



Sen. Gary Forby

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09900HB3126sam001

LRB099 07364 RLC 49350 a

1 AMENDMENT TO HOUSE BILL 3126

2 AMENDMENT NO. _____. Amend House Bill 3126 by replacing
3 everything after the enacting clause with the following:

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 as provided
9 in Article 4.5 of Chapter V.

10 (b) (Blank.)

11 (c) There shall be added to every fine imposed in
12 sentencing for a criminal or traffic offense, except an offense
13 relating to parking or registration, or offense by a
14 pedestrian, an additional penalty of \$15 for each \$40, or
15 fraction thereof, of fine imposed for violations other than
16 violations of Section 15-111 of the Illinois Vehicle Code; \$15

1 for the first \$330, or fraction thereof, of fine imposed for a
2 violation of Section 15-111 of the Illinois Vehicle Code and
3 \$10 for each subsequent \$40, or fraction thereof, of fine
4 imposed for violation of Section 15-111 of the Illinois Vehicle
5 Code, following the initial \$15 surcharge for the first \$330 of
6 fine imposed. The additional penalty under this subsection (c)
7 ~~of \$15 for each \$40, or fraction thereof, of fine imposed,~~ if
8 not otherwise assessed, shall also be added to every fine
9 imposed upon a plea of guilty, stipulation of facts or findings
10 of guilty, resulting in a judgment of conviction, or order of
11 supervision in criminal, traffic, local ordinance, county
12 ordinance, and conservation cases (except parking,
13 registration, or pedestrian violations), or upon a sentence of
14 probation without entry of judgment under Section 10 of the
15 Cannabis Control Act, Section 410 of the Illinois Controlled
16 Substances Act, or Section 70 of the Methamphetamine Control
17 and Community Protection Act.

18 Such additional amounts shall be assessed by the court
19 imposing the fine and shall be collected by the Circuit Clerk
20 in addition to the fine and costs in the case. Each such
21 additional penalty shall be remitted by the Circuit Clerk
22 within one month after receipt to the State Treasurer. The
23 State Treasurer shall deposit \$1 for each \$40, or fraction
24 thereof, of fine imposed into the LEADS Maintenance Fund. The
25 State Treasurer shall deposit \$3 for each \$40, or fraction
26 thereof, of fine imposed into the Law Enforcement Camera Grant

1 Fund. The remaining surcharge amount shall be deposited into
2 the Traffic and Criminal Conviction Surcharge Fund, unless the
3 fine, costs or additional amounts are subject to disbursement
4 by the circuit clerk under Section 27.5 of the Clerks of Courts
5 Act. Such additional penalty shall not be considered a part of
6 the fine for purposes of any reduction in the fine for time
7 served either before or after sentencing. Not later than March
8 1 of each year the Circuit Clerk shall submit a report of the
9 amount of funds remitted to the State Treasurer under this
10 subsection (c) during the preceding calendar year. Except as
11 otherwise provided by Supreme Court Rules, if a court in
12 imposing a fine against an offender levies a gross amount for
13 fine, costs, fees and penalties, the amount of the additional
14 penalty provided for herein shall be computed on the amount
15 remaining after deducting from the gross amount levied all fees
16 of the Circuit Clerk, the State's Attorney and the Sheriff.
17 After deducting from the gross amount levied the fees and
18 additional penalty provided for herein, less any other
19 additional penalties provided by law, the clerk shall remit the
20 net balance remaining to the entity authorized by law to
21 receive the fine imposed in the case. For purposes of this
22 Section "fees of the Circuit Clerk" shall include, if
23 applicable, the fee provided for under Section 27.3a of the
24 Clerks of Courts Act and the fee, if applicable, payable to the
25 county in which the violation occurred pursuant to Section
26 5-1101 of the Counties Code.

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

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

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

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

8 (c-9) (Blank).

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

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

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

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

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

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

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

5 (Source: P.A. 99-352, eff. 1-1-16.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."