



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3733

by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3A
720 ILCS 5/24-3B
730 ILCS 5/5-9-1

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

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Provides that in addition to any other penalties, the court shall impose a fee of \$300 for gunrunning and firearms trafficking. Provides that the fee shall be deposited into the Traffic and Criminal Conviction Surcharge Fund to be used for grants by the Department of State Police to units of local government to purchase bulletproof vests for local police departments and to hire peace officers.

LRB100 11024 RLC 21263 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. The Criminal Code of 2012 is amended by changing
5 Sections 24-3A and 24-3B as follows:

6 (720 ILCS 5/24-3A)

7 Sec. 24-3A. Gunrunning.

8 (a) A person commits gunrunning when he or she transfers 3
9 or more firearms in violation of any of the paragraphs of
10 Section 24-3 of this Code.

11 (b) Sentence. A person who commits gunrunning:

12 (1) is guilty of a Class 1 felony;

13 (2) is guilty of a Class X felony for which the
14 sentence shall be a term of imprisonment of not less than 8
15 years and not more than 40 years if the transfer is of not
16 less than 11 firearms and not more than 20 firearms;

17 (3) is guilty of a Class X felony for which the
18 sentence shall be a term of imprisonment of not less than
19 10 years and not more than 50 years if the transfer is of
20 more than 20 firearms.

21 A person who commits gunrunning by transferring firearms to a
22 person who, at the time of the commission of the offense, is
23 under 18 years of age is guilty of a Class X felony.

1 (c) In addition to any other penalties, a person convicted
2 of gunrunning shall pay a fee of \$300 to the clerk. The fee
3 shall be deposited into the Traffic and Criminal Conviction
4 Surcharge Fund to be used for grants by the Department of State
5 Police to units of local government to purchase bulletproof
6 vests for local police departments and to hire peace officers.

7 (Source: P.A. 93-906, eff. 8-11-04.)

8 (720 ILCS 5/24-3B)

9 Sec. 24-3B. Firearms trafficking.

10 (a) A person commits firearms trafficking when he or she
11 has not been issued a currently valid Firearm Owner's
12 Identification Card and knowingly:

13 (1) brings, or causes to be brought, into this State, a
14 firearm or firearm ammunition for the purpose of sale,
15 delivery, or transfer to any other person or with the
16 intent to sell, deliver, or transfer the firearm or firearm
17 ammunition to any other person; or

18 (2) brings, or causes to be brought, into this State, a
19 firearm and firearm ammunition for the purpose of sale,
20 delivery, or transfer to any other person or with the
21 intent to sell, deliver, or transfer the firearm and
22 firearm ammunition to any other person.

23 (a-5) This Section does not apply to:

24 (1) a person exempt under Section 2 of the Firearm
25 Owners Identification Card Act from the requirement of

1 having possession of a Firearm Owner's Identification Card
2 previously issued in his or her name by the Department of
3 State Police in order to acquire or possess a firearm or
4 firearm ammunition;

5 (2) a common carrier under subsection (i) of Section
6 24-2 of this Code; or

7 (3) a non-resident who may lawfully possess a firearm
8 in his or her resident state.

9 (b) Sentence.

10 (1) Firearms trafficking is a Class 1 felony for which
11 the person, if sentenced to a term of imprisonment, shall
12 be sentenced to not less than 4 years and not more than 20
13 years.

14 (2) Firearms trafficking by a person who has been
15 previously convicted of firearms trafficking, gunrunning,
16 or a felony offense for the unlawful sale, delivery, or
17 transfer of a firearm or firearm ammunition in this State
18 or another jurisdiction is a Class X felony.

19 (c) In addition to any other penalties, a person convicted
20 of firearm trafficking shall pay a fee of \$300 to the clerk.
21 The fee shall be deposited into the Traffic and Criminal
22 Conviction Surcharge Fund to be used for grants by the
23 Department of State Police to units of local government to
24 purchase bulletproof vests for local police departments and to
25 hire peace officers.

26 (Source: P.A. 99-885, eff. 8-23-16.)

1 Section 10. The Unified Code of Corrections is amended by
2 adding Section 5-9-1 as follows:

3 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

4 Sec. 5-9-1. Authorized fines; fees.

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

7 (b) (Blank.)

8 (c) There shall be added to every fine imposed in
9 sentencing for a criminal or traffic offense, except an offense
10 relating to parking or registration, or offense by a
11 pedestrian, an additional penalty of \$15 for each \$40, or
12 fraction thereof, of fine imposed. The additional penalty of
13 \$15 for each \$40, or fraction thereof, of fine imposed, if not
14 otherwise assessed, shall also be added to every fine imposed
15 upon a plea of guilty, stipulation of facts or findings of
16 guilty, resulting in a judgment of conviction, or order of
17 supervision in criminal, traffic, local ordinance, county
18 ordinance, and conservation cases (except parking,
19 registration, or pedestrian violations), or upon a sentence of
20 probation without entry of judgment under Section 10 of the
21 Cannabis Control Act, Section 410 of the Illinois Controlled
22 Substances Act, or Section 70 of the Methamphetamine Control
23 and Community Protection Act.

24 Such additional amounts shall be assessed by the court

1 imposing the fine and shall be collected by the Circuit Clerk
2 in addition to the fine and costs in the case. Each such
3 additional penalty shall be remitted by the Circuit Clerk
4 within one month after receipt to the State Treasurer. The
5 State Treasurer shall deposit \$1 for each \$40, or fraction
6 thereof, of fine imposed into the LEADS Maintenance Fund. The
7 State Treasurer shall deposit \$3 for each \$40, or fraction
8 thereof, of fine imposed into the Law Enforcement Camera Grant
9 Fund. The remaining surcharge amount shall be deposited into
10 the Traffic and Criminal Conviction Surcharge Fund, unless the
11 fine, costs or additional amounts are subject to disbursement
12 by the circuit clerk under Section 27.5 of the Clerks of Courts
13 Act. Such additional penalty shall not be considered a part of
14 the fine for purposes of any reduction in the fine for time
15 served either before or after sentencing. Not later than March
16 1 of each year the Circuit Clerk shall submit a report of the
17 amount of funds remitted to the State Treasurer under this
18 subsection (c) during the preceding calendar year. Except as
19 otherwise provided by Supreme Court Rules, if a court in
20 imposing a fine against an offender levies a gross amount for
21 fine, costs, fees and penalties, the amount of the additional
22 penalty provided for herein shall be computed on the amount
23 remaining after deducting from the gross amount levied all fees
24 of the Circuit Clerk, the State's Attorney and the Sheriff.
25 After deducting from the gross amount levied the fees and
26 additional penalty provided for herein, less any other

1 additional penalties provided by law, the clerk shall remit the
2 net balance remaining to the entity authorized by law to
3 receive the fine imposed in the case. For purposes of this
4 Section "fees of the Circuit Clerk" shall include, if
5 applicable, the fee provided for under Section 27.3a of the
6 Clerks of Courts Act and the fee, if applicable, payable to the
7 county in which the violation occurred pursuant to Section
8 5-1101 of the Counties Code.

9 (c-1) In addition to the fines imposed by subsection (c),
10 any person convicted of gunrunning or firearms trafficking
11 shall pay a fee of \$300 to the clerk. Each fee shall be
12 remitted by the clerk within one month after receipt to the
13 State Treasurer. The State Treasurer shall deposit the fee into
14 the Traffic and Criminal Conviction Surcharge Fund to be used
15 by the Department of State Police as grants by the Department
16 of State Police to units of local government to purchase
17 bulletproof vests for local police departments and to hire
18 peace officers.

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. 99-352, eff. 1-1-16.)