



Rep. Silvana Tabares

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LRB100 11024 SLF 24285 a

1 AMENDMENT TO HOUSE BILL 3733

2 AMENDMENT NO. _____. Amend House Bill 3733 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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;

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

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

8 (c) In addition to any other penalties, a person convicted
9 of gunrunning shall pay a fee of \$500 to the clerk which shall
10 be forwarded to the State Treasurer. The fee shall be deposited
11 into the Traffic and Criminal Conviction Surcharge Fund to be
12 used for grants by the Illinois Law Enforcement Training
13 Standards Board to units of local government to purchase
14 bulletproof vests for local police departments and to hire
15 peace officers.

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

17 (720 ILCS 5/24-3B)

18 Sec. 24-3B. Firearms trafficking.

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

22 (1) brings, or causes to be brought, into this State, a
23 firearm or firearm ammunition for the purpose of sale,
24 delivery, or transfer to any other person or with the
25 intent to sell, deliver, or transfer the firearm or firearm

1 ammunition to any other person; or

2 (2) brings, or causes to be brought, into this State, a
3 firearm and firearm ammunition for the purpose of sale,
4 delivery, or transfer to any other person or with the
5 intent to sell, deliver, or transfer the firearm and
6 firearm ammunition to any other person.

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

8 (1) a person exempt under Section 2 of the Firearm
9 Owners Identification Card Act from the requirement of
10 having possession of a Firearm Owner's Identification Card
11 previously issued in his or her name by the Department of
12 State Police in order to acquire or possess a firearm or
13 firearm ammunition;

14 (2) a common carrier under subsection (i) of Section
15 24-2 of this Code; or

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

18 (b) Sentence.

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

23 (2) Firearms trafficking by a person who has been
24 previously convicted of firearms trafficking, gunrunning,
25 or a felony offense for the unlawful sale, delivery, or
26 transfer of a firearm or firearm ammunition in this State

1 or another jurisdiction is a Class X felony.

2 (c) In addition to any other penalties, a person convicted
3 of firearm trafficking shall pay a fee of \$500 to the clerk
4 which shall be forwarded to the State Treasurer. The fee shall
5 be deposited into the Traffic and Criminal Conviction Surcharge
6 Fund to be used for grants by the Illinois Law Enforcement
7 Training Standards Board to units of local government to
8 purchase bulletproof vests for local police departments and to
9 hire peace officers.

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

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

13 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

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

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

17 (b) (Blank.)

18 (c) There shall be added to every fine imposed in
19 sentencing for a criminal or traffic offense, except an offense
20 relating to parking or registration, or offense by a
21 pedestrian, an additional penalty of \$15 for each \$40, or
22 fraction thereof, of fine imposed. The additional penalty of
23 \$15 for each \$40, or fraction thereof, of fine imposed, if not
24 otherwise assessed, shall also be added to every fine imposed

1 upon a plea of guilty, stipulation of facts or findings of
2 guilty, resulting in a judgment of conviction, or order of
3 supervision in criminal, traffic, local ordinance, county
4 ordinance, and conservation cases (except parking,
5 registration, or pedestrian violations), or upon a sentence of
6 probation without entry of judgment under Section 10 of the
7 Cannabis Control Act, Section 410 of the Illinois Controlled
8 Substances Act, or Section 70 of the Methamphetamine Control
9 and Community 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-1) In addition to the fines imposed by subsection (c),
20 any person convicted of gunrunning or firearms trafficking
21 shall pay a fee of \$500 to the clerk. Each fee shall be
22 remitted by the clerk within one month after receipt to the
23 State Treasurer. The State Treasurer shall deposit the fee into
24 the Traffic and Criminal Conviction Surcharge Fund to be used
25 by the Illinois Law Enforcement Training Standards Board as
26 grants by the Illinois Law Enforcement Training Standards Board

1 to units of local government to purchase bulletproof vests for
2 local police departments and to hire peace officers.

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

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

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

1 by the clerk, shall be remitted by the clerk to the Treasurer
2 within 60 days after receipt for deposit into the Spinal Cord
3 Injury Paralysis Cure Research Trust Fund. This additional fee
4 of \$5 shall not be considered a part of the fine for purposes
5 of any reduction in the fine for time served either before or
6 after sentencing. Not later than March 1 of each year the
7 Circuit Clerk shall submit a report of the amount of funds
8 remitted to the State Treasurer under this subsection (c-7)
9 during the preceding calendar year.

10 (c-9) (Blank).

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

15 (1) the financial resources and future ability of the
16 offender to pay the fine; and

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

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

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

26 (f) All fines, costs and additional amounts imposed under

1 this Section for any violation of Chapters 3, 4, 6, and 11 of
2 the Illinois Vehicle Code, or a similar provision of a local
3 ordinance, and any violation of the Child Passenger Protection
4 Act, or a similar provision of a local ordinance, shall be
5 collected and disbursed by the circuit clerk as provided under
6 Section 27.5 of the Clerks of Courts Act.
7 (Source: P.A. 99-352, eff. 1-1-16.)".