



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4056

Introduced 3/17/2021, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

705 ILCS 135/15-70
720 ILCS 5/24-3A
720 ILCS 5/24-3B

Amends the Crime and Traffic Assessment Act. Provides that the court shall also order payment of a conditional assessment of \$500 for a violation of gunrunning and firearm trafficking which shall be collected and remitted by the Clerk of the Circuit Court to the State Treasurer for deposit into the Traffic and Criminal Conviction Surcharge Fund to be used for grants by the Illinois Law Enforcement Training Standards Board to units of local government to purchase bulletproof vests for local police departments and to hire peace officers. Makes conforming changes to the Criminal Code of 2012.

LRB102 15096 KMF 20451 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Criminal and Traffic Assessment Act is
5 amended by changing Section 15-70 as follows:

6 (705 ILCS 135/15-70)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 15-70. Conditional assessments. In addition to
9 payments under one of the Schedule of Assessments 1 through 13
10 of this Act, the court shall also order payment of any of the
11 following conditional assessment amounts for each sentenced
12 violation in the case to which a conditional assessment is
13 applicable, which shall be collected and remitted by the Clerk
14 of the Circuit Court as provided in this Section:

15 (1) arson, residential arson, or aggravated arson,
16 \$500 per conviction to the State Treasurer for deposit
17 into the Fire Prevention Fund;

18 (2) child pornography under Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, \$500
20 per conviction, unless more than one agency is responsible
21 for the arrest in which case the amount shall be remitted
22 to each unit of government equally:

23 (A) if the arresting agency is an agency of a unit

1 of local government, \$500 to the treasurer of the unit
2 of local government for deposit into the unit of local
3 government's General Fund, except that if the
4 Department of State Police provides digital or
5 electronic forensic examination assistance, or both,
6 to the arresting agency then \$100 to the State
7 Treasurer for deposit into the State Crime Laboratory
8 Fund; or

9 (B) if the arresting agency is the Department of
10 State Police, \$500 to the State Treasurer for deposit
11 into the State Crime Laboratory Fund;

12 (3) crime laboratory drug analysis for a drug-related
13 offense involving possession or delivery of cannabis or
14 possession or delivery of a controlled substance as
15 defined in the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act, \$100 reimbursement for
18 laboratory analysis, as set forth in subsection (f) of
19 Section 5-9-1.4 of the Unified Code of Corrections;

20 (4) DNA analysis, \$250 on each conviction in which it
21 was used to the State Treasurer for deposit into the State
22 Offender DNA Identification System Fund as set forth in
23 Section 5-4-3 of the Unified Code of Corrections;

24 (5) DUI analysis, \$150 on each sentenced violation in
25 which it was used as set forth in subsection (f) of Section
26 5-9-1.9 of the Unified Code of Corrections;

1 (6) drug-related offense involving possession or
2 delivery of cannabis or possession or delivery of a
3 controlled substance, other than methamphetamine, as
4 defined in the Cannabis Control Act or the Illinois
5 Controlled Substances Act, an amount not less than the
6 full street value of the cannabis or controlled substance
7 seized for each conviction to be disbursed as follows:

8 (A) 12.5% of the street value assessment shall be
9 paid into the Youth Drug Abuse Prevention Fund, to be
10 used by the Department of Human Services for the
11 funding of programs and services for drug-abuse
12 treatment, and prevention and education services;

13 (B) 37.5% to the county in which the charge was
14 prosecuted, to be deposited into the county General
15 Fund;

16 (C) 50% to the treasurer of the arresting law
17 enforcement agency of the municipality or county, or
18 to the State Treasurer if the arresting agency was a
19 state agency;

20 (D) if the arrest was made in combination with
21 multiple law enforcement agencies, the clerk shall
22 equitably allocate the portion in subparagraph (C) of
23 this paragraph (6) among the law enforcement agencies
24 involved in the arrest;

25 (6.5) Kane County or Will County, in felony,
26 misdemeanor, local or county ordinance, traffic, or

1 conservation cases, up to \$30 as set by the county board
2 under Section 5-1101.3 of the Counties Code upon the entry
3 of a judgment of conviction, an order of supervision, or a
4 sentence of probation without entry of judgment under
5 Section 10 of the Cannabis Control Act, Section 410 of the
6 Illinois Controlled Substances Act, Section 70 of the
7 Methamphetamine Control and Community Protection Act,
8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 Section 10-102 of the Illinois Alcoholism and Other Drug
11 Dependency Act, or Section 10 of the Steroid Control Act;
12 except in local or county ordinance, traffic, and
13 conservation cases, if fines are paid in full without a
14 court appearance, then the assessment shall not be imposed
15 or collected. Distribution of assessments collected under
16 this paragraph (6.5) shall be as provided in Section
17 5-1101.3 of the Counties Code;

18 (7) methamphetamine-related offense involving
19 possession or delivery of methamphetamine or any salt of
20 an optical isomer of methamphetamine or possession of a
21 methamphetamine manufacturing material as set forth in
22 Section 10 of the Methamphetamine Control and Community
23 Protection Act with the intent to manufacture a substance
24 containing methamphetamine or salt of an optical isomer of
25 methamphetamine, an amount not less than the full street
26 value of the methamphetamine or salt of an optical isomer

1 of methamphetamine or methamphetamine manufacturing
2 materials seized for each conviction to be disbursed as
3 follows:

4 (A) 12.5% of the street value assessment shall be
5 paid into the Youth Drug Abuse Prevention Fund, to be
6 used by the Department of Human Services for the
7 funding of programs and services for drug-abuse
8 treatment, and prevention and education services;

9 (B) 37.5% to the county in which the charge was
10 prosecuted, to be deposited into the county General
11 Fund;

12 (C) 50% to the treasurer of the arresting law
13 enforcement agency of the municipality or county, or
14 to the State Treasurer if the arresting agency was a
15 state agency;

16 (D) if the arrest was made in combination with
17 multiple law enforcement agencies, the clerk shall
18 equitably allocate the portion in subparagraph (C) of
19 this paragraph (6) among the law enforcement agencies
20 involved in the arrest;

21 (8) order of protection violation under Section 12-3.4
22 of the Criminal Code of 2012, \$200 for each conviction to
23 the county treasurer for deposit into the Probation and
24 Court Services Fund for implementation of a domestic
25 violence surveillance program and any other assessments or
26 fees imposed under Section 5-9-1.16 of the Unified Code of

1 Corrections;

2 (9) order of protection violation, \$25 for each
3 violation to the State Treasurer, for deposit into the
4 Domestic Violence Abuser Services Fund;

5 (10) prosecution by the State's Attorney of a:

6 (A) petty or business offense, \$4 to the county
7 treasurer of which \$2 deposited into the State's
8 Attorney Records Automation Fund and \$2 into the
9 Public Defender Records Automation Fund;

10 (B) conservation or traffic offense, \$2 to the
11 county treasurer for deposit into the State's Attorney
12 Records Automation Fund;

13 (11) speeding in a construction zone violation, \$250
14 to the State Treasurer for deposit into the Transportation
15 Safety Highway Hire-back Fund, unless (i) the violation
16 occurred on a highway other than an interstate highway and
17 (ii) a county police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's Transportation Safety Highway
20 Hire-back Fund;

21 (12) supervision disposition on an offense under the
22 Illinois Vehicle Code or similar provision of a local
23 ordinance, 50 cents, unless waived by the court, into the
24 Prisoner Review Board Vehicle and Equipment Fund;

25 (13) victim and offender are family or household
26 members as defined in Section 103 of the Illinois Domestic

1 Violence Act of 1986 and offender pleads guilty or no
2 contest to or is convicted of murder, voluntary
3 manslaughter, involuntary manslaughter, burglary,
4 residential burglary, criminal trespass to residence,
5 criminal trespass to vehicle, criminal trespass to land,
6 criminal damage to property, telephone harassment,
7 kidnapping, aggravated kidnaping, unlawful restraint,
8 forcible detention, child abduction, indecent solicitation
9 of a child, sexual relations between siblings,
10 exploitation of a child, child pornography, assault,
11 aggravated assault, battery, aggravated battery, heinous
12 battery, aggravated battery of a child, domestic battery,
13 reckless conduct, intimidation, criminal sexual assault,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual assault, criminal sexual abuse, aggravated
16 criminal sexual abuse, violation of an order of
17 protection, disorderly conduct, endangering the life or
18 health of a child, child abandonment, contributing to
19 dependency or neglect of child, or cruelty to children and
20 others, \$200 for each sentenced violation to the State
21 Treasurer for deposit as follows: (i) for sexual assault,
22 as defined in Section 5-9-1.7 of the Unified Code of
23 Corrections, when the offender and victim are family
24 members, one-half to the Domestic Violence Shelter and
25 Service Fund, and one-half to the Sexual Assault Services
26 Fund; (ii) for the remaining offenses to the Domestic

1 Violence Shelter and Service Fund;

2 (14) violation of Section 11-501 of the Illinois
3 Vehicle Code, Section 5-7 of the Snowmobile Registration
4 and Safety Act, Section 5-16 of the Boat Registration and
5 Safety Act, or a similar provision, whose operation of a
6 motor vehicle, snowmobile, or watercraft while in
7 violation of Section 11-501, Section 5-7 of the Snowmobile
8 Registration and Safety Act, Section 5-16 of the Boat
9 Registration and Safety Act, or a similar provision
10 proximately caused an incident resulting in an appropriate
11 emergency response, \$1,000 maximum to the public agency
12 that provided an emergency response related to the
13 person's violation, and if more than one agency responded,
14 the amount payable to public agencies shall be shared
15 equally;

16 (15) violation of Section 401, 407, or 407.2 of the
17 Illinois Controlled Substances Act that proximately caused
18 any incident resulting in an appropriate drug-related
19 emergency response, \$1,000 as reimbursement for the
20 emergency response to the law enforcement agency that made
21 the arrest, and if more than one agency is responsible for
22 the arrest, the amount payable to law enforcement agencies
23 shall be shared equally;

24 (16) violation of reckless driving, aggravated
25 reckless driving, or driving 26 miles per hour or more in
26 excess of the speed limit that triggered an emergency

1 response, \$1,000 maximum reimbursement for the emergency
2 response to be distributed in its entirety to a public
3 agency that provided an emergency response related to the
4 person's violation, and if more than one agency responded,
5 the amount payable to public agencies shall be shared
6 equally;

7 (17) violation based upon each plea of guilty,
8 stipulation of facts, or finding of guilt resulting in a
9 judgment of conviction or order of supervision for an
10 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
11 the Criminal Code of 2012 that results in the imposition
12 of a fine, to be distributed as follows:

13 (A) \$50 to the county treasurer for deposit into
14 the Circuit Court Clerk Operation and Administrative
15 Fund to cover the costs in administering this
16 paragraph (17);

17 (B) \$300 to the State Treasurer who shall deposit
18 the portion as follows:

19 (i) if the arresting or investigating agency
20 is the Department of State Police, into the State
21 Police Law Enforcement Administration Fund;

22 (ii) if the arresting or investigating agency
23 is the Department of Natural Resources, into the
24 Conservation Police Operations Assistance Fund;

25 (iii) if the arresting or investigating agency
26 is the Secretary of State, into the Secretary of

1 State Police Services Fund;

2 (iv) if the arresting or investigating agency
3 is the Illinois Commerce Commission, into the
4 Transportation Regulatory Fund; or

5 (v) if more than one of the State agencies in
6 this subparagraph (B) is the arresting or
7 investigating agency, then equal shares with the
8 shares deposited as provided in the applicable
9 items (i) through (iv) of this subparagraph (B);
10 and

11 (C) the remainder for deposit into the Specialized
12 Services for Survivors of Human Trafficking Fund;

13 (17.5) violation of Section 24-3A or Section 24-3B of
14 the Criminal Code of 2012, \$500 for each conviction to the
15 State Treasurer for deposit into the Traffic and Criminal
16 Conviction Surcharge Fund to be used for grants by the
17 Illinois Law Enforcement Training Standards Board to units
18 of local government to purchase bulletproof vests for
19 local police departments and to hire peace officers; and

20 (18) weapons violation under Section 24-1.1, 24-1.2,
21 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
22 of 2012, \$100 for each conviction to the State Treasurer
23 for deposit into the Trauma Center Fund; and

24 (19) violation of subsection (c) of Section 11-907 of
25 the Illinois Vehicle Code, \$250 to the State Treasurer for
26 deposit into the Scott's Law Fund, unless a county or

1 municipal police officer wrote the ticket for the
2 violation, in which case to the county treasurer for
3 deposit into that county's or municipality's
4 Transportation Safety Highway Hire-back Fund to be used as
5 provided in subsection (j) of Section 11-907 of the
6 Illinois Vehicle Code.

7 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
8 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

9 Section 10. The Criminal Code of 2012 is amended by
10 changing Sections 24-3A and 24-3B as follows:

11 (720 ILCS 5/24-3A)

12 Sec. 24-3A. Gunrunning.

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

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

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

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

22 (3) is guilty of a Class X felony for which the
23 sentence shall be a term of imprisonment of not less than
24 10 years and not more than 50 years if the transfer is of

1 more than 20 firearms.

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

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

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

14 (720 ILCS 5/24-3B)

15 Sec. 24-3B. Firearms trafficking.

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

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

24 (2) brings, or causes to be brought, into this State,
25 a firearm and firearm ammunition for the purpose of sale,

1 delivery, or transfer to any other person or with the
2 intent to sell, deliver, or transfer the firearm and
3 firearm ammunition to any other person.

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

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

11 (2) a common carrier under subsection (i) of Section
12 24-2 of this Code; or

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

15 (b) Sentence.

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

20 (2) Firearms trafficking by a person who has been
21 previously convicted of firearms trafficking, gunrunning,
22 or a felony offense for the unlawful sale, delivery, or
23 transfer of a firearm or firearm ammunition in this State
24 or another jurisdiction is a Class X felony.

25 (c) In addition to any other penalties, a person convicted
26 of firearm trafficking shall pay an assessment of \$500 to the

1 clerk which shall be forwarded to the State Treasurer. The
2 assessment shall be deposited into the Traffic and Criminal
3 Conviction Surcharge Fund to be used for grants by the
4 Illinois Law Enforcement Training Standards Board to units of
5 local government to purchase bulletproof vests for local
6 police departments and to hire peace officers.

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