amount of funds
23 remitted to the State Treasurer under this subsection (c-12)
24 during the preceding calendar year.

25 (d) In determining the amount and method of payment of a
26 fine, except for those fines established for violations of

1 Chapter 15 of the Illinois Vehicle Code, the court shall
2 consider:

3 (1) the financial resources and future ability of the
4 offender to pay the fine; and

5 (2) whether the fine will prevent the offender from
6 making court ordered restitution or reparation to the
7 victim of the offense; and

8 (3) in a case where the accused is a dissolved
9 corporation and the court has appointed counsel to
10 represent the corporation, the costs incurred either by the
11 county or the State for such representation.

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

14 (f) All fines, costs and additional amounts imposed under
15 this Section for any violation of Chapters 3, 4, 6, and 11 of
16 the Illinois Vehicle Code, or a similar provision of a local
17 ordinance, and any violation of the Child Passenger Protection
18 Act, or a similar provision of a local ordinance, shall be
19 collected and disbursed by the circuit clerk as provided under
20 Section 27.5 of the Clerks of Courts Act.

21 (Source: P.A. 94-556, eff. 9-11-05; 94-652, eff. 8-22-05;
22 94-987, eff. 6-30-06; 95-1052, eff. 7-1-09.)".