



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1862

Introduced 2/15/2013, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.1
730 ILCS 5/5-9-1.1-5

from Ch. 38, par. 1005-9-1.1

Amends the Unified Code of Corrections. Provides that the \$25 assessment for drug related and methamphetamine related offenses shall be deposited into the Criminal Justice Information Projects Fund (rather than the Drug Traffic Prevention Fund) and that moneys in the Fund received under these provisions shall be appropriated to and administered by the Illinois Criminal Justice Information Authority (rather than the Department of State Police) for funding of drug task forces and Metropolitan Enforcement Groups in accordance with the Intergovernmental Drug Laws Enforcement Act. Effective July 1, 2013.

LRB098 07190 RLC 37251 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 Sections 5-9-1.1 and 5-9-1.1-5 as follows:

6 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

7 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,
8 and 97-545)

9 Sec. 5-9-1.1. Drug related offenses.

10 (a) When a person has been adjudged guilty of a drug
11 related offense involving possession or delivery of cannabis or
12 possession or delivery of a controlled substance, other than
13 methamphetamine, as defined in the Cannabis Control Act, as
14 amended, or the Illinois Controlled Substances Act, as amended,
15 in addition to any other penalty imposed, a fine shall be
16 levied by the court at not less than the full street value of
17 the cannabis or controlled substances seized.

18 "Street value" shall be determined by the court on the
19 basis of testimony of law enforcement personnel and the
20 defendant as to the amount seized and such testimony as may be
21 required by the court as to the current street value of the
22 cannabis or controlled substance seized.

23 (b) In addition to any penalty imposed under subsection (a)

1 of this Section, a fine of \$100 shall be levied by the court,
2 the proceeds of which shall be collected by the Circuit Clerk
3 and remitted to the State Treasurer under Section 27.6 of the
4 Clerks of Courts Act for deposit into the Trauma Center Fund
5 for distribution as provided under Section 3.225 of the
6 Emergency Medical Services (EMS) Systems Act.

7 (c) In addition to any penalty imposed under subsection (a)
8 of this Section, a fee of \$5 shall be assessed by the court,
9 the proceeds of which shall be collected by the Circuit Clerk
10 and remitted to the State Treasurer under Section 27.6 of the
11 Clerks of Courts Act for deposit into the Spinal Cord Injury
12 Paralysis Cure Research Trust Fund. This additional fee of \$5
13 shall not be considered a part of the fine for purposes of any
14 reduction in the fine for time served either before or after
15 sentencing.

16 (d) In addition to any penalty imposed under subsection (a)
17 of this Section for a drug related offense involving possession
18 or delivery of cannabis or possession or delivery of a
19 controlled substance as defined in the Cannabis Control Act,
20 the Illinois Controlled Substances Act, or the Methamphetamine
21 Control and Community Protection Act, a fee of \$50 shall be
22 assessed by the court, the proceeds of which shall be collected
23 by the Circuit Clerk and remitted to the State Treasurer under
24 Section 27.6 of the Clerks of Courts Act for deposit into the
25 Performance-enhancing Substance Testing Fund. This additional
26 fee of \$50 shall not be considered a part of the fine for

1 purposes of any reduction in the fine for time served either
2 before or after sentencing. The provisions of this subsection
3 (d), other than this sentence, are inoperative after June 30,
4 2011.

5 (e) In addition to any penalty imposed under subsection (a)
6 of this Section, a \$25 assessment shall be assessed by the
7 court, the proceeds of which shall be collected by the Circuit
8 Clerk and remitted to the State Treasurer for deposit into the
9 Criminal Justice Information Projects Fund ~~Drug Traffic~~
10 ~~Prevention Fund~~. The moneys deposited into the Criminal Justice
11 Information Projects Fund ~~Drug Traffic Prevention Fund~~
12 ~~pursuant to~~ this Section shall be appropriated to and
13 administered by the Illinois Criminal Justice Information
14 Authority ~~Department of State Police~~ for funding of drug task
15 forces and Metropolitan Enforcement Groups in accordance with
16 the Intergovernmental Drug Laws Enforcement Act.

17 (f) In addition to any penalty imposed under subsection (a)
18 of this Section, a \$20 assessment shall be assessed by the
19 court, the proceeds of which shall be collected by the Circuit
20 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
21 the State Treasurer for deposit into the Prescription Pill and
22 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
23 the Criminal Justice Information Projects Fund, for use by the
24 Illinois Criminal Justice Information Authority for the costs
25 associated with making grants from the Prescription Pill and
26 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%

1 for deposit into the Circuit Court Clerk Operation and
2 Administrative Fund for the costs associated with
3 administering this subsection.

4 (Source: P.A. 96-132, eff. 8-7-09; 96-402, eff. 1-1-10;
5 96-1234, eff. 7-23-10; 97-545, eff. 1-1-12; revised 9-14-11.)

6 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,
7 and 97-545)

8 Sec. 5-9-1.1. Drug related offenses.

9 (a) When a person has been adjudged guilty of a drug
10 related offense involving possession or delivery of cannabis or
11 possession or delivery of a controlled substance as defined in
12 the Cannabis Control Act, the Illinois Controlled Substances
13 Act, or the Methamphetamine Control and Community Protection
14 Act, in addition to any other penalty imposed, a fine shall be
15 levied by the court at not less than the full street value of
16 the cannabis or controlled substances seized.

17 "Street value" shall be determined by the court on the
18 basis of testimony of law enforcement personnel and the
19 defendant as to the amount seized and such testimony as may be
20 required by the court as to the current street value of the
21 cannabis or controlled substance seized.

22 (b) In addition to any penalty imposed under subsection (a)
23 of this Section, a fine of \$100 shall be levied by the court,
24 the proceeds of which shall be collected by the Circuit Clerk
25 and remitted to the State Treasurer under Section 27.6 of the

1 Clerks of Courts Act for deposit into the Trauma Center Fund
2 for distribution as provided under Section 3.225 of the
3 Emergency Medical Services (EMS) Systems Act.

4 (c) In addition to any penalty imposed under subsection (a)
5 of this Section, a fee of \$5 shall be assessed by the court,
6 the proceeds of which shall be collected by the Circuit Clerk
7 and remitted to the State Treasurer under Section 27.6 of the
8 Clerks of Courts Act for deposit into the Spinal Cord Injury
9 Paralysis Cure Research Trust Fund. This additional fee of \$5
10 shall not be considered a part of the fine for purposes of any
11 reduction in the fine for time served either before or after
12 sentencing.

13 (d) In addition to any penalty imposed under subsection (a)
14 of this Section for a drug related offense involving possession
15 or delivery of cannabis or possession or delivery of a
16 controlled substance as defined in the Cannabis Control Act,
17 the Illinois Controlled Substances Act, or the Methamphetamine
18 Control and Community Protection Act, a fee of \$50 shall be
19 assessed by the court, the proceeds of which shall be collected
20 by the Circuit Clerk and remitted to the State Treasurer under
21 Section 27.6 of the Clerks of Courts Act for deposit into the
22 Performance-enhancing Substance Testing Fund. This additional
23 fee of \$50 shall not be considered a part of the fine for
24 purposes of any reduction in the fine for time served either
25 before or after sentencing. The provisions of this subsection
26 (d), other than this sentence, are inoperative after June 30,

1 2011.

2 (e) In addition to any penalty imposed under subsection (a)
3 of this Section, a \$25 assessment shall be assessed by the
4 court, the proceeds of which shall be collected by the Circuit
5 Clerk and remitted to the State Treasurer for deposit into the
6 Criminal Justice Information Projects Fund ~~Drug Traffic~~
7 ~~Prevention Fund~~. The moneys deposited into the Criminal Justice
8 Information Projects Fund ~~under Drug Traffic Prevention Fund~~
9 ~~pursuant to~~ this Section shall be appropriated to and
10 administered by the Illinois Criminal Justice Information
11 Authority ~~Department of State Police~~ for funding of drug task
12 forces and Metropolitan Enforcement Groups in accordance with
13 the Intergovernmental Drug Laws Enforcement Act.

14 (f) In addition to any penalty imposed under subsection (a)
15 of this Section, a \$20 assessment shall be assessed by the
16 court, the proceeds of which shall be collected by the Circuit
17 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
18 the State Treasurer for deposit into the Prescription Pill and
19 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
20 the Criminal Justice Information Projects Fund, for use by the
21 Illinois Criminal Justice Information Authority for the costs
22 associated with making grants from the Prescription Pill and
23 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%
24 for deposit into the Circuit Court Clerk Operation and
25 Administrative Fund for the costs associated with
26 administering this subsection.

1 (Source: P.A. 96-132, eff. 8-7-09; 96-402, eff. 1-1-10;
2 96-1234, eff. 7-23-10; 97-545, eff. 1-1-12; revised 9-14-11.)

3 (730 ILCS 5/5-9-1.1-5)

4 Sec. 5-9-1.1-5. Methamphetamine related offenses.

5 (a) When a person has been adjudged guilty of a
6 methamphetamine related offense involving possession or
7 delivery of methamphetamine or any salt of an optical isomer of
8 methamphetamine or possession of a methamphetamine
9 manufacturing material as set forth in Section 10 of the
10 Methamphetamine Control and Community Protection Act with the
11 intent to manufacture a substance containing methamphetamine
12 or salt of an optical isomer of methamphetamine, in addition to
13 any other penalty imposed, a fine shall be levied by the court
14 at not less than the full street value of the methamphetamine
15 or salt of an optical isomer of methamphetamine or
16 methamphetamine manufacturing materials seized.

17 "Street value" shall be determined by the court on the
18 basis of testimony of law enforcement personnel and the
19 defendant as to the amount seized and such testimony as may be
20 required by the court as to the current street value of the
21 methamphetamine or salt of an optical isomer of methamphetamine
22 or methamphetamine manufacturing materials seized.

23 (b) In addition to any penalty imposed under subsection (a)
24 of this Section, a fine of \$100 shall be levied by the court,
25 the proceeds of which shall be collected by the Circuit Clerk

1 and remitted to the State Treasurer under Section 27.6 of the
2 Clerks of Courts Act for deposit into the Methamphetamine Law
3 Enforcement Fund and allocated as provided in subsection (d) of
4 Section 5-9-1.2.

5 (c) In addition to any penalty imposed under subsection (a)
6 of this Section, a \$25 assessment shall be assessed by the
7 court, the proceeds of which shall be collected by the Circuit
8 Clerk and remitted to the State Treasurer for deposit into the
9 Criminal Justice Information Projects Fund ~~Drug Traffic~~
10 ~~Prevention Fund~~. The moneys deposited into the Criminal Justice
11 Information Projects Fund ~~Drug Traffic Prevention Fund~~
12 ~~pursuant to~~ this Section shall be appropriated to and
13 administered by the Illinois Criminal Justice Information
14 Authority ~~Department of State Police~~ for funding of drug task
15 forces and Metropolitan Enforcement Groups in accordance with
16 the Intergovernmental Drug Laws Enforcement Act.

17 (d) In addition to any penalty imposed under subsection (a)
18 of this Section, a \$20 assessment shall be assessed by the
19 court, the proceeds of which shall be collected by the Circuit
20 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
21 the State Treasurer for deposit into the Prescription Pill and
22 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
23 the Criminal Justice Information Projects Fund, for use by the
24 Illinois Criminal Justice Information Authority for the costs
25 associated with making grants from the Prescription Pill and
26 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%

1 for deposit into the Circuit Court Clerk Operation and
2 Administrative Fund for the costs associated with
3 administering this subsection.

4 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;
5 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10; 97-545, eff.
6 1-1-12.)

7 Section 99. Effective date. This Act takes effect July 1,
8 2013.