

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

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

6 (30 ILCS 105/5.545 new)

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

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

11 (730 ILCS 5/5-9-1.5) (from Ch. 38, par. 1005-9-1.5)

12 Sec. 5-9-1.5. Domestic violence fine. In addition to  
13 any other penalty imposed, a fine of not less than \$300 and  
14 not more than \$1,000 ~~\$100~~ shall be imposed upon any person  
15 who pleads guilty or no contest to or who is convicted of  
16 murder, voluntary manslaughter, involuntary manslaughter,  
17 burglary, residential burglary, criminal trespass to  
18 residence, criminal trespass to vehicle, criminal trespass to  
19 land, criminal damage to property, telephone harassment,  
20 kidnapping, aggravated kidnapping, unlawful restraint,  
21 forcible detention, child abduction, indecent solicitation of  
22 a child, sexual relations between siblings, exploitation of a  
23 child, child pornography, assault, aggravated assault,  
24 battery, aggravated battery, heinous battery, aggravated  
25 battery of a child, domestic battery, reckless conduct,  
26 intimidation, criminal sexual assault, predatory criminal  
27 sexual assault of a child, aggravated criminal sexual  
28 assault, criminal sexual abuse, aggravated criminal sexual  
29 abuse, violation of an order of protection, disorderly

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

24 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)  
25 Sec. 5-9-1.7. Sexual assault fines.

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

28 (1) "Sexual assault" means the commission or  
29 attempted commission of the following: criminal sexual  
30 assault, predatory criminal sexual assault of a child,  
31 aggravated criminal sexual assault, criminal sexual  
32 abuse, aggravated criminal sexual abuse, indecent  
33 solicitation of a child, public indecency, sexual

1 relations within families, soliciting for a juvenile  
 2 prostitute, keeping a place of juvenile prostitution,  
 3 patronizing a juvenile prostitute, juvenile pimping,  
 4 exploitation of a child, obscenity, child pornography, or  
 5 harmful material, as those offenses are defined in the  
 6 Criminal Code of 1961.

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

9 (3) "Sexual assault organization" means any  
 10 not-for-profit organization providing comprehensive,  
 11 community-based services to victims of sexual assault.  
 12 "Community-based services" include, but are not limited  
 13 to, direct crisis intervention through a 24-hour  
 14 response, medical and legal advocacy, counseling,  
 15 information and referral services, training, and  
 16 community education.

17 (4) "Children's Advocacy Center" is any  
 18 organization that coordinates the multidisciplinary  
 19 investigation, prosecution, and treatment referral of  
 20 child sexual abuse and severe physical abuse cases.

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

22 (1) In addition to any other penalty imposed, a  
 23 fine of not less than \$300 and not more than \$1,000 \$100  
 24 shall be imposed upon any person who pleads guilty or who  
 25 is convicted of, or who receives a disposition of court  
 26 supervision for, a sexual assault or attempt of a sexual  
 27 assault. Upon request of the victim or the victim's  
 28 representative, the court shall determine whether the  
 29 fine will impose an undue burden on the victim of the  
 30 offense. For purposes of this paragraph, the defendant  
 31 may not be considered the victim's representative. If  
 32 the court finds that the fine would impose an undue  
 33 burden on the victim, the court may reduce or waive the  
 34 fine. The court shall order that the defendant may not

1 use funds belonging solely to the victim of the offense  
2 for payment of the fine.

3 (2) Sexual assault fines shall be assessed by the  
4 court imposing the sentence and shall be collected by the  
5 circuit clerk. The circuit clerk shall retain 10% of the  
6 penalty to cover the costs involved in administering and  
7 enforcing this Section. The circuit clerk shall remit  
8 the remainder of each fine within one month of its  
9 receipt to the State Treasurer for deposit as follows:

10 (i) for family member offenders, one-third  
11 one-half to the Sexual Assault Services Fund,  
12 one-third and ~~one-half~~ to the Domestic Violence  
13 Shelter and Service Fund, ~~;~~ and one-third to the  
14 Children's Advocacy Center Services Fund.

15 (ii) for other than family member offenders,  
16 one-half ~~the full amount~~ to the Sexual Assault  
17 Services Fund and one-half to the Children's  
18 Advocacy Center Services Fund.

19 (c) Sexual Assault Services Fund; administration. There  
20 is created a Sexual Assault Services Fund. Moneys deposited  
21 into the Fund under this Section shall be appropriated to the  
22 Department of Human Services Public Health. Upon  
23 appropriation of moneys from the Sexual Assault Services  
24 Fund, the Department of Human Services Public Health shall  
25 make grants of these moneys from the Fund to sexual assault  
26 organizations with whom the Department has contracts for the  
27 purpose of providing community-based services to victims of  
28 sexual assault. Grants made under this Section are in  
29 addition to, and are not substitutes for, other grants  
30 authorized and made by the Department.

31 (d) Children's Advocacy Center Services Fund;  
32 administration. There is created a Children's Advocacy  
33 Center Services Fund. Moneys deposited into the Fund under  
34 this Section shall be appropriated to the Department of

1 Children and Family Services. Upon appropriation of moneys  
2 from the Children's Advocacy Center Services Fund, the  
3 Department of Children and Family Services shall make grants  
4 of these moneys from the Fund to Children's Advocacy Centers  
5 with whom the Department has contracts for the purpose of  
6 providing multidisciplinary investigation, prosecution, and  
7 treatment referral of child sexual abuse and severe physical  
8 abuse cases. Grants made under this Section are in addition  
9 to, and are not substitutes for, other grants authorized and  
10 made by the Department.

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