



Sen. Laura Ellman

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LRB104 07753 RLC 24847 a

1 AMENDMENT TO SENATE BILL 8

2 AMENDMENT NO. _____. Amend Senate Bill 8 on page 3, by
3 inserting immediately below line 16 the following:

4 "Section 85. The Gun Trafficking Information Act is
5 amended by changing Section 10-5 as follows:

6 (5 ILCS 830/10-5)

7 Sec. 10-5. Gun trafficking information.

8 (a) The Illinois State Police shall use all reasonable
9 efforts, as allowed by State law and regulations, federal law
10 and regulations, and executed Memoranda of Understanding
11 between Illinois law enforcement agencies and the U.S. Bureau
12 of Alcohol, Tobacco, Firearms and Explosives, in making
13 publicly available, on a regular and ongoing basis, key
14 information related to firearms used in the commission of
15 crimes in this State, including, but not limited to: reports
16 on crimes committed with firearms, locations where the crimes

1 occurred, the number of persons killed or injured in the
2 commission of the crimes, whether or not a stolen firearm was
3 used in the commission of the crimes, the state where the
4 firearms used originated, the Federal Firearms Licensee that
5 sold the firearm, the type of firearms used, if known, annual
6 statistical information concerning Firearm Owner's
7 Identification Card and concealed carry license applications,
8 revocations, and compliance with Section 9.5 of the Firearm
9 Owners Identification Card Act, the information required in
10 the report or on the Illinois State Police's website under
11 Section 85 of the Firearms Restraining Order Act, and firearm
12 dealer license certification inspections. The Illinois State
13 Police shall make the information available on its website,
14 which may be presented in a dashboard format, in addition to
15 electronically filing a report with the Governor and the
16 General Assembly. The report to the General Assembly shall be
17 filed with the Clerk of the House of Representatives and the
18 Secretary of the Senate in electronic form only, in the manner
19 that the Clerk and the Secretary shall direct.

20 (b) The Illinois State Police shall study, on a regular
21 and ongoing basis, and compile reports on the number of
22 Firearm Owner's Identification Card checks to determine
23 firearms trafficking or straw purchase patterns. The Illinois
24 State Police shall, to the extent not inconsistent with law,
25 share such reports and underlying data with academic centers,
26 foundations, and law enforcement agencies studying firearms

1 trafficking, provided that personally identifying information
2 is protected. For purposes of this subsection (b), a Firearm
3 Owner's Identification Card number is not personally
4 identifying information, provided that no other personal
5 information of the card holder is attached to the record. The
6 Illinois State Police may create and attach an alternate
7 unique identifying number to each Firearm Owner's
8 Identification Card number, instead of releasing the Firearm
9 Owner's Identification Card number itself.

10 (c) Each department, office, division, and agency of this
11 State shall, to the extent not inconsistent with law,
12 cooperate fully with the Illinois State Police and furnish the
13 Illinois State Police with all relevant information and
14 assistance on a timely basis as is necessary to accomplish the
15 purpose of this Act. The Illinois Criminal Justice Information
16 Authority shall submit the information required in subsection
17 (a) of this Section to the Illinois State Police, and any other
18 information as the Illinois State Police may request, to
19 assist the Illinois State Police in carrying out its duties
20 under this Act.

21 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)"; and

23 on page 4, line 9, by replacing "2026" with "2027"; and

24 on page 4, by replacing line 23 with the following:

1 "1, 2027, the person who is not a federally licensed firearm
2 dealer shall check the Illinois"; and

3 on page 8, line 5, by replacing "The" with "On or before
4 January 1, 2027, the"; and

5 on page 8, line 19, by replacing "2026" with "2027"; and

6 on page 9, line 2, by replacing "The" with "On or before
7 January 1, 2027, the"; and

8 on page 12, line 11, by replacing "2026" with "2027"; and

9 on page 27, line 18, by deleting "24-3.8, 24-3.9,"; and

10 by deleting line 20 on page 27 through line 17 on page 30; and

11 on page 31, line 2, by replacing "or" with "~~or~~"; and

12 on page 31, line 7, by replacing "." with "; or-

13 (3) brings, or causes to be brought, into this State,
14 in a vehicle on an expressway in this State, more than one
15 firearm prohibited from possession by Section 24-1.9, per
16 occupants of the vehicle."; and

17 on page 31, by deleting lines 19 through 22; and

1 on page 32, line 22, by deleting "and"; and

2 on page 32, line 24, by replacing "." with "; and

3 (5) the Firearm Owner's Identification Card number of
4 the person making the report, if applicable."; and

5 on page 34, lines 11 and 12, by replacing "reasonably should
6 know ~~has reason to believe~~" with "has reason to believe"; and

7 on page 35, by inserting immediately below line 14 the
8 following:

9 "Section 110. The Unified Code of Corrections is amended
10 by changing Section 5-4-1 as follows:

11 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

12 Sec. 5-4-1. Sentencing hearing.

13 (a) After a determination of guilt, a hearing shall be
14 held to impose the sentence. However, prior to the imposition
15 of sentence on an individual being sentenced for an offense
16 based upon a charge for a violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance, the individual must undergo a professional
19 evaluation to determine if an alcohol or other drug abuse
20 problem exists and the extent of such a problem. Programs

1 conducting these evaluations shall be licensed by the
2 Department of Human Services. However, if the individual is
3 not a resident of Illinois, the court may, in its discretion,
4 accept an evaluation from a program in the state of such
5 individual's residence. The court shall make a specific
6 finding about whether the defendant is eligible for
7 participation in a Department impact incarceration program as
8 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
9 explanation as to why a sentence to impact incarceration is
10 not an appropriate sentence. The court may in its sentencing
11 order recommend a defendant for placement in a Department of
12 Corrections substance abuse treatment program as provided in
13 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
14 upon the defendant being accepted in a program by the
15 Department of Corrections. At the hearing the court shall:

16 (1) consider the evidence, if any, received upon the
17 trial;

18 (2) consider any presentence reports;

19 (3) consider the financial impact of incarceration
20 based on the financial impact statement filed with the
21 clerk of the court by the Department of Corrections;

22 (4) consider evidence and information offered by the
23 parties in aggravation and mitigation;

24 (4.5) consider substance abuse treatment, eligibility
25 screening, and an assessment, if any, of the defendant by
26 an agent designated by the State of Illinois to provide

1 assessment services for the Illinois courts;

2 (5) hear arguments as to sentencing alternatives;

3 (6) afford the defendant the opportunity to make a
4 statement in his own behalf;

5 (7) afford the victim of a violent crime or a
6 violation of Section 11-501 of the Illinois Vehicle Code,
7 or a similar provision of a local ordinance, the
8 opportunity to present an oral or written statement, as
9 guaranteed by Article I, Section 8.1 of the Illinois
10 Constitution and provided in Section 6 of the Rights of
11 Crime Victims and Witnesses Act. The court shall allow a
12 victim to make an oral statement if the victim is present
13 in the courtroom and requests to make an oral or written
14 statement. An oral or written statement includes the
15 victim or a representative of the victim reading the
16 written statement. The court may allow persons impacted by
17 the crime who are not victims under subsection (a) of
18 Section 3 of the Rights of Crime Victims and Witnesses Act
19 to present an oral or written statement. A victim and any
20 person making an oral statement shall not be put under
21 oath or subject to cross-examination. All statements
22 offered under this paragraph (7) shall become part of the
23 record of the court. In this paragraph (7), "victim of a
24 violent crime" means a person who is a victim of a violent
25 crime for which the defendant has been convicted after a
26 bench or jury trial or a person who is the victim of a

1 violent crime with which the defendant was charged and the
2 defendant has been convicted under a plea agreement of a
3 crime that is not a violent crime as defined in subsection
4 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

5 (7.5) afford a qualified person affected by: (i) a
6 violation of Section 405, 405.1, 405.2, or 407 of the
7 Illinois Controlled Substances Act or a violation of
8 Section 55 or Section 65 of the Methamphetamine Control
9 and Community Protection Act; or (ii) a Class 4 felony
10 violation of Section 11-14, 11-14.3 except as described in
11 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
12 11-18.1, or 11-19 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, committed by the defendant the
14 opportunity to make a statement concerning the impact on
15 the qualified person and to offer evidence in aggravation
16 or mitigation; provided that the statement and evidence
17 offered in aggravation or mitigation shall first be
18 prepared in writing in conjunction with the State's
19 Attorney before it may be presented orally at the hearing.
20 Sworn testimony offered by the qualified person is subject
21 to the defendant's right to cross-examine. All statements
22 and evidence offered under this paragraph (7.5) shall
23 become part of the record of the court. In this paragraph
24 (7.5), "qualified person" means any person who: (i) lived
25 or worked within the territorial jurisdiction where the
26 offense took place when the offense took place; or (ii) is

1 familiar with various public places within the territorial
2 jurisdiction where the offense took place when the offense
3 took place. "Qualified person" includes any peace officer
4 or any member of any duly organized State, county, or
5 municipal peace officer unit assigned to the territorial
6 jurisdiction where the offense took place when the offense
7 took place;

8 (8) in cases of reckless homicide afford the victim's
9 spouse, guardians, parents or other immediate family
10 members an opportunity to make oral statements;

11 (9) in cases involving a felony sex offense as defined
12 under the Sex Offender Management Board Act, consider the
13 results of the sex offender evaluation conducted pursuant
14 to Section 5-3-2 of this Act; ~~and~~

15 (10) make a finding of whether a motor vehicle was
16 used in the commission of the offense for which the
17 defendant is being sentenced; and -

18 (11) make a finding of whether a firearm with a serial
19 number reported as stolen on the Illinois State Police
20 publicly accessible stolen firearms database was used in
21 the commission of the offense for which the defendant is
22 being sentenced.

23 (b) All sentences shall be imposed by the judge based upon
24 his independent assessment of the elements specified above and
25 any agreement as to sentence reached by the parties. The judge
26 who presided at the trial or the judge who accepted the plea of

1 guilty shall impose the sentence unless he is no longer
2 sitting as a judge in that court. Where the judge does not
3 impose sentence at the same time on all defendants who are
4 convicted as a result of being involved in the same offense,
5 the defendant or the State's Attorney may advise the
6 sentencing court of the disposition of any other defendants
7 who have been sentenced.

8 (b-1) In imposing a sentence of imprisonment or periodic
9 imprisonment for a Class 3 or Class 4 felony for which a
10 sentence of probation or conditional discharge is an available
11 sentence, if the defendant has no prior sentence of probation
12 or conditional discharge and no prior conviction for a violent
13 crime, the defendant shall not be sentenced to imprisonment
14 before review and consideration of a presentence report and
15 determination and explanation of why the particular evidence,
16 information, factor in aggravation, factual finding, or other
17 reasons support a sentencing determination that one or more of
18 the factors under subsection (a) of Section 5-6-1 of this Code
19 apply and that probation or conditional discharge is not an
20 appropriate sentence.

21 (c) In imposing a sentence for a violent crime or for an
22 offense of operating or being in physical control of a vehicle
23 while under the influence of alcohol, any other drug or any
24 combination thereof, or a similar provision of a local
25 ordinance, when such offense resulted in the personal injury
26 to someone other than the defendant, the trial judge shall

1 specify on the record the particular evidence, information,
2 factors in mitigation and aggravation or other reasons that
3 led to his sentencing determination. The full verbatim record
4 of the sentencing hearing shall be filed with the clerk of the
5 court and shall be a public record.

6 (c-1) In imposing a sentence for the offense of aggravated
7 kidnapping for ransom, home invasion, armed robbery,
8 aggravated vehicular hijacking, aggravated discharge of a
9 firearm, or armed violence with a category I weapon or
10 category II weapon, the trial judge shall make a finding as to
11 whether the conduct leading to conviction for the offense
12 resulted in great bodily harm to a victim, and shall enter that
13 finding and the basis for that finding in the record.

14 (c-1.5) Notwithstanding any other provision of law to the
15 contrary, in imposing a sentence for an offense that requires
16 a mandatory minimum sentence of imprisonment, the court may
17 instead sentence the offender to probation, conditional
18 discharge, or a lesser term of imprisonment it deems
19 appropriate if: (1) the offense involves the use or possession
20 of drugs, retail theft, or driving on a revoked license due to
21 unpaid financial obligations; (2) the court finds that the
22 defendant does not pose a risk to public safety; and (3) the
23 interest of justice requires imposing a term of probation,
24 conditional discharge, or a lesser term of imprisonment. The
25 court must state on the record its reasons for imposing
26 probation, conditional discharge, or a lesser term of

1 imprisonment.

2 (c-2) If the defendant is sentenced to prison, other than
3 when a sentence of natural life imprisonment is imposed, at
4 the time the sentence is imposed the judge shall state on the
5 record in open court the approximate period of time the
6 defendant will serve in custody according to the then current
7 statutory rules and regulations for sentence credit found in
8 Section 3-6-3 and other related provisions of this Code. This
9 statement is intended solely to inform the public, has no
10 legal effect on the defendant's actual release, and may not be
11 relied on by the defendant on appeal.

12 The judge's statement, to be given after pronouncing the
13 sentence, other than when the sentence is imposed for one of
14 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
15 shall include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois
20 as applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, assuming the defendant receives all of his or her
23 sentence credit, the period of estimated actual custody is ...
24 years and ... months, less up to 180 days additional earned
25 sentence credit. If the defendant, because of his or her own
26 misconduct or failure to comply with the institutional

1 regulations, does not receive those credits, the actual time
2 served in prison will be longer. The defendant may also
3 receive an additional one-half day sentence credit for each
4 day of participation in vocational, industry, substance abuse,
5 and educational programs as provided for by Illinois statute."

6 When the sentence is imposed for one of the offenses
7 enumerated in paragraph (a)(2) of Section 3-6-3, other than
8 first degree murder, and the offense was committed on or after
9 June 19, 1998, and when the sentence is imposed for reckless
10 homicide as defined in subsection (e) of Section 9-3 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 if the
12 offense was committed on or after January 1, 1999, and when the
13 sentence is imposed for aggravated driving under the influence
14 of alcohol, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of Section
17 11-501 of the Illinois Vehicle Code, and when the sentence is
18 imposed for aggravated arson if the offense was committed on
19 or after July 27, 2001 (the effective date of Public Act
20 92-176), and when the sentence is imposed for aggravated
21 driving under the influence of alcohol, other drug or drugs,
22 or intoxicating compound or compounds, or any combination
23 thereof as defined in subparagraph (C) of paragraph (1) of
24 subsection (d) of Section 11-501 of the Illinois Vehicle Code
25 committed on or after January 1, 2011 (the effective date of
26 Public Act 96-1230), the judge's statement, to be given after

1 pronouncing the sentence, shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois
6 as applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, the defendant is entitled to no more than 4 1/2 days of
9 sentence credit for each month of his or her sentence of
10 imprisonment. Therefore, this defendant will serve at least
11 85% of his or her sentence. Assuming the defendant receives 4
12 1/2 days credit for each month of his or her sentence, the
13 period of estimated actual custody is ... years and ...
14 months. If the defendant, because of his or her own misconduct
15 or failure to comply with the institutional regulations
16 receives lesser credit, the actual time served in prison will
17 be longer."

18 When a sentence of imprisonment is imposed for first
19 degree murder and the offense was committed on or after June
20 19, 1998, the judge's statement, to be given after pronouncing
21 the sentence, shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois
26 as applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is not entitled to sentence credit.
3 Therefore, this defendant will serve 100% of his or her
4 sentence."

5 When the sentencing order recommends placement in a
6 substance abuse program for any offense that results in
7 incarceration in a Department of Corrections facility and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the judge's statement,
10 in addition to any other judge's statement required under this
11 Section, to be given after pronouncing the sentence, shall
12 include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant shall receive no earned sentence credit
20 under clause (3) of subsection (a) of Section 3-6-3 until he or
21 she participates in and completes a substance abuse treatment
22 program or receives a waiver from the Director of Corrections
23 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

24 (c-4) Before the sentencing hearing and as part of the
25 presentence investigation under Section 5-3-1, the court shall
26 inquire of the defendant whether the defendant is currently

1 serving in or is a veteran of the Armed Forces of the United
2 States. If the defendant is currently serving in the Armed
3 Forces of the United States or is a veteran of the Armed Forces
4 of the United States and has been diagnosed as having a mental
5 illness by a qualified psychiatrist or clinical psychologist
6 or physician, the court may:

7 (1) order that the officer preparing the presentence
8 report consult with the United States Department of
9 Veterans Affairs, Illinois Department of Veterans'
10 Affairs, or another agency or person with suitable
11 knowledge or experience for the purpose of providing the
12 court with information regarding treatment options
13 available to the defendant, including federal, State, and
14 local programming; and

15 (2) consider the treatment recommendations of any
16 diagnosing or treating mental health professionals
17 together with the treatment options available to the
18 defendant in imposing sentence.

19 For the purposes of this subsection (c-4), "qualified
20 psychiatrist" means a reputable physician licensed in Illinois
21 to practice medicine in all its branches, who has specialized
22 in the diagnosis and treatment of mental and nervous disorders
23 for a period of not less than 5 years.

24 (c-6) In imposing a sentence, the trial judge shall
25 specify, on the record, the particular evidence and other
26 reasons which led to his or her determination that a motor

1 vehicle was used in the commission of the offense.

2 (c-7) In imposing a sentence for a Class 3 or 4 felony,
3 other than a violent crime as defined in Section 3 of the
4 Rights of Crime Victims and Witnesses Act, the court shall
5 determine and indicate in the sentencing order whether the
6 defendant has 4 or more or fewer than 4 months remaining on his
7 or her sentence accounting for time served.

8 (d) When the defendant is committed to the Department of
9 Corrections, the State's Attorney shall and counsel for the
10 defendant may file a statement with the clerk of the court to
11 be transmitted to the department, agency or institution to
12 which the defendant is committed to furnish such department,
13 agency or institution with the facts and circumstances of the
14 offense for which the person was committed together with all
15 other factual information accessible to them in regard to the
16 person prior to his commitment relative to his habits,
17 associates, disposition and reputation and any other facts and
18 circumstances which may aid such department, agency or
19 institution during its custody of such person. The clerk shall
20 within 10 days after receiving any such statements transmit a
21 copy to such department, agency or institution and a copy to
22 the other party, provided, however, that this shall not be
23 cause for delay in conveying the person to the department,
24 agency or institution to which he has been committed.

25 (e) The clerk of the court shall transmit to the
26 department, agency or institution, if any, to which the

1 defendant is committed, the following:

2 (1) the sentence imposed;

3 (2) any statement by the court of the basis for
4 imposing the sentence;

5 (3) any presentence reports;

6 (3.3) the person's last known complete street address
7 prior to incarceration or legal residence, the person's
8 race, whether the person is of Hispanic or Latino origin,
9 and whether the person is 18 years of age or older;

10 (3.5) any sex offender evaluations;

11 (3.6) any substance abuse treatment eligibility
12 screening and assessment of the defendant by an agent
13 designated by the State of Illinois to provide assessment
14 services for the Illinois courts;

15 (4) the number of days, if any, which the defendant
16 has been in custody and for which he is entitled to credit
17 against the sentence, which information shall be provided
18 to the clerk by the sheriff;

19 (4.1) any finding of great bodily harm made by the
20 court with respect to an offense enumerated in subsection
21 (c-1);

22 (5) all statements filed under subsection (d) of this
23 Section;

24 (6) any medical or mental health records or summaries
25 of the defendant;

26 (7) the municipality where the arrest of the offender

1 or the commission of the offense has occurred, where such
2 municipality has a population of more than 25,000 persons;

3 (8) all statements made and evidence offered under
4 paragraph (7) of subsection (a) of this Section; and

5 (9) all additional matters which the court directs the
6 clerk to transmit.

7 (f) In cases in which the court finds that a motor vehicle
8 was used in the commission of the offense for which the
9 defendant is being sentenced, the clerk of the court shall,
10 within 5 days thereafter, forward a report of such conviction
11 to the Secretary of State.

12 (g) In cases in which the court finds that a firearm with a
13 serial number reported as stolen on the Illinois State Police
14 publicly accessible database was used in the commission of the
15 offense for which the defendant is being sentenced, the clerk
16 of the court shall, within 5 days thereafter, forward a report
17 of such conviction to the Illinois State Police Division of
18 Justice Services.

19 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;
20 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)".