



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4260

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Amends the Unified Code of Corrections, if and only if Senate Bill 1304 of the 99th General Assembly becomes law. In the provisions concerning authorized fines, provides that the additional fines imposed in sentencing for a criminal or traffic offenses concerning wheel and axle loads and gross weights is \$10 for each \$40 of fine imposed (rather than \$15 of each \$40 of fine imposed). Effective immediately or on the date Senate Bill 1304 of the 99th General Assembly takes effect, whichever is later.

LRB099 13271 RLC 37183 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. If and only if Senate Bill 1304 of the 99th
5 General Assembly becomes law as amended by House Amendments
6 Nos. 1 and 2, the Unified Code of Corrections is amended by
7 changing Section 5-9-1 as follows:

8 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

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

12 (b) (Blank.)

13 (c) There shall be added to every fine imposed in
14 sentencing for a criminal or traffic offense, except an offense
15 relating to parking or registration, or offense by a
16 pedestrian, an additional penalty of \$15 for each \$40, or
17 fraction thereof, of fine imposed for violations other than
18 violations of Section 15-111 of the Illinois Vehicle Code and
19 \$10 for each \$40, or fraction thereof, of fine imposed for
20 violations of Section 15-111 of the Illinois Vehicle Code. The
21 additional penalty under this subsection (c) of \$15 for each
22 \$40, or fraction thereof, of fine imposed, if not otherwise
23 assessed, shall also be added to every fine imposed upon a plea

1 of guilty, stipulation of facts or findings of guilty,
2 resulting in a judgment of conviction, or order of supervision
3 in criminal, traffic, local ordinance, county ordinance, and
4 conservation cases (except parking, registration, or
5 pedestrian violations), or upon a sentence of probation without
6 entry of judgment under Section 10 of the Cannabis Control Act,
7 Section 410 of the Illinois Controlled Substances Act, or
8 Section 70 of the Methamphetamine Control and Community
9 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 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;
25 09900SB1304ham001.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law or on the date Senate Bill 1304 of the 99th
2 General Assembly takes effect, whichever is later.