



Rep. Adam Brown

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09800SB1862ham001

LRB098 07190 RLC 45316 a

1 AMENDMENT TO SENATE BILL 1862

2 AMENDMENT NO. _____. Amend Senate Bill 1862 by replacing
3 everything after the enacting clause with the following:

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

1 the cannabis or controlled substances seized.

2 "Street value" shall be determined by the court on the
3 basis of testimony of law enforcement personnel and the
4 defendant as to the amount seized and such testimony as may be
5 required by the court as to the current street value of the
6 cannabis or controlled substance seized.

7 (b) In addition to any penalty imposed under subsection (a)
8 of this Section, a fine of \$100 shall be levied 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 Trauma Center Fund
12 for distribution as provided under Section 3.225 of the
13 Emergency Medical Services (EMS) Systems Act.

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

23 (d) In addition to any penalty imposed under subsection (a)
24 of this Section for a drug related offense involving possession
25 or delivery of cannabis or possession or delivery of a
26 controlled substance as defined in the Cannabis Control Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act, a fee of \$50 shall be
3 assessed by the court, the proceeds of which shall be collected
4 by the Circuit Clerk and remitted to the State Treasurer under
5 Section 27.6 of the Clerks of Courts Act for deposit into the
6 Performance-enhancing Substance Testing Fund. This additional
7 fee of \$50 shall not be considered a part of the fine for
8 purposes of any reduction in the fine for time served either
9 before or after sentencing. The provisions of this subsection
10 (d), other than this sentence, are inoperative after June 30,
11 2011.

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

24 (f) In addition to any penalty imposed under subsection (a)
25 of this Section, a \$20 assessment shall be assessed by the
26 court, the proceeds of which shall be collected by the Circuit

1 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
2 the State Treasurer for deposit into the Prescription Pill and
3 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
4 the Criminal Justice Information Projects Fund, for use by the
5 Illinois Criminal Justice Information Authority for the costs
6 associated with making grants from the Prescription Pill and
7 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%
8 for deposit into the Circuit Court Clerk Operation and
9 Administrative Fund for the costs associated with
10 administering this subsection.

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

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

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

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

24 "Street value" shall be determined by the court on the
25 basis of testimony of law enforcement personnel and the

1 defendant as to the amount seized and such testimony as may be
2 required by the court as to the current street value of the
3 cannabis or controlled substance seized.

4 (b) In addition to any penalty imposed under subsection (a)
5 of this Section, a fine of \$100 shall be levied 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 Trauma Center Fund
9 for distribution as provided under Section 3.225 of the
10 Emergency Medical Services (EMS) Systems Act.

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

20 (d) In addition to any penalty imposed under subsection (a)
21 of this Section for a drug related offense involving possession
22 or delivery of cannabis or possession or delivery of a
23 controlled substance as defined in the Cannabis Control Act,
24 the Illinois Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act, a fee of \$50 shall be
26 assessed by the court, the proceeds of which shall be collected

1 by the Circuit Clerk and remitted to the State Treasurer under
2 Section 27.6 of the Clerks of Courts Act for deposit into the
3 Performance-enhancing Substance Testing Fund. This additional
4 fee of \$50 shall not be considered a part of the fine for
5 purposes of any reduction in the fine for time served either
6 before or after sentencing. The provisions of this subsection
7 (d), other than this sentence, are inoperative after June 30,
8 2011.

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

21 (f) In addition to any penalty imposed under subsection (a)
22 of this Section, a \$20 assessment shall be assessed by the
23 court, the proceeds of which shall be collected by the Circuit
24 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
25 the State Treasurer for deposit into the Prescription Pill and
26 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into

1 the Criminal Justice Information Projects Fund, for use by the
2 Illinois Criminal Justice Information Authority for the costs
3 associated with making grants from the Prescription Pill and
4 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%
5 for deposit into the Circuit Court Clerk Operation and
6 Administrative Fund for the costs associated with
7 administering this subsection.

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

10 (730 ILCS 5/5-9-1.1-5)

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

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

24 "Street value" shall be determined by the court on the
25 basis of testimony of law enforcement personnel and the

1 defendant as to the amount seized and such testimony as may be
2 required by the court as to the current street value of the
3 methamphetamine or salt of an optical isomer of methamphetamine
4 or methamphetamine manufacturing materials seized.

5 (b) In addition to any penalty imposed under subsection (a)
6 of this Section, a fine of \$100 shall be levied by the court,
7 the proceeds of which shall be collected by the Circuit Clerk
8 and remitted to the State Treasurer under Section 27.6 of the
9 Clerks of Courts Act for deposit into the Methamphetamine Law
10 Enforcement Fund and allocated as provided in subsection (d) of
11 Section 5-9-1.2.

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

24 (d) In addition to any penalty imposed under subsection (a)
25 of this Section, a \$20 assessment shall be assessed by the
26 court, the proceeds of which shall be collected by the Circuit

1 Clerk. Of the collected proceeds, (i) 90% shall be remitted to
2 the State Treasurer for deposit into the Prescription Pill and
3 Drug Disposal Fund; (ii) 5% shall be remitted for deposit into
4 the Criminal Justice Information Projects Fund, for use by the
5 Illinois Criminal Justice Information Authority for the costs
6 associated with making grants from the Prescription Pill and
7 Drug Disposal Fund; and (iii) the Circuit Clerk shall retain 5%
8 for deposit into the Circuit Court Clerk Operation and
9 Administrative Fund for the costs associated with
10 administering this subsection.

11 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;
12 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10; 97-545, eff.
13 1-1-12.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2013.".