

1 AMENDMENT TO SENATE BILL 632

2 AMENDMENT NO. _____. Amend Senate Bill 632 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by adding
6 Section 5.545 as follows:

7 (30 ILCS 105/5.545 new)

8 Sec. 5.545. The Children's Advocacy Center Services
9 Fund.

10 Section 10. The Unified Code of Corrections is amended
11 by changing Sections 5-9-1.5 and 5-9-1.7 as follows:

12 (730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

13 Sec. 5-9-1.5. Domestic violence fine. In addition to
14 any other penalty imposed, a fine of not less than \$300 and
15 not more than \$1,000 ~~\$100~~ shall be imposed upon any person
16 who pleads guilty or no contest to or who is convicted of
17 murder, voluntary manslaughter, involuntary manslaughter,
18 burglary, residential burglary, criminal trespass to
19 residence, criminal trespass to vehicle, criminal trespass to
20 land, criminal damage to property, telephone harassment,

1 kidnapping, aggravated kidnapping, unlawful restraint,
2 forcible detention, child abduction, indecent solicitation of
3 a child, sexual relations between siblings, exploitation of a
4 child, child pornography, assault, aggravated assault,
5 battery, aggravated battery, heinous battery, aggravated
6 battery of a child, domestic battery, reckless conduct,
7 intimidation, criminal sexual assault, predatory criminal
8 sexual assault of a child, aggravated criminal sexual
9 assault, criminal sexual abuse, aggravated criminal sexual
10 abuse, violation of an order of protection, disorderly
11 conduct, endangering the life or health of a child, child
12 abandonment, contributing to dependency or neglect of child,
13 or cruelty to children and others; provided that the offender
14 and victim are family or household members as defined in
15 Section 103 of the Illinois Domestic Violence Act of 1986.
16 Upon request of the victim or the victim's representative,
17 the court shall determine whether the fine will impose an
18 undue burden on the victim of the offense. For purposes of
19 this paragraph, the defendant may not be considered the
20 victim's representative. If the court finds that the fine
21 would impose an undue burden on the victim, the court may
22 reduce or waive the fine. The court shall order that the
23 defendant may not use funds belonging solely to the victim of
24 the offense for payment of the fine. The circuit clerk shall
25 remit each fine within one month of its receipt to the State
26 Treasurer for deposit as follows: (i) for sexual assault, as
27 defined in Section 5-9-1.7, when the offender and victim are
28 family members, one-third ~~one-half~~ to the Domestic Violence
29 Shelter and Service Fund, and one-third ~~one-half~~ to the
30 Sexual Assault Services Fund, and one-third to the Children's
31 Advocacy Center Services Fund; (ii) for the remaining
32 offenses to the Domestic Violence Shelter and Service Fund.
33 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

1 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
2 Sec. 5-9-1.7. Sexual assault fines.

3 (a) Definitions. The terms used in this Section shall
4 have the following meanings ascribed to them:

5 (1) "Sexual assault" means the commission or
6 attempted commission of the following: criminal sexual
7 assault, predatory criminal sexual assault of a child,
8 aggravated criminal sexual assault, criminal sexual
9 abuse, aggravated criminal sexual abuse, indecent
10 solicitation of a child, public indecency, sexual
11 relations within families, soliciting for a juvenile
12 prostitute, keeping a place of juvenile prostitution,
13 patronizing a juvenile prostitute, juvenile pimping,
14 exploitation of a child, obscenity, child pornography, or
15 harmful material, as those offenses are defined in the
16 Criminal Code of 1961.

17 (2) "Family member" shall have the meaning ascribed
18 to it in Section 12-12 of the Criminal Code of 1961.

19 (3) "Sexual assault organization" means any
20 not-for-profit organization providing comprehensive,
21 community-based services to victims of sexual assault.
22 "Community-based services" include, but are not limited
23 to, direct crisis intervention through a 24-hour
24 response, medical and legal advocacy, counseling,
25 information and referral services, training, and
26 community education.

27 (4) "Children's Advocacy Center" is any
28 organization that coordinates the multidisciplinary
29 investigation, prosecution, and treatment referral of
30 child sexual abuse and severe physical abuse cases.

31 (b) Sexual assault fine; collection by clerk.

32 (1) In addition to any other penalty imposed, a
33 fine of not less than \$300 and not more than \$1,000 \$100
34 shall be imposed upon any person who pleads guilty or who

1 is convicted of, or who receives a disposition of court
 2 supervision for, a sexual assault or attempt of a sexual
 3 assault. Upon request of the victim or the victim's
 4 representative, the court shall determine whether the
 5 fine will impose an undue burden on the victim of the
 6 offense. For purposes of this paragraph, the defendant
 7 may not be considered the victim's representative. If
 8 the court finds that the fine would impose an undue
 9 burden on the victim, the court may reduce or waive the
 10 fine. The court shall order that the defendant may not
 11 use funds belonging solely to the victim of the offense
 12 for payment of the fine.

13 (2) Sexual assault fines shall be assessed by the
 14 court imposing the sentence and shall be collected by the
 15 circuit clerk. The circuit clerk shall retain 10% of the
 16 penalty to cover the costs involved in administering and
 17 enforcing this Section. The circuit clerk shall remit
 18 the remainder of each fine within one month of its
 19 receipt to the State Treasurer for deposit as follows:

20 (i) for family member offenders, one-third
 21 ~~one-half~~ to the Sexual Assault Services Fund, and
 22 one-third ~~one-half~~ to the Domestic Violence Shelter
 23 and Service Fund, and one-third to the Children's
 24 Advocacy Center Services Fund; and

25 (ii) for other than family member offenders,
 26 one-half to the Children's Advocacy Center Services
 27 Fund and one-half ~~the--full--amount~~ to the Sexual
 28 Assault Services Fund.

29 (c) Sexual Assault Services Fund; administration. There
 30 is created a Sexual Assault Services Fund. Moneys deposited
 31 into the Fund under this Section shall be appropriated to the
 32 Department of Human Services ~~Public--Health~~. Upon
 33 appropriation of moneys from the Sexual Assault Services
 34 Fund, the Department of Human Services ~~Public--Health~~ shall

1 make grants of these moneys from the Fund to sexual assault
2 organizations with whom the Department has contracts for the
3 purpose of providing community-based services to victims of
4 sexual assault. Grants made under this Section are in
5 addition to, and are not substitutes for, other grants
6 authorized and made by the Department.

7 (d) Children's Advocacy Center Services Fund;
8 administration. There is created the Children's Advocacy
9 Center Services Fund. Moneys deposited into the Fund under
10 this Section shall be appropriated to the Department of
11 Children and Family Services. Upon appropriation of moneys
12 from the Children's Advocacy Center Services Fund, the
13 Department of Children and Family Services shall make grants
14 of these moneys from the Fund to Children's Advocacy Centers
15 with whom the Department has contracts for the purpose of
16 providing multidisciplinary investigation, prosecution, and
17 treatment referral of child sexual abuse and severe physical
18 abuse cases. Grants made under this Section are in addition
19 to, and are not substitutes for, other grants made by the
20 Department.

21 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
22 5-29-96.)".