



Rep. Jehan A. Gordon-Booth

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LRB098 15472 JLK 57399 a

1 AMENDMENT TO HOUSE BILL 3911

2 AMENDMENT NO. _____. Amend House Bill 3911 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Law Enforcement Camera Grant Act is amended
5 by changing Section 10 as follows:

6 (50 ILCS 707/10)

7 Sec. 10. Law Enforcement Camera Grant Fund; creation,
8 rules.

9 (a) The Law Enforcement Camera Grant Fund is created as a
10 special fund in the State treasury. From appropriations to the
11 Board from the Fund, the Board must make grants to units of
12 local government in Illinois for the purpose of purchasing
13 ~~installing~~ video cameras for ~~in~~ law enforcement use ~~vehicles~~
14 and training for law enforcement officers ~~in the operation of~~
15 ~~the cameras.~~

16 Moneys received for the purposes of this Section,

1 including, without limitation, fee receipts and gifts, grants,
2 and awards from any public or private entity, must be deposited
3 into the Fund. Any interest earned on moneys in the Fund must
4 be deposited into the Fund.

5 (b) The Board may set requirements for the distribution of
6 grant moneys and determine which law enforcement agencies are
7 eligible.

8 (c) The Board shall develop model rules to be adopted by
9 law enforcement agencies that receive grants under this
10 Section. The rules shall include the following requirements:

11 (1) Cameras must be used for ~~installed in the~~ law
12 enforcement purposes ~~vehicles~~.

13 (2) Video recording ~~Videotaping~~ must provide audio of
14 the officer ~~when the officer is outside of the vehicle~~.

15 (3) Camera access must be restricted to the supervisors
16 of the recorded officer ~~in the vehicle~~.

17 (4) Cameras must be turned on when the officer is
18 engaged with a member of the public ~~continuously throughout~~
19 ~~the officer's shift~~.

20 (5) A copy of the video record ~~videotape~~ must be made
21 available upon request to personnel of the law enforcement
22 agency, the local State's Attorney, and any persons
23 depicted in the video. Procedures for distribution of the
24 video record ~~videotape~~ must include safeguards to protect
25 the identities of individuals who are not a party to the
26 requested stop.

1 (6) Law enforcement agencies that receive moneys under
2 this grant shall provide for storage of the video records
3 ~~tapes~~ for a period of not less than 2 years.

4 (d) Any law enforcement agency receiving moneys under this
5 Section must provide an annual report to the Board, the
6 Governor, and the General Assembly, which will be due on May 1
7 of the year following the receipt of the grant and each May 1
8 thereafter during the period of the grant. The report shall
9 include (i) the number of cameras received by the law
10 enforcement agency, (ii) the number of cameras actually in use
11 ~~installed in law enforcement vehicles~~, (iii) a brief
12 description of the review process used by supervisors within
13 the law enforcement agency, (iv) a list of any criminal,
14 traffic, ordinance, and civil cases where video recordings were
15 used, including party names, case numbers, offenses charged,
16 and disposition of the matter, (this item applies, but is not
17 limited to, court proceedings, coroner's inquests, grand jury
18 proceedings, and plea bargains), and (v) any other information
19 relevant to the administration of the program.

20 ~~(c) No applications for grant money under this Section~~
21 ~~shall be accepted before January 1, 2007 or after January 1,~~
22 ~~2011.~~

23 ~~(f) Notwithstanding any other provision of law, in addition~~
24 ~~to any other transfers that may be provided by law, on July 1,~~
25 ~~2012 only, or as soon thereafter as practical, the State~~
26 ~~Comptroller shall direct and the State Treasurer shall transfer~~

1 ~~any funds in excess of \$1,000,000 held in the Law Enforcement~~
2 ~~Camera Grant Fund to the State Police Operations Assistance~~
3 ~~Fund.~~

4 ~~(g) Notwithstanding any other provision of law, in addition~~
5 ~~to any other transfers that may be provided by law, on July 1,~~
6 ~~2013 only, or as soon thereafter as practical, the State~~
7 ~~Comptroller shall direct and the State Treasurer shall transfer~~
8 ~~the sum of \$2,000,000 from the Law Enforcement Camera Grant~~
9 ~~Fund to the Traffic and Criminal Conviction Surcharge Fund.~~

10 (Source: P.A. 97-732, eff. 6-30-12; 98-24, eff. 6-19-13.)

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

13 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

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

17 (b) (Blank.)

18 (c) There shall be added to every fine imposed in
19 sentencing for a criminal or traffic offense, except an offense
20 relating to parking or registration, or offense by a
21 pedestrian, an additional penalty of \$15 ~~\$10~~ for each \$40, or
22 fraction thereof, of fine imposed. The additional penalty of
23 \$15 ~~\$10~~ for each \$40, or fraction thereof, of fine imposed, if
24 not otherwise assessed, shall also be added to every fine

1 imposed upon a plea of guilty, stipulation of facts or findings
2 of guilty, resulting in a judgment of conviction, or order of
3 supervision in criminal, traffic, local ordinance, county
4 ordinance, and conservation cases (except parking,
5 registration, or pedestrian violations), or upon a sentence of
6 probation without entry of judgment under Section 10 of the
7 Cannabis Control Act, Section 410 of the Illinois Controlled
8 Substances Act, or Section 70 of the Methamphetamine Control
9 and Community Protection Act.

10 Such additional amounts shall be assessed by the court
11 imposing the fine and shall be collected by the Circuit Clerk
12 in addition to the fine and costs in the case. Each such
13 additional penalty shall be remitted by the Circuit Clerk
14 within one month after receipt to the State Treasurer. The
15 State Treasurer shall deposit \$1 for each \$40, or fraction
16 thereof, of fine imposed into the LEADS Maintenance Fund. The
17 State Treasurer shall deposit \$3 ~~\$1~~ for each \$40, or fraction
18 thereof, of fine imposed into the Law Enforcement Camera Grant
19 Fund. The remaining surcharge amount shall be deposited into
20 the Traffic and Criminal Conviction Surcharge Fund, unless the
21 fine, costs or additional amounts are subject to disbursement
22 by the circuit clerk under Section 27.5 of the Clerks of Courts
23 Act. Such additional penalty shall not be considered a part of
24 the fine for purposes of any reduction in the fine for time
25 served either before or after sentencing. Not later than March
26 1 of each year the Circuit Clerk shall submit a report of the

1 amount of funds remitted to the State Treasurer under this
2 subsection (c) during the preceding calendar year. Except as
3 otherwise provided by Supreme Court Rules, if a court in
4 imposing a fine against an offender levies a gross amount for
5 fine, costs, fees and penalties, the amount of the additional
6 penalty provided for herein shall be computed on the amount
7 remaining after deducting from the gross amount levied all fees
8 of the Circuit Clerk, the State's Attorney and the Sheriff.
9 After deducting from the gross amount levied the fees and
10 additional penalty provided for herein, less any other
11 additional penalties provided by law, the clerk shall remit the
12 net balance remaining to the entity authorized by law to
13 receive the fine imposed in the case. For purposes of this
14 Section "fees of the Circuit Clerk" shall include, if
15 applicable, the fee provided for under Section 27.3a of the
16 Clerks of Courts Act and the fee, if applicable, payable to the
17 county in which the violation occurred pursuant to Section
18 5-1101 of the Counties Code.

19 (c-5) 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 \$100 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 Trauma Center
26 Fund. This additional fee of \$100 shall not be considered a

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

6 The Circuit Clerk may accept payment of fines and costs by
7 credit card from an offender who has been convicted of a
8 traffic offense, petty offense or misdemeanor and may charge
9 the service fee permitted where fines and costs are paid by
10 credit card provided for in Section 27.3b of the Clerks of
11 Courts Act.

12 (c-7) In addition to the fines imposed by subsection (c),
13 any person convicted or receiving an order of supervision for
14 driving under the influence of alcohol or drugs shall pay an
15 additional \$5 fee to the clerk. This additional fee, less 2
16 1/2% that shall be used to defray administrative costs incurred
17 by the clerk, shall be remitted by the clerk to the Treasurer
18 within 60 days after receipt for deposit into the Spinal Cord
19 Injury Paralysis Cure Research Trust Fund. This additional fee
20 of \$5 shall not be considered a part of the fine for purposes
21 of any reduction in the fine for time served either before or
22 after sentencing. Not later than March 1 of each year the
23 Circuit Clerk shall submit a report of the amount of funds
24 remitted to the State Treasurer under this subsection (c-7)
25 during the preceding calendar year.

26 (c-9) (Blank).

1 (d) In determining the amount and method of payment of a
2 fine, except for those fines established for violations of
3 Chapter 15 of the Illinois Vehicle Code, the court shall
4 consider:

5 (1) the financial resources and future ability of the
6 offender to pay the fine; and

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

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

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

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

23 (Source: P.A. 94-556, eff. 9-11-05; 94-652, eff. 8-22-05;
24 94-987, eff. 6-30-06; 95-1052, eff. 7-1-09.)".