

SB1324



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1324

Introduced 2/9/2017, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes.

LRB100 09090 SLF 19243 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act before the
3 effective date of this amendatory Act of the 100th General
4 Assembly or applied for or received a concealed carry
5 license under the Firearm Concealed Carry Act, unless
6 otherwise authorized by the Firearm Concealed Carry Act;
7 and databases under the Firearm Concealed Carry Act,
8 records of the Concealed Carry Licensing Review Board under
9 the Firearm Concealed Carry Act, and law enforcement agency
10 objections under the Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) ~~(dd)~~ Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
16 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
17 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
18 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
19 8-19-16; revised 9-1-16.)

20 Section 10. The Department of State Police Law of the Civil
21 Administrative Code of Illinois is amended by changing Sections
22 2605-45, 2605-300, and 2605-595 as follows:

23 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

24 Sec. 2605-45. Division of Administration. The Division of

1 Administration shall exercise the following functions:

2 (1) Exercise the rights, powers, and duties vested in
3 the Department by the Governor's Office of Management and
4 Budget Act.

5 (2) Pursue research and the publication of studies
6 pertaining to local law enforcement activities.

7 (3) Exercise the rights, powers, and duties vested in
8 the Department by the Personnel Code.

9 (4) Operate an electronic data processing and computer
10 center for the storage and retrieval of data pertaining to
11 criminal activity.

12 (5) Exercise the rights, powers, and duties vested in
13 the former Division of State Troopers by Section 17 of the
14 State Police Act.

15 (6) Exercise the rights, powers, and duties vested in
16 the Department by "An Act relating to internal auditing in
17 State government", approved August 11, 1967 (repealed; now
18 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

19 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
20 ~~vested in the Department by the Firearm Owners~~
21 ~~Identification Card Act.~~

22 (7) Exercise other duties that may be assigned by the
23 Director to fulfill the responsibilities and achieve the
24 purposes of the Department.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)
2 Sec. 2605-300. Records; crime laboratories; personnel. To
3 do the following:

4 (1) Be a central repository and custodian of criminal
5 statistics for the State.

6 (2) Be a central repository for criminal history record
7 information.

8 (3) Procure and file for record information that is
9 necessary and helpful to plan programs of crime prevention,
10 law enforcement, and criminal justice.

11 (4) Procure and file for record copies of fingerprints
12 that may be required by law.

13 (5) Establish general and field crime laboratories.

14 (6) Register and file for record information that may
15 be required by law for the issuance of ~~firearm owner's~~
16 ~~identification cards under the Firearm Owners~~
17 ~~Identification Card Act~~ and concealed carry licenses under
18 the Firearm Concealed Carry Act.

19 (7) Employ laboratory technicians and other specially
20 qualified persons to aid in the identification of criminal
21 activity, and may employ polygraph operators.

22 (8) Undertake other identification, information,
23 laboratory, statistical, or registration activities that
24 may be required by law.

25 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

1 (20 ILCS 2605/2605-595)

2 Sec. 2605-595. State Police Firearm Services Fund.

3 (a) There is created in the State treasury a special fund
4 known as the State Police Firearm Services Fund. The Fund shall
5 receive revenue under the Firearm Concealed Carry Act ~~and~~
6 ~~Section 5 of the Firearm Owners Identification Card Act~~. The
7 Fund may also receive revenue from grants, pass-through grants,
8 donations, appropriations, and any other legal source.

9 (b) The Department of State Police may use moneys in the
10 Fund to finance any of its lawful purposes, mandates,
11 functions, and duties under ~~the Firearm Owners Identification~~
12 ~~Card Act and~~ the Firearm Concealed Carry Act, including the
13 cost of sending notices of expiration of ~~Firearm Owner's~~
14 ~~Identification Cards,~~ concealed carry licenses, the prompt and
15 efficient processing of applications under ~~the Firearm Owners~~
16 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,
17 the improved efficiency and reporting of the LEADS and federal
18 NICS law enforcement data systems, and support for
19 investigations required under that Act ~~these Acts~~ and law. Any
20 surplus funds beyond what is needed to comply with the
21 aforementioned purposes shall be used by the Department to
22 improve the Law Enforcement Agencies Data System (LEADS) and
23 criminal history background check system.

24 (c) Investment income that is attributable to the
25 investment of moneys in the Fund shall be retained in the Fund
26 for the uses specified in this Section.

1 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

2 (20 ILCS 2605/2605-120 rep.)

3 Section 15. The Department of State Police Law of the Civil
4 Administrative Code of Illinois is amended by repealing Section
5 2605-120.

6 Section 20. The Criminal Identification Act is amended by
7 changing Section 2.2 as follows:

8 (20 ILCS 2630/2.2)

9 Sec. 2.2. Notification to the Department. Upon judgment of
10 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
11 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 when the defendant has been determined, pursuant
13 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
14 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
15 circuit court clerk shall include notification and a copy of
16 the written determination in a report of the conviction to the
17 Department of State Police ~~Firearm Owner's Identification Card~~
18 ~~Office~~ to enable the Department ~~office~~ to perform its duties
19 under the Firearm Concealed Carry Act and ~~Sections 4 and 8 of~~
20 ~~the Firearm Owners Identification Card Act and to report that~~
21 ~~determination to the Federal Bureau of Investigation~~ to assist
22 the Federal Bureau of Investigation in identifying persons
23 prohibited from purchasing and possessing a firearm pursuant to

1 the provisions of 18 U.S.C. 922. The written determination
2 described in this Section shall be included in the defendant's
3 record of arrest and conviction in the manner and form
4 prescribed by the Department of State Police.

5 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 Section 25. The State Finance Act is amended by changing
7 Section 6z-99 as follows:

8 (30 ILCS 105/6z-99)

9 Sec. 6z-99. The Mental Health Reporting Fund.

10 (a) There is created in the State treasury a special fund
11 known as the Mental Health Reporting Fund. The Fund shall
12 receive revenue under the Firearm Concealed Carry Act. The Fund
13 may also receive revenue from grants, pass-through grants,
14 donations, appropriations, and any other legal source.

15 (b) The Department of State Police and Department of Human
16 Services shall coordinate to use moneys in the Fund to finance
17 their respective duties of collecting and reporting data on
18 mental health records and ensuring that mental health firearm
19 possession prohibitors are enforced as set forth under the
20 Firearm Concealed Carry Act ~~and the Firearm Owners~~
21 ~~Identification Card Act~~. Any surplus in the Fund beyond what is
22 necessary to ensure compliance with mental health reporting
23 under that Act ~~these Acts~~ shall be used by the Department of
24 Human Services for mental health treatment programs.

1 (c) Investment income that is attributable to the
2 investment of moneys in the Fund shall be retained in the Fund
3 for the uses specified in this Section.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

5 Section 30. The Peace Officer Firearm Training Act is
6 amended by changing Section 1 as follows:

7 (50 ILCS 710/1) (from Ch. 85, par. 515)

8 Sec. 1. Definitions. As used in this Act:

9 (a) "Peace officer" means (i) any person who by virtue of
10 his office or public employment is vested by law with a primary
11 duty to maintain public order or to make arrests for offenses,
12 whether that duty extends to all offenses or is limited to
13 specific offenses, and who is employed in such capacity by any
14 county or municipality or (ii) any retired law enforcement
15 officers qualified under federal law to carry a concealed
16 weapon.

17 (a-5) "Probation officer" means a county probation officer
18 authorized by the Chief Judge of the Circuit Court to carry a
19 firearm as part of his or her duties under Section 12 of the
20 Probation and Probation Officers Act and Section 24-2 of the
21 Criminal Code of 2012.

22 (b) "Firearms" means any weapon or device defined as a
23 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~
24 ~~"An Act relating to the acquisition, possession and transfer of~~

1 ~~firearms and firearm ammunition, to provide a penalty for the~~
2 ~~violation thereof and to make an appropriation in connection~~
3 ~~therewith", approved August 3, 1967, as amended.~~

4 (Source: P.A. 98-725, eff. 1-1-15.)

5 Section 35. The School Code is amended by changing Sections
6 10-22.6, 10-27.1A and 34-8.05 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, pursuant to subsection (b-20)
13 of this Section, and no action shall lie against them for such
14 expulsion. Expulsion shall take place only after the parents
15 have been requested to appear at a meeting of the board, or
16 with a hearing officer appointed by it, to discuss their
17 child's behavior. Such request shall be made by registered or
18 certified mail and shall state the time, place and purpose of
19 the meeting. The board, or a hearing officer appointed by it,
20 at such meeting shall state the reasons for dismissal and the
21 date on which the expulsion is to become effective. If a
22 hearing officer is appointed by the board he shall report to
23 the board a written summary of the evidence heard at the
24 meeting and the board may take such action thereon as it finds

1 appropriate. If the board acts to expel a pupil, the written
2 expulsion decision shall detail the specific reasons why
3 removing the pupil from the learning environment is in the best
4 interest of the school. The expulsion decision shall also
5 include a rationale as to the specific duration of the
6 expulsion. An expelled pupil may be immediately transferred to
7 an alternative program in the manner provided in Article 13A or
8 13B of this Code. A pupil must not be denied transfer because
9 of the expulsion, except in cases in which such transfer is
10 deemed to cause a threat to the safety of students or staff in
11 the alternative program.

12 (b) To suspend or by policy to authorize the superintendent
13 of the district or the principal, assistant principal, or dean
14 of students of any school to suspend pupils guilty of gross
15 disobedience or misconduct, or to suspend pupils guilty of
16 gross disobedience or misconduct on the school bus from riding
17 the school bus, pursuant to subsections (b-15) and (b-20) of
18 this Section, and no action shall lie against them for such
19 suspension. The board may by policy authorize the
20 superintendent of the district or the principal, assistant
21 principal, or dean of students of any school to suspend pupils
22 guilty of such acts for a period not to exceed 10 school days.
23 If a pupil is suspended due to gross disobedience or misconduct
24 on a school bus, the board may suspend the pupil in excess of
25 10 school days for safety reasons.

26 Any suspension shall be reported immediately to the parents

1 or guardian of a pupil along with a full statement of the
2 reasons for such suspension and a notice of their right to a
3 review. The school board must be given a summary of the notice,
4 including the reason for the suspension and the suspension
5 length. Upon request of the parents or guardian the school
6 board or a hearing officer appointed by it shall review such
7 action of the superintendent or principal, assistant
8 principal, or dean of students. At such review the parents or
9 guardian of the pupil may appear and discuss the suspension
10 with the board or its hearing officer. If a hearing officer is
11 appointed by the board he shall report to the board a written
12 summary of the evidence heard at the meeting. After its hearing
13 or upon receipt of the written report of its hearing officer,
14 the board may take such action as it finds appropriate. If a
15 student is suspended pursuant to this subsection (b), the board
16 shall, in the written suspension decision, detail the specific
17 act of gross disobedience or misconduct resulting in the
18 decision to suspend. The suspension decision shall also include
19 a rationale as to the specific duration of the suspension. A
20 pupil who is suspended in excess of 20 school days may be
21 immediately transferred to an alternative program in the manner
22 provided in Article 13A or 13B of this Code. A pupil must not
23 be denied transfer because of the suspension, except in cases
24 in which such transfer is deemed to cause a threat to the
25 safety of students or staff in the alternative program.

26 (b-5) Among the many possible disciplinary interventions

1 and consequences available to school officials, school
2 exclusions, such as out-of-school suspensions and expulsions,
3 are the most serious. School officials shall limit the number
4 and duration of expulsions and suspensions to the greatest
5 extent practicable, and it is recommended that they use them
6 only for legitimate educational purposes. To ensure that
7 students are not excluded from school unnecessarily, it is
8 recommended that school officials consider forms of
9 non-exclusionary discipline prior to using out-of-school
10 suspensions or expulsions.

11 (b-10) Unless otherwise required by federal law or this
12 Code, school boards may not institute zero-tolerance policies
13 by which school administrators are required to suspend or expel
14 students for particular behaviors.

15 (b-15) Out-of-school suspensions of 3 days or less may be
16 used only if the student's continuing presence in school would
17 pose a threat to school safety or a disruption to other
18 students' learning opportunities. For purposes of this
19 subsection (b-15), "threat to school safety or a disruption to
20 other students' learning opportunities" shall be determined on
21 a case-by-case basis by the school board or its designee.
22 School officials shall make all reasonable efforts to resolve
23 such threats, address such disruptions, and minimize the length
24 of suspensions to the greatest extent practicable.

25 (b-20) Unless otherwise required by this Code,
26 out-of-school suspensions of longer than 3 days, expulsions,

1 and disciplinary removals to alternative schools may be used
2 only if other appropriate and available behavioral and
3 disciplinary interventions have been exhausted and the
4 student's continuing presence in school would either (i) pose a
5 threat to the safety of other students, staff, or members of
6 the school community or (ii) substantially disrupt, impede, or
7 interfere with the operation of the school. For purposes of
8 this subsection (b-20), "threat to the safety of other
9 students, staff, or members of the school community" and
10 "substantially disrupt, impede, or interfere with the
11 operation of the school" shall be determined on a case-by-case
12 basis by school officials. For purposes of this subsection
13 (b-20), the determination of whether "appropriate and
14 available behavioral and disciplinary interventions have been
15 exhausted" shall be made by school officials. School officials
16 shall make all reasonable efforts to resolve such threats,
17 address such disruptions, and minimize the length of student
18 exclusions to the greatest extent practicable. Within the
19 suspension decision described in subsection (b) of this Section
20 or the expulsion decision described in subsection (a) of this
21 Section, it shall be documented whether other interventions
22 were attempted or whether it was determined that there were no
23 other appropriate and available interventions.

24 (b-25) Students who are suspended out-of-school for longer
25 than 4 school days shall be provided appropriate and available
26 support services during the period of their suspension. For

1 purposes of this subsection (b-25), "appropriate and available
2 support services" shall be determined by school authorities.
3 Within the suspension decision described in subsection (b) of
4 this Section, it shall be documented whether such services are
5 to be provided or whether it was determined that there are no
6 such appropriate and available services.

7 A school district may refer students who are expelled to
8 appropriate and available support services.

9 A school district shall create a policy to facilitate the
10 re-engagement of students who are suspended out-of-school,
11 expelled, or returning from an alternative school setting.

12 (b-30) A school district shall create a policy by which
13 suspended pupils, including those pupils suspended from the
14 school bus who do not have alternate transportation to school,
15 shall have the opportunity to make up work for equivalent
16 academic credit. It shall be the responsibility of a pupil's
17 parent or guardian to notify school officials that a pupil
18 suspended from the school bus does not have alternate
19 transportation to school.

20 (c) The Department of Human Services shall be invited to
21 send a representative to consult with the board at such meeting
22 whenever there is evidence that mental illness may be the cause
23 for expulsion or suspension.

24 (c-5) School districts shall make reasonable efforts to
25 provide ongoing professional development to teachers,
26 administrators, school board members, school resource

1 officers, and staff on the adverse consequences of school
2 exclusion and justice-system involvement, effective classroom
3 management strategies, culturally responsive discipline, and
4 developmentally appropriate disciplinary methods that promote
5 positive and healthy school climates.

6 (d) The board may expel a student for a definite period of
7 time not to exceed 2 calendar years, as determined on a case by
8 case basis. A student who is determined to have brought one of
9 the following objects to school, any school-sponsored activity
10 or event, or any activity or event that bears a reasonable
11 relationship to school shall be expelled for a period of not
12 less than one year:

13 (1) A firearm. For the purposes of this Section,
14 "firearm" means any gun, rifle, shotgun, weapon as defined
15 by Section 921 of Title 18 of the United States Code,
16 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
17 ~~Owners Identification Card Act, or firearm as defined in~~
18 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
19 period under this subdivision (1) may be modified by the
20 superintendent, and the superintendent's determination may
21 be modified by the board on a case-by-case basis.

22 (2) A knife, brass knuckles or other knuckle weapon
23 regardless of its composition, a billy club, or any other
24 object if used or attempted to be used to cause bodily
25 harm, including "look alike" of any firearm as defined in
26 subdivision (1) of this subsection (d). The expulsion

1 requirement under this subdivision (2) may be modified by
2 the superintendent, and the superintendent's determination
3 may be modified by the board on a case-by-case basis.

4 Expulsion or suspension shall be construed in a manner
5 consistent with the Federal Individuals with Disabilities
6 Education Act. A student who is subject to suspension or
7 expulsion as provided in this Section may be eligible for a
8 transfer to an alternative school program in accordance with
9 Article 13A of the School Code.

10 (d-5) The board may suspend or by regulation authorize the
11 superintendent of the district or the principal, assistant
12 principal, or dean of students of any school to suspend a
13 student for a period not to exceed 10 school days or may expel
14 a student for a definite period of time not to exceed 2
15 calendar years, as determined on a case by case basis, if (i)
16 that student has been determined to have made an explicit
17 threat on an Internet website against a school employee, a
18 student, or any school-related personnel, (ii) the Internet
19 website through which the threat was made is a site that was
20 accessible within the school at the time the threat was made or
21 was available to third parties who worked or studied within the
22 school grounds at the time the threat was made, and (iii) the
23 threat could be reasonably interpreted as threatening to the
24 safety and security of the threatened individual because of his
25 or her duties or employment status or status as a student
26 inside the school.

1 (e) To maintain order and security in the schools, school
2 authorities may inspect and search places and areas such as
3 lockers, desks, parking lots, and other school property and
4 equipment owned or controlled by the school, as well as
5 personal effects left in those places and areas by students,
6 without notice to or the consent of the student, and without a
7 search warrant. As a matter of public policy, the General
8 Assembly finds that students have no reasonable expectation of
9 privacy in these places and areas or in their personal effects
10 left in these places and areas. School authorities may request
11 the assistance of law enforcement officials for the purpose of
12 conducting inspections and searches of lockers, desks, parking
13 lots, and other school property and equipment owned or
14 controlled by the school for illegal drugs, weapons, or other
15 illegal or dangerous substances or materials, including
16 searches conducted through the use of specially trained dogs.
17 If a search conducted in accordance with this Section produces
18 evidence that the student has violated or is violating either
19 the law, local ordinance, or the school's policies or rules,
20 such evidence may be seized by school authorities, and
21 disciplinary action may be taken. School authorities may also
22 turn over such evidence to law enforcement authorities.

23 (f) Suspension or expulsion may include suspension or
24 expulsion from school and all school activities and a
25 prohibition from being present on school grounds.

26 (g) A school district may adopt a policy providing that if

1 a student is suspended or expelled for any reason from any
2 public or private school in this or any other state, the
3 student must complete the entire term of the suspension or
4 expulsion in an alternative school program under Article 13A of
5 this Code or an alternative learning opportunities program
6 under Article 13B of this Code before being admitted into the
7 school district if there is no threat to the safety of students
8 or staff in the alternative program.

9 (h) School officials shall not advise or encourage students
10 to drop out voluntarily due to behavioral or academic
11 difficulties.

12 (i) A student may not be issued a monetary fine or fee as a
13 disciplinary consequence, though this shall not preclude
14 requiring a student to provide restitution for lost, stolen, or
15 damaged property.

16 (j) Subsections (a) through (i) of this Section shall apply
17 to elementary and secondary schools, charter schools, special
18 charter districts, and school districts organized under
19 Article 34 of this Code.

20 (Source: P.A. 99-456, eff. 9-15-16.)

21 (105 ILCS 5/10-27.1A)

22 Sec. 10-27.1A. Firearms in schools.

23 (a) All school officials, including teachers, guidance
24 counselors, and support staff, shall immediately notify the
25 office of the principal in the event that they observe any

1 person in possession of a firearm on school grounds; provided
2 that taking such immediate action to notify the office of the
3 principal would not immediately endanger the health, safety, or
4 welfare of students who are under the direct supervision of the
5 school official or the school official. If the health, safety,
6 or welfare of students under the direct supervision of the
7 school official or of the school official is immediately
8 endangered, the school official shall notify the office of the
9 principal as soon as the students under his or her supervision
10 and he or she are no longer under immediate danger. A report is
11 not required by this Section when the school official knows
12 that the person in possession of the firearm is a law
13 enforcement official engaged in the conduct of his or her
14 official duties. Any school official acting in good faith who
15 makes such a report under this Section shall have immunity from
16 any civil or criminal liability that might otherwise be
17 incurred as a result of making the report. The identity of the
18 school official making such report shall not be disclosed
19 except as expressly and specifically authorized by law.
20 Knowingly and willfully failing to comply with this Section is
21 a petty offense. A second or subsequent offense is a Class C
22 misdemeanor.

23 (b) Upon receiving a report from any school official
24 pursuant to this Section, or from any other person, the
25 principal or his or her designee shall immediately notify a
26 local law enforcement agency. If the person found to be in

1 possession of a firearm on school grounds is a student, the
2 principal or his or her designee shall also immediately notify
3 that student's parent or guardian. Any principal or his or her
4 designee acting in good faith who makes such reports under this
5 Section shall have immunity from any civil or criminal
6 liability that might otherwise be incurred or imposed as a
7 result of making the reports. Knowingly and willfully failing
8 to comply with this Section is a petty offense. A second or
9 subsequent offense is a Class C misdemeanor. If the person
10 found to be in possession of the firearm on school grounds is a
11 minor, the law enforcement agency shall detain that minor until
12 such time as the agency makes a determination pursuant to
13 clause (a) of subsection (1) of Section 5-401 of the Juvenile
14 Court Act of 1987, as to whether the agency reasonably believes
15 that the minor is delinquent. If the law enforcement agency
16 determines that probable cause exists to believe that the minor
17 committed a violation of item (4) of subsection (a) of Section
18 24-1 of the Criminal Code of 2012 while on school grounds, the
19 agency shall detain the minor for processing pursuant to
20 Section 5-407 of the Juvenile Court Act of 1987.

21 (c) On or after January 1, 1997, upon receipt of any
22 written, electronic, or verbal report from any school personnel
23 regarding a verified incident involving a firearm in a school
24 or on school owned or leased property, including any conveyance
25 owned, leased, or used by the school for the transport of
26 students or school personnel, the superintendent or his or her

1 designee shall report all such firearm-related incidents
2 occurring in a school or on school property to the local law
3 enforcement authorities immediately and to the Department of
4 State Police in a form, manner, and frequency as prescribed by
5 the Department of State Police.

6 The State Board of Education shall receive an annual
7 statistical compilation and related data associated with
8 incidents involving firearms in schools from the Department of
9 State Police. The State Board of Education shall compile this
10 information by school district and make it available to the
11 public.

12 (d) As used in this Section, the term "firearm" shall have
13 the meaning ascribed to it in Section 2-7.5 of the Criminal
14 Code of 2012 ~~1.1 of the Firearm Owners Identification Card Act.~~

15 As used in this Section, the term "school" means any public
16 or private elementary or secondary school.

17 As used in this Section, the term "school grounds" includes
18 the real property comprising any school, any conveyance owned,
19 leased, or contracted by a school to transport students to or
20 from school or a school-related activity, or any public way
21 within 1,000 feet of the real property comprising any school.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (105 ILCS 5/34-8.05)

24 Sec. 34-8.05. Reporting firearms in schools. On or after
25 January 1, 1997, upon receipt of any written, electronic, or

1 verbal report from any school personnel regarding a verified
2 incident involving a firearm in a school or on school owned or
3 leased property, including any conveyance owned, leased, or
4 used by the school for the transport of students or school
5 personnel, the general superintendent or his or her designee
6 shall report all such firearm-related incidents occurring in a
7 school or on school property to the local law enforcement
8 authorities no later than 24 hours after the occurrence of the
9 incident and to the Department of State Police in a form,
10 manner, and frequency as prescribed by the Department of State
11 Police.

12 The State Board of Education shall receive an annual
13 statistical compilation and related data associated with
14 incidents involving firearms in schools from the Department of
15 State Police. As used in this Section, the term "firearm" shall
16 have the meaning ascribed to it in Section 2-7.5 of the
17 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
18 ~~Card Act.~~

19 (Source: P.A. 89-498, eff. 6-27-96.)

20 Section 40. The Illinois Explosives Act is amended by
21 changing Section 2005 as follows:

22 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

23 Sec. 2005. Qualifications for licensure.

24 (a) No person shall qualify to hold a license who:

- 1 (1) is under 21 years of age;
- 2 (2) has been convicted in any court of a crime
3 punishable by imprisonment for a term exceeding one year;
- 4 (3) is under indictment for a crime punishable by
5 imprisonment for a term exceeding one year;
- 6 (4) is a fugitive from justice;
- 7 (5) is an unlawful user of or addicted to any
8 controlled substance as defined in Section 102 of the
9 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
10 seq.);
- 11 (6) has been adjudicated a person with a mental
12 disability as defined in Section 6-103.1 of the Mental
13 Health and Developmental Disabilities Code ~~1.1 of the~~
14 ~~Firearm Owners Identification Card Act~~; or
- 15 (7) is not a legal citizen of the United States.
- 16 (b) A person who has been granted a "relief from
17 disabilities" regarding criminal convictions and indictments,
18 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
19 845) may receive a license provided all other qualifications
20 under this Act are met.
- 21 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

22 Section 45. The Private Detective, Private Alarm, Private
23 Security, and Locksmith Act of 2004 is amended by changing
24 Sections 35-30 and 35-35 as follows:

1 (225 ILCS 447/35-30)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-30. Employee requirements. All employees of a
4 licensed agency, other than those exempted, shall apply for a
5 permanent employee registration card. The holder of an agency
6 license issued under this Act, known in this Section as
7 "employer", may employ in the conduct of his or her business
8 employees under the following provisions:

9 (a) No person shall be issued a permanent employee
10 registration card who:

11 (1) Is younger than 18 years of age.

12 (2) Is younger than 21 years of age if the services
13 will include being armed.

14 (3) Has been determined by the Department to be unfit
15 by reason of conviction of an offense in this or another
16 state, including registration as a sex offender, but not
17 including a traffic offense. Persons convicted of felonies
18 involving bodily harm, weapons, violence, or theft within
19 the previous 10 years shall be presumed to be unfit for
20 registration. The Department shall adopt rules for making
21 those determinations that shall afford the applicant due
22 process of law.

23 (4) Has had a license or permanent employee
24 registration card denied, suspended, or revoked under this
25 Act (i) within one year before the date the person's
26 application for permanent employee registration card is

1 received by the Department; and (ii) that refusal, denial,
2 suspension, or revocation was based on any provision of
3 this Act other than Section 40-50, item (6) or (8) of
4 subsection (a) of Section 15-10, subsection (b) of Section
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,
6 subsection (b) of Section 20-10, item (6) or (8) of
7 subsection (a) of Section 25-10, subsection (b) of Section
8 25-10, item (7) of subsection (a) of Section 30-10,
9 subsection (b) of Section 30-10, or Section 10-40.

10 (5) Has been declared incompetent by any court of
11 competent jurisdiction by reason of mental disease or
12 defect and has not been restored.

13 (6) Has been dishonorably discharged from the armed
14 services of the United States.

15 (b) No person may be employed by a private detective
16 agency, private security contractor agency, private alarm
17 contractor agency, fingerprint vendor agency, or locksmith
18 agency under this Section until he or she has executed and
19 furnished to the employer, on forms furnished by the
20 Department, a verified statement to be known as "Employee's
21 Statement" setting forth:

22 (1) The person's full name, age, and residence address.

23 (2) The business or occupation engaged in for the 5
24 years immediately before the date of the execution of the
25 statement, the place where the business or occupation was
26 engaged in, and the names of employers, if any.

1 (3) That the person has not had a license or employee
2 registration denied, revoked, or suspended under this Act
3 (i) within one year before the date the person's
4 application for permanent employee registration card is
5 received by the Department; and (ii) that refusal, denial,
6 suspension, or revocation was based on any provision of
7 this Act other than Section 40-50, item (6) or (8) of
8 subsection (a) of Section 15-10, subsection (b) of Section
9 15-10, item (6) or (8) of subsection (a) of Section 20-10,
10 subsection (b) of Section 20-10, item (6) or (8) of
11 subsection (a) of Section 25-10, subsection (b) of Section
12 25-10, item (7) of subsection (a) of Section 30-10,
13 subsection (b) of Section 30-10, or Section 10-40.

14 (4) Any conviction of a felony or misdemeanor.

15 (5) Any declaration of incompetence by a court of
16 competent jurisdiction that has not been restored.

17 (6) Any dishonorable discharge from the armed services
18 of the United States.

19 (7) Any other information as may be required by any
20 rule of the Department to show the good character,
21 competency, and integrity of the person executing the
22 statement.

23 (c) Each applicant for a permanent employee registration
24 card shall have his or her fingerprints submitted to the
25 Department of State Police in an electronic format that
26 complies with the form and manner for requesting and furnishing

1 criminal history record information as prescribed by the
2 Department of State Police. These fingerprints shall be checked
3 against the Department of State Police and Federal Bureau of
4 Investigation criminal history record databases now and
5 hereafter filed. The Department of State Police shall charge
6 applicants a fee for conducting the criminal history records
7 check, which shall be deposited in the State Police Services
8 Fund and shall not exceed the actual cost of the records check.
9 The Department of State Police shall furnish, pursuant to
10 positive identification, records of Illinois convictions to
11 the Department. The Department may require applicants to pay a
12 separate fingerprinting fee, either to the Department or
13 directly to the vendor. The Department, in its discretion, may
14 allow an applicant who does not have reasonable access to a
15 designated vendor to provide his or her fingerprints in an
16 alternative manner. The Department, in its discretion, may also
17 use other procedures in performing or obtaining criminal
18 background checks of applicants. Instead of submitting his or
19 her fingerprints, an individual may submit proof that is
20 satisfactory to the Department that an equivalent security
21 clearance has been conducted. Also, an individual who has
22 retired as a peace officer within 12 months of application may
23 submit verification, on forms provided by the Department and
24 signed by his or her employer, of his or her previous full-time
25 employment as a peace officer.

26 (d) The Department shall issue a permanent employee

1 registration card, in a form the Department prescribes, to all
2 qualified applicants. The holder of a permanent employee
3 registration card shall carry the card at all times while
4 actually engaged in the performance of the duties of his or her
5 employment. Expiration and requirements for renewal of
6 permanent employee registration cards shall be established by
7 rule of the Department. Possession of a permanent employee
8 registration card does not in any way imply that the holder of
9 the card is employed by an agency unless the permanent employee
10 registration card is accompanied by the employee
11 identification card required by subsection (f) of this Section.

12 (e) Each employer shall maintain a record of each employee
13 that is accessible to the duly authorized representatives of
14 the Department. The record shall contain the following
15 information:

16 (1) A photograph taken within 10 days of the date that
17 the employee begins employment with the employer. The
18 photograph shall be replaced with a current photograph
19 every 3 calendar years.

20 (2) The Employee's Statement specified in subsection
21 (b) of this Section.

22 (3) All correspondence or documents relating to the
23 character and integrity of the employee received by the
24 employer from any official source or law enforcement
25 agency.

26 (4) In the case of former employees, the employee

1 identification card of that person issued under subsection
2 (f) of this Section. Each employee record shall duly note
3 if the employee is employed in an armed capacity. Armed
4 employee files shall contain ~~a copy of an active firearm~~
5 ~~owner's identification card and~~ a copy of an active firearm
6 control card. Each employer shall maintain a record for
7 each armed employee of each instance in which the
8 employee's weapon was discharged during the course of his
9 or her professional duties or activities. The record shall
10 be maintained on forms provided by the Department, a copy
11 of which must be filed with the Department within 15 days
12 of an instance. The record shall include the date and time
13 of the occurrence, the circumstances involved in the
14 occurrence, and any other information as the Department may
15 require. Failure to provide this information to the
16 Department or failure to maintain the record as a part of
17 each armed employee's permanent file is grounds for
18 disciplinary action. The Department, upon receipt of a
19 report, shall have the authority to make any investigation
20 it considers appropriate into any occurrence in which an
21 employee's weapon was discharged and to take disciplinary
22 action as may be appropriate.

23 (5) A copy of the employee's permanent employee
24 registration card or a copy of the Department's "License
25 Lookup" Webpage showing that the employee has been issued a
26 valid permanent employee registration card by the

1 Department.

2 The Department may, by rule, prescribe further record
3 requirements.

4 (f) Every employer shall furnish an employee
5 identification card to each of his or her employees. This
6 employee identification card shall contain a recent photograph
7 of the employee, the employee's name, the name and agency
8 license number of the employer, the employee's personal
9 description, the signature of the employer, the signature of
10 that employee, the date of issuance, and an employee
11 identification card number.

12 (g) No employer may issue an employee identification card
13 to any person who is not employed by the employer in accordance
14 with this Section or falsely state or represent that a person
15 is or has been in his or her employ. It is unlawful for an
16 applicant for registered employment to file with the Department
17 the fingerprints of a person other than himself or herself.

18 (h) Every employer shall obtain the identification card of
19 every employee who terminates employment with him or her.

20 (i) Every employer shall maintain a separate roster of the
21 names of all employees currently working in an armed capacity
22 and submit the roster to the Department on request.

23 (j) No agency may employ any person to perform a licensed
24 activity under this Act unless the person possesses a valid
25 permanent employee registration card or a valid license under
26 this Act, or is exempt pursuant to subsection (n).

1 (k) Notwithstanding the provisions of subsection (j), an
2 agency may employ a person in a temporary capacity if all of
3 the following conditions are met:

4 (1) The agency completes in its entirety and submits to
5 the Department an application for a permanent employee
6 registration card, including the required fingerprint
7 receipt and fees.

8 (2) The agency has verification from the Department
9 that the applicant has no record of any criminal conviction
10 pursuant to the criminal history check conducted by the
11 Department of State Police. The agency shall maintain the
12 verification of the results of the Department of State
13 Police criminal history check as part of the employee
14 record as required under subsection (e) of this Section.

15 (3) The agency exercises due diligence to ensure that
16 the person is qualified under the requirements of the Act
17 to be issued a permanent employee registration card.

18 (4) The agency maintains a separate roster of the names
19 of all employees whose applications are currently pending
20 with the Department and submits the roster to the
21 Department on a monthly basis. Rosters are to be maintained
22 by the agency for a period of at least 24 months.

23 An agency may employ only a permanent employee applicant
24 for which it either submitted a permanent employee application
25 and all required forms and fees or it confirms with the
26 Department that a permanent employee application and all

1 required forms and fees have been submitted by another agency,
2 licensee or the permanent employee and all other requirements
3 of this Section are met.

4 The Department shall have the authority to revoke, without
5 a hearing, the temporary authority of an individual to work
6 upon receipt of Federal Bureau of Investigation fingerprint
7 data or a report of another official authority indicating a
8 criminal conviction. If the Department has not received a
9 temporary employee's Federal Bureau of Investigation
10 fingerprint data within 120 days of the date the Department
11 received the Department of State Police fingerprint data, the
12 Department may, at its discretion, revoke the employee's
13 temporary authority to work with 15 days written notice to the
14 individual and the employing agency.

15 An agency may not employ a person in a temporary capacity
16 if it knows or reasonably should have known that the person has
17 been convicted of a crime under the laws of this State, has
18 been convicted in another state of any crime that is a crime
19 under the laws of this State, has been convicted of any crime
20 in a federal court, or has been posted as an unapproved
21 applicant by the Department. Notice by the Department to the
22 agency, via certified mail, personal delivery, electronic
23 mail, or posting on the Department's Internet site accessible
24 to the agency that the person has been convicted of a crime
25 shall be deemed constructive knowledge of the conviction on the
26 part of the agency. The Department may adopt rules to implement

1 this subsection (k).

2 (1) No person may be employed under this Section in any
3 capacity if:

4 (1) the person, while so employed, is being paid by the
5 United States or any political subdivision for the time so
6 employed in addition to any payments he or she may receive
7 from the employer; or

8 (2) the person wears any portion of his or her official
9 uniform, emblem of authority, or equipment while so
10 employed.

11 (m) If information is discovered affecting the
12 registration of a person whose fingerprints were submitted
13 under this Section, the Department shall so notify the agency
14 that submitted the fingerprints on behalf of that person.

15 (n) Peace officers shall be exempt from the requirements of
16 this Section relating to permanent employee registration
17 cards. The agency shall remain responsible for any peace
18 officer employed under this exemption, regardless of whether
19 the peace officer is compensated as an employee or as an
20 independent contractor and as further defined by rule.

21 (o) Persons who have no access to confidential or security
22 information, who do not go to a client's or prospective
23 client's residence or place of business, and who otherwise do
24 not provide traditional security services are exempt from
25 employee registration. Examples of exempt employees include,
26 but are not limited to, employees working in the capacity of

1 ushers, directors, ticket takers, cashiers, drivers, and
2 reception personnel. Confidential or security information is
3 that which pertains to employee files, scheduling, client
4 contracts, or technical security and alarm data.

5 (p) An applicant who is 21 years of age or older seeking a
6 religious exemption to the photograph requirement of this
7 Section shall furnish with the application an approved copy of
8 United States Department of the Treasury Internal Revenue
9 Service Form 4029. Regardless of age, an applicant seeking a
10 religious exemption to this photograph requirement shall
11 submit fingerprints in a form and manner prescribed by the
12 Department with his or her application in lieu of a photograph.
13 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

14 (225 ILCS 447/35-35)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 35-35. Requirement of a firearm control card.

17 (a) No person shall perform duties that include the use,
18 carrying, or possession of a firearm in the performance of
19 those duties without complying with the provisions of this
20 Section and having been issued a valid firearm control card by
21 the Department.

22 (b) No employer shall employ any person to perform the
23 duties for which licensure or employee registration is required
24 and allow that person to carry a firearm unless that person has
25 complied with all the firearm training requirements of this

1 Section and has been issued a firearm control card. This Act
2 permits only the following to carry firearms while actually
3 engaged in the performance of their duties or while commuting
4 directly to or from their places of employment: persons
5 licensed as private detectives and their registered employees;
6 persons licensed as private security contractors and their
7 registered employees; persons licensed as private alarm
8 contractors and their registered employees; and employees of a
9 registered armed proprietary security force.

10 (c) Possession of a valid firearm control card allows a
11 licensee or employee to carry a firearm not otherwise
12 prohibited by law while the licensee or employee is engaged in
13 the performance of his or her duties or while the licensee or
14 employee is commuting directly to or from the licensee's or
15 employee's place or places of employment.

16 (d) The Department shall issue a firearm control card to a
17 person who has passed an approved firearm training course, who
18 is currently licensed or employed by an agency licensed by this
19 Act and has met all the requirements of this Act, and who is
20 not prohibited under State or federal law from possessing a
21 firearm ~~possesses a valid firearm owner identification card.~~
22 Application for the firearm control card shall be made by the
23 employer to the Department on forms provided by the Department.
24 The Department shall forward the card to the employer who shall
25 be responsible for its issuance to the licensee or employee.
26 The firearm control card shall be issued by the Department and

1 shall identify the person holding it and the name of the course
2 where the licensee or employee received firearm instruction and
3 shall specify the type of weapon or weapons the person is
4 authorized by the Department to carry and for which the person
5 has been trained.

6 (e) Expiration and requirements for renewal of firearm
7 control cards shall be determined by rule.

8 (f) The Department may, in addition to any other
9 disciplinary action permitted by this Act, refuse to issue,
10 suspend, or revoke a firearm control card if the applicant or
11 holder has been convicted of any felony or crime involving the
12 illegal use, carrying, or possession of a deadly weapon or for
13 a violation of this Act or rules adopted ~~promulgated~~ under this
14 Act. The Department shall refuse to issue or shall revoke a
15 firearm control card if the applicant or holder is prohibited
16 under State or federal law from possessing a firearm ~~fails to~~
17 ~~possess a valid firearm owners identification card without~~
18 ~~hearing~~. The Secretary shall summarily suspend a firearm
19 control card if the Secretary finds that its continued use
20 would constitute an imminent danger to the public. A hearing
21 shall be held before the Board within 30 days if the Secretary
22 summarily suspends a firearm control card.

23 (g) Notwithstanding any other provision of this Act to the
24 contrary, all requirements relating to firearms control cards
25 do not apply to a peace officer.

26 (h) The Department may issue a temporary firearm control

1 card pending issuance of a new firearm control card upon an
2 agency's acquiring of an established armed account. An agency
3 that has acquired armed employees as a result of acquiring an
4 established armed account may, on forms supplied by the
5 Department, request the issuance of a temporary firearm control
6 card for each acquired employee who held a valid firearm
7 control card under his or her employment with the newly
8 acquired established armed account immediately preceding the
9 acquiring of the account and who continues to meet all of the
10 qualifications for issuance of a firearm control card set forth
11 in this Act and any rules adopted under this Act. The
12 Department shall, by rule, set the fee for issuance of a
13 temporary firearm control card.

14 (i) The Department shall not issue a firearm control card
15 to a licensed fingerprint vendor or a licensed locksmith or
16 employees of a licensed fingerprint vendor agency or a licensed
17 locksmith agency.

18 (Source: P.A. 98-253, eff. 8-9-13.)

19 Section 50. The Mental Health and Developmental
20 Disabilities Code is amended by changing Sections 6-103.1,
21 6-103.2, and 6-103.3 as follows:

22 (405 ILCS 5/6-103.1)

23 Sec. 6-103.1. Adjudication as a person with a mental
24 disability. When a person has been adjudicated as a person with

1 a mental disability ~~as defined in Section 1.1 of the Firearm~~
2 ~~Owners Identification Card Act~~, including, but not limited to,
3 an adjudication as a person with a disability as defined in
4 Section 11a-2 of the Probate Act of 1975, the court shall
5 direct the circuit court clerk to notify the Department of
6 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in
7 a form and manner prescribed by the Department of State Police,
8 and shall forward a copy of the court order to the Department
9 no later than 7 days after the entry of the order. Upon receipt
10 of the order, the Department of State Police shall provide
11 notification to the National Instant Criminal Background Check
12 System. For purposes of this Section, "has been adjudicated as
13 a mentally disabled person" means the person is the subject of
14 a determination by a court, board, commission, or other lawful
15 authority that the person, as a result of marked subnormal
16 intelligence, or mental illness, mental impairment,
17 incompetency, condition, or disease:

18 (1) presents a clear and present danger to himself,
19 herself, or to others;

20 (2) lacks the mental capacity to manage his or her own
21 affairs or is adjudicated a disabled person as defined in
22 Section 11a-2 of the Probate Act of 1975;

23 (3) is not guilty in a criminal case by reason of
24 insanity, mental disease or defect;

25 (3.5) is guilty but mentally ill, as provided in
26 Section 5-2-6 of the Unified Code of Corrections;

- 1 (4) is incompetent to stand trial in a criminal case;
2 (5) is not guilty by reason of lack of mental
3 responsibility under Articles 50a and 72b of the Uniform
4 Code of Military Justice, 10 U.S.C. 850a, 876b;
5 (6) is a sexually violent person under subsection (f)
6 of Section 5 of the Sexually Violent Persons Commitment
7 Act;
8 (7) is a sexually dangerous person under the Sexually
9 Dangerous Persons Act;
10 (8) is unfit to stand trial under the Juvenile Court
11 Act of 1987;
12 (9) is not guilty by reason of insanity under the
13 Juvenile Court Act of 1987;
14 (10) is subject to involuntary admission as an
15 inpatient as defined in Section 1-119 of the Mental Health
16 and Developmental Disabilities Code;
17 (11) is subject to involuntary admission as an
18 outpatient as defined in Section 1-119.1 of the Mental
19 Health and Developmental Disabilities Code;
20 (12) is subject to judicial admission as set forth in
21 Section 4-500 of the Mental Health and Developmental
22 Disabilities Code; or
23 (13) is subject to the provisions of the Interstate
24 Agreements on Sexually Dangerous Persons Act.

25 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

1 (405 ILCS 5/6-103.2)

2 Sec. 6-103.2. Developmental disability; notice. If a
3 person 14 years old or older is determined to be a person with
4 a developmental disability by a physician, clinical
5 psychologist, or qualified examiner, the physician, clinical
6 psychologist, or qualified examiner shall notify the
7 Department of Human Services within 7 days of making the
8 determination that the person has a developmental disability.
9 The Department of Human Services shall immediately update its
10 records and information relating to mental health and
11 developmental disabilities, and if appropriate, shall notify
12 the Department of State Police in a form and manner prescribed
13 by the Department of State Police. Information disclosed under
14 this Section shall remain privileged and confidential, and
15 shall not be redisclosed, except as required under clause
16 (e)(2) of Section 24-4.5 of the Criminal Code of 2012
17 ~~subsection (e) of Section 3.1 of the Firearm Owners~~
18 ~~Identification Card Act~~, nor used for any other purpose. The
19 method of providing this information shall guarantee that the
20 information is not released beyond that which is necessary for
21 the purpose of this Section and shall be provided by rule by
22 the Department of Human Services. The identity of the person
23 reporting under this Section shall not be disclosed to the
24 subject of the report.

25 The physician, clinical psychologist, or qualified
26 examiner making the determination and his or her employer may

1 not be held criminally, civilly, or professionally liable for
2 making or not making the notification required under this
3 Section, except for willful or wanton misconduct.

4 In this Section, "developmentally disabled" has the
5 meaning ascribed to it in Section 12 of the Mental Health and
6 Developmental Disabilities Confidentiality Act.

7 For purposes of this Section, "developmental disability"
8 means a disability which is attributable to any other condition
9 which results in impairment similar to that caused by an
10 intellectual disability and which requires services similar to
11 those required by intellectually disabled persons. The
12 disability must originate before the age of 18 years, be
13 expected to continue indefinitely, and constitute a
14 substantial disability. This disability results, in the
15 professional opinion of a physician, clinical psychologist, or
16 qualified examiner, in significant functional limitations in 3
17 or more of the following areas of major life activity:

- 18 (i) self-care;
19 (ii) receptive and expressive language;
20 (iii) learning;
21 (iv) mobility; or
22 (v) self-direction.

23 "Determined to be a person with a developmental disability
24 by a physician, clinical psychologist, or qualified examiner"
25 means in the professional opinion of the physician, clinical
26 psychologist, or qualified examiner, a person is diagnosed,

1 assessed, or evaluated as having a developmental disability.

2 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
3 eff. 7-27-15; 99-642, eff. 7-28-16.)

4 (405 ILCS 5/6-103.3)

5 Sec. 6-103.3. Clear and present danger; notice. If a person
6 is determined to pose a clear and present danger to himself,
7 herself, or to others by a physician, clinical psychologist, or
8 qualified examiner, whether employed by the State, by any
9 public or private mental health facility or part thereof, or by
10 a law enforcement official or a school administrator, then the
11 physician, clinical psychologist, qualified examiner shall
12 notify the Department of Human Services and a law enforcement
13 official or school administrator shall notify the Department of
14 State Police, within 24 hours of making the determination that
15 the person poses a clear and present danger. The Department of
16 Human Services shall immediately update its records and
17 information relating to mental health and developmental
18 disabilities, and if appropriate, shall notify the Department
19 of State Police in a form and manner prescribed by the
20 Department of State Police. Information disclosed under this
21 Section shall remain privileged and confidential, and shall not
22 be redisclosed, except as required under clause (e)(2) of
23 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~
24 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor
25 used for any other purpose. The method of providing this

1 information shall guarantee that the information is not
2 released beyond that which is necessary for the purpose of this
3 Section and shall be provided by rule by the Department of
4 Human Services. The identity of the person reporting under this
5 Section shall not be disclosed to the subject of the report.
6 The physician, clinical psychologist, qualified examiner, law
7 enforcement official, or school administrator making the
8 determination and his or her employer shall not be held
9 criminally, civilly, or professionally liable for making or not
10 making the notification required under this Section, except for
11 willful or wanton misconduct. This Section does not apply to a
12 law enforcement official, if making the notification under this
13 Section will interfere with an ongoing or pending criminal
14 investigation.

15 For the purposes of this Section:

16 "Clear and present danger" means a person who:

17 (1) communicates a serious threat of physical
18 violence against a reasonably identifiable victim or
19 poses a clear and imminent risk of serious physical
20 injury to himself, herself, or another person as
21 determined by a physician, clinical psychologist, or
22 qualified examiner; or

23 (2) demonstrates threatening physical or verbal
24 behavior, such as violent, suicidal, or assaultive
25 threats, actions, or other behavior, as determined by a
26 physician, clinical psychologist, qualified examiner,

1 school administrator, or law enforcement official.
2 "Physician", "clinical psychologist", and "qualified
3 examiner" have the meanings ascribed to them in the Mental
4 Health and Developmental Disabilities Code ~~has the meaning~~
5 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
6 ~~Identification Card Act.~~

7 "Determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, or qualified examiner" means in the
10 professional opinion of the physician, clinical
11 psychologist, or qualified examiner, a person poses a clear
12 and present danger.

13 "School administrator" means the person required to
14 report under the School Administrator Reporting of Mental
15 Health Clear and Present Danger Determinations Law.

16 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

17 Section 55. The Lead Poisoning Prevention Act is amended by
18 changing Section 2 as follows:

19 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

20 Sec. 2. Definitions. As used in this Act:

21 "Child care facility" means any structure used by a child
22 care provider licensed by the Department of Children and Family
23 Services or public or private school structure frequented by
24 children 6 years of age or younger.

1 "Childhood Lead Risk Questionnaire" means the
2 questionnaire developed by the Department for use by physicians
3 and other health care providers to determine risk factors for
4 children 6 years of age or younger residing in areas designated
5 as low risk for lead exposure.

6 "Delegate agency" means a unit of local government or
7 health department approved by the Department to carry out the
8 provisions of this Act.

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

11 "Dwelling unit" means an individual unit within a
12 residential building used as living quarters for one household.

13 "Elevated blood lead level" means a blood lead level in
14 excess of those considered within the permissible limits as
15 established under State and federal rules.

16 "Exposed surface" means any interior or exterior surface of
17 a regulated facility.

18 "High risk area" means an area in the State determined by
19 the Department to be high risk for lead exposure for children 6
20 years of age or younger. The Department may consider, but is
21 not limited to, the following factors to determine a high risk
22 area: age and condition (using Department of Housing and Urban
23 Development definitions of "slum" and "blighted") of housing,
24 proximity to highway traffic or heavy local traffic or both,
25 percentage of housing determined as rental or vacant, proximity
26 to industry using lead, established incidence of elevated blood

1 lead levels in children, percentage of population living below
2 200% of federal poverty guidelines, and number of children
3 residing in the area who are 6 years of age or younger.

4 "Lead abatement" means any approved work practices that
5 will permanently eliminate lead exposure or remove the
6 lead-bearing substances in a regulated facility. The
7 Department shall establish by rule which work practices are
8 approved or prohibited for lead abatement.

9 "Lead abatement contractor" means any person or entity
10 licensed by the Department to perform lead abatement and
11 mitigation.

12 "Lead abatement supervisor" means any person employed by a
13 lead abatement contractor and licensed by the Department to
14 perform lead abatement and lead mitigation and to supervise
15 lead workers who perform lead abatement and lead mitigation.

16 "Lead abatement worker" means any person employed by a lead
17 abatement contractor and licensed by the Department to perform
18 lead abatement and mitigation.

19 "Lead activities" means the conduct of any lead services,
20 including, lead inspection, lead risk assessment, lead
21 mitigation, or lead abatement work or supervision in a
22 regulated facility.

23 "Lead-bearing substance" means any item containing or
24 coated with lead such that the lead content is more than
25 six-hundredths of one percent (0.06%) lead by total weight; or
26 any dust on surfaces or in furniture or other nonpermanent

1 elements of the regulated facility; or any paint or other
2 surface coating material containing more than five-tenths of
3 one percent (0.5%) lead by total weight (calculated as lead
4 metal) in the total non-volatile content of liquid paint; or
5 lead-bearing substances containing greater than one milligram
6 per square centimeter or any lower standard for lead content in
7 residential paint as may be established by federal law or rule;
8 or more than 1 milligram per square centimeter in the dried
9 film of paint or previously applied substance; or item or dust
10 on item containing lead in excess of the amount specified in
11 the rules authorized by this Act or a lower standard for lead
12 content as may be established by federal law or rule.
13 "Lead-bearing substance" does not include firearm ammunition
14 or components as defined by Section 2-7.1 of the Criminal Code
15 of 2012 ~~the Firearm Owners Identification Card Act.~~

16 "Lead hazard" means a lead-bearing substance that poses an
17 immediate health hazard to humans.

18 "Lead hazard screen" means a lead risk assessment that
19 involves limited dust and paint sampling for lead-bearing
20 substances and lead hazards. This service is used as a
21 screening tool designed to determine if further lead
22 investigative services are required for the regulated
23 facility.

24 "Lead inspection" means a surface-by-surface investigation
25 to determine the presence of lead-based paint.

26 "Lead inspector" means an individual who has been trained

1 by a Department-approved training program and is licensed by
2 the Department to conduct lead inspections; to sample for the
3 presence of lead in paint, dust, soil, and water; and to
4 conduct compliance investigations.

5 "Lead mitigation" means the remediation, in a manner
6 described in Section 9, of a lead hazard so that the
7 lead-bearing substance does not pose an immediate health hazard
8 to humans.

9 "Lead poisoning" means the condition of having blood lead
10 levels in excess of those considered safe under State and
11 federal rules.

12 "Lead risk assessment" means an on-site investigation to
13 determine the existence, nature, severity, and location of lead
14 hazards. "Lead risk assessment" includes any lead sampling and
15 visual assessment associated with conducting a lead risk
16 assessment and lead hazard screen and all lead sampling
17 associated with compliance investigations.

18 "Lead risk assessor" means an individual who has been
19 trained by a Department-approved training program and is
20 licensed by the Department to conduct lead risk assessments,
21 lead inspections, and lead hazard screens; to sample for the
22 presence of lead in paint, dust, soil, water, and sources for
23 lead-bearing substances; and to conduct compliance
24 investigations.

25 "Lead training program provider" means any person
26 providing Department-approved lead training in Illinois to

1 individuals seeking licensure in accordance with the Act.

2 "Low risk area" means an area in the State determined by
3 the Department to be low risk for lead exposure for children 6
4 years of age or younger. The Department may consider the
5 factors named in "high risk area" to determine low risk areas.

6 "Owner" means any person, who alone, jointly, or severally
7 with others:

8 (a) Has legal title to any regulated facility, with or
9 without actual possession of the regulated facility, or

10 (b) Has charge, care, or control of the regulated
11 facility as owner or agent of the owner, or as executor,
12 administrator, trustee, or guardian of the estate of the
13 owner.

14 "Person" means any individual, partnership, firm, company,
15 limited liability company, corporation, association, joint
16 stock company, trust, estate, political subdivision, State
17 agency, or any other legal entity, or their legal
18 representative, agent, or assign.

19 "Regulated facility" means a residential building or child
20 care facility.

21 "Residential building" means any room, group of rooms, or
22 other interior areas of a structure designed or used for human
23 habitation; common areas accessible by inhabitants; and the
24 surrounding property or structures.

25 (Source: P.A. 98-690, eff. 1-1-15.)

1 (430 ILCS 65/Act rep.)

2 Section 60. The Firearm Owners Identification Card Act is
3 repealed.

4 Section 65. The Firearm Concealed Carry Act is amended by
5 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

6 (430 ILCS 66/25)

7 Sec. 25. Qualifications for a license.

8 The Department shall issue a license to an applicant
9 completing an application in accordance with Section 30 of this
10 Act if the person:

11 (1) is at least 21 years of age;

12 (2) ~~has a currently valid Firearm Owner's~~
13 ~~Identification Card and at the time of application meets~~
14 ~~the requirements for the issuance of a Firearm Owner's~~
15 ~~Identification Card and is not prohibited under State or~~
16 ~~the Firearm Owners Identification Card Act or federal law~~
17 from possessing or receiving a firearm;

18 (3) has not been convicted or found guilty in this
19 State or in any other state of:

20 (A) a misdemeanor involving the use or threat of
21 physical force or violence to any person within the 5
22 years preceding the date of the license application; or

23 (B) 2 or more violations related to driving while
24 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or any combination
2 thereof, within the 5 years preceding the date of the
3 license application;

4 (4) is not the subject of a pending arrest warrant,
5 prosecution, or proceeding for an offense or action that
6 could lead to disqualification to own or possess a firearm;

7 (5) has not been in residential or court-ordered
8 treatment for alcoholism, alcohol detoxification, or drug
9 treatment within the 5 years immediately preceding the date
10 of the license application; and

11 (6) has completed firearms training and any education
12 component required under Section 75 of this Act.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

14 (430 ILCS 66/30)

15 Sec. 30. Contents of license application.

16 (a) The license application shall be in writing, under
17 penalty of perjury, on a standard form adopted by the
18 Department and shall be accompanied by the documentation
19 required in this Section and the applicable fee. Each
20 application form shall include the following statement printed
21 in bold type: "Warning: Entering false information on this form
22 is punishable as perjury under Section 32-2 of the Criminal
23 Code of 2012."

24 (b) The application shall contain the following:

25 (1) the applicant's name, current address, date and

1 year of birth, place of birth, height, weight, hair color,
2 eye color, maiden name or any other name the applicant has
3 used or identified with, and any address where the
4 applicant resided for more than 30 days within the 10 years
5 preceding the date of the license application;

6 (2) the applicant's valid driver's license number or
7 valid state identification card number;

8 (3) a waiver of the applicant's privacy and
9 confidentiality rights and privileges under all federal
10 and state laws, including those limiting access to juvenile
11 court, criminal justice, psychological, or psychiatric
12 records or records relating to any institutionalization of
13 the applicant, and an affirmative request that a person
14 having custody of any of these records provide it or
15 information concerning it to the Department. The waiver
16 only applies to records sought in connection with
17 determining whether the applicant qualifies for a license
18 to carry a concealed firearm under this Act, ~~or whether the~~
19 ~~applicant remains in compliance with the Firearm Owners~~
20 ~~Identification Card Act;~~

21 (4) an affirmation that the applicant is not prohibited
22 under State or federal law from possessing or receiving a
23 firearm ~~possesses a currently valid Firearm Owner's~~
24 ~~Identification Card and card number if possessed or notice~~
25 ~~the applicant is applying for a Firearm Owner's~~
26 ~~Identification Card in conjunction with the license~~

1 ~~application;~~

2 (5) an affirmation that the applicant has not been
3 convicted or found guilty of:

4 (A) a felony;

5 (B) a misdemeanor involving the use or threat of
6 physical force or violence to any person within the 5
7 years preceding the date of the application; or

8 (C) 2 or more violations related to driving while
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination
11 thereof, within the 5 years preceding the date of the
12 license application; and

13 (6) whether the applicant has failed a drug test for a
14 drug for which the applicant did not have a prescription,
15 within the previous year, and if so, the provider of the
16 test, the specific substance involved, and the date of the
17 test;

18 (7) written consent for the Department to review and
19 use the applicant's Illinois digital driver's license or
20 Illinois identification card photograph and signature;

21 (8) a full set of fingerprints submitted to the
22 Department in electronic format, provided the Department
23 may accept an application submitted without a set of
24 fingerprints in which case the Department shall be granted
25 30 days in addition to the 90 days provided under
26 subsection (e) of Section 10 of this Act to issue or deny a

1 license;

2 (9) a head and shoulder color photograph in a size
3 specified by the Department taken within the 30 days
4 preceding the date of the license application; and

5 (10) a photocopy of any certificates or other evidence
6 of compliance with the training requirements under this
7 Act.

8 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

9 (430 ILCS 66/40)

10 Sec. 40. Non-resident license applications.

11 (a) For the purposes of this Section, "non-resident" means
12 a person who has not resided within this State for more than 30
13 days and resides in another state or territory.

14 (b) The Department shall by rule allow for non-resident
15 license applications from any state or territory of the United
16 States with laws related to firearm ownership, possession, and
17 carrying, that are substantially similar to the requirements to
18 obtain a license under this Act.

19 (c) A resident of a state or territory approved by the
20 Department under subsection (b) of this Section may apply for a
21 non-resident license. The applicant shall apply to the
22 Department and must meet all of the qualifications established
23 in Section 25 of this Act, ~~except for the Illinois residency~~
24 ~~requirement in item (xiv) of paragraph (2) of subsection (a) of~~
25 ~~Section 4 of the Firearm Owners Identification Card Act.~~ The

1 applicant shall submit:

2 (1) the application and documentation required under
3 Section 30 of this Act and the applicable fee;

4 (2) a notarized document stating that the applicant:

5 (A) is eligible under federal law and the laws of
6 his or her state or territory of residence to own or
7 possess a firearm;

8 (B) if applicable, has a license or permit to carry
9 a firearm or concealed firearm issued by his or her
10 state or territory of residence and attach a copy of
11 the license or permit to the application;

12 (C) understands Illinois laws pertaining to the
13 possession and transport of firearms; and

14 (D) acknowledges that the applicant is subject to
15 the jurisdiction of the Department and Illinois courts
16 for any violation of this Act;

17 (3) a photocopy of any certificates or other evidence
18 of compliance with the training requirements under Section
19 75 of this Act; and

20 (4) a head and shoulder color photograph in a size
21 specified by the Department taken within the 30 days
22 preceding the date of the application.

23 (d) In lieu of an Illinois driver's license or Illinois
24 identification card, a non-resident applicant shall provide
25 similar documentation from his or her state or territory of
26 residence. The applicant shall submit ~~In lieu of a valid~~

1 ~~Firearm Owner's Identification Card, the applicant shall~~
2 ~~submit documentation and information required by the~~
3 ~~Department to obtain a Firearm Owner's Identification Card,~~
4 ~~including~~ an affidavit that the non-resident meets the mental
5 health standards to obtain a firearm under Illinois law, and
6 the Department shall ensure that the applicant would meet the
7 eligibility criteria under State law to possess a firearm ~~to~~
8 ~~obtain a Firearm Owner's Identification card~~ if he or she was a
9 resident of this State.

10 (e) Nothing in this Act shall prohibit a non-resident from
11 transporting a concealed firearm within his or her vehicle in
12 Illinois, if the concealed firearm remains within his or her
13 vehicle and the non-resident:

14 (1) is not prohibited from owning or possessing a
15 firearm under federal law;

16 (2) is eligible to carry a firearm in public under the
17 laws of his or her state or territory of residence, as
18 evidenced by the possession of a concealed carry license or
19 permit issued by his or her state of residence, if
20 applicable; and

21 (3) is not in possession of a license under this Act.

22 If the non-resident leaves his or her vehicle unattended,
23 he or she shall store the firearm within a locked vehicle or
24 locked container within the vehicle in accordance with
25 subsection (b) of Section 65 of this Act.

26 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,

1 eff. 7-20-15.)

2 (430 ILCS 66/70)

3 Sec. 70. Violations.

4 (a) A license issued or renewed under this Act shall be
5 revoked if, at any time, the licensee is found to be ineligible
6 for a license under this Act or the licensee is prohibited from
7 possessing a firearm under State or federal law ~~no longer meets~~
8 ~~the eligibility requirements of the Firearm Owners~~
9 ~~Identification Card Act.~~

10 (b) A license shall be suspended if an order of protection,
11 including an emergency order of protection, plenary order of
12 protection, or interim order of protection under Article 112A
13 of the Code of Criminal Procedure of 1963 or under the Illinois
14 Domestic Violence Act of 1986, is issued against a licensee for
15 the duration of the order, or if the Department is made aware
16 of a similar order issued against the licensee in any other
17 jurisdiction. If an order of protection is issued against a
18 licensee, the licensee shall surrender the license, as
19 applicable, to the court at the time the order is entered or to
20 the law enforcement agency or entity serving process at the
21 time the licensee is served the order. The court, law
22 enforcement agency, or entity responsible for serving the order
23 of protection shall notify the Department within 7 days and
24 transmit the license to the Department.

25 (c) A license is invalid upon expiration of the license,

1 unless the licensee has submitted an application to renew the
2 license, and the applicant is otherwise eligible to possess a
3 license under this Act.

4 (d) A licensee shall not carry a concealed firearm while
5 under the influence of alcohol, other drug or drugs,
6 intoxicating compound or combination of compounds, or any
7 combination thereof, under the standards set forth in
8 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

9 A licensee in violation of this subsection (d) shall be
10 guilty of a Class A misdemeanor for a first or second violation
11 and a Class 4 felony for a third violation. The Department may
12 suspend a license for up to 6 months for a second violation and
13 shall permanently revoke a license for a third violation.

14 (e) Except as otherwise provided, a licensee in violation
15 of this Act shall be guilty of a Class B misdemeanor. A second
16 or subsequent violation is a Class A misdemeanor. The
17 Department may suspend a license for up to 6 months for a
18 second violation and shall permanently revoke a license for 3
19 or more violations of Section 65 of this Act. Any person
20 convicted of a violation under this Section shall pay a \$150
21 fee to be deposited into the Mental Health Reporting Fund, plus
22 any applicable court costs or fees.

23 (f) A licensee convicted or found guilty of a violation of
24 this Act who has a valid license and is otherwise eligible to
25 carry a concealed firearm shall only be subject to the
26 penalties under this Section and shall not be subject to the

1 penalties under Section 21-6, paragraph (4), (8), or (10) of
2 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
3 of paragraph (3) of subsection (a) of Section 24-1.6 of the
4 Criminal Code of 2012. Except as otherwise provided in this
5 subsection, nothing in this subsection prohibits the licensee
6 from being subjected to penalties for violations other than
7 those specified in this Act.

8 (g) A licensee whose license is revoked, suspended, or
9 denied shall, within 48 hours of receiving notice of the
10 revocation, suspension, or denial, surrender his or her
11 concealed carry license to the local law enforcement agency
12 where the person resides. The local law enforcement agency
13 shall provide the licensee a receipt and transmit the concealed
14 carry license to the Department of State Police. If the
15 licensee whose concealed carry license has been revoked,
16 suspended, or denied fails to comply with the requirements of
17 this subsection, the law enforcement agency where the person
18 resides may petition the circuit court to issue a warrant to
19 search for and seize the concealed carry license in the
20 possession and under the custody or control of the licensee
21 whose concealed carry license has been revoked, suspended, or
22 denied. The observation of a concealed carry license in the
23 possession of a person whose license has been revoked,
24 suspended, or denied constitutes a sufficient basis for the
25 arrest of that person for violation of this subsection. A
26 violation of this subsection is a Class A misdemeanor.

1 (h) (Blank). ~~A license issued or renewed under this Act~~
2 ~~shall be revoked if, at any time, the licensee is found~~
3 ~~ineligible for a Firearm Owner's Identification Card, or the~~
4 ~~licensee no longer possesses a valid Firearm Owner's~~
5 ~~Identification Card. A licensee whose license is revoked under~~
6 ~~this subsection (h) shall surrender his or her concealed carry~~
7 ~~license as provided for in subsection (g) of this Section.~~

8 ~~This subsection shall not apply to a person who has filed~~
9 ~~an application with the State Police for renewal of a Firearm~~
10 ~~Owner's Identification Card and who is not otherwise ineligible~~
11 ~~to obtain a Firearm Owner's Identification Card.~~

12 (i) A certified firearms instructor who knowingly provides
13 or offers to provide a false certification that an applicant
14 has completed firearms training as required under this Act is
15 guilty of a Class A misdemeanor. A person guilty of a violation
16 of this subsection (i) is not eligible for court supervision.
17 The Department shall permanently revoke the firearms
18 instructor certification of a person convicted under this
19 subsection (i).

20 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
21 eff. 8-15-14.)

22 (430 ILCS 66/80)

23 Sec. 80. Certified firearms instructors.

24 (a) Within 60 days of the effective date of this Act, the
25 Department shall begin approval of certified firearms

1 instructors and enter certified firearms instructors into an
2 online registry on the Department's website.

3 (b) A person who is not a certified firearms instructor
4 shall not teach applicant training courses or advertise or
5 otherwise represent courses they teach as qualifying their
6 students to meet the requirements to receive a license under
7 this Act. Each violation of this subsection is a business
8 offense with a fine of at least \$1,000 per violation.

9 (c) A person seeking to become a certified firearms
10 instructor shall:

11 (1) be at least 21 years of age;

12 (2) be a legal resident of the United States; and

13 (3) meet the requirements of Section 25 of this Act,
14 ~~except for the Illinois residency requirement in item (xiv)~~
15 ~~of paragraph (2) of subsection (a) of Section 4 of the~~
16 ~~Firearm Owners Identification Card Act;~~ and any additional
17 uniformly applied requirements established by the
18 Department.

19 (d) A person seeking to become a certified firearms
20 instructor, in addition to the requirements of subsection (c)
21 of this Section, shall:

22 (1) possess a high school diploma or high school
23 equivalency certificate; and

24 (2) have at least one of the following valid firearms
25 instructor certifications:

26 (A) certification from a law enforcement agency;

1 (B) certification from a firearm instructor course
2 offered by a State or federal governmental agency;

3 (C) certification from a firearm instructor
4 qualification course offered by the Illinois Law
5 Enforcement Training Standards Board; or

6 (D) certification from an entity approved by the
7 Department that offers firearm instructor education
8 and training in the use and safety of firearms.

9 (e) A person may have his or her firearms instructor
10 certification denied or revoked if he or she does not meet the
11 requirements to obtain a license under this Act, provides false
12 or misleading information to the Department, or has had a prior
13 instructor certification revoked or denied by the Department.

14 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,
15 eff. 1-1-15.)

16 (430 ILCS 66/105)

17 Sec. 105. Duty of school administrator. It is the duty of
18 the principal of a public elementary or secondary school, or
19 his or her designee, and the chief administrative officer of a
20 private elementary or secondary school or a public or private
21 community college, college, or university, or his or her
22 designee, to report to the Department of State Police when a
23 student is determined to pose a clear and present danger to
24 himself, herself, or to others, within 24 hours of the
25 determination as provided in Section 6-103.3 of the Mental

1 Health and Developmental Disabilities Code. "Clear and present
2 danger" has the meaning as provided in paragraph (2) of the
3 definition of "clear and present danger" in Section 6-103.3 of
4 the Mental Health and Developmental Disabilities Code 1.1 of
5 ~~the Firearm Owners Identification Card Act.~~

6 (Source: P.A. 98-63, eff. 7-9-13.)

7 Section 70. The Wildlife Code is amended by changing
8 Sections 3.2 and 3.2a as follows:

9 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

10 Sec. 3.2. Hunting license; application; instruction.
11 Before the Department or any county, city, village, township,
12 incorporated town clerk or his duly designated agent or any
13 other person authorized or designated by the Department to
14 issue hunting licenses shall issue a hunting license to any
15 person, the person shall file his application with the
16 Department or other party authorized to issue licenses on a
17 form provided by the Department and further give definite proof
18 of identity and place of legal residence. Each clerk
19 designating agents to issue licenses and stamps shall furnish
20 the Department, within 10 days following the appointment, the
21 names and mailing addresses of the agents. Each clerk or his
22 duly designated agent shall be authorized to sell licenses and
23 stamps only within the territorial area for which he was
24 elected or appointed. No duly designated agent is authorized to

1 furnish licenses or stamps for issuance by any other business
2 establishment. Each application shall be executed and sworn to
3 and shall set forth the name and description of the applicant
4 and place of residence.

5 No hunting license shall be issued to any person born on or
6 after January 1, 1980 unless he presents the person authorized
7 to issue the license evidence that he has held a hunting
8 license issued by the State of Illinois or another state in a
9 prior year, or a certificate of competency as provided in this
10 Section. Persons under 16 years of age may be issued a Lifetime
11 Hunting or Sportsmen's Combination License as provided under
12 Section 20-45 of the Fish and Aquatic Life Code but shall not
13 be entitled to hunt unless they have a certificate of
14 competency as provided in this Section and they shall have the
15 certificate in their possession while hunting.

16 The Department of Natural Resources shall authorize
17 personnel of the Department or certified volunteer instructors
18 to conduct courses, of not less than 10 hours in length, in
19 firearms and hunter safety, which may include training in bow
20 and arrow safety, at regularly specified intervals throughout
21 the State. Persons successfully completing the course shall
22 receive a certificate of competency. The Department of Natural
23 Resources may further cooperate with any reputable association
24 or organization in establishing courses if the organization has
25 as one of its objectives the promotion of safety in the
26 handling of firearms or bow and arrow.

1 The Department of Natural Resources shall designate any
2 person found by it to be competent to give instruction in the
3 handling of firearms, hunter safety, and bow and arrow. The
4 persons so appointed shall give the course of instruction and
5 upon the successful completion shall issue to the person
6 instructed a certificate of competency in the safe handling of
7 firearms, hunter safety, and bow and arrow. No charge shall be
8 made for any course of instruction except for materials or
9 ammunition consumed. The Department of Natural Resources shall
10 furnish information on the requirements of hunter safety
11 education programs to be distributed free of charge to
12 applicants for hunting licenses by the persons appointed and
13 authorized to issue licenses. ~~Funds for the conducting of
14 firearms and hunter safety courses shall be taken from the fee
15 charged for the Firearm Owners Identification Card.~~

16 The fee for a hunting license to hunt all species for a
17 resident of Illinois is \$12. For residents age 65 or older,
18 and, commencing with the 2012 license year, resident veterans
19 of the United States Armed Forces after returning from service
20 abroad or mobilization by the President of the United States,
21 the fee is one-half of the fee charged for a hunting license to
22 hunt all species for a resident of Illinois. Veterans must
23 provide to the Department, at one of the Department's 5
24 regional offices, verification of their service. The
25 Department shall establish what constitutes suitable
26 verification of service for the purpose of issuing resident

1 veterans hunting licenses at a reduced fee. The fee for a
2 hunting license to hunt all species shall be \$1 for residents
3 over 75 years of age. Nonresidents shall be charged \$57 for a
4 hunting license.

5 Nonresidents may be issued a nonresident hunting license
6 for a period not to exceed 10 consecutive days' hunting in the
7 State and shall be charged a fee of \$35.

8 A special nonresident hunting license authorizing a
9 nonresident to take game birds by hunting on a game breeding
10 and hunting preserve area only, established under Section 3.27,
11 shall be issued upon proper application being made and payment
12 of a fee equal to that for a resident hunting license. The
13 expiration date of this license shall be on the same date each
14 year that game breeding and hunting preserve area licenses
15 expire.

16 Each applicant for a State Migratory Waterfowl Stamp,
17 regardless of his residence or other condition, shall pay a fee
18 of \$15 and shall receive a stamp. The fee for a State Migratory
19 Waterfowl Stamp shall be waived for residents over 75 years of
20 age. Except as provided under Section 20-45 of the Fish and
21 Aquatic Life Code, the stamp shall be signed by the person or
22 affixed to his license or permit in a space designated by the
23 Department for that purpose.

24 Each applicant for a State Habitat Stamp, regardless of his
25 residence or other condition, shall pay a fee of \$5 and shall
26 receive a stamp. The fee for a State Habitat Stamp shall be

1 waived for residents over 75 years of age. Except as provided
2 under Section 20-45 of the Fish and Aquatic Life Code, the
3 stamp shall be signed by the person or affixed to his license
4 or permit in a space designated by the Department for that
5 purpose.

6 Nothing in this Section shall be construed as to require
7 the purchase of more than one State Habitat Stamp by any person
8 in any one license year.

9 The fees for State Pheasant Stamps and State Furbearer
10 Stamps shall be waived for residents over 75 years of age.

11 The Department shall furnish the holders of hunting
12 licenses and stamps with an insignia as evidence of possession
13 of license, or license and stamp, as the Department may
14 consider advisable. The insignia shall be exhibited and used as
15 the Department may order.

16 All other hunting licenses and all State stamps shall
17 expire upon March 31 of each year.

18 Every person holding any license, permit, or stamp issued
19 under the provisions of this Act shall have it in his
20 possession for immediate presentation for inspection to the
21 officers and authorized employees of the Department, any
22 sheriff, deputy sheriff, or any other peace officer making a
23 demand for it. This provision shall not apply to Department
24 owned or managed sites where it is required that all hunters
25 deposit their license or ~~permit~~ ~~or Firearm Owner's~~
26 ~~Identification Card~~ at the check station upon entering the

1 hunting areas.

2 (Source: P.A. 97-498, eff. 4-1-12; 98-800, eff. 8-1-14.)

3 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

4 Sec. 3.2a. Every person holding any license, permit or
5 stamp issued under the provisions hereof shall have it in his
6 possession for immediate presentation for inspection to the
7 officers and authorized employees of the Department, any
8 sheriff, deputy sheriff or any other peace officer making a
9 demand for it. This provision shall not apply to Department
10 owned or managed sites where it is required that all hunters
11 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
12 ~~Identification Card~~ at the check station upon entering the
13 hunting areas.

14 (Source: P.A. 85-152.)

15 Section 75. The Clerks of Courts Act is amended by changing
16 Section 27.3a as follows:

17 (705 ILCS 105/27.3a)

18 Sec. 27.3a. Fees for automated record keeping, probation
19 and court services operations, State and Conservation Police
20 operations, and e-business programs.

21 1. The expense of establishing and maintaining automated
22 record keeping systems in the offices of the clerks of the
23 circuit court shall be borne by the county. To defray such

1 expense in any county having established such an automated
2 system or which elects to establish such a system, the county
3 board may require the clerk of the circuit court in their
4 county to charge and collect a court automation fee of not less
5 than \$1 nor more than \$25 to be charged and collected by the
6 clerk of the court. Such fee shall be paid at the time of
7 filing the first pleading, paper or other appearance filed by
8 each party in all civil cases or by the defendant in any
9 felony, traffic, misdemeanor, municipal ordinance, or
10 conservation case upon a judgment of guilty or grant of
11 supervision, provided that the record keeping system which
12 processes the case category for which the fee is charged is
13 automated or has been approved for automation by the county
14 board, and provided further that no additional fee shall be
15 required if more than one party is presented in a single
16 pleading, paper or other appearance. Such fee shall be
17 collected in the manner in which all other fees or costs are
18 collected.

19 1.1. Starting on July 6, 2012 (the effective date of Public
20 Act 97-761) and pursuant to an administrative order from the
21 chief judge of the circuit or the presiding judge of the county
22 authorizing such collection, a clerk of the circuit court in
23 any county that imposes a fee pursuant to subsection 1 of this
24 Section shall also charge and collect an additional \$10
25 operations fee for probation and court services department
26 operations.

1 This additional fee shall be paid by the defendant in any
2 felony, traffic, misdemeanor, local ordinance, or conservation
3 case upon a judgment of guilty or grant of supervision, except
4 such \$10 operations fee shall not be charged and collected in
5 cases governed by Supreme Court Rule 529 in which the bail
6 amount is \$120 or less.

7 1.2. With respect to the fee imposed and collected under
8 subsection 1.1 of this Section, each clerk shall transfer all
9 fees monthly to the county treasurer for deposit into the
10 probation and court services fund created under Section 15.1 of
11 the Probation and Probation Officers Act, and such monies shall
12 be disbursed from the fund only at the direction of the chief
13 judge of the circuit or another judge designated by the Chief
14 Circuit Judge in accordance with the policies and guidelines
15 approved by the Supreme Court.

16 1.5. Starting on June 1, 2014, a clerk of the circuit court
17 in any county that imposes a fee pursuant to subsection 1 of
18 this Section, shall charge and collect an additional fee in an
19 amount equal to the amount of the fee imposed pursuant to
20 subsection 1 of this Section, except the fee imposed under this
21 subsection may not be more than \$15. This additional fee shall
22 be paid by the defendant in any felony, traffic, misdemeanor,
23 or local ordinance case upon a judgment of guilty or grant of
24 supervision. This fee shall not be paid by the defendant for
25 any violation listed in subsection 1.6 of this Section.

26 1.6. Starting on June 1, 2014, a clerk of the circuit court

1 in any county that imposes a fee pursuant to subsection 1 of
2 this Section shall charge and collect an additional fee in an
3 amount equal to the amount of the fee imposed pursuant to
4 subsection 1 of this Section, except the fee imposed under this
5 subsection may not be more than \$15. This additional fee shall
6 be paid by the defendant upon a judgment of guilty or grant of
7 supervision for a violation under the State Parks Act, the
8 Recreational Trails of Illinois Act, the Illinois Explosives
9 Act, the Timber Buyers Licensing Act, the Forest Products
10 Transportation Act, ~~the Firearm Owners Identification Card~~
11 ~~Act~~, the Environmental Protection Act, the Fish and Aquatic
12 Life Code, the Wildlife Code, the Cave Protection Act, the
13 Illinois Exotic Weed Act, the Illinois Forestry Development
14 Act, the Ginseng Harvesting Act, the Illinois Lake Management
15 Program Act, the Illinois Natural Areas Preservation Act, the
16 Illinois Open Land Trust Act, the Open Space Lands Acquisition
17 and Development Act, the Illinois Prescribed Burning Act, the
18 State Forest Act, the Water Use Act of 1983, the Illinois
19 Veteran, Youth, and Young Adult Conservation Jobs Act, the
20 Snowmobile Registration and Safety Act, the Boat Registration
21 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
22 and Fishermen Interference Prohibition Act, the Wrongful Tree
23 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
24 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
25 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
26 Criminal Code of 2012.

1 1.7. Starting on the 30th day after the effective date of
2 this amendatory Act of the 99th General Assembly, a clerk of
3 the circuit court in any county that imposes a fee pursuant to
4 subsection 1 of this Section shall also charge and collect an
5 additional \$9 e-business fee. The fee shall be paid at the time
6 of filing the first pleading, paper, or other appearance filed
7 by each party in all civil cases, except no additional fee
8 shall be required if more than one party is presented in a
9 single pleading, paper, or other appearance. The fee shall be
10 collected in the manner in which all other fees or costs are
11 collected. The fee shall be in addition to all other fees and
12 charges of the clerk, and assessable as costs, and may be
13 waived only if the judge specifically provides for the waiver
14 of the e-business fee. The fee shall not be charged in any
15 matter coming to the clerk on a change of venue, nor in any
16 proceeding to review the decision of any administrative
17 officer, agency, or body.

18 2. With respect to the fee imposed under subsection 1 of
19 this Section, each clerk shall commence such charges and
20 collections upon receipt of written notice from the chairman of
21 the county board together with a certified copy of the board's
22 resolution, which the clerk shall file of record in his office.

23 3. With respect to the fee imposed under subsection 1 of
24 this Section, such fees shall be in addition to all other fees
25 and charges of such clerks, and assessable as costs, and may be
26 waived only if the judge specifically provides for the waiver

1 of the court automation fee. The fees shall be remitted monthly
2 by such clerk to the county treasurer, to be retained by him in
3 a special fund designated as the court automation fund. The
4 fund shall be audited by the county auditor, and the board
5 shall make expenditure from the fund in payment of any cost
6 related to the automation of court records, including hardware,
7 software, research and development costs and personnel related
8 thereto, provided that the expenditure is approved by the clerk
9 of the court and by the chief judge of the circuit court or his
10 designate.

11 4. With respect to the fee imposed under subsection 1 of
12 this Section, such fees shall not be charged in any matter
13 coming to any such clerk on change of venue, nor in any
14 proceeding to review the decision of any administrative
15 officer, agency or body.

16 5. With respect to the additional fee imposed under
17 subsection 1.5 of this Section, the fee shall be remitted by
18 the circuit clerk to the State Treasurer within one month after
19 receipt for deposit into the State Police Operations Assistance
20 Fund.

21 6. With respect to the additional fees imposed under
22 subsection 1.5 of this Section, the Director of State Police
23 may direct the use of these fees for homeland security purposes
24 by transferring these fees on a quarterly basis from the State
25 Police Operations Assistance Fund into the Illinois Law
26 Enforcement Alarm Systems (ILEAS) Fund for homeland security

1 initiatives programs. The transferred fees shall be allocated,
2 subject to the approval of the ILEAS Executive Board, as
3 follows: (i) 66.6% shall be used for homeland security
4 initiatives and (ii) 33.3% shall be used for airborne
5 operations. The ILEAS Executive Board shall annually supply the
6 Director of State Police with a report of the use of these
7 fees.

8 7. With respect to the additional fee imposed under
9 subsection 1.6 of this Section, the fee shall be remitted by
10 the circuit clerk to the State Treasurer within one month after
11 receipt for deposit into the Conservation Police Operations
12 Assistance Fund.

13 8. With respect to the fee imposed under subsection 1.7 of
14 this Section, the clerk shall remit the fee to the State
15 Treasurer within one month after receipt for deposit into the
16 Supreme Court Special Purposes Fund. Unless otherwise
17 authorized by this Act, the moneys deposited into the Supreme
18 Court Special Purposes Fund under this subsection are not
19 subject to administrative charges or chargebacks under Section
20 of the State Treasurer Act.

21 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
22 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

23 Section 80. The Criminal Code of 2012 is amended by
24 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
25 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,

1 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as follows:

2 (720 ILCS 5/2-7.1)

3 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".
4 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any
5 self-contained cartridge or shotgun shell, by whatever name
6 known, which is designed to be used or adaptable to use in a
7 firearm; excluding, however:

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signalling or safety and required
10 or recommended by the United States Coast Guard or the
11 Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a stud
13 or rivet driver or other similar industrial ammunition ~~have the~~
14 ~~meanings ascribed to them in Section 1.1 of the Firearm Owners~~
15 ~~Identification Card Act.~~

16 (Source: P.A. 91-544, eff. 1-1-00.)

17 (720 ILCS 5/2-7.5)

18 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
19 specific Section, "firearm" means any device, by whatever name
20 known, which is designed to expel a projectile or projectiles
21 by the action of an explosion, expansion of gas or escape of
22 gas; excluding, however:

23 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
24 gun which expels a single globular projectile not exceeding .18

1 inch in diameter or which has a maximum muzzle velocity of less
2 than 700 feet per second;

3 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B
4 gun which expels breakable paint balls containing washable
5 marking colors;

6 (2) any device used exclusively for signalling or safety
7 and required or recommended by the United States Coast Guard or
8 the Interstate Commerce Commission;

9 (3) any device used exclusively for the firing of stud
10 cartridges, explosive rivets, or similar industrial
11 ammunition; and

12 (4) an antique firearm (other than a machine-gun) which,
13 although designed as a weapon, the Department of State Police
14 finds by reason of the date of its manufacture, value, design,
15 and other characteristics is primarily a collector's item and
16 is not likely to be used as a weapon ~~has the meaning ascribed~~
17 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~
18 ~~Act.~~

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

21 Sec. 12-3.05. Aggravated battery.

22 (a) Offense based on injury. A person commits aggravated
23 battery when, in committing a battery, other than by the
24 discharge of a firearm, he or she knowingly does any of the
25 following:

1 (1) Causes great bodily harm or permanent disability or
2 disfigurement.

3 (2) Causes severe and permanent disability, great
4 bodily harm, or disfigurement by means of a caustic or
5 flammable substance, a poisonous gas, a deadly biological
6 or chemical contaminant or agent, a radioactive substance,
7 or a bomb or explosive compound.

8 (3) Causes great bodily harm or permanent disability or
9 disfigurement to an individual whom the person knows to be
10 a peace officer, community policing volunteer, fireman,
11 private security officer, correctional institution
12 employee, or Department of Human Services employee
13 supervising or controlling sexually dangerous persons or
14 sexually violent persons:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (4) Causes great bodily harm or permanent disability or
21 disfigurement to an individual 60 years of age or older.

22 (5) Strangles another individual.

23 (b) Offense based on injury to a child or person with an
24 intellectual disability. A person who is at least 18 years of
25 age commits aggravated battery when, in committing a battery,
26 he or she knowingly and without legal justification by any

1 means:

2 (1) causes great bodily harm or permanent disability or
3 disfigurement to any child under the age of 13 years, or to
4 any person with a severe or profound intellectual
5 disability; or

6 (2) causes bodily harm or disability or disfigurement
7 to any child under the age of 13 years or to any person
8 with a severe or profound intellectual disability.

9 (c) Offense based on location of conduct. A person commits
10 aggravated battery when, in committing a battery, other than by
11 the discharge of a firearm, he or she is or the person battered
12 is on or about a public way, public property, a public place of
13 accommodation or amusement, a sports venue, or a domestic
14 violence shelter.

15 (d) Offense based on status of victim. A person commits
16 aggravated battery when, in committing a battery, other than by
17 discharge of a firearm, he or she knows the individual battered
18 to be any of the following:

19 (1) A person 60 years of age or older.

20 (2) A person who is pregnant or has a physical
21 disability.

22 (3) A teacher or school employee upon school grounds or
23 grounds adjacent to a school or in any part of a building
24 used for school purposes.

25 (4) A peace officer, community policing volunteer,
26 fireman, private security officer, correctional

1 institution employee, or Department of Human Services
2 employee supervising or controlling sexually dangerous
3 persons or sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (5) A judge, emergency management worker, emergency
10 medical services personnel, or utility worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (6) An officer or employee of the State of Illinois, a
17 unit of local government, or a school district, while
18 performing his or her official duties.

19 (7) A transit employee performing his or her official
20 duties, or a transit passenger.

21 (8) A taxi driver on duty.

22 (9) A merchant who detains the person for an alleged
23 commission of retail theft under Section 16-26 of this Code
24 and the person without legal justification by any means
25 causes bodily harm to the merchant.

26 (10) A person authorized to serve process under Section

1 2-202 of the Code of Civil Procedure or a special process
2 server appointed by the circuit court while that individual
3 is in the performance of his or her duties as a process
4 server.

5 (11) A nurse while in the performance of his or her
6 duties as a nurse.

7 (e) Offense based on use of a firearm. A person commits
8 aggravated battery when, in committing a battery, he or she
9 knowingly does any of the following:

10 (1) Discharges a firearm, other than a machine gun or a
11 firearm equipped with a silencer, and causes any injury to
12 another person.

13 (2) Discharges a firearm, other than a machine gun or a
14 firearm equipped with a silencer, and causes any injury to
15 a person he or she knows to be a peace officer, community
16 policing volunteer, person summoned by a police officer,
17 fireman, private security officer, correctional
18 institution employee, or emergency management worker:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (3) Discharges a firearm, other than a machine gun or a
25 firearm equipped with a silencer, and causes any injury to
26 a person he or she knows to be emergency medical services

1 personnel:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (4) Discharges a firearm and causes any injury to a
8 person he or she knows to be a teacher, a student in a
9 school, or a school employee, and the teacher, student, or
10 employee is upon school grounds or grounds adjacent to a
11 school or in any part of a building used for school
12 purposes.

13 (5) Discharges a machine gun or a firearm equipped with
14 a silencer, and causes any injury to another person.

15 (6) Discharges a machine gun or a firearm equipped with
16 a silencer, and causes any injury to a person he or she
17 knows to be a peace officer, community policing volunteer,
18 person summoned by a police officer, fireman, private
19 security officer, correctional institution employee or
20 emergency management worker:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (7) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she
2 knows to be emergency medical services personnel:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (8) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to a person he or she
10 knows to be a teacher, or a student in a school, or a
11 school employee, and the teacher, student, or employee is
12 upon school grounds or grounds adjacent to a school or in
13 any part of a building used for school purposes.

14 (f) Offense based on use of a weapon or device. A person
15 commits aggravated battery when, in committing a battery, he or
16 she does any of the following:

17 (1) Uses a deadly weapon other than by discharge of a
18 firearm, or uses an air rifle as defined in Section
19 24.8-0.1 of this Code.

20 (2) Wears a hood, robe, or mask to conceal his or her
21 identity.

22 (3) Knowingly and without lawful justification shines
23 or flashes a laser gunsight or other laser device attached
24 to a firearm, or used in concert with a firearm, so that
25 the laser beam strikes upon or against the person of
26 another.

1 (4) Knowingly video or audio records the offense with
2 the intent to disseminate the recording.

3 (g) Offense based on certain conduct. A person commits
4 aggravated battery when, other than by discharge of a firearm,
5 he or she does any of the following:

6 (1) Violates Section 401 of the Illinois Controlled
7 Substances Act by unlawfully delivering a controlled
8 substance to another and any user experiences great bodily
9 harm or permanent disability as a result of the injection,
10 inhalation, or ingestion of any amount of the controlled
11 substance.

12 (2) Knowingly administers to an individual or causes
13 him or her to take, without his or her consent or by threat
14 or deception, and for other than medical purposes, any
15 intoxicating, poisonous, stupefying, narcotic, anesthetic,
16 or controlled substance, or gives to another person any
17 food containing any substance or object intended to cause
18 physical injury if eaten.

19 (3) Knowingly causes or attempts to cause a
20 correctional institution employee or Department of Human
21 Services employee to come into contact with blood, seminal
22 fluid, urine, or feces by throwing, tossing, or expelling
23 the fluid or material, and the person is an inmate of a
24 penal institution or is a sexually dangerous person or
25 sexually violent person in the custody of the Department of
26 Human Services.

1 (h) Sentence. Unless otherwise provided, aggravated
2 battery is a Class 3 felony.

3 Aggravated battery as defined in subdivision (a)(4),
4 (d)(4), or (g)(3) is a Class 2 felony.

5 Aggravated battery as defined in subdivision (a)(3) or
6 (g)(1) is a Class 1 felony.

7 Aggravated battery as defined in subdivision (a)(1) is a
8 Class 1 felony when the aggravated battery was intentional and
9 involved the infliction of torture, as defined in paragraph
10 (14) of subsection (b) of Section 9-1 of this Code, as the
11 infliction of or subjection to extreme physical pain, motivated
12 by an intent to increase or prolong the pain, suffering, or
13 agony of the victim.

14 Aggravated battery under subdivision (a)(5) is a Class 1
15 felony if:

16 (A) the person used or attempted to use a dangerous
17 instrument while committing the offense; or

18 (B) the person caused great bodily harm or permanent
19 disability or disfigurement to the other person while
20 committing the offense; or

21 (C) the person has been previously convicted of a
22 violation of subdivision (a)(5) under the laws of this
23 State or laws similar to subdivision (a)(5) of any other
24 state.

25 Aggravated battery as defined in subdivision (e)(1) is a
26 Class X felony.

1 Aggravated battery as defined in subdivision (a)(2) is a
2 Class X felony for which a person shall be sentenced to a term
3 of imprisonment of a minimum of 6 years and a maximum of 45
4 years.

5 Aggravated battery as defined in subdivision (e)(5) is a
6 Class X felony for which a person shall be sentenced to a term
7 of imprisonment of a minimum of 12 years and a maximum of 45
8 years.

9 Aggravated battery as defined in subdivision (e)(2),
10 (e)(3), or (e)(4) is a Class X felony for which a person shall
11 be sentenced to a term of imprisonment of a minimum of 15 years
12 and a maximum of 60 years.

13 Aggravated battery as defined in subdivision (e)(6),
14 (e)(7), or (e)(8) is a Class X felony for which a person shall
15 be sentenced to a term of imprisonment of a minimum of 20 years
16 and a maximum of 60 years.

17 Aggravated battery as defined in subdivision (b)(1) is a
18 Class X felony, except that:

19 (1) if the person committed the offense while armed
20 with a firearm, 15 years shall be added to the term of
21 imprisonment imposed by the court;

22 (2) if, during the commission of the offense, the
23 person personally discharged a firearm, 20 years shall be
24 added to the term of imprisonment imposed by the court;

25 (3) if, during the commission of the offense, the
26 person personally discharged a firearm that proximately

1 caused great bodily harm, permanent disability, permanent
2 disfigurement, or death to another person, 25 years or up
3 to a term of natural life shall be added to the term of
4 imprisonment imposed by the court.

5 (i) Definitions. For the purposes of this Section:

6 "Building or other structure used to provide shelter" has
7 the meaning ascribed to "shelter" in Section 1 of the Domestic
8 Violence Shelters Act.

9 "Domestic violence" has the meaning ascribed to it in
10 Section 103 of the Illinois Domestic Violence Act of 1986.

11 "Domestic violence shelter" means any building or other
12 structure used to provide shelter or other services to victims
13 or to the dependent children of victims of domestic violence
14 pursuant to the Illinois Domestic Violence Act of 1986 or the
15 Domestic Violence Shelters Act, or any place within 500 feet of
16 such a building or other structure in the case of a person who
17 is going to or from such a building or other structure.

18 "Firearm" has the meaning provided under Section 2-7.5 of
19 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
20 and does not include an air rifle as defined by Section
21 24.8-0.1 of this Code.

22 "Machine gun" has the meaning ascribed to it in Section
23 24-1 of this Code.

24 "Merchant" has the meaning ascribed to it in Section 16-0.1
25 of this Code.

26 "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by
2 applying pressure on the throat or neck of that individual or
3 by blocking the nose or mouth of that individual.

4 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
5 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

6 (720 ILCS 5/16-0.1)

7 Sec. 16-0.1. Definitions. In this Article, unless the
8 context clearly requires otherwise, the following terms are
9 defined as indicated:

10 "Access" means to use, instruct, communicate with, store
11 data in, retrieve or intercept data from, or otherwise utilize
12 any services of a computer.

13 "Coin-operated machine" includes any automatic vending
14 machine or any part thereof, parking meter, coin telephone,
15 coin-operated transit turnstile, transit fare box, coin
16 laundry machine, coin dry cleaning machine, amusement machine,
17 music machine, vending machine dispensing goods or services, or
18 money changer.

19 "Communication device" means any type of instrument,
20 device, machine, or equipment which is capable of transmitting,
21 acquiring, decrypting, or receiving any telephonic,
22 electronic, data, Internet access, audio, video, microwave, or
23 radio transmissions, signals, communications, or services,
24 including the receipt, acquisition, transmission, or
25 decryption of all such communications, transmissions, signals,

1 or services provided by or through any cable television, fiber
2 optic, telephone, satellite, microwave, radio, Internet-based,
3 data transmission, or wireless distribution network, system or
4 facility; or any part, accessory, or component thereof,
5 including any computer circuit, security module, smart card,
6 software, computer chip, electronic mechanism or other
7 component, accessory or part of any communication device which
8 is capable of facilitating the transmission, decryption,
9 acquisition or reception of all such communications,
10 transmissions, signals, or services.

11 "Communication service" means any service lawfully
12 provided for a charge or compensation to facilitate the lawful
13 origination, transmission, emission, or reception of signs,
14 signals, data, writings, images, and sounds or intelligence of
15 any nature by telephone, including cellular telephones or a
16 wire, wireless, radio, electromagnetic, photo-electronic or
17 photo-optical system; and also any service lawfully provided by
18 any radio, telephone, cable television, fiber optic,
19 satellite, microwave, Internet-based or wireless distribution
20 network, system, facility or technology, including, but not
21 limited to, any and all electronic, data, video, audio,
22 Internet access, telephonic, microwave and radio
23 communications, transmissions, signals and services, and any
24 such communications, transmissions, signals and services
25 lawfully provided directly or indirectly by or through any of
26 those networks, systems, facilities or technologies.

1 "Communication service provider" means: (1) any person or
2 entity providing any communication service, whether directly
3 or indirectly, as a reseller, including, but not limited to, a
4 cellular, paging or other wireless communications company or
5 other person or entity which, for a fee, supplies the facility,
6 cell site, mobile telephone switching office or other equipment
7 or communication service; (2) any person or entity owning or
8 operating any cable television, fiber optic, satellite,
9 telephone, wireless, microwave, radio, data transmission or
10 Internet-based distribution network, system or facility; and
11 (3) any person or entity providing any communication service
12 directly or indirectly by or through any such distribution
13 system, network or facility.

14 "Computer" means a device that accepts, processes, stores,
15 retrieves or outputs data, and includes but is not limited to
16 auxiliary storage and telecommunications devices connected to
17 computers.

18 "Continuing course of conduct" means a series of acts, and
19 the accompanying mental state necessary for the crime in
20 question, irrespective of whether the series of acts are
21 continuous or intermittent.

22 "Delivery container" means any bakery basket of wire or
23 plastic used to transport or store bread or bakery products,
24 any dairy case of wire or plastic used to transport or store
25 dairy products, and any dolly or cart of 2 or 4 wheels used to
26 transport or store any bakery or dairy product.

1 "Document-making implement" means any implement,
2 impression, template, computer file, computer disc, electronic
3 device, computer hardware, computer software, instrument, or
4 device that is used to make a real or fictitious or fraudulent
5 personal identification document.

6 "Financial transaction device" means any of the following:

7 (1) An electronic funds transfer card.

8 (2) A credit card.

9 (3) A debit card.

10 (4) A point-of-sale card.

11 (5) Any instrument, device, card, plate, code, account
12 number, personal identification number, or a record or copy
13 of a code, account number, or personal identification
14 number or other means of access to a credit account or
15 deposit account, or a driver's license or State
16 identification card used to access a proprietary account,
17 other than access originated solely by a paper instrument,
18 that can be used alone or in conjunction with another
19 access device, for any of the following purposes:

20 (A) Obtaining money, cash refund or credit
21 account, credit, goods, services, or any other thing of
22 value.

23 (B) Certifying or guaranteeing to a person or
24 business the availability to the device holder of funds
25 on deposit to honor a draft or check payable to the
26 order of that person or business.

1 (C) Providing the device holder access to a deposit
2 account for the purpose of making deposits,
3 withdrawing funds, transferring funds between deposit
4 accounts, obtaining information pertaining to a
5 deposit account, or making an electronic funds
6 transfer.

7 "Full retail value" means the merchant's stated or
8 advertised price of the merchandise. "Full retail value"
9 includes the aggregate value of property obtained from retail
10 thefts committed by the same person as part of a continuing
11 course of conduct from one or more mercantile establishments in
12 a single transaction or in separate transactions over a period
13 of one year.

14 "Internet" means an interactive computer service or system
15 or an information service, system, or access software provider
16 that provides or enables computer access by multiple users to a
17 computer server, and includes, but is not limited to, an
18 information service, system, or access software provider that
19 provides access to a network system commonly known as the
20 Internet, or any comparable system or service and also
21 includes, but is not limited to, a World Wide Web page,
22 newsgroup, message board, mailing list, or chat area on any
23 interactive computer service or system or other online service.

24 "Library card" means a card or plate issued by a library
25 facility for purposes of identifying the person to whom the
26 library card was issued as authorized to borrow library

1 material, subject to all limitations and conditions imposed on
2 the borrowing by the library facility issuing such card.

3 "Library facility" includes any public library or museum,
4 or any library or museum of an educational, historical or
5 eleemosynary institution, organization or society.

6 "Library material" includes any book, plate, picture,
7 photograph, engraving, painting, sculpture, statue, artifact,
8 drawing, map, newspaper, pamphlet, broadside, magazine,
9 manuscript, document, letter, microfilm, sound recording,
10 audiovisual material, magnetic or other tape, electronic data
11 processing record or other documentary, written or printed
12 material regardless of physical form or characteristics, or any
13 part thereof, belonging to, or on loan to or otherwise in the
14 custody of a library facility.

15 "Manufacture or assembly of an unlawful access device"
16 means to make, produce or assemble an unlawful access device or
17 to modify, alter, program or re-program any instrument, device,
18 machine, equipment or software so that it is capable of
19 defeating or circumventing any technology, device or software
20 used by the provider, owner or licensee of a communication
21 service or of any data, audio or video programs or
22 transmissions to protect any such communication, data, audio or
23 video services, programs or transmissions from unauthorized
24 access, acquisition, disclosure, receipt, decryption,
25 communication, transmission or re-transmission.

26 "Manufacture or assembly of an unlawful communication

1 device" means to make, produce or assemble an unlawful
2 communication or wireless device or to modify, alter, program
3 or reprogram a communication or wireless device to be capable
4 of acquiring, disrupting, receiving, transmitting, decrypting,
5 or facilitating the acquisition, disruption, receipt,
6 transmission or decryption of, a communication service without
7 the express consent or express authorization of the
8 communication service provider, or to knowingly assist others
9 in those activities.

10 "Master sound recording" means the original physical
11 object on which a given set of sounds were first recorded and
12 which the original object from which all subsequent sound
13 recordings embodying the same set of sounds are directly or
14 indirectly derived.

15 "Merchandise" means any item of tangible personal
16 property, including motor fuel.

17 "Merchant" means an owner or operator of any retail
18 mercantile establishment or any agent, employee, lessee,
19 consignee, officer, director, franchisee, or independent
20 contractor of the owner or operator. "Merchant" also means a
21 person who receives from an authorized user of a payment card,
22 or someone the person believes to be an authorized user, a
23 payment card or information from a payment card, or what the
24 person believes to be a payment card or information from a
25 payment card, as the instrument for obtaining, purchasing or
26 receiving goods, services, money, or anything else of value

1 from the person.

2 "Motor fuel" means a liquid, regardless of its properties,
3 used to propel a vehicle, including gasoline and diesel.

4 "Online" means the use of any electronic or wireless device
5 to access the Internet.

6 "Payment card" means a credit card, charge card, debit
7 card, or any other card that is issued to an authorized card
8 user and that allows the user to obtain, purchase, or receive
9 goods, services, money, or anything else of value from a
10 merchant.

11 "Person with a disability" means a person who suffers from
12 a physical or mental impairment resulting from disease, injury,
13 functional disorder or congenital condition that impairs the
14 individual's mental or physical ability to independently
15 manage his or her property or financial resources, or both.

16 "Personal identification document" means a birth
17 certificate, a driver's license, a State identification card, a
18 public, government, or private employment identification card,
19 a social security card, a license issued under the Firearm
20 Concealed Carry Act ~~firearm owner's identification card~~, a
21 credit card, a debit card, or a passport issued to or on behalf
22 of a person other than the offender, or any document made or
23 issued, or falsely purported to have been made or issued, by or
24 under the authority of the United States Government, the State
25 of Illinois, or any other state political subdivision of any
26 state, or any other governmental or quasi-governmental

1 organization that is of a type intended for the purpose of
2 identification of an individual, or any such document made or
3 altered in a manner that it falsely purports to have been made
4 on behalf of or issued to another person or by the authority of
5 one who did not give that authority.

6 "Personal identifying information" means any of the
7 following information:

8 (1) A person's name.

9 (2) A person's address.

10 (3) A person's date of birth.

11 (4) A person's telephone number.

12 (5) A person's driver's license number or State of
13 Illinois identification card as assigned by the Secretary
14 of State of the State of Illinois or a similar agency of
15 another state.

16 (6) A person's social security number.

17 (7) A person's public, private, or government
18 employer, place of employment, or employment
19 identification number.

20 (8) The maiden name of a person's mother.

21 (9) The number assigned to a person's depository
22 account, savings account, or brokerage account.

23 (10) The number assigned to a person's credit or debit
24 card, commonly known as a "Visa Card", "MasterCard",
25 "American Express Card", "Discover Card", or other similar
26 cards whether issued by a financial institution,

1 corporation, or business entity.

2 (11) Personal identification numbers.

3 (12) Electronic identification numbers.

4 (13) Digital signals.

5 (14) User names, passwords, and any other word, number,
6 character or combination of the same usable in whole or
7 part to access information relating to a specific
8 individual, or to the actions taken, communications made or
9 received, or other activities or transactions of a specific
10 individual.

11 (15) Any other numbers or information which can be used
12 to access a person's financial resources, or to identify a
13 specific individual, or the actions taken, communications
14 made or received, or other activities or transactions of a
15 specific individual.

16 "Premises of a retail mercantile establishment" includes,
17 but is not limited to, the retail mercantile establishment; any
18 common use areas in shopping centers; and all parking areas set
19 aside by a merchant or on behalf of a merchant for the parking
20 of vehicles for the convenience of the patrons of such retail
21 mercantile establishment.

22 "Public water, gas, or power supply, or other public
23 services" mean any service subject to regulation by the
24 Illinois Commerce Commission; any service furnished by a public
25 utility that is owned and operated by any political
26 subdivision, public institution of higher education or

1 municipal corporation of this State; any service furnished by
2 any public utility that is owned by such political subdivision,
3 public institution of higher education, or municipal
4 corporation and operated by any of its lessees or operating
5 agents; any service furnished by an electric cooperative as
6 defined in Section 3.4 of the Electric Supplier Act; or
7 wireless service or other service regulated by the Federal
8 Communications Commission.

9 "Publish" means to communicate or disseminate information
10 to any one or more persons, either orally, in person, or by
11 telephone, radio or television or in writing of any kind,
12 including, without limitation, a letter or memorandum,
13 circular or handbill, newspaper or magazine article or book.

14 "Radio frequency identification device" means any
15 implement, computer file, computer disc, electronic device,
16 computer hardware, computer software, or instrument that is
17 used to activate, read, receive, or decode information stored
18 on a RFID tag or transponder attached to a personal
19 identification document.

20 "RFID tag or transponder" means a chip or device that
21 contains personal identifying information from which the
22 personal identifying information can be read or decoded by
23 another device emitting a radio frequency that activates or
24 powers a radio frequency emission response from the chip or
25 transponder.

26 "Reencoder" means an electronic device that places encoded

1 information from the magnetic strip or stripe of a payment card
2 onto the magnetic strip or stripe of a different payment card.

3 "Retail mercantile establishment" means any place where
4 merchandise is displayed, held, stored or offered for sale to
5 the public.

6 "Scanning device" means a scanner, reader, or any other
7 electronic device that is used to access, read, scan, obtain,
8 memorize, or store, temporarily or permanently, information
9 encoded on the magnetic strip or stripe of a payment card.

10 "Shopping cart" means those push carts of the type or types
11 which are commonly provided by grocery stores, drug stores or
12 other retail mercantile establishments for the use of the
13 public in transporting commodities in stores and markets and,
14 incidentally, from the stores to a place outside the store.

15 "Sound or audio visual recording" means any sound or audio
16 visual phonograph record, disc, pre-recorded tape, film, wire,
17 magnetic tape or other object, device or medium, now known or
18 hereafter invented, by which sounds or images may be reproduced
19 with or without the use of any additional machine, equipment or
20 device.

21 "Theft detection device remover" means any tool or device
22 specifically designed and intended to be used to remove any
23 theft detection device from any merchandise.

24 "Under-ring" means to cause the cash register or other
25 sales recording device to reflect less than the full retail
26 value of the merchandise.

1 "Unidentified sound or audio visual recording" means a
2 sound or audio visual recording without the actual name and
3 full and correct street address of the manufacturer, and the
4 name of the actual performers or groups prominently and legibly
5 printed on the outside cover or jacket and on the label of such
6 sound or audio visual recording.

7 "Unlawful access device" means any type of instrument,
8 device, machine, equipment, technology, or software which is
9 primarily possessed, used, designed, assembled, manufactured,
10 sold, distributed or offered, promoted or advertised for the
11 purpose of defeating or circumventing any technology, device or
12 software, or any component or part thereof, used by the
13 provider, owner or licensee of any communication service or of
14 any data, audio or video programs or transmissions to protect
15 any such communication, audio or video services, programs or
16 transmissions from unauthorized access, acquisition, receipt,
17 decryption, disclosure, communication, transmission or
18 re-transmission.

19 "Unlawful communication device" means any electronic
20 serial number, mobile identification number, personal
21 identification number or any communication or wireless device
22 that is capable of acquiring or facilitating the acquisition of
23 a communication service without the express consent or express
24 authorization of the communication service provider, or that
25 has been altered, modified, programmed or reprogrammed, alone
26 or in conjunction with another communication or wireless device

1 or other equipment, to so acquire or facilitate the
2 unauthorized acquisition of a communication service. "Unlawful
3 communication device" also means:

4 (1) any phone altered to obtain service without the
5 express consent or express authorization of the
6 communication service provider, tumbler phone, counterfeit
7 or clone phone, tumbler microchip, counterfeit or clone
8 microchip, scanning receiver of wireless communication
9 service or other instrument capable of disguising its
10 identity or location or of gaining unauthorized access to a
11 communications or wireless system operated by a
12 communication service provider; and

13 (2) any communication or wireless device which is
14 capable of, or has been altered, designed, modified,
15 programmed or reprogrammed, alone or in conjunction with
16 another communication or wireless device or devices, so as
17 to be capable of, facilitating the disruption,
18 acquisition, receipt, transmission or decryption of a
19 communication service without the express consent or
20 express authorization of the communication service
21 provider, including, but not limited to, any device,
22 technology, product, service, equipment, computer software
23 or component or part thereof, primarily distributed, sold,
24 designed, assembled, manufactured, modified, programmed,
25 reprogrammed or used for the purpose of providing the
26 unauthorized receipt of, transmission of, disruption of,

1 decryption of, access to or acquisition of any
2 communication service provided by any communication
3 service provider.

4 "Vehicle" means a motor vehicle, motorcycle, or farm
5 implement that is self-propelled and that uses motor fuel for
6 propulsion.

7 "Wireless device" includes any type of instrument, device,
8 machine, or equipment that is capable of transmitting or
9 receiving telephonic, electronic or radio communications, or
10 any part of such instrument, device, machine, or equipment, or
11 any computer circuit, computer chip, electronic mechanism, or
12 other component that is capable of facilitating the
13 transmission or reception of telephonic, electronic, or radio
14 communications.

15 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
16 1-1-12; 97-1109, eff. 1-1-13.)

17 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

18 Sec. 17-30. Defaced, altered, or removed manufacturer or
19 owner identification number.

20 (a) Unlawful sale of household appliances. A person commits
21 unlawful sale of household appliances when he or she knowingly,
22 with the intent to defraud or deceive another, keeps for sale,
23 within any commercial context, any household appliance with a
24 missing, defaced, obliterated, or otherwise altered
25 manufacturer's identification number.

1 (b) Construction equipment identification defacement. A
2 person commits construction equipment identification
3 defacement when he or she knowingly changes, alters, removes,
4 mutilates, or obliterates a permanently affixed serial number,
5 product identification number, part number, component
6 identification number, owner-applied identification, or other
7 mark of identification attached to or stamped, inscribed,
8 molded, or etched into a machine or other equipment, whether
9 stationary or mobile or self-propelled, or a part of such
10 machine or equipment, used in the construction, maintenance, or
11 demolition of buildings, structures, bridges, tunnels, sewers,
12 utility pipes or lines, ditches or open cuts, roads, highways,
13 dams, airports, or waterways or in material handling for such
14 projects.

15 The trier of fact may infer that the defendant has
16 knowingly changed, altered, removed, or obliterated the serial
17 number, product identification number, part number, component
18 identification number, owner-applied identification number, or
19 other mark of identification, if the defendant was in
20 possession of any machine or other equipment or a part of such
21 machine or equipment used in the construction, maintenance, or
22 demolition of buildings, structures, bridges, tunnels, sewers,
23 utility pipes or lines, ditches or open cuts, roads, highways,
24 dams, airports, or waterways or in material handling for such
25 projects upon which any such serial number, product
26 identification number, part number, component identification

1 number, owner-applied identification number, or other mark of
2 identification has been changed, altered, removed, or
3 obliterated.

4 (c) Defacement of manufacturer's serial number or
5 identification mark. A person commits defacement of a
6 manufacturer's serial number or identification mark when he or
7 she knowingly removes, alters, defaces, covers, or destroys the
8 manufacturer's serial number or any other manufacturer's
9 number or distinguishing identification mark upon any machine
10 or other article of merchandise, other than a motor vehicle as
11 defined in Section 1-146 of the Illinois Vehicle Code or a
12 firearm ~~as defined in the Firearm Owners Identification Card~~
13 ~~Act~~, with the intent of concealing or destroying the identity
14 of such machine or other article of merchandise.

15 (d) Sentence.

16 (1) A violation of subsection (a) of this Section is a
17 Class 4 felony if the value of the appliance or appliances
18 exceeds \$1,000 and a Class B misdemeanor if the value of
19 the appliance or appliances is \$1,000 or less.

20 (2) A violation of subsection (b) of this Section is a
21 Class A misdemeanor.

22 (3) A violation of subsection (c) of this Section is a
23 Class B misdemeanor.

24 (e) No liability shall be imposed upon any person for the
25 unintentional failure to comply with subsection (a).

26 (f) Definitions. In this Section:

1 "Commercial context" means a continuing business
2 enterprise conducted for profit by any person whose primary
3 business is the wholesale or retail marketing of household
4 appliances, or a significant portion of whose business or
5 inventory consists of household appliances kept or sold on a
6 wholesale or retail basis.

7 "Household appliance" means any gas or electric device or
8 machine marketed for use as home entertainment or for
9 facilitating or expediting household tasks or chores. The term
10 shall include but not necessarily be limited to refrigerators,
11 freezers, ranges, radios, television sets, vacuum cleaners,
12 toasters, dishwashers, and other similar household items.

13 "Manufacturer's identification number" means any serial
14 number or other similar numerical or alphabetical designation
15 imprinted upon or attached to or placed, stamped, or otherwise
16 imprinted upon or attached to a household appliance or item by
17 the manufacturer for purposes of identifying a particular
18 appliance or item individually or by lot number.

19 (Source: P.A. 96-1551, eff. 7-1-11.)

20 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

21 Sec. 24-1. Unlawful use of weapons.

22 (a) A person commits the offense of unlawful use of weapons
23 when he knowingly:

24 (1) Sells, manufactures, purchases, possesses or
25 carries any bludgeon, black-jack, slung-shot, sand-club,

1 sand-bag, metal knuckles or other knuckle weapon
2 regardless of its composition, throwing star, or any knife,
3 commonly referred to as a switchblade knife, which has a
4 blade that opens automatically by hand pressure applied to
5 a button, spring or other device in the handle of the
6 knife, or a ballistic knife, which is a device that propels
7 a knifelike blade as a projectile by means of a coil
8 spring, elastic material or compressed gas; or

9 (2) Carries or possesses with intent to use the same
10 unlawfully against another, a dagger, dirk, billy,
11 dangerous knife, razor, stiletto, broken bottle or other
12 piece of glass, stun gun or taser or any other dangerous or
13 deadly weapon or instrument of like character; or

14 (3) Carries on or about his person or in any vehicle, a
15 tear gas gun projector or bomb or any object containing
16 noxious liquid gas or substance, other than an object
17 containing a non-lethal noxious liquid gas or substance
18 designed solely for personal defense carried by a person 18
19 years of age or older; or

20 (4) Carries or possesses in any vehicle or concealed on
21 or about his person except when on his land or in his own
22 abode, legal dwelling, or fixed place of business, or on
23 the land or in the legal dwelling of another person as an
24 invitee with that person's permission, any pistol,
25 revolver, stun gun or taser or other firearm, except that
26 this subsection (a) (4) does not apply to or affect

1 transportation of weapons that meet one of the following
2 conditions:

3 (i) are broken down in a non-functioning state; or

4 (ii) are not immediately accessible; or

5 (iii) are unloaded and enclosed in a case, firearm
6 carrying box, shipping box, or other container by a
7 person eligible under State and federal law to possess
8 a firearm ~~who has been issued a currently valid Firearm~~
9 ~~Owner's Identification Card~~; or

10 (iv) are carried or possessed in accordance with
11 the Firearm Concealed Carry Act by a person who has
12 been issued a currently valid license under the Firearm
13 Concealed Carry Act; or

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind
16 designed, used or intended for use in silencing the report
17 of any firearm; or

18 (7) Sells, manufactures, purchases, possesses or
19 carries:

20 (i) a machine gun, which shall be defined for the
21 purposes of this subsection as any weapon, which
22 shoots, is designed to shoot, or can be readily
23 restored to shoot, automatically more than one shot
24 without manually reloading by a single function of the
25 trigger, including the frame or receiver of any such
26 weapon, or sells, manufactures, purchases, possesses,

1 or carries any combination of parts designed or
2 intended for use in converting any weapon into a
3 machine gun, or any combination or parts from which a
4 machine gun can be assembled if such parts are in the
5 possession or under the control of a person;

6 (ii) any rifle having one or more barrels less than
7 16 inches in length or a shotgun having one or more
8 barrels less than 18 inches in length or any weapon
9 made from a rifle or shotgun, whether by alteration,
10 modification, or otherwise, if such a weapon as
11 modified has an overall length of less than 26 inches;
12 or

13 (iii) any bomb, bomb-shell, grenade, bottle or
14 other container containing an explosive substance of
15 over one-quarter ounce for like purposes, such as, but
16 not limited to, black powder bombs and Molotov
17 cocktails or artillery projectiles; or

18 (8) Carries or possesses any firearm, stun gun or taser
19 or other deadly weapon in any place which is licensed to
20 sell intoxicating beverages, or at any public gathering
21 held pursuant to a license issued by any governmental body
22 or any public gathering at which an admission is charged,
23 excluding a place where a showing, demonstration or lecture
24 involving the exhibition of unloaded firearms is
25 conducted.

26 This subsection (a) (8) does not apply to any auction or

1 raffle of a firearm held pursuant to a license or permit
2 issued by a governmental body, nor does it apply to persons
3 engaged in firearm safety training courses; or

4 (9) Carries or possesses in a vehicle or on or about
5 his person any pistol, revolver, stun gun or taser or
6 firearm or ballistic knife, when he is hooded, robed or
7 masked in such manner as to conceal his identity; or

8 (10) Carries or possesses on or about his person, upon
9 any public street, alley, or other public lands within the
10 corporate limits of a city, village or incorporated town,
11 except when an invitee thereon or therein, for the purpose
12 of the display of such weapon or the lawful commerce in
13 weapons, or except when on his land or in his own abode,
14 legal dwelling, or fixed place of business, or on the land
15 or in the legal dwelling of another person as an invitee
16 with that person's permission, any pistol, revolver, stun
17 gun or taser or other firearm, except that this subsection
18 (a) (10) does not apply to or affect transportation of
19 weapons that meet one of the following conditions:

20 (i) are broken down in a non-functioning state; or

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case, firearm
23 carrying box, shipping box, or other container by a
24 person eligible under State and federal law to possess
25 a firearm ~~who has been issued a currently valid Firearm~~
26 ~~Owner's Identification Card~~; or

1 (iv) are carried or possessed in accordance with
2 the Firearm Concealed Carry Act by a person who has
3 been issued a currently valid license under the Firearm
4 Concealed Carry Act.

5 A "stun gun or taser", as used in this paragraph (a)
6 means (i) any device which is powered by electrical
7 charging units, such as, batteries, and which fires one or
8 several barbs attached to a length of wire and which, upon
9 hitting a human, can send out a current capable of
10 disrupting the person's nervous system in such a manner as
11 to render him incapable of normal functioning or (ii) any
12 device which is powered by electrical charging units, such
13 as batteries, and which, upon contact with a human or
14 clothing worn by a human, can send out current capable of
15 disrupting the person's nervous system in such a manner as
16 to render him incapable of normal functioning; or

17 (11) Sells, manufactures or purchases any explosive
18 bullet. For purposes of this paragraph (a) "explosive
19 bullet" means the projectile portion of an ammunition
20 cartridge which contains or carries an explosive charge
21 which will explode upon contact with the flesh of a human
22 or an animal. "Cartridge" means a tubular metal case having
23 a projectile affixed at the front thereof and a cap or
24 primer at the rear end thereof, with the propellant
25 contained in such tube between the projectile and the cap;
26 or

1 (12) (Blank); or

2 (13) Carries or possesses on or about his or her person
3 while in a building occupied by a unit of government, a
4 billy club, other weapon of like character, or other
5 instrument of like character intended for use as a weapon.
6 For the purposes of this Section, "billy club" means a
7 short stick or club commonly carried by police officers
8 which is either telescopic or constructed of a solid piece
9 of wood or other man-made material.

10 (b) Sentence. A person convicted of a violation of
11 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
12 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
13 Class A misdemeanor. A person convicted of a violation of
14 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
15 person convicted of a violation of subsection 24-1(a)(6) or
16 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
17 convicted of a violation of subsection 24-1(a)(7)(i) commits a
18 Class 2 felony and shall be sentenced to a term of imprisonment
19 of not less than 3 years and not more than 7 years, unless the
20 weapon is possessed in the passenger compartment of a motor
21 vehicle as defined in Section 1-146 of the Illinois Vehicle
22 Code, or on the person, while the weapon is loaded, in which
23 case it shall be a Class X felony. A person convicted of a
24 second or subsequent violation of subsection 24-1(a)(4),
25 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
26 felony. The possession of each weapon in violation of this

1 Section constitutes a single and separate violation.

2 (c) Violations in specific places.

3 (1) A person who violates subsection 24-1(a)(6) or
4 24-1(a)(7) in any school, regardless of the time of day or
5 the time of year, in residential property owned, operated
6 or managed by a public housing agency or leased by a public
7 housing agency as part of a scattered site or mixed-income
8 development, in a public park, in a courthouse, on the real
9 property comprising any school, regardless of the time of
10 day or the time of year, on residential property owned,
11 operated or managed by a public housing agency or leased by
12 a public housing agency as part of a scattered site or
13 mixed-income development, on the real property comprising
14 any public park, on the real property comprising any
15 courthouse, in any conveyance owned, leased or contracted
16 by a school to transport students to or from school or a
17 school related activity, in any conveyance owned, leased,
18 or contracted by a public transportation agency, or on any
19 public way within 1,000 feet of the real property
20 comprising any school, public park, courthouse, public
21 transportation facility, or residential property owned,
22 operated, or managed by a public housing agency or leased
23 by a public housing agency as part of a scattered site or
24 mixed-income development commits a Class 2 felony and shall
25 be sentenced to a term of imprisonment of not less than 3
26 years and not more than 7 years.

1 (1.5) A person who violates subsection 24-1(a)(4),
2 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
3 time of day or the time of year, in residential property
4 owned, operated, or managed by a public housing agency or
5 leased by a public housing agency as part of a scattered
6 site or mixed-income development, in a public park, in a
7 courthouse, on the real property comprising any school,
8 regardless of the time of day or the time of year, on
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development, on
12 the real property comprising any public park, on the real
13 property comprising any courthouse, in any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related activity, in
16 any conveyance owned, leased, or contracted by a public
17 transportation agency, or on any public way within 1,000
18 feet of the real property comprising any school, public
19 park, courthouse, public transportation facility, or
20 residential property owned, operated, or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development
23 commits a Class 3 felony.

24 (2) A person who violates subsection 24-1(a)(1),
25 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
26 time of day or the time of year, in residential property

1 owned, operated or managed by a public housing agency or
2 leased by a public housing agency as part of a scattered
3 site or mixed-income development, in a public park, in a
4 courthouse, on the real property comprising any school,
5 regardless of the time of day or the time of year, on
6 residential property owned, operated or managed by a public
7 housing agency or leased by a public housing agency as part
8 of a scattered site or mixed-income development, on the
9 real property comprising any public park, on the real
10 property comprising any courthouse, in any conveyance
11 owned, leased or contracted by a school to transport
12 students to or from school or a school related activity, in
13 any conveyance owned, leased, or contracted by a public
14 transportation agency, or on any public way within 1,000
15 feet of the real property comprising any school, public
16 park, courthouse, public transportation facility, or
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development
20 commits a Class 4 felony. "Courthouse" means any building
21 that is used by the Circuit, Appellate, or Supreme Court of
22 this State for the conduct of official business.

23 (3) Paragraphs (1), (1.5), and (2) of this subsection
24 (c) shall not apply to law enforcement officers or security
25 officers of such school, college, or university or to
26 students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on
2 school ranges, or otherwise with the consent of school
3 authorities and which firearms are transported unloaded
4 enclosed in a suitable case, box, or transportation
5 package.

6 (4) For the purposes of this subsection (c), "school"
7 means any public or private elementary or secondary school,
8 community college, college, or university.

9 (5) For the purposes of this subsection (c), "public
10 transportation agency" means a public or private agency
11 that provides for the transportation or conveyance of
12 persons by means available to the general public, except
13 for transportation by automobiles not used for conveyance
14 of the general public as passengers; and "public
15 transportation facility" means a terminal or other place
16 where one may obtain public transportation.

17 (d) The presence in an automobile other than a public
18 omnibus of any weapon, instrument or substance referred to in
19 subsection (a) (7) is prima facie evidence that it is in the
20 possession of, and is being carried by, all persons occupying
21 such automobile at the time such weapon, instrument or
22 substance is found, except under the following circumstances:
23 (i) if such weapon, instrument or instrumentality is found upon
24 the person of one of the occupants therein; or (ii) if such
25 weapon, instrument or substance is found in an automobile
26 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his trade, then such presumption shall
2 not apply to the driver.

3 (e) Exemptions. Crossbows, Common or Compound bows and
4 Underwater Spearguns are exempted from the definition of
5 ballistic knife as defined in paragraph (1) of subsection (a)
6 of this Section.

7 (Source: P.A. 99-29, eff. 7-10-15.)

8 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

9 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
10 Felons or Persons in the Custody of the Department of
11 Corrections Facilities.

12 (a) It is unlawful for a person to knowingly possess on or
13 about his person or on his land or in his own abode or fixed
14 place of business any weapon prohibited under Section 24-1 of
15 this Act or any firearm or any firearm ammunition if the person
16 has been convicted of a felony under the laws of this State or
17 any other jurisdiction. This Section shall not apply if the
18 person has been granted relief under this subsection ~~by the~~
19 ~~Director of the Department of State Police under Section 10 of~~
20 ~~the Firearm Owners Identification Card Act.~~ A person prohibited
21 from possessing a firearm under this subsection (a) may
22 petition the Director of State Police for a hearing and relief
23 from the prohibition, unless the prohibition was based upon a
24 forcible felony, stalking, aggravated stalking, domestic
25 battery, any violation of the Illinois Controlled Substances

1 Act, the Methamphetamine Control and Community Protection Act,
2 or the Cannabis Control Act that is classified as a Class 2 or
3 greater felony, any felony violation of Article 24 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, or any
5 adjudication as a delinquent minor for the commission of an
6 offense that if committed by an adult would be a felony, in
7 which case the person may petition the circuit court in writing
8 in the county of his or her residence for a hearing and relief
9 from the prohibition. The Director or court may grant the
10 relief if it is established by the petitioner to the court's or
11 Director's satisfaction that:

12 (1) when in the circuit court, the State's Attorney has
13 been served with a written copy of the petition at least 30
14 days before any hearing in the circuit court and at the
15 hearing the State's Attorney was afforded an opportunity to
16 present evidence and object to the petition;

17 (2) the petitioner has not been convicted of a forcible
18 felony under the laws of this State or any other
19 jurisdiction within 20 years of the filing of the petition,
20 or at least 20 years have passed since the end of any
21 period of imprisonment imposed in relation to that
22 conviction;

23 (3) the circumstances regarding a criminal conviction,
24 where applicable, the petitioner's criminal history and
25 his or her reputation are such that the petitioner will not
26 be likely to act in a manner dangerous to public safety;

1 (4) granting relief would not be contrary to the public
2 interest; and

3 (5) granting relief would not be contrary to federal
4 law.

5 (b) It is unlawful for any person confined in a penal
6 institution, which is a facility of the Illinois Department of
7 Corrections, to possess any weapon prohibited under Section
8 24-1 of this Code or any firearm or firearm ammunition,
9 regardless of the intent with which he possesses it.

10 (c) It shall be an affirmative defense to a violation of
11 subsection (b), that such possession was specifically
12 authorized by rule, regulation, or directive of the Illinois
13 Department of Corrections or order issued pursuant thereto.

14 (d) The defense of necessity is not available to a person
15 who is charged with a violation of subsection (b) of this
16 Section.

17 (e) Sentence. Violation of this Section by a person not
18 confined in a penal institution shall be a Class 3 felony for
19 which the person shall be sentenced to no less than 2 years and
20 no more than 10 years and any second or subsequent violation
21 shall be a Class 2 felony for which the person shall be
22 sentenced to a term of imprisonment of not less than 3 years
23 and not more than 14 years. Violation of this Section by a
24 person not confined in a penal institution who has been
25 convicted of a forcible felony, a felony violation of Article
26 24 of this Code ~~or of the Firearm Owners Identification Card~~

1 ~~Act~~, stalking or aggravated stalking, or a Class 2 or greater
2 felony under the Illinois Controlled Substances Act, the
3 Cannabis Control Act, or the Methamphetamine Control and
4 Community Protection Act is a Class 2 felony for which the
5 person shall be sentenced to not less than 3 years and not more
6 than 14 years. Violation of this Section by a person who is on
7 parole or mandatory supervised release is a Class 2 felony for
8 which the person shall be sentenced to not less than 3 years
9 and not more than 14 years. Violation of this Section by a
10 person not confined in a penal institution is a Class X felony
11 when the firearm possessed is a machine gun. Any person who
12 violates this Section while confined in a penal institution,
13 which is a facility of the Illinois Department of Corrections,
14 is guilty of a Class 1 felony, if he possesses any weapon
15 prohibited under Section 24-1 of this Code regardless of the
16 intent with which he possesses it, a Class X felony if he
17 possesses any firearm, firearm ammunition or explosive, and a
18 Class X felony for which the offender shall be sentenced to not
19 less than 12 years and not more than 50 years when the firearm
20 possessed is a machine gun. A violation of this Section while
21 wearing or in possession of body armor as defined in Section
22 33F-1 is a Class X felony punishable by a term of imprisonment
23 of not less than 10 years and not more than 40 years. The
24 possession of each firearm or firearm ammunition in violation
25 of this Section constitutes a single and separate violation.

26 (Source: P.A. 97-237, eff. 1-1-12.)

1 (720 ILCS 5/24-1.6)

2 Sec. 24-1.6. Aggravated unlawful use of a weapon.

3 (a) A person commits the offense of aggravated unlawful use
4 of a weapon when he or she knowingly:

5 (1) Carries on or about his or her person or in any
6 vehicle or concealed on or about his or her person except
7 when on his or her land or in his or her abode, legal
8 dwelling, or fixed place of business, or on the land or in
9 the legal dwelling of another person as an invitee with
10 that person's permission, any pistol, revolver, stun gun or
11 taser or other firearm; or

12 (2) Carries or possesses on or about his or her person,
13 upon any public street, alley, or other public lands within
14 the corporate limits of a city, village or incorporated
15 town, except when an invitee thereon or therein, for the
16 purpose of the display of such weapon or the lawful
17 commerce in weapons, or except when on his or her own land
18 or in his or her own abode, legal dwelling, or fixed place
19 of business, or on the land or in the legal dwelling of
20 another person as an invitee with that person's permission,
21 any pistol, revolver, stun gun or taser or other firearm;
22 and

23 (3) One of the following factors is present:

24 (A) the firearm, other than a pistol, revolver, or
25 handgun, possessed was uncased, loaded, and

1 immediately accessible at the time of the offense; or

2 (A-5) the pistol, revolver, or handgun possessed
3 was uncased, loaded, and immediately accessible at the
4 time of the offense and the person possessing the
5 pistol, revolver, or handgun has not been issued a
6 currently valid license under the Firearm Concealed
7 Carry Act; or

8 (B) the firearm, other than a pistol, revolver, or
9 handgun, possessed was uncased, unloaded, and the
10 ammunition for the weapon was immediately accessible
11 at the time of the offense; or

12 (B-5) the pistol, revolver, or handgun possessed
13 was uncased, unloaded, and the ammunition for the
14 weapon was immediately accessible at the time of the
15 offense and the person possessing the pistol,
16 revolver, or handgun has not been issued a currently
17 valid license under the Firearm Concealed Carry Act; or

18 (C) (blank); or ~~the person possessing the firearm~~
19 ~~has not been issued a currently valid Firearm Owner's~~
20 ~~Identification Card; or~~

21 (D) the person possessing the weapon was
22 previously adjudicated a delinquent minor under the
23 Juvenile Court Act of 1987 for an act that if committed
24 by an adult would be a felony; or

25 (E) the person possessing the weapon was engaged in
26 a misdemeanor violation of the Cannabis Control Act, in

1 a misdemeanor violation of the Illinois Controlled
2 Substances Act, or in a misdemeanor violation of the
3 Methamphetamine Control and Community Protection Act;
4 or

5 (F) (blank); or

6 (G) the person possessing the weapon had an ~~a~~ order
7 of protection issued against him or her within the
8 previous 2 years; or

9 (H) the person possessing the weapon was engaged in
10 the commission or attempted commission of a
11 misdemeanor involving the use or threat of violence
12 against the person or property of another; or

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun, unless the
15 person under 21 is engaged in lawful activities under
16 the Wildlife Code or described in subsection
17 24-2(b)(1), (b)(3), or 24-2(f).

18 (a-5) "Handgun" as used in this Section has the meaning
19 given to it in Section 5 of the Firearm Concealed Carry Act.

20 (b) "Stun gun or taser" as used in this Section has the
21 same definition given to it in Section 24-1 of this Code.

22 (c) This Section does not apply to or affect the
23 transportation or possession of weapons that:

24 (i) are broken down in a non-functioning state; or

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a person
2 who is eligible under State and federal law to possess a
3 firearm ~~has been issued a currently valid Firearm Owner's~~
4 ~~Identification Card.~~

5 (d) Sentence.

6 (1) Aggravated unlawful use of a weapon is a Class 4
7 felony; a second or subsequent offense is a Class 2 felony
8 for which the person shall be sentenced to a term of
9 imprisonment of not less than 3 years and not more than 7
10 years.

11 (2) (Blank). ~~Except as otherwise provided in~~
12 ~~paragraphs (3) and (4) of this subsection (d), a first~~
13 ~~offense of aggravated unlawful use of a weapon committed~~
14 ~~with a firearm by a person 18 years of age or older where~~
15 ~~the factors listed in both items (A) and (C) or both items~~
16 ~~(A 5) and (C) of paragraph (3) of subsection (a) are~~
17 ~~present is a Class 4 felony, for which the person shall be~~
18 ~~sentenced to a term of imprisonment of not less than one~~
19 ~~year and not more than 3 years.~~

20 (3) Aggravated unlawful use of a weapon by a person who
21 has been previously convicted of a felony in this State or
22 another jurisdiction is a Class 2 felony for which the
23 person shall be sentenced to a term of imprisonment of not
24 less than 3 years and not more than 7 years.

25 (4) Aggravated unlawful use of a weapon while wearing
26 or in possession of body armor as defined in Section 33F-1

1 by a person who is prohibited under State or federal law
2 from possessing a firearm ~~has not been issued a valid~~
3 ~~Firearms Owner's Identification Card in accordance with~~
4 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
5 a Class X felony.

6 (e) The possession of each firearm in violation of this
7 Section constitutes a single and separate violation.

8 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

9 (720 ILCS 5/24-1.8)

10 Sec. 24-1.8. Unlawful possession of a firearm by a street
11 gang member.

12 (a) A person commits unlawful possession of a firearm by a
13 street gang member when he or she knowingly:

14 (1) possesses, carries, or conceals on or about his or
15 her person a firearm and firearm ammunition while on any
16 street, road, alley, gangway, sidewalk, or any other lands,
17 except when inside his or her own abode or inside his or
18 her fixed place of business, ~~and has not been issued a~~
19 ~~currently valid Firearm Owner's Identification Card~~ and is
20 a member of a street gang; or

21 (2) possesses or carries in any vehicle a firearm and
22 firearm ammunition which are both immediately accessible
23 at the time of the offense while on any street, road,
24 alley, or any other lands, except when inside his or her
25 own abode or garage, ~~and has not been issued a currently~~

1 ~~valid Firearm Owner's Identification Card~~ and is a member
2 of a street gang.

3 (b) Unlawful possession of a firearm by a street gang
4 member is a Class 2 felony for which the person, if sentenced
5 to a term of imprisonment, shall be sentenced to no less than 3
6 years and no more than 10 years. A period of probation, a term
7 of periodic imprisonment or conditional discharge shall not be
8 imposed for the offense of unlawful possession of a firearm by
9 a street gang member when the firearm was loaded or contained
10 firearm ammunition and the court shall sentence the offender to
11 not less than the minimum term of imprisonment authorized for
12 the Class 2 felony.

13 (c) For purposes of this Section:

14 "Street gang" or "gang" has the meaning ascribed to it
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 "Street gang member" or "gang member" has the meaning
18 ascribed to it in Section 10 of the Illinois Streetgang
19 Terrorism Omnibus Prevention Act.

20 (Source: P.A. 96-829, eff. 12-3-09.)

21 (720 ILCS 5/24-2)

22 Sec. 24-2. Exemptions.

23 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
24 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
25 the following:

1 (1) Peace officers, and any person summoned by a peace
2 officer to assist in making arrests or preserving the
3 peace, while actually engaged in assisting such officer.

4 (2) Wardens, superintendents and keepers of prisons,
5 penitentiaries, jails and other institutions for the
6 detention of persons accused or convicted of an offense,
7 while in the performance of their official duty, or while
8 commuting between their homes and places of employment.

9 (3) Members of the Armed Services or Reserve Forces of
10 the United States or the Illinois National Guard or the
11 Reserve Officers Training Corps, while in the performance
12 of their official duty.

13 (4) Special agents employed by a railroad or a public
14 utility to perform police functions, and guards of armored
15 car companies, while actually engaged in the performance of
16 the duties of their employment or commuting between their
17 homes and places of employment; and watchmen while actually
18 engaged in the performance of the duties of their
19 employment.

20 (5) Persons licensed as private security contractors,
21 private detectives, or private alarm contractors, or
22 employed by a private security contractor, private
23 detective, or private alarm contractor agency licensed by
24 the Department of Financial and Professional Regulation,
25 if their duties include the carrying of a weapon under the
26 provisions of the Private Detective, Private Alarm,

1 Private Security, Fingerprint Vendor, and Locksmith Act of
2 2004, while actually engaged in the performance of the
3 duties of their employment or commuting between their homes
4 and places of employment. A person shall be considered
5 eligible for this exemption if he or she has completed the
6 required 20 hours of training for a private security
7 contractor, private detective, or private alarm
8 contractor, or employee of a licensed private security
9 contractor, private detective, or private alarm contractor
10 agency and 20 hours of required firearm training, and has
11 been issued a firearm control card by the Department of
12 Financial and Professional Regulation. Conditions for the
13 renewal of firearm control cards issued under the
14 provisions of this Section shall be the same as for those
15 cards issued under the provisions of the Private Detective,
16 Private Alarm, Private Security, Fingerprint Vendor, and
17 Locksmith Act of 2004. The firearm control card shall be
18 carried by the private security contractor, private
19 detective, or private alarm contractor, or employee of the
20 licensed private security contractor, private detective,
21 or private alarm contractor agency at all times when he or
22 she is in possession of a concealable weapon permitted by
23 his or her firearm control card.

24 (6) Any person regularly employed in a commercial or
25 industrial operation as a security guard for the protection
26 of persons employed and private property related to such

1 commercial or industrial operation, while actually engaged
2 in the performance of his or her duty or traveling between
3 sites or properties belonging to the employer, and who, as
4 a security guard, is a member of a security force
5 registered with the Department of Financial and
6 Professional Regulation; provided that such security guard
7 has successfully completed a course of study, approved by
8 and supervised by the Department of Financial and
9 Professional Regulation, consisting of not less than 40
10 hours of training that includes the theory of law
11 enforcement, liability for acts, and the handling of
12 weapons. A person shall be considered eligible for this
13 exemption if he or she has completed the required 20 hours
14 of training for a security officer and 20 hours of required
15 firearm training, and has been issued a firearm control
16 card by the Department of Financial and Professional
17 Regulation. Conditions for the renewal of firearm control
18 cards issued under the provisions of this Section shall be
19 the same as for those cards issued under the provisions of
20 the Private Detective, Private Alarm, Private Security,
21 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
22 control card shall be carried by the security guard at all
23 times when he or she is in possession of a concealable
24 weapon permitted by his or her firearm control card.

25 (7) Agents and investigators of the Illinois
26 Legislative Investigating Commission authorized by the

1 Commission to carry the weapons specified in subsections
2 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
3 any investigation for the Commission.

4 (8) Persons employed by a financial institution as a
5 security guard for the protection of other employees and
6 property related to such financial institution, while
7 actually engaged in the performance of their duties,
8 commuting between their homes and places of employment, or
9 traveling between sites or properties owned or operated by
10 such financial institution, and who, as a security guard,
11 is a member of a security force registered with the
12 Department; provided that any person so employed has
13 successfully completed a course of study, approved by and
14 supervised by the Department of Financial and Professional
15 Regulation, consisting of not less than 40 hours of
16 training which includes theory of law enforcement,
17 liability for acts, and the handling of weapons. A person
18 shall be considered to be eligible for this exemption if he
19 or she has completed the required 20 hours of training for
20 a security officer and 20 hours of required firearm
21 training, and has been issued a firearm control card by the
22 Department of Financial and Professional Regulation.
23 Conditions for renewal of firearm control cards issued
24 under the provisions of this Section shall be the same as
25 for those issued under the provisions of the Private
26 Detective, Private Alarm, Private Security, Fingerprint

1 Vendor, and Locksmith Act of 2004. The firearm control card
2 shall be carried by the security guard at all times when he
3 or she is in possession of a concealable weapon permitted
4 by his or her firearm control card. For purposes of this
5 subsection, "financial institution" means a bank, savings
6 and loan association, credit union or company providing
7 armored car services.

8 (9) Any person employed by an armored car company to
9 drive an armored car, while actually engaged in the
10 performance of his duties.

11 (10) Persons who have been classified as peace officers
12 pursuant to the Peace Officer Fire Investigation Act.

13 (11) Investigators of the Office of the State's
14 Attorneys Appellate Prosecutor authorized by the board of
15 governors of the Office of the State's Attorneys Appellate
16 Prosecutor to carry weapons pursuant to Section 7.06 of the
17 State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's
19 Attorney under Section 3-9005 of the Counties Code.

20 (12.5) Probation officers while in the performance of
21 their duties, or while commuting between their homes,
22 places of employment or specific locations that are part of
23 their assigned duties, with the consent of the chief judge
24 of the circuit for which they are employed, if they have
25 received weapons training according to requirements of the
26 Peace Officer and Probation Officer Firearm Training Act.

1 (13) Court Security Officers while in the performance
2 of their official duties, or while commuting between their
3 homes and places of employment, with the consent of the
4 Sheriff.

5 (13.5) A person employed as an armed security guard at
6 a nuclear energy, storage, weapons or development site or
7 facility regulated by the Nuclear Regulatory Commission
8 who has completed the background screening and training
9 mandated by the rules and regulations of the Nuclear
10 Regulatory Commission.

11 (14) Manufacture, transportation, or sale of weapons
12 to persons authorized under subdivisions (1) through
13 (13.5) of this subsection to possess those weapons.

14 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
15 to or affect any person carrying a concealed pistol, revolver,
16 or handgun and the person has been issued a currently valid
17 license under the Firearm Concealed Carry Act at the time of
18 the commission of the offense.

19 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect any of the following:

21 (1) Members of any club or organization organized for
22 the purpose of practicing shooting at targets upon
23 established target ranges, whether public or private, and
24 patrons of such ranges, while such members or patrons are
25 using their firearms on those target ranges.

26 (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the
2 Governor.

3 (3) Hunters, trappers or fishermen with a license or
4 permit while engaged in hunting, trapping or fishing.

5 (4) Transportation of weapons that are broken down in a
6 non-functioning state or are not immediately accessible.

7 (5) Carrying or possessing any pistol, revolver, stun
8 gun or taser or other firearm on the land or in the legal
9 dwelling of another person as an invitee with that person's
10 permission.

11 (c) Subsection 24-1(a)(7) does not apply to or affect any
12 of the following:

13 (1) Peace officers while in performance of their
14 official duties.

15 (2) Wardens, superintendents and keepers of prisons,
16 penitentiaries, jails and other institutions for the
17 detention of persons accused or convicted of an offense.

18 (3) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while in
20 the performance of their official duty.

21 (4) Manufacture, transportation, or sale of machine
22 guns to persons authorized under subdivisions (1) through
23 (3) of this subsection to possess machine guns, if the
24 machine guns are broken down in a non-functioning state or
25 are not immediately accessible.

26 (5) Persons licensed under federal law to manufacture

1 any weapon from which 8 or more shots or bullets can be
2 discharged by a single function of the firing device, or
3 ammunition for such weapons, and actually engaged in the
4 business of manufacturing such weapons or ammunition, but
5 only with respect to activities which are within the lawful
6 scope of such business, such as the manufacture,
7 transportation, or testing of such weapons or ammunition.
8 This exemption does not authorize the general private
9 possession of any weapon from which 8 or more shots or
10 bullets can be discharged by a single function of the
11 firing device, but only such possession and activities as
12 are within the lawful scope of a licensed manufacturing
13 business described in this paragraph.

14 During transportation, such weapons shall be broken
15 down in a non-functioning state or not immediately
16 accessible.

17 (6) The manufacture, transport, testing, delivery,
18 transfer or sale, and all lawful commercial or experimental
19 activities necessary thereto, of rifles, shotguns, and
20 weapons made from rifles or shotguns, or ammunition for
21 such rifles, shotguns or weapons, where engaged in by a
22 person operating as a contractor or subcontractor pursuant
23 to a contract or subcontract for the development and supply
24 of such rifles, shotguns, weapons or ammunition to the
25 United States government or any branch of the Armed Forces
26 of the United States, when such activities are necessary

1 and incident to fulfilling the terms of such contract.

2 The exemption granted under this subdivision (c)(6)
3 shall also apply to any authorized agent of any such
4 contractor or subcontractor who is operating within the
5 scope of his employment, where such activities involving
6 such weapon, weapons or ammunition are necessary and
7 incident to fulfilling the terms of such contract.

8 (7) A person possessing a rifle with a barrel or
9 barrels less than 16 inches in length if: (A) the person
10 has been issued a Curios and Relics license from the U.S.
11 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
12 the person is an active member of a bona fide, nationally
13 recognized military re-enacting group and the modification
14 is required and necessary to accurately portray the weapon
15 for historical re-enactment purposes; the re-enactor is in
16 possession of a valid and current re-enacting group
17 membership credential; and the overall length of the weapon
18 as modified is not less than 26 inches.

19 (d) Subsection 24-1(a)(1) does not apply to the purchase,
20 possession or carrying of a black-jack or slung-shot by a peace
21 officer.

22 (e) Subsection 24-1(a)(8) does not apply to any owner,
23 manager or authorized employee of any place specified in that
24 subsection nor to any law enforcement officer.

25 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
26 Section 24-1.6 do not apply to members of any club or

1 organization organized for the purpose of practicing shooting
2 at targets upon established target ranges, whether public or
3 private, while using their firearms on those target ranges.

4 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
5 to:

6 (1) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard, while in
8 the performance of their official duty.

9 (2) Bonafide collectors of antique or surplus military
10 ordnance ~~ordinance~~.

11 (3) Laboratories having a department of forensic
12 ballistics, or specializing in the development of
13 ammunition or explosive ordnance ~~ordinance~~.

14 (4) Commerce, preparation, assembly or possession of
15 explosive bullets by manufacturers of ammunition licensed
16 by the federal government, in connection with the supply of
17 those organizations and persons exempted by subdivision
18 (g)(1) of this Section, or like organizations and persons
19 outside this State, or the transportation of explosive
20 bullets to any organization or person exempted in this
21 Section by a common carrier or by a vehicle owned or leased
22 by an exempted manufacturer.

23 (g-5) Subsection 24-1(a)(6) does not apply to or affect
24 persons licensed under federal law to manufacture any device or
25 attachment of any kind designed, used, or intended for use in
26 silencing the report of any firearm, firearms, or ammunition

1 for those firearms equipped with those devices, and actually
2 engaged in the business of manufacturing those devices,
3 firearms, or ammunition, but only with respect to activities
4 that are within the lawful scope of that business, such as the
5 manufacture, transportation, or testing of those devices,
6 firearms, or ammunition. This exemption does not authorize the
7 general private possession of any device or attachment of any
8 kind designed, used, or intended for use in silencing the
9 report of any firearm, but only such possession and activities
10 as are within the lawful scope of a licensed manufacturing
11 business described in this subsection (g-5). During
12 transportation, these devices shall be detached from any weapon
13 or not immediately accessible.

14 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-1.6 do not apply to or affect any parole agent or parole
16 supervisor who meets the qualifications and conditions
17 prescribed in Section 3-14-1.5 of the Unified Code of
18 Corrections.

19 (g-7) Subsection 24-1(a)(6) does not apply to a peace
20 officer while serving as a member of a tactical response team
21 or special operations team. A peace officer may not personally
22 own or apply for ownership of a device or attachment of any
23 kind designed, used, or intended for use in silencing the
24 report of any firearm. These devices shall be owned and
25 maintained by lawfully recognized units of government whose
26 duties include the investigation of criminal acts.

1 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
2 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
3 athlete's possession, transport on official Olympic and
4 Paralympic transit systems established for athletes, or use of
5 competition firearms sanctioned by the International Olympic
6 Committee, the International Paralympic Committee, the
7 International Shooting Sport Federation, or USA Shooting in
8 connection with such athlete's training for and participation
9 in shooting competitions at the 2016 Olympic and Paralympic
10 Games and sanctioned test events leading up to the 2016 Olympic
11 and Paralympic Games.

12 (h) An information or indictment based upon a violation of
13 any subsection of this Article need not negative any exemptions
14 contained in this Article. The defendant shall have the burden
15 of proving such an exemption.

16 (i) Nothing in this Article shall prohibit, apply to, or
17 affect the transportation, carrying, or possession, of any
18 pistol or revolver, stun gun, taser, or other firearm consigned
19 to a common carrier operating under license of the State of
20 Illinois or the federal government, where such transportation,
21 carrying, or possession is incident to the lawful
22 transportation in which such common carrier is engaged; and
23 nothing in this Article shall prohibit, apply to, or affect the
24 transportation, carrying, or possession of any pistol,
25 revolver, stun gun, taser, or other firearm, not the subject of
26 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of

1 this Article, which is unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container, by a person
3 eligible under State and federal law to possess a firearm ~~the~~
4 ~~possessor of a valid Firearm Owners Identification Card.~~

5 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,
6 eff. 1-1-15; 99-174, eff. 7-29-15; revised 10-6-16.)

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

8 Sec. 24-3. Unlawful sale or delivery of firearms.

9 (A) A person commits the offense of unlawful sale or
10 delivery of firearms when he or she knowingly does any of the
11 following:

12 (a) Sells or gives any firearm of a size which may be
13 concealed upon the person to any person under 18 years of
14 age.

15 (b) Sells or gives any firearm to a person under 21
16 years of age who has been convicted of a misdemeanor other
17 than a traffic offense or adjudged delinquent.

18 (c) Sells or gives any firearm to any narcotic addict.

19 (d) Sells or gives any firearm to any person who has
20 been convicted of a felony under the laws of this or any
21 other jurisdiction.

22 (e) Sells or gives any firearm to any person who has
23 been a patient in a mental institution within the past 5
24 years. In this subsection (e):

25 "Mental institution" means any hospital,

1 institution, clinic, evaluation facility, mental
2 health center, or part thereof, which is used primarily
3 for the care or treatment of persons with mental
4 illness.

5 "Patient in a mental institution" means the person
6 was admitted, either voluntarily or involuntarily, to
7 a mental institution for mental health treatment,
8 unless the treatment was voluntary and solely for an
9 alcohol abuse disorder and no other secondary
10 substance abuse disorder or mental illness.

11 (f) Sells or gives any firearms to any person who is a
12 person with an intellectual disability.

13 (g) Delivers any firearm of a size which may be
14 concealed upon the person, incidental to a sale, without
15 withholding delivery of such firearm for at least 72 hours
16 after application for its purchase has been made, or
17 delivers any rifle, shotgun or other long gun, or a stun
18 gun or taser, incidental to a sale, without withholding
19 delivery of such rifle, shotgun or other long gun, or a
20 stun gun or taser for at least 24 hours after application
21 for its purchase has been made. However, this paragraph (g)
22 does not apply to: (1) the sale of a firearm to a law
23 enforcement officer if the seller of the firearm knows that
24 the person to whom he or she is selling the firearm is a
25 law enforcement officer or the sale of a firearm to a
26 person who desires to purchase a firearm for use in

1 promoting the public interest incident to his or her
2 employment as a bank guard, armed truck guard, or other
3 similar employment; (2) a mail order sale of a firearm from
4 a federally licensed firearms dealer to a nonresident of
5 Illinois under which the firearm is mailed to a federally
6 licensed firearms dealer outside the boundaries of
7 Illinois; (3) the sale of a firearm to a nonresident of
8 Illinois while at a firearm showing or display recognized
9 by the Illinois Department of State Police; (4) the sale of
10 a firearm to a dealer licensed as a federal firearms dealer
11 under Section 923 of the federal Gun Control Act of 1968
12 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
13 shotgun, or other long gun to a resident registered
14 competitor or attendee or non-resident registered
15 competitor or attendee by any dealer licensed as a federal
16 firearms dealer under Section 923 of the federal Gun
17 Control Act of 1968 at competitive shooting events held at
18 the World Shooting Complex sanctioned by a national
19 governing body. For purposes of transfers or sales under
20 subparagraph (5) of this paragraph (g), the Department of
21 Natural Resources shall give notice to the Department of
22 State Police at least 30 calendar days prior to any
23 competitive shooting events at the World Shooting Complex
24 sanctioned by a national governing body. The notification
25 shall be made on a form prescribed by the Department of
26 State Police. The sanctioning body shall provide a list of

1 all registered competitors and attendees at least 24 hours
2 before the events to the Department of State Police. Any
3 changes to the list of registered competitors and attendees
4 shall be forwarded to the Department of State Police as
5 soon as practicable. The Department of State Police must
6 destroy the list of registered competitors and attendees no
7 later than 30 days after the date of the event. Nothing in
8 this paragraph (g) relieves a federally licensed firearm
9 dealer from the requirements of conducting a NICS
10 background check through the Illinois Point of Contact
11 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
12 "application" means when the buyer and seller reach an
13 agreement to purchase a firearm. For purposes of this
14 paragraph (g), "national governing body" means a group of
15 persons who adopt rules and formulate policy on behalf of a
16 national firearm sporting organization.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, ~~(1) "firearm" is defined as in~~
25 ~~the Firearm Owners Identification Card Act; and (2)~~
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who is not eligible under State or
6 federal law to possess a firearm ~~does not possess a valid~~
7 ~~Firearm Owner's Identification Card.~~

8 (j) Sells or gives a firearm while engaged in the
9 business of selling firearms at wholesale or retail without
10 being licensed as a federal firearms dealer under Section
11 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
12 In this paragraph (j):

13 A person "engaged in the business" means a person who
14 devotes time, attention, and labor to engaging in the
15 activity as a regular course of trade or business with the
16 principal objective of livelihood and profit, but does not
17 include a person who makes occasional repairs of firearms
18 or who occasionally fits special barrels, stocks, or
19 trigger mechanisms to firearms.

20 "With the principal objective of livelihood and
21 profit" means that the intent underlying the sale or
22 disposition of firearms is predominantly one of obtaining
23 livelihood and pecuniary gain, as opposed to other intents,
24 such as improving or liquidating a personal firearms
25 collection; however, proof of profit shall not be required
26 as to a person who engages in the regular and repetitive

1 purchase and disposition of firearms for criminal purposes
2 or terrorism.

3 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
4 ~~to a person who does not display to the seller or~~
5 ~~transferor of the firearm either: (1) a currently valid~~
6 ~~Firearm Owner's Identification Card that has previously~~
7 ~~been issued in the transferee's name by the Department of~~
8 ~~State Police under the provisions of the Firearm Owners~~
9 ~~Identification Card Act; or (2) a currently valid license~~
10 ~~to carry a concealed firearm that has previously been~~
11 ~~issued in the transferee's name by the Department of State~~
12 ~~Police under the Firearm Concealed Carry Act. This~~
13 ~~paragraph (k) does not apply to the transfer of a firearm~~
14 ~~to a person who is exempt from the requirement of~~
15 ~~possessing a Firearm Owner's Identification Card under~~
16 ~~Section 2 of the Firearm Owners Identification Card Act.~~
17 ~~For the purposes of this Section, a currently valid Firearm~~
18 ~~Owner's Identification Card means (i) a Firearm Owner's~~
19 ~~Identification Card that has not expired or (ii) an~~
20 ~~approval number issued in accordance with subsection~~
21 ~~(a-10) of subsection 3 or Section 3.1 of the Firearm Owners~~
22 ~~Identification Card Act shall be proof that the Firearm~~
23 ~~Owner's Identification Card was valid.~~

24 (1) (Blank). ~~In addition to the other requirements~~
25 ~~of this paragraph (k), all persons who are not~~
26 ~~federally licensed firearms dealers must also have~~

1 ~~complied with subsection (a-10) of Section 3 of the~~
2 ~~Firearm Owners Identification Card Act by determining~~
3 ~~the validity of a purchaser's Firearm Owner's~~
4 ~~Identification Card.~~

5 (2) (Blank). ~~All sellers or transferors who have~~
6 ~~complied with the requirements of subparagraph (1) of~~
7 ~~this paragraph (k) shall not be liable for damages in~~
8 ~~any civil action arising from the use or misuse by the~~
9 ~~transferee of the firearm transferred, except for~~
10 ~~willful or wanton misconduct on the part of the seller~~
11 ~~or transferor.~~

12 (1) Not being entitled to the possession of a firearm,
13 delivers the firearm, knowing it to have been stolen or
14 converted. It may be inferred that a person who possesses a
15 firearm with knowledge that its serial number has been
16 removed or altered has knowledge that the firearm is stolen
17 or converted.

18 (B) Paragraph (h) of subsection (A) does not include
19 firearms sold within 6 months after enactment of Public Act
20 78-355 (approved August 21, 1973, effective October 1, 1973),
21 nor is any firearm legally owned or possessed by any citizen or
22 purchased by any citizen within 6 months after the enactment of
23 Public Act 78-355 subject to confiscation or seizure under the
24 provisions of that Public Act. Nothing in Public Act 78-355
25 shall be construed to prohibit the gift or trade of any firearm
26 if that firearm was legally held or acquired within 6 months

1 after the enactment of that Public Act.

2 (C) Sentence.

3 (1) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (c), (e), (f), (g),
5 or (h) of subsection (A) commits a Class 4 felony.

6 (2) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (b) or (i) of
8 subsection (A) commits a Class 3 felony.

9 (3) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a) of subsection (A)
11 commits a Class 2 felony.

12 (4) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a), (b), or (i) of
14 subsection (A) in any school, on the real property
15 comprising a school, within 1,000 feet of the real property
16 comprising a school, at a school related activity, or on or
17 within 1,000 feet of any conveyance owned, leased, or
18 contracted by a school or school district to transport
19 students to or from school or a school related activity,
20 regardless of the time of day or time of year at which the
21 offense was committed, commits a Class 1 felony. Any person
22 convicted of a second or subsequent violation of unlawful
23 sale or delivery of firearms in violation of paragraph (a),
24 (b), or (i) of subsection (A) in any school, on the real
25 property comprising a school, within 1,000 feet of the real
26 property comprising a school, at a school related activity,

1 or on or within 1,000 feet of any conveyance owned, leased,
2 or contracted by a school or school district to transport
3 students to or from school or a school related activity,
4 regardless of the time of day or time of year at which the
5 offense was committed, commits a Class 1 felony for which
6 the sentence shall be a term of imprisonment of no less
7 than 5 years and no more than 15 years.

8 (5) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a) or (i) of
10 subsection (A) in residential property owned, operated, or
11 managed by a public housing agency or leased by a public
12 housing agency as part of a scattered site or mixed-income
13 development, in a public park, in a courthouse, on
14 residential property owned, operated, or managed by a
15 public housing agency or leased by a public housing agency
16 as part of a scattered site or mixed-income development, on
17 the real property comprising any public park, on the real
18 property comprising any courthouse, or on any public way
19 within 1,000 feet of the real property comprising any
20 public park, courthouse, or residential property owned,
21 operated, or managed by a public housing agency or leased
22 by a public housing agency as part of a scattered site or
23 mixed-income development commits a Class 2 felony.

24 (6) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (j) of subsection (A)
26 commits a Class A misdemeanor. A second or subsequent

1 violation is a Class 4 felony.

2 (7) (Blank). ~~Any person convicted of unlawful sale or~~
3 ~~delivery of firearms in violation of paragraph (k) of~~
4 ~~subsection (A) commits a Class 4 felony, except that a~~
5 ~~violation of subparagraph (1) of paragraph (k) of~~
6 ~~subsection (A) shall not be punishable as a crime or petty~~
7 ~~offense. A third or subsequent conviction for a violation~~
8 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

9 (8) A person 18 years of age or older convicted of
10 unlawful sale or delivery of firearms in violation of
11 paragraph (a) or (i) of subsection (A), when the firearm
12 that was sold or given to another person under 18 years of
13 age was used in the commission of or attempt to commit a
14 forcible felony, shall be fined or imprisoned, or both, not
15 to exceed the maximum provided for the most serious
16 forcible felony so committed or attempted by the person
17 under 18 years of age who was sold or given the firearm.

18 (9) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (d) of subsection (A)
20 commits a Class 3 felony.

21 (10) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (l) of subsection (A)
23 commits a Class 2 felony if the delivery is of one firearm.
24 Any person convicted of unlawful sale or delivery of
25 firearms in violation of paragraph (l) of subsection (A)
26 commits a Class 1 felony if the delivery is of not less

1 than 2 and not more than 5 firearms at the same time or
2 within a one year period. Any person convicted of unlawful
3 sale or delivery of firearms in violation of paragraph (1)
4 of subsection (A) commits a Class X felony for which he or
5 she shall be sentenced to a term of imprisonment of not
6 less than 6 years and not more than 30 years if the
7 delivery is of not less than 6 and not more than 10
8 firearms at the same time or within a 2 year period. Any
9 person convicted of unlawful sale or delivery of firearms
10 in violation of paragraph (1) of subsection (A) commits a
11 Class X felony for which he or she shall be sentenced to a
12 term of imprisonment of not less than 6 years and not more
13 than 40 years if the delivery is of not less than 11 and
14 not more than 20 firearms at the same time or within a 3
15 year period. Any person convicted of unlawful sale or
16 delivery of firearms in violation of paragraph (1) of
17 subsection (A) commits a Class X felony for which he or she
18 shall be sentenced to a term of imprisonment of not less
19 than 6 years and not more than 50 years if the delivery is
20 of not less than 21 and not more than 30 firearms at the
21 same time or within a 4 year period. Any person convicted
22 of unlawful sale or delivery of firearms in violation of
23 paragraph (1) of subsection (A) commits a Class X felony
24 for which he or she shall be sentenced to a term of
25 imprisonment of not less than 6 years and not more than 60
26 years if the delivery is of 31 or more firearms at the same

1 time or within a 5 year period.

2 (D) For purposes of this Section:

3 "School" means a public or private elementary or secondary
4 school, community college, college, or university.

5 "School related activity" means any sporting, social,
6 academic, or other activity for which students' attendance or
7 participation is sponsored, organized, or funded in whole or in
8 part by a school or school district.

9 (E) ~~A prosecution for a violation of paragraph (k) of~~
10 ~~subsection (A) of this Section may be commenced within 6 years~~
11 ~~after the commission of the offense.~~ A prosecution for a
12 violation of this Section other than paragraph (g) of
13 subsection (A) of this Section may be commenced within 5 years
14 after the commission of the offense defined in the particular
15 paragraph.

16 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
17 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

18 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

19 Sec. 24-3.1. Unlawful possession of firearms and firearm
20 ammunition.

21 (a) A person commits the offense of unlawful possession of
22 firearms or firearm ammunition when:

23 (1) He is under 18 years of age and has in his
24 possession any firearm of a size which may be concealed
25 upon the person; or

1 (2) He is under 21 years of age, has been convicted of
2 a misdemeanor other than a traffic offense or adjudged
3 delinquent and has any firearms or firearm ammunition in
4 his possession; or

5 (3) He is a narcotic addict and has any firearms or
6 firearm ammunition in his possession; or

7 (4) He has been a patient in a mental institution
8 within the past 5 years and has any firearms or firearm
9 ammunition in his possession. For purposes of this
10 paragraph (4):

11 "Mental institution" means any hospital,
12 institution, clinic, evaluation facility, mental
13 health center, or part thereof, which is used primarily
14 for the care or treatment of persons with mental
15 illness.

16 "Patient in a mental institution" means the person
17 was admitted, either voluntarily or involuntarily, to
18 a mental institution for mental health treatment,
19 unless the treatment was voluntary and solely for an
20 alcohol abuse disorder and no other secondary
21 substance abuse disorder or mental illness; or

22 (5) He is a person with an intellectual disability and
23 has any firearms or firearm ammunition in his possession;
24 or

25 (6) He has in his possession any explosive bullet.

26 For purposes of this paragraph "explosive bullet" means the

1 projectile portion of an ammunition cartridge which contains or
2 carries an explosive charge which will explode upon contact
3 with the flesh of a human or an animal. "Cartridge" means a
4 tubular metal case having a projectile affixed at the front
5 thereof and a cap or primer at the rear end thereof, with the
6 propellant contained in such tube between the projectile and
7 the cap.

8 (a-5) A person prohibited from possessing a firearm under
9 this Section may petition the Director of State Police for a
10 hearing and relief from the prohibition, unless the prohibition
11 was based upon a forcible felony, stalking, aggravated
12 stalking, domestic battery, any violation of the Illinois
13 Controlled Substances Act, the Methamphetamine Control and
14 Community Protection Act, or the Cannabis Control Act that is
15 classified as a Class 2 or greater felony, any felony violation
16 of Article 24 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, or any adjudication as a delinquent minor for the
18 commission of an offense that if committed by an adult would be
19 a felony, in which case the person may petition the circuit
20 court in writing in the county of his or her residence for a
21 hearing and relief from the prohibition. The Director or court
22 may grant the relief if it is established by the petitioner to
23 the court's or Director's satisfaction that:

24 (1) when in the circuit court, the State's Attorney has
25 been served with a written copy of the petition at least 30
26 days before any hearing in the circuit court and at the

1 hearing the State's Attorney was afforded an opportunity to
2 present evidence and object to the petition;

3 (2) the petitioner has not been convicted of a forcible
4 felony under the laws of this State or any other
5 jurisdiction within 20 years of the filing of the petition,
6 or at least 20 years have passed since the end of any
7 period of imprisonment imposed in relation to that
8 conviction;

9 (3) the circumstances regarding a criminal conviction,
10 where applicable, the petitioner's criminal history and
11 his reputation are such that the petitioner will not be
12 likely to act in a manner dangerous to public safety;

13 (4) granting relief would not be contrary to the public
14 interest; and

15 (5) granting relief would not be contrary to federal
16 law.

17 (b) Sentence.

18 Unlawful possession of firearms, other than handguns, and
19 firearm ammunition is a Class A misdemeanor. Unlawful
20 possession of handguns is a Class 4 felony. The possession of
21 each firearm or firearm ammunition in violation of this Section
22 constitutes a single and separate violation.

23 (c) Nothing in paragraph (1) of subsection (a) of this
24 Section prohibits a person under 18 years of age from
25 participating in any lawful recreational activity with a
26 firearm such as, but not limited to, practice shooting at

1 targets upon established public or private target ranges or
2 hunting, trapping, or fishing in accordance with the Wildlife
3 Code or the Fish and Aquatic Life Code.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

6 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

7 (a) A person commits the offense of unlawful discharge of
8 firearm projectiles when he or she knowingly or recklessly uses
9 an armor piercing bullet, dragon's breath shotgun shell, bolo
10 shell, or flechette shell in violation of this Section.

11 For purposes of this Section:

12 "Armor piercing bullet" means any handgun bullet or handgun
13 ammunition with projectiles or projectile cores constructed
14 entirely (excluding the presence of traces of other substances)
15 from tungsten alloys, steel, iron, brass, bronze, beryllium
16 copper or depleted uranium, or fully jacketed bullets larger
17 than 22 caliber whose jacket has a weight of more than 25% of
18 the total weight of the projectile, and excluding those handgun
19 projectiles whose cores are composed of soft materials such as
20 lead or lead alloys, zinc or zinc alloys, frangible projectiles
21 designed primarily for sporting purposes, and any other
22 projectiles or projectile cores that the U. S. Secretary of the
23 Treasury finds to be primarily intended to be used for sporting
24 purposes or industrial purposes or that otherwise does not
25 constitute "armor piercing ammunition" as that term is defined

1 by federal law.

2 "Dragon's breath shotgun shell" means any shotgun shell
3 that contains exothermic pyrophoric mesh metal as the
4 projectile and is designed for the purpose of throwing or
5 spewing a flame or fireball to simulate a flame-thrower.

6 "Bolo shell" means any shell that can be fired in a firearm
7 and expels as projectiles 2 or more metal balls connected by
8 solid metal wire.

9 "Flechette shell" means any shell that can be fired in a
10 firearm and expels 2 or more pieces of fin-stabilized solid
11 metal wire or 2 or more solid dart-type projectiles.

12 (b) A person commits a Class X felony when he or she,
13 knowing that a firearm, ~~as defined in Section 1.1 of the~~
14 ~~Firearm Owners Identification Card Act,~~ is loaded with an armor
15 piercing bullet, dragon's breath shotgun shell, bolo shell, or
16 flechette shell, intentionally or recklessly discharges such
17 firearm and such bullet or shell strikes any other person.

18 (c) Any person who possesses, concealed on or about his or
19 her person, an armor piercing bullet, dragon's breath shotgun
20 shell, bolo shell, or flechette shell and a firearm suitable
21 for the discharge thereof is guilty of a Class 2 felony.

22 (d) This Section does not apply to or affect any of the
23 following:

24 (1) Peace officers;

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense;

2 (3) Members of the Armed Services or Reserve Forces of
3 the United States or the Illinois National Guard while in
4 the performance of their official duties;

5 (4) Federal officials required to carry firearms,
6 while engaged in the performance of their official duties;

7 (5) United States Marshals, while engaged in the
8 performance of their official duties.

9 (Source: P.A. 92-423, eff. 1-1-02.)

10 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

11 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

12 (a) It shall be unlawful for any person who holds a license
13 to sell at retail any alcoholic liquor issued by the Illinois
14 Liquor Control Commission or local liquor control commissioner
15 under the Liquor Control Act of 1934 or an agent or employee of
16 the licensee to sell or deliver to any other person a firearm
17 in or on the real property of the establishment where the
18 licensee is licensed to sell alcoholic liquors unless the sale
19 or delivery of the firearm is otherwise lawful under this
20 Article ~~and under the Firearm Owners Identification Card Act.~~

21 (b) Sentence. A violation of subsection (a) of this Section
22 is a Class 4 felony.

23 (Source: P.A. 87-591.)

24 (720 ILCS 5/24-3.5)

1 Sec. 24-3.5. Unlawful purchase of a firearm.

2 (a) For purposes of this Section, "firearms transaction
3 record form" means a form:

4 (1) executed by a transferee of a firearm stating: (i)
5 the transferee's name and address (including county or
6 similar political subdivision); (ii) whether the
7 transferee is a citizen of the United States; (iii) the
8 transferee's State of residence; and (iv) the date and
9 place of birth, height, weight, and race of the transferee;
10 and

11 (2) on which the transferee certifies that he or she is
12 not prohibited by federal law from transporting or shipping
13 a firearm in interstate or foreign commerce or receiving a
14 firearm that has been shipped or transported in interstate
15 or foreign commerce or possessing a firearm in or affecting
16 commerce.

17 (b) A person commits the offense of unlawful purchase of a
18 firearm who knowingly purchases or attempts to purchase a
19 firearm with the intent to deliver that firearm to another
20 person who is prohibited by federal or State law from
21 possessing a firearm.

22 (c) A person commits the offense of unlawful purchase of a
23 firearm when he or she, in purchasing or attempting to purchase
24 a firearm, intentionally provides false or misleading
25 information on a United States Department of the Treasury,
26 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

2 (d) Exemption. It is not a violation of subsection (b) of
3 this Section for a person to make a gift or loan of a firearm to
4 a person who is not prohibited by federal or State law from
5 possessing a firearm ~~if the transfer of the firearm is made in~~
6 ~~accordance with Section 3 of the Firearm Owners Identification~~
7 ~~Card Act.~~

8 (e) Sentence.

9 (1) A person who commits the offense of unlawful
10 purchase of a firearm:

11 (A) is guilty of a Class 2 felony for purchasing or
12 attempting to purchase one firearm;

13 (B) is guilty of a Class 1 felony for purchasing or
14 attempting to purchase not less than 2 firearms and not
15 more than 5 firearms at the same time or within a one
16 year period;

17 (C) is guilty of a Class X felony for which the
18 offender shall be sentenced to a term of imprisonment
19 of not less than 9 years and not more than 40 years for
20 purchasing or attempting to purchase not less than 6
21 firearms at the same time or within a 2 year period.

22 (2) In addition to any other penalty that may be
23 imposed for a violation of this Section, the court may
24 sentence a person convicted of a violation of subsection
25 (c) of this Section to a fine not to exceed \$250,000 for
26 each violation.

1 (f) A prosecution for unlawful purchase of a firearm may be
2 commenced within 6 years after the commission of the offense.

3 (Source: P.A. 95-882, eff. 1-1-09.)

4 (720 ILCS 5/24-4.1)

5 Sec. 24-4.1. Report of lost or stolen firearms.

6 (a) If a person ~~who possesses a valid Firearm Owner's~~
7 ~~Identification Card and~~ who possesses or acquires a firearm
8 thereafter loses the firearm, or if the firearm is stolen from
9 the person, the person must report the loss or theft to the
10 local law enforcement agency within 72 hours after obtaining
11 knowledge of the loss or theft.

12 (b) A law enforcement agency having jurisdiction shall take
13 a written report and shall, as soon as practical, enter the
14 firearm's serial number as stolen into the Law Enforcement
15 Agencies Data System (LEADS).

16 (c) A person shall not be in violation of this Section if:

17 (1) the failure to report is due to an act of God, act
18 of war, or inability of a law enforcement agency to receive
19 the report;

20 (2) the person is hospitalized, in a coma, or is
21 otherwise seriously physically or mentally impaired as to
22 prevent the person from reporting; or

23 (3) the person's designee makes a report if the person
24 is unable to make the report.

25 (d) Sentence. A person who violates this Section is guilty

1 of a petty offense for a first violation. A second or
2 subsequent violation of this Section is a Class A misdemeanor.
3 (Source: P.A. 98-508, eff. 8-19-13.)

4 (720 ILCS 5/24-4.5 new)

5 Sec. 24-4.5. Dial up system.

6 (a) The Department of State Police shall provide a dial up
7 telephone system or utilize other existing technology which
8 shall be used by any federally licensed firearm dealer, gun
9 show promoter, or gun show vendor who is to transfer a firearm,
10 stun gun, or taser under the provisions of this Code. The
11 Department of State Police may utilize existing technology
12 which allows the caller to be charged a fee not to exceed \$2.
13 Fees collected by the Department of State Police shall be
14 deposited in the State Police Services Fund and used to provide
15 the service.

16 (b) Upon receiving a request from a federally licensed
17 firearm dealer, gun show promoter, or gun show vendor, the
18 Department of State Police shall immediately approve, or within
19 the time period established by Section 24-3 of this Code
20 regarding the delivery of firearms, stun guns, and tasers
21 notify the inquiring dealer, gun show promoter, or gun show
22 vendor of any objection that would disqualify the transferee
23 from acquiring or possessing a firearm, stun gun, or taser. In
24 conducting the inquiry, the Department of State Police shall
25 initiate and complete an automated search of its criminal

1 history record information files and those of the Federal
2 Bureau of Investigation, including the National Instant
3 Criminal Background Check System, and of the files of the
4 Department of Human Services relating to mental health and
5 developmental disabilities to obtain any felony conviction or
6 patient hospitalization information which would disqualify a
7 person from obtaining a firearm.

8 (c) If receipt of a firearm would not violate Section 24-3
9 of this Code or federal law, the Department of State Police
10 shall:

11 (1) assign a unique identification number to the
12 transfer; and

13 (2) provide the licensee, gun show promoter, or gun
14 show vendor with the number.

15 (d) Approvals issued by the Department of State Police for
16 the purchase of a firearm are valid for 30 days from the date
17 of issue.

18 (e)(1) The Department of State Police must act as the
19 Illinois Point of Contact for the National Instant Criminal
20 Background Check System.

21 (2) The Department of State Police and the Department of
22 Human Services shall, in accordance with State and federal law
23 regarding confidentiality, enter into a memorandum of
24 understanding with the Federal Bureau of Investigation for the
25 purpose of implementing the National Instant Criminal
26 Background Check System in the State. The Department of State

1 Police shall report the name, date of birth, and physical
2 description of any person prohibited from possessing a firearm
3 under this Code or 18 U.S.C. 922(g) and (n) to the National
4 Instant Criminal Background Check System Index, Denied Persons
5 Files.

6 (f) The Department of State Police shall adopt rules not
7 inconsistent with this Section to implement this system.

8 (720 ILCS 5/24-9)

9 Sec. 24-9. Firearms; Child Protection.

10 (a) Except as provided in subsection (c), it is unlawful
11 for any person to store or leave, within premises under his or
12 her control, a firearm if the person knows or has reason to
13 believe that a minor under the age of 14 years ~~who does not~~
14 ~~have a Firearm Owners Identification Card~~ is likely to gain
15 access to the firearm without the lawful permission of the
16 person possessing the firearm, minor's parent, guardian, or
17 person having charge of the minor, and the minor causes death
18 or great bodily harm with the firearm, unless the firearm is:

19 (1) secured by a device or mechanism, other than the
20 firearm safety, designed to render a firearm temporarily
21 inoperable; or

22 (2) placed in a securely locked box or container; or

23 (3) placed in some other location that a reasonable
24 person would believe to be secure from a minor under the
25 age of 14 years.

1 (b) Sentence. A person who violates this Section is guilty
2 of a Class C misdemeanor and shall be fined not less than
3 \$1,000. A second or subsequent violation of this Section is a
4 Class A misdemeanor.

5 (c) Subsection (a) does not apply:

6 (1) if the minor under 14 years of age gains access to
7 a firearm and uses it in a lawful act of self-defense or
8 defense of another; or

9 (2) to any firearm obtained by a minor under the age of
10 14 because of an unlawful entry of the premises by the
11 minor or another person.

12 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
13 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
14 ~~Owners Identification Card Act.~~

15 (Source: P.A. 91-18, eff. 1-1-00.)

16 Section 85. The Methamphetamine Control and Community
17 Protection Act is amended by changing Section 10 as follows:

18 (720 ILCS 646/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Anhydrous ammonia" has the meaning provided in subsection
21 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

22 "Anhydrous ammonia equipment" means all items used to
23 store, hold, contain, handle, transfer, transport, or apply
24 anhydrous ammonia for lawful purposes.

1 "Booby trap" means any device designed to cause physical
2 injury when triggered by an act of a person approaching,
3 entering, or moving through a structure, a vehicle, or any
4 location where methamphetamine has been manufactured, is being
5 manufactured, or is intended to be manufactured.

6 "Deliver" or "delivery" has the meaning provided in
7 subsection (h) of Section 102 of the Illinois Controlled
8 Substances Act.

9 "Director" means the Director of State Police or the
10 Director's designated agents.

11 "Dispose" or "disposal" means to abandon, discharge,
12 release, deposit, inject, dump, spill, leak, or place
13 methamphetamine waste onto or into any land, water, or well of
14 any type so that the waste has the potential to enter the
15 environment, be emitted into the air, or be discharged into the
16 soil or any waters, including groundwater.

17 "Emergency response" means the act of collecting evidence
18 from or securing a methamphetamine laboratory site,
19 methamphetamine waste site or other methamphetamine-related
20 site and cleaning up the site, whether these actions are
21 performed by public entities or private contractors paid by
22 public entities.

23 "Emergency service provider" means a local, State, or
24 federal peace officer, firefighter, emergency medical
25 technician-ambulance, emergency medical
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, or other medical or
2 first aid personnel rendering aid, or any agent or designee of
3 the foregoing.

4 "Finished methamphetamine" means methamphetamine in a form
5 commonly used for personal consumption.

6 "Firearm" has the meaning provided in Section 2-7.5 of the
7 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
8 ~~Card Act.~~

9 "Manufacture" means to produce, prepare, compound,
10 convert, process, synthesize, concentrate, purify, separate,
11 extract, or package any methamphetamine, methamphetamine
12 precursor, methamphetamine manufacturing catalyst,
13 methamphetamine manufacturing reagent, methamphetamine
14 manufacturing solvent, or any substance containing any of the
15 foregoing.

16 "Methamphetamine" means the chemical methamphetamine (a
17 Schedule II controlled substance under the Illinois Controlled
18 Substances Act) or any salt, optical isomer, salt of optical
19 isomer, or analog thereof, with the exception of
20 3,4-Methylenedioxymethamphetamine (MDMA) or any other
21 scheduled substance with a separate listing under the Illinois
22 Controlled Substances Act.

23 "Methamphetamine manufacturing catalyst" means any
24 substance that has been used, is being used, or is intended to
25 be used to activate, accelerate, extend, or improve a chemical
26 reaction involved in the manufacture of methamphetamine.

1 "Methamphetamine manufacturing environment" means a
2 structure or vehicle in which:

3 (1) methamphetamine is being or has been manufactured;

4 (2) chemicals that are being used, have been used, or
5 are intended to be used to manufacture methamphetamine are
6 stored;

7 (3) methamphetamine manufacturing materials that have
8 been used to manufacture methamphetamine are stored; or

9 (4) methamphetamine manufacturing waste is stored.

10 "Methamphetamine manufacturing material" means any
11 methamphetamine precursor, substance containing any
12 methamphetamine precursor, methamphetamine manufacturing
13 catalyst, substance containing any methamphetamine
14 manufacturing catalyst, methamphetamine manufacturing reagent,
15 substance containing any methamphetamine manufacturing
16 reagent, methamphetamine manufacturing solvent, substance
17 containing any methamphetamine manufacturing solvent, or any
18 other chemical, substance, ingredient, equipment, apparatus,
19 or item that is being used, has been used, or is intended to be
20 used in the manufacture of methamphetamine.

21 "Methamphetamine manufacturing reagent" means any
22 substance other than a methamphetamine manufacturing catalyst
23 that has been used, is being used, or is intended to be used to
24 react with and chemically alter any methamphetamine precursor.

25 "Methamphetamine manufacturing solvent" means any
26 substance that has been used, is being used, or is intended to

1 be used as a medium in which any methamphetamine precursor,
2 methamphetamine manufacturing catalyst, methamphetamine
3 manufacturing reagent, or any substance containing any of the
4 foregoing is dissolved, diluted, or washed during any part of
5 the methamphetamine manufacturing process.

6 "Methamphetamine manufacturing waste" means any chemical,
7 substance, ingredient, equipment, apparatus, or item that is
8 left over from, results from, or is produced by the process of
9 manufacturing methamphetamine, other than finished
10 methamphetamine.

11 "Methamphetamine precursor" means ephedrine,
12 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
13 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
14 isomer, or salt of an optical isomer of any of these chemicals.

15 "Multi-unit dwelling" means a unified structure used or
16 intended for use as a habitation, home, or residence that
17 contains 2 or more condominiums, apartments, hotel rooms, motel
18 rooms, or other living units.

19 "Package" means an item marked for retail sale that is not
20 designed to be further broken down or subdivided for the
21 purpose of retail sale.

22 "Participate" or "participation" in the manufacture of
23 methamphetamine means to produce, prepare, compound, convert,
24 process, synthesize, concentrate, purify, separate, extract,
25 or package any methamphetamine, methamphetamine precursor,
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, methamphetamine manufacturing solvent,
2 or any substance containing any of the foregoing, or to assist
3 in any of these actions, or to attempt to take any of these
4 actions, regardless of whether this action or these actions
5 result in the production of finished methamphetamine.

6 "Person with a disability" means a person who suffers from
7 a permanent physical or mental impairment resulting from
8 disease, injury, functional disorder, or congenital condition
9 which renders the person incapable of adequately providing for
10 his or her own health and personal care.

11 "Procure" means to purchase, steal, gather, or otherwise
12 obtain, by legal or illegal means, or to cause another to take
13 such action.

14 "Second or subsequent offense" means an offense under this
15 Act committed by an offender who previously committed an
16 offense under this Act, the Illinois Controlled Substances Act,
17 the Cannabis Control Act, or another Act of this State, another
18 state, or the United States relating to methamphetamine,
19 cannabis, or any other controlled substance.

20 "Standard dosage form", as used in relation to any
21 methamphetamine precursor, means that the methamphetamine
22 precursor is contained in a pill, tablet, capsule, caplet, gel
23 cap, or liquid cap that has been manufactured by a lawful
24 entity and contains a standard quantity of methamphetamine
25 precursor.

26 "Unauthorized container", as used in relation to anhydrous

1 ammonia, means any container that is not designed for the
2 specific and sole purpose of holding, storing, transporting, or
3 applying anhydrous ammonia. "Unauthorized container" includes,
4 but is not limited to, any propane tank, fire extinguisher,
5 oxygen cylinder, gasoline can, food or beverage cooler, or
6 compressed gas cylinder used in dispensing fountain drinks.
7 "Unauthorized container" does not encompass anhydrous ammonia
8 manufacturing plants, refrigeration systems where anhydrous
9 ammonia is used solely as a refrigerant, anhydrous ammonia
10 transportation pipelines, anhydrous ammonia tankers, or
11 anhydrous ammonia barges.

12 (Source: P.A. 97-434, eff. 1-1-12.)

13 Section 90. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 110-10, 112A-11.1, 112A-11.2, and
15 112A-14 as follows:

16 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

17 Sec. 110-10. Conditions of bail bond.

18 (a) If a person is released prior to conviction, either
19 upon payment of bail security or on his or her own
20 recognizance, the conditions of the bail bond shall be that he
21 or she will:

22 (1) Appear to answer the charge in the court having
23 jurisdiction on a day certain and thereafter as ordered by
24 the court until discharged or final order of the court;

1 (2) Submit himself or herself to the orders and process
2 of the court;

3 (3) Not depart this State without leave of the court;

4 (4) Not violate any criminal statute of any
5 jurisdiction;

6 (5) At a time and place designated by the court,
7 surrender all firearms in his or her possession to a law
8 enforcement officer designated by the court to take custody
9 of and impound the firearms ~~and physically surrender his or~~
10 ~~her Firearm Owner's Identification Card to the clerk of the~~
11 ~~circuit court~~ when the offense the person has been charged
12 with is a forcible felony, stalking, aggravated stalking,
13 domestic battery, any violation of the Illinois Controlled
14 Substances Act, the Methamphetamine Control and Community
15 Protection Act, or the Cannabis Control Act that is
16 classified as a Class 2 or greater felony, or any felony
17 violation of Article 24 of the Criminal Code of 1961 or the
18 Criminal Code of 2012; the court may, however, forgo the
19 imposition of this condition when the circumstances of the
20 case clearly do not warrant it or when its imposition would
21 be impractical; ~~if the Firearm Owner's Identification Card~~
22 ~~is confiscated, the clerk of the circuit court shall mail~~
23 ~~the confiscated card to the Illinois State Police;~~ all
24 legally possessed firearms shall be returned to the person
25 upon the charges being dismissed, or if the person is found
26 not guilty, unless the finding of not guilty is by reason

1 of insanity; and

2 (6) At a time and place designated by the court, submit
3 to a psychological evaluation when the person has been
4 charged with a violation of item (4) of subsection (a) of
5 Section 24-1 of the Criminal Code of 1961 or the Criminal
6 Code of 2012 and that violation occurred in a school or in
7 any conveyance owned, leased, or contracted by a school to
8 transport students to or from school or a school-related
9 activity, or on any public way within 1,000 feet of real
10 property comprising any school.

11 Psychological evaluations ordered pursuant to this Section
12 shall be completed promptly and made available to the State,
13 the defendant, and the court. As a further condition of bail
14 under these circumstances, the court shall order the defendant
15 to refrain from entering upon the property of the school,
16 including any conveyance owned, leased, or contracted by a
17 school to transport students to or from school or a
18 school-related activity, or on any public way within 1,000 feet
19 of real property comprising any school. Upon receipt of the
20 psychological evaluation, either the State or the defendant may
21 request a change in the conditions of bail, pursuant to Section
22 110-6 of this Code. The court may change the conditions of bail
23 to include a requirement that the defendant follow the
24 recommendations of the psychological evaluation, including
25 undergoing psychiatric treatment. The conclusions of the
26 psychological evaluation and any statements elicited from the

1 defendant during its administration are not admissible as
2 evidence of guilt during the course of any trial on the charged
3 offense, unless the defendant places his or her mental
4 competency in issue.

5 (b) The court may impose other conditions, such as the
6 following, if the court finds that such conditions are
7 reasonably necessary to assure the defendant's appearance in
8 court, protect the public from the defendant, or prevent the
9 defendant's unlawful interference with the orderly
10 administration of justice:

11 (1) Report to or appear in person before such person or
12 agency as the court may direct;

13 (2) Refrain from possessing a firearm or other
14 dangerous weapon;

15 (3) Refrain from approaching or communicating with
16 particular persons or classes of persons;

17 (4) Refrain from going to certain described
18 geographical areas or premises;

19 (5) Refrain from engaging in certain activities or
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

3 (11) If a minor resides with his or her parents or in a
4 foster home, attend school, attend a non-residential
5 program for youths, and contribute to his or her own
6 support at home or in a foster home;

7 (12) Observe any curfew ordered by the court;

8 (13) Remain in the custody of such designated person or
9 organization agreeing to supervise his release. Such third
10 party custodian shall be responsible for notifying the
11 court if the defendant fails to observe the conditions of
12 release which the custodian has agreed to monitor, and
13 shall be subject to contempt of court for failure so to
14 notify the court;

15 (14) Be placed under direct supervision of the Pretrial
16 Services Agency, Probation Department or Court Services
17 Department in a pretrial bond home supervision capacity
18 with or without the use of an approved electronic
19 monitoring device subject to Article 8A of Chapter V of the
20 Unified Code of Corrections;

21 (14.1) The court shall impose upon a defendant who is
22 charged with any alcohol, cannabis, methamphetamine, or
23 controlled substance violation and is placed under direct
24 supervision of the Pretrial Services Agency, Probation
25 Department or Court Services Department in a pretrial bond
26 home supervision capacity with the use of an approved

1 monitoring device, as a condition of such bail bond, a fee
2 that represents costs incidental to the electronic
3 monitoring for each day of such bail supervision ordered by
4 the court, unless after determining the inability of the
5 defendant to pay the fee, the court assesses a lesser fee
6 or no fee as the case may be. The fee shall be collected by
7 the clerk of the circuit court, except as provided in an
8 administrative order of the Chief Judge of the circuit
9 court. The clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer for deposit
11 in the substance abuse services fund under Section 5-1086.1
12 of the Counties Code, except as provided in an
13 administrative order of the Chief Judge of the circuit
14 court.

15 The Chief Judge of the circuit court of the county may
16 by administrative order establish a program for electronic
17 monitoring of offenders with regard to drug-related and
18 alcohol-related offenses, in which a vendor supplies and
19 monitors the operation of the electronic monitoring
20 device, and collects the fees on behalf of the county. The
21 program shall include provisions for indigent offenders
22 and the collection of unpaid fees. The program shall not
23 unduly burden the offender and shall be subject to review
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any
26 additional charges or fees for late payment, interest, or

1 damage to any device;

2 (14.2) The court shall impose upon all defendants,
3 including those defendants subject to paragraph (14.1)
4 above, placed under direct supervision of the Pretrial
5 Services Agency, Probation Department or Court Services
6 Department in a pretrial bond home supervision capacity
7 with the use of an approved monitoring device, as a
8 condition of such bail bond, a fee which shall represent
9 costs incidental to such electronic monitoring for each day
10 of such bail supervision ordered by the court, unless after
11 determining the inability of the defendant to pay the fee,
12 the court assesses a lesser fee or no fee as the case may
13 be. The fee shall be collected by the clerk of the circuit
14 court, except as provided in an administrative order of the
15 Chief Judge of the circuit court. The clerk of the circuit
16 court shall pay all monies collected from this fee to the
17 county treasurer who shall use the monies collected to
18 defray the costs of corrections. The county treasurer shall
19 deposit the fee collected in the county working cash fund
20 under Section 6-27001 or Section 6-29002 of the Counties
21 Code, as the case may be, except as provided in an
22 administrative order of the Chief Judge of the circuit
23 court.

24 The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders with regard to drug-related and

1 alcohol-related offenses, in which a vendor supplies and
2 monitors the operation of the electronic monitoring
3 device, and collects the fees on behalf of the county. The
4 program shall include provisions for indigent offenders
5 and the collection of unpaid fees. The program shall not
6 unduly burden the offender and shall be subject to review
7 by the Chief Judge.

8 The Chief Judge of the circuit court may suspend any
9 additional charges or fees for late payment, interest, or
10 damage to any device;

11 (14.3) The Chief Judge of the Judicial Circuit may
12 establish reasonable fees to be paid by a person receiving
13 pretrial services while under supervision of a pretrial
14 services agency, probation department, or court services
15 department. Reasonable fees may be charged for pretrial
16 services including, but not limited to, pretrial
17 supervision, diversion programs, electronic monitoring,
18 victim impact services, drug and alcohol testing, DNA
19 testing, GPS electronic monitoring, assessments and
20 evaluations related to domestic violence and other
21 victims, and victim mediation services. The person
22 receiving pretrial services may be ordered to pay all costs
23 incidental to pretrial services in accordance with his or
24 her ability to pay those costs;

25 (14.4) For persons charged with violating Section
26 11-501 of the Illinois Vehicle Code, refrain from operating

1 a motor vehicle not equipped with an ignition interlock
2 device, as defined in Section 1-129.1 of the Illinois
3 Vehicle Code, pursuant to the rules promulgated by the
4 Secretary of State for the installation of ignition
5 interlock devices. Under this condition the court may allow
6 a defendant who is not self-employed to operate a vehicle
7 owned by the defendant's employer that is not equipped with
8 an ignition interlock device in the course and scope of the
9 defendant's employment;

10 (15) Comply with the terms and conditions of an order
11 of protection issued by the court under the Illinois
12 Domestic Violence Act of 1986 or an order of protection
13 issued by the court of another state, tribe, or United
14 States territory;

15 (16) Under Section 110-6.5 comply with the conditions
16 of the drug testing program; and

17 (17) Such other reasonable conditions as the court may
18 impose.

19 (c) When a person is charged with an offense under Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, involving a victim who is a minor under
23 18 years of age living in the same household with the defendant
24 at the time of the offense, in granting bail or releasing the
25 defendant on his own recognizance, the judge shall impose
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he
2 will:

- 3 1. Vacate the household.
- 4 2. Make payment of temporary support to his dependents.
- 5 3. Refrain from contact or communication with the child
6 victim, except as ordered by the court.

7 (d) When a person is charged with a criminal offense and
8 the victim is a family or household member as defined in
9 Article 112A, conditions shall be imposed at the time of the
10 defendant's release on bond that restrict the defendant's
11 access to the victim. Unless provided otherwise by the court,
12 the restrictions shall include requirements that the defendant
13 do the following:

14 (1) refrain from contact or communication with the
15 victim for a minimum period of 72 hours following the
16 defendant's release; and

17 (2) refrain from entering or remaining at the victim's
18 residence for a minimum period of 72 hours following the
19 defendant's release.

20 (e) Local law enforcement agencies shall develop
21 standardized bond forms for use in cases involving family or
22 household members as defined in Article 112A, including
23 specific conditions of bond as provided in subsection (d).
24 Failure of any law enforcement department to develop or use
25 those forms shall in no way limit the applicability and
26 enforcement of subsections (d) and (f).

1 (f) If the defendant is admitted to bail after conviction
2 the conditions of the bail bond shall be that he will, in
3 addition to the conditions set forth in subsections (a) and (b)
4 hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may
7 direct;

8 (3) Not depart this State without leave of the court;

9 (4) Comply with such other reasonable conditions as the
10 court may impose; and

11 (5) If the judgment is affirmed or the cause reversed
12 and remanded for a new trial, forthwith surrender to the
13 officer from whose custody he was bailed.

14 (g) Upon a finding of guilty for any felony offense, the
15 defendant shall physically surrender, at a time and place
16 designated by the court, any and all firearms in his or her
17 possession ~~and his or her Firearm Owner's Identification Card~~
18 as a condition of remaining on bond pending sentencing.

19 (Source: P.A. 99-797, eff. 8-12-16.)

20 (725 ILCS 5/112A-11.1)

21 Sec. 112A-11.1. Procedure for determining whether certain
22 misdemeanor crimes are crimes of domestic violence for purposes
23 of federal law.

24 (a) When a defendant has been charged with a violation of
25 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the State
2 may, at arraignment or no later than 45 days after arraignment,
3 for the purpose of notification to the Department of State
4 Police ~~Firearm Owner's Identification Card Office~~, serve on the
5 defendant and file with the court a notice alleging that
6 conviction of the offense would subject the defendant to the
7 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship
8 between the defendant and the alleged victim and the nature of
9 the alleged offense.

10 (b) The notice shall include the name of the person alleged
11 to be the victim of the crime and shall specify the nature of
12 the alleged relationship as set forth in 18 U.S.C.
13 921(a)(33)(A)(ii). It shall also specify the element of the
14 charged offense which requires the use or attempted use of
15 physical force, or the threatened use of a deadly weapon, as
16 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
17 notice that the defendant is entitled to a hearing on the
18 allegation contained in the notice and that if the allegation
19 is sustained, that determination and conviction shall be
20 reported to the Department of State Police ~~Firearm Owner's~~
21 ~~Identification Card Office~~.

22 (c) After having been notified as provided in subsection
23 (b) of this Section, the defendant may stipulate or admit,
24 orally on the record or in writing, that conviction of the
25 offense would subject the defendant to the prohibitions of 18
26 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.

1 922(g)(9) shall be deemed established for purposes of Section
2 112A-11.2. If the defendant denies the applicability of 18
3 U.S.C. 922(g)(9) as alleged in the notice served by the State,
4 or stands mute with respect to that allegation, then the State
5 shall bear the burden to prove beyond a reasonable doubt that
6 the offense is one to which the prohibitions of 18 U.S.C.
7 922(g)(9) apply. The court may consider reliable hearsay
8 evidence submitted by either party provided that it is relevant
9 to the determination of the allegation. Facts previously proven
10 at trial or elicited at the time of entry of a plea of guilty
11 shall be deemed established beyond a reasonable doubt and shall
12 not be relitigated. At the conclusion of the hearing, or upon a
13 stipulation or admission, as applicable, the court shall make a
14 specific written determination with respect to the allegation.
15 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/112A-11.2)

17 Sec. 112A-11.2. Notification to the Department of State
18 Police ~~Firearm Owner's Identification Card Office~~ of
19 determinations in certain misdemeanor cases. Upon judgment of
20 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
21 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
22 Code of 2012 when the defendant has been determined, under
23 Section 112A-11.1, to be subject to the prohibitions of 18
24 U.S.C. 922(g)(9), the circuit court clerk shall include
25 notification and a copy of the written determination in a

1 report of the conviction to the Department of State Police
2 ~~Firearm Owner's Identification Card Office~~ to enable the office
3 to report that determination to the Federal Bureau of
4 Investigation and assist the Bureau in identifying persons
5 prohibited from purchasing and possessing a firearm pursuant to
6 the provisions of 18 U.S.C. 922.

7 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Order of protection; remedies.

10 (a) Issuance of order. If the court finds that petitioner
11 has been abused by a family or household member, as defined in
12 this Article, an order of protection prohibiting such abuse
13 shall issue; provided that petitioner must also satisfy the
14 requirements of one of the following Sections, as appropriate:
15 Section 112A-17 on emergency orders, Section 112A-18 on interim
16 orders, or Section 112A-19 on plenary orders. Petitioner shall
17 not be denied an order of protection because petitioner or
18 respondent is a minor. The court, when determining whether or
19 not to issue an order of protection, shall not require physical
20 manifestations of abuse on the person of the victim.
21 Modification and extension of prior orders of protection shall
22 be in accordance with this Article.

23 (b) Remedies and standards. The remedies to be included in
24 an order of protection shall be determined in accordance with
25 this Section and one of the following Sections, as appropriate:

1 Section 112A-17 on emergency orders, Section 112A-18 on interim
2 orders, and Section 112A-19 on plenary orders. The remedies
3 listed in this subsection shall be in addition to other civil
4 or criminal remedies available to petitioner.

5 (1) Prohibition of abuse. Prohibit respondent's
6 harassment, interference with personal liberty,
7 intimidation of a dependent, physical abuse or willful
8 deprivation, as defined in this Article, if such abuse has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in Section 701 of the
19 Illinois Marriage and Dissolution of Marriage Act.

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

3 (B) Presumption of hardships. If petitioner and
4 respondent each has the right to occupancy of a
5 residence or household, the court shall balance (i) the
6 hardships to respondent and any minor child or
7 dependent adult in respondent's care resulting from
8 entry of this remedy with (ii) the hardships to
9 petitioner and any minor child or dependent adult in
10 petitioner's care resulting from continued exposure to
11 the risk of abuse (should petitioner remain at the
12 residence or household) or from loss of possession of
13 the residence or household (should petitioner leave to
14 avoid the risk of abuse). When determining the balance
15 of hardships, the court shall also take into account
16 the accessibility of the residence or household.
17 Hardships need not be balanced if respondent does not
18 have a right to occupancy.

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

4 (3) Stay away order and additional prohibitions. Order
5 respondent to stay away from petitioner or any other person
6 protected by the order of protection, or prohibit
7 respondent from entering or remaining present at
8 petitioner's school, place of employment, or other
9 specified places at times when petitioner is present, or
10 both, if reasonable, given the balance of hardships.
11 Hardships need not be balanced for the court to enter a
12 stay away order or prohibit entry if respondent has no
13 right to enter the premises.

14 If an order of protection grants petitioner exclusive
15 possession of the residence, or prohibits respondent from
16 entering the residence, or orders respondent to stay away
17 from petitioner or other protected persons, then the court
18 may allow respondent access to the residence to remove
19 items of clothing and personal adornment used exclusively
20 by respondent, medications, and other items as the court
21 directs. The right to access shall be exercised on only one
22 occasion as the court directs and in the presence of an
23 agreed-upon adult third party or law enforcement officer.

24 (4) Counseling. Require or recommend the respondent to
25 undergo counseling for a specified duration with a social
26 worker, psychologist, clinical psychologist, psychiatrist,

1 family service agency, alcohol or substance abuse program,
2 mental health center guidance counselor, agency providing
3 services to elders, program designed for domestic violence
4 abusers or any other guidance service the court deems
5 appropriate. The court may order the respondent in any
6 intimate partner relationship to report to an Illinois
7 Department of Human Services protocol approved partner
8 abuse intervention program for an assessment and to follow
9 all recommended treatment.

10 (5) Physical care and possession of the minor child. In
11 order to protect the minor child from abuse, neglect, or
12 unwarranted separation from the person who has been the
13 minor child's primary caretaker, or to otherwise protect
14 the well-being of the minor child, the court may do either
15 or both of the following: (i) grant petitioner physical
16 care or possession of the minor child, or both, or (ii)
17 order respondent to return a minor child to, or not remove
18 a minor child from, the physical care of a parent or person
19 in loco parentis.

20 If a court finds, after a hearing, that respondent has
21 committed abuse (as defined in Section 112A-3) of a minor
22 child, there shall be a rebuttable presumption that
23 awarding physical care to respondent would not be in the
24 minor child's best interest.

25 (6) Temporary legal custody. Award temporary legal
26 custody to petitioner in accordance with this Section, the

1 Illinois Marriage and Dissolution of Marriage Act, the
2 Illinois Parentage Act of 2015, and this State's Uniform
3 Child-Custody Jurisdiction and Enforcement Act.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 112A-3) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding temporary legal custody to respondent would not be
8 in the child's best interest.

9 (7) Visitation. Determine the visitation rights, if
10 any, of respondent in any case in which the court awards
11 physical care or temporary legal custody of a minor child
12 to petitioner. The court shall restrict or deny
13 respondent's visitation with a minor child if the court
14 finds that respondent has done or is likely to do any of
15 the following: (i) abuse or endanger the minor child during
16 visitation; (ii) use the visitation as an opportunity to
17 abuse or harass petitioner or petitioner's family or
18 household members; (iii) improperly conceal or detain the
19 minor child; or (iv) otherwise act in a manner that is not
20 in the best interests of the minor child. The court shall
21 not be limited by the standards set forth in Section 607.1
22 of the Illinois Marriage and Dissolution of Marriage Act.
23 If the court grants visitation, the order shall specify
24 dates and times for the visitation to take place or other
25 specific parameters or conditions that are appropriate. No
26 order for visitation shall refer merely to the term

1 "reasonable visitation".

2 Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for visitation,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving in
7 a violent or abusive manner.

8 If necessary to protect any member of petitioner's
9 family or household from future abuse, respondent shall be
10 prohibited from coming to petitioner's residence to meet
11 the minor child for visitation, and the parties shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for visitation. A person may be
14 approved to supervise visitation only after filing an
15 affidavit accepting that responsibility and acknowledging
16 accountability to the court.

17 (8) Removal or concealment of minor child. Prohibit
18 respondent from removing a minor child from the State or
19 concealing the child within the State.

20 (9) Order to appear. Order the respondent to appear in
21 court, alone or with a minor child, to prevent abuse,
22 neglect, removal or concealment of the child, to return the
23 child to the custody or care of the petitioner or to permit
24 any court-ordered interview or examination of the child or
25 the respondent.

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the parties own the property jointly; sharing
7 it would risk abuse of petitioner by respondent or is
8 impracticable; and the balance of hardships favors
9 temporary possession by petitioner.

10 If petitioner's sole claim to ownership of the property
11 is that it is marital property, the court may award
12 petitioner temporary possession thereof under the
13 standards of subparagraph (ii) of this paragraph only if a
14 proper proceeding has been filed under the Illinois
15 Marriage and Dissolution of Marriage Act, as now or
16 hereafter amended.

17 No order under this provision shall affect title to
18 property.

19 (11) Protection of property. Forbid the respondent
20 from taking, transferring, encumbering, concealing,
21 damaging or otherwise disposing of any real or personal
22 property, except as explicitly authorized by the court, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the parties own the property jointly, and the
26 balance of hardships favors granting this remedy.

1 If petitioner's sole claim to ownership of the property
2 is that it is marital property, the court may grant
3 petitioner relief under subparagraph (ii) of this
4 paragraph only if a proper proceeding has been filed under
5 the Illinois Marriage and Dissolution of Marriage Act, as
6 now or hereafter amended.

7 The court may further prohibit respondent from
8 improperly using the financial or other resources of an
9 aged member of the family or household for the profit or
10 advantage of respondent or of any other person.

11 (11.5) Protection of animals. Grant the petitioner the
12 exclusive care, custody, or control of any animal owned,
13 possessed, leased, kept, or held by either the petitioner
14 or the respondent or a minor child residing in the
15 residence or household of either the petitioner or the
16 respondent and order the respondent to stay away from the
17 animal and forbid the respondent from taking,
18 transferring, encumbering, concealing, harming, or
19 otherwise disposing of the animal.

20 (12) Order for payment of support. Order respondent to
21 pay temporary support for the petitioner or any child in
22 the petitioner's care or custody, when the respondent has a
23 legal obligation to support that person, in accordance with
24 the Illinois Marriage and Dissolution of Marriage Act,
25 which shall govern, among other matters, the amount of
26 support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may be
2 granted to a petitioner with lawful physical care or
3 custody of a child, or an order or agreement for physical
4 care or custody, prior to entry of an order for legal
5 custody. Such a support order shall expire upon entry of a
6 valid order granting legal custody to another, unless
7 otherwise provided in the custody order.

8 (13) Order for payment of losses. Order respondent to
9 pay petitioner for losses suffered as a direct result of
10 the abuse. Such losses shall include, but not be limited
11 to, medical expenses, lost earnings or other support,
12 repair or replacement of property damaged or taken,
13 reasonable attorney's fees, court costs and moving or other
14 travel expenses, including additional reasonable expenses
15 for temporary shelter and restaurant meals.

16 (i) Losses affecting family needs. If a party is
17 entitled to seek maintenance, child support or
18 property distribution from the other party under the
19 Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended, the court may order
21 respondent to reimburse petitioner's actual losses, to
22 the extent that such reimbursement would be
23 "appropriate temporary relief", as authorized by
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including but not
4 limited to legal fees, court costs, private
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent
7 from entering or remaining in the residence or household
8 while the respondent is under the influence of alcohol or
9 drugs and constitutes a threat to the safety and well-being
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (A) A person who is subject to an existing order of
13 protection, interim order of protection, emergency
14 order of protection, or plenary order of protection,
15 issued under this Code may not lawfully possess
16 firearms, stun guns, or tasers ~~weapons under Section~~
17 ~~8.2 of the Firearm Owners Identification Card Act.~~

18 (B) Any firearms in the possession of the
19 respondent, except as provided in subparagraph (C) of
20 this paragraph (14.5), shall be ordered by the court to
21 be turned over to a person who is not prohibited under
22 State or federal law from possessing firearms ~~with a~~
23 ~~valid Firearm Owner's Identification Card for~~
24 ~~safekeeping. The court shall issue an order that the~~
25 ~~respondent's Firearm Owner's Identification Card be~~
26 ~~turned over to the local law enforcement agency, which~~

1 ~~in turn shall immediately mail the card to the~~
2 ~~Department of State Police Firearm Owner's~~
3 ~~Identification Card Office for safekeeping.~~ The period
4 of safekeeping shall be for the duration of the order
5 of protection. The firearm or firearms ~~and Firearm~~
6 ~~Owner's Identification Card, if unexpired,~~ shall at
7 the respondent's request be returned to the respondent
8 at expiration of the order of protection.

9 (C) If the respondent is a peace officer as defined
10 in Section 2-13 of the Criminal Code of 2012, the court
11 shall order that any firearms used by the respondent in
12 the performance of his or her duties as a peace officer
13 be surrendered to the chief law enforcement executive
14 of the agency in which the respondent is employed, who
15 shall retain the firearms for safekeeping for the
16 duration of the order of protection.

17 (D) Upon expiration of the period of safekeeping,
18 if the firearms ~~or Firearm Owner's Identification Card~~
19 cannot be returned to respondent because respondent
20 cannot be located, fails to respond to requests to
21 retrieve the firearms, or is not lawfully eligible to
22 possess a firearm, upon petition from the local law
23 enforcement agency, the court may order the local law
24 enforcement agency to destroy the firearms, use the
25 firearms for training purposes, or for any other
26 application as deemed appropriate by the local law

1 enforcement agency; or that the firearms be turned over
2 to a third party who is lawfully eligible to possess
3 firearms, and who does not reside with respondent.

4 (15) Prohibition of access to records. If an order of
5 protection prohibits respondent from having contact with
6 the minor child, or if petitioner's address is omitted
7 under subsection (b) of Section 112A-5, or if necessary to
8 prevent abuse or wrongful removal or concealment of a minor
9 child, the order shall deny respondent access to, and
10 prohibit respondent from inspecting, obtaining, or
11 attempting to inspect or obtain, school or any other
12 records of the minor child who is in the care of
13 petitioner.

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse of
21 a family or household member or to effectuate one of the
22 granted remedies, if supported by the balance of hardships.
23 If the harm to be prevented by the injunction is abuse or
24 any other harm that one of the remedies listed in
25 paragraphs (1) through (16) of this subsection is designed
26 to prevent, no further evidence is necessary to establish

1 that the harm is an irreparable injury.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,
4 other than payment of support, the court shall consider
5 relevant factors, including but not limited to the
6 following:

7 (i) the nature, frequency, severity, pattern and
8 consequences of the respondent's past abuse of the
9 petitioner or any family or household member,
10 including the concealment of his or her location in
11 order to evade service of process or notice, and the
12 likelihood of danger of future abuse to petitioner or
13 any member of petitioner's or respondent's family or
14 household; and

15 (ii) the danger that any minor child will be abused
16 or neglected or improperly removed from the
17 jurisdiction, improperly concealed within the State or
18 improperly separated from the child's primary
19 caretaker.

20 (2) In comparing relative hardships resulting to the
21 parties from loss of possession of the family home, the
22 court shall consider relevant factors, including but not
23 limited to the following:

24 (i) availability, accessibility, cost, safety,
25 adequacy, location and other characteristics of
26 alternate housing for each party and any minor child or

1 dependent adult in the party's care;

2 (ii) the effect on the party's employment; and

3 (iii) the effect on the relationship of the party,
4 and any minor child or dependent adult in the party's
5 care, to family, school, church and community.

6 (3) Subject to the exceptions set forth in paragraph
7 (4) of this subsection, the court shall make its findings
8 in an official record or in writing, and shall at a minimum
9 set forth the following:

10 (i) That the court has considered the applicable
11 relevant factors described in paragraphs (1) and (2) of
12 this subsection.

13 (ii) Whether the conduct or actions of respondent,
14 unless prohibited, will likely cause irreparable harm
15 or continued abuse.

16 (iii) Whether it is necessary to grant the
17 requested relief in order to protect petitioner or
18 other alleged abused persons.

19 (4) For purposes of issuing an ex parte emergency order
20 of protection, the court, as an alternative to or as a
21 supplement to making the findings described in paragraphs
22 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
23 the following procedure:

24 When a verified petition for an emergency order of
25 protection in accordance with the requirements of Sections
26 112A-5 and 112A-17 is presented to the court, the court

1 shall examine petitioner on oath or affirmation. An
2 emergency order of protection shall be issued by the court
3 if it appears from the contents of the petition and the
4 examination of petitioner that the averments are
5 sufficient to indicate abuse by respondent and to support
6 the granting of relief under the issuance of the emergency
7 order of protection.

8 (5) Never married parties. No rights or
9 responsibilities for a minor child born outside of marriage
10 attach to a putative father until a father and child
11 relationship has been established under the Illinois
12 Parentage Act of 1984 or under the Illinois Parentage Act
13 of 2015 on and after the effective date of that Act. Absent
14 such an adjudication, no putative father shall be granted
15 temporary custody of the minor child, visitation with the
16 minor child, or physical care and possession of the minor
17 child, nor shall an order of payment for support of the
18 minor child be entered.

19 (d) Balance of hardships; findings. If the court finds that
20 the balance of hardships does not support the granting of a
21 remedy governed by paragraph (2), (3), (10), (11), or (16) of
22 subsection (b) of this Section, which may require such
23 balancing, the court's findings shall so indicate and shall
24 include a finding as to whether granting the remedy will result
25 in hardship to respondent that would substantially outweigh the
26 hardship to petitioner from denial of the remedy. The findings

1 shall be an official record or in writing.

2 (e) Denial of remedies. Denial of any remedy shall not be
3 based, in whole or in part, on evidence that:

4 (1) Respondent has cause for any use of force, unless
5 that cause satisfies the standards for justifiable use of
6 force provided by Article 7 of the Criminal Code of 2012;

7 (2) Respondent was voluntarily intoxicated;

8 (3) Petitioner acted in self-defense or defense of
9 another, provided that, if petitioner utilized force, such
10 force was justifiable under Article 7 of the Criminal Code
11 of 2012;

12 (4) Petitioner did not act in self-defense or defense
13 of another;

14 (5) Petitioner left the residence or household to avoid
15 further abuse by respondent;

16 (6) Petitioner did not leave the residence or household
17 to avoid further abuse by respondent;

18 (7) Conduct by any family or household member excused
19 the abuse by respondent, unless that same conduct would
20 have excused such abuse if the parties had not been family
21 or household members.

22 (Source: P.A. 98-63, eff. 7-9-13; 99-85, eff. 1-1-16.)

23 Section 95. The Unified Code of Corrections is amended by
24 changing Sections 5-5-3, 5-5-3.2, and 5-6-3 as follows:

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

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic imprisonment
7 or conditional discharge shall not be imposed for the following
8 offenses. The court shall sentence the offender to not less
9 than the minimum term of imprisonment set forth in this Code
10 for the following offenses, and may order a fine or restitution
11 or both in conjunction with such term of imprisonment:

12 (A) First degree murder where the death penalty is not
13 imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the Illinois
17 Controlled Substances Act, or a violation of subdivision
18 (c)(1.5) or (c)(2) of Section 401 of that Act which relates
19 to more than 5 grams of a substance containing cocaine,
20 fentanyl, or an analog thereof.

21 (D-5) A violation of subdivision (c)(1) of Section 401
22 of the Illinois Controlled Substances Act which relates to
23 3 or more grams of a substance containing heroin or an
24 analog thereof.

25 (E) A violation of Section 5.1 or 9 of the Cannabis
26 Control Act.

1 (F) A Class 2 or greater felony if the offender had
2 been convicted of a Class 2 or greater felony, including
3 any state or federal conviction for an offense that
4 contained, at the time it was committed, the same elements
5 as an offense now (the date of the offense committed after
6 the prior Class 2 or greater felony) classified as a Class
7 2 or greater felony, within 10 years of the date on which
8 the offender committed the offense for which he or she is
9 being sentenced, except as otherwise provided in Section
10 40-10 of the Alcoholism and Other Drug Abuse and Dependency
11 Act.

12 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
13 the Criminal Code of 1961 or the Criminal Code of 2012 for
14 which imprisonment is prescribed in those Sections.

15 (G) Residential burglary, except as otherwise provided
16 in Section 40-10 of the Alcoholism and Other Drug Abuse and
17 Dependency Act.

18 (H) Criminal sexual assault.

19 (I) Aggravated battery of a senior citizen as described
20 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05
21 of the Criminal Code of 1961 or the Criminal Code of 2012.

22 (J) A forcible felony if the offense was related to the
23 activities of an organized gang.

24 Before July 1, 1994, for the purposes of this
25 paragraph, "organized gang" means an association of 5 or
26 more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate crimes
2 or provides support to the members of the association who
3 do commit crimes.

4 Beginning July 1, 1994, for the purposes of this
5 paragraph, "organized gang" has the meaning ascribed to it
6 in Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (K) Vehicular hijacking.

9 (L) A second or subsequent conviction for the offense
10 of hate crime when the underlying offense upon which the
11 hate crime is based is felony aggravated assault or felony
12 mob action.

13 (M) A second or subsequent conviction for the offense
14 of institutional vandalism if the damage to the property
15 exceeds \$300.

16 (N) (Blank). ~~A Class 3 felony violation of paragraph~~
17 ~~(1) of subsection (a) of Section 2 of the Firearm Owners~~
18 ~~Identification Card Act.~~

19 (O) A violation of Section 12-6.1 or 12-6.5 of the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (P) A violation of paragraph (1), (2), (3), (4), (5),
22 or (7) of subsection (a) of Section 11-20.1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (Q) A violation of subsection (b) or (b-5) of Section
25 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (R) A violation of Section 24-3A of the Criminal Code
2 of 1961 or the Criminal Code of 2012.

3 (S) (Blank).

4 (T) A second or subsequent violation of the
5 Methamphetamine Control and Community Protection Act.

6 (U) A second or subsequent violation of Section 6-303
7 of the Illinois Vehicle Code committed while his or her
8 driver's license, permit, or privilege was revoked because
9 of a violation of Section 9-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c) of
14 Section 11-20.1B or paragraph (4) of subsection (c) of
15 Section 11-20.3 of the Criminal Code of 1961, or paragraph
16 (6) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 2012 when the victim is under 13 years of age and
18 the defendant has previously been convicted under the laws
19 of this State or any other state of the offense of child
20 pornography, aggravated child pornography, aggravated
21 criminal sexual abuse, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, or any of the
23 offenses formerly known as rape, deviate sexual assault,
24 indecent liberties with a child, or aggravated indecent
25 liberties with a child where the victim was under the age
26 of 18 years or an offense that is substantially equivalent

1 to those offenses.

2 (W) A violation of Section 24-3.5 of the Criminal Code
3 of 1961 or the Criminal Code of 2012.

4 (X) A violation of subsection (a) of Section 31-1a of
5 the Criminal Code of 1961 or the Criminal Code of 2012.

6 (Y) A conviction for unlawful possession of a firearm
7 by a street gang member when the firearm was loaded or
8 contained firearm ammunition.

9 (Z) A Class 1 felony committed while he or she was
10 serving a term of probation or conditional discharge for a
11 felony.

12 (AA) Theft of property exceeding \$500,000 and not
13 exceeding \$1,000,000 in value.

14 (BB) Laundering of criminally derived property of a
15 value exceeding \$500,000.

16 (CC) Knowingly selling, offering for sale, holding for
17 sale, or using 2,000 or more counterfeit items or
18 counterfeit items having a retail value in the aggregate of
19 \$500,000 or more.

20 (DD) A conviction for aggravated assault under
21 paragraph (6) of subsection (c) of Section 12-2 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 firearm is aimed toward the person against whom the firearm
24 is being used.

25 (EE) A conviction for a violation of paragraph (2) of
26 subsection (a) of Section 24-3B of the Criminal Code of

1 2012.

2 (3) (Blank).

3 (4) A minimum term of imprisonment of not less than 10
4 consecutive days or 30 days of community service shall be
5 imposed for a violation of paragraph (c) of Section 6-303 of
6 the Illinois Vehicle Code.

7 (4.1) (Blank).

8 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
9 this subsection (c), a minimum of 100 hours of community
10 service shall be imposed for a second violation of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or 300
13 hours of community service, as determined by the court, shall
14 be imposed for a second violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.4) Except as provided in paragraphs (4.5), (4.6), and
17 (4.9) of this subsection (c), a minimum term of imprisonment of
18 30 days or 300 hours of community service, as determined by the
19 court, shall be imposed for a third or subsequent violation of
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.5) A minimum term of imprisonment of 30 days shall be
22 imposed for a third violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this
25 subsection (c), a minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of

1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

2 (4.7) A minimum term of imprisonment of not less than 30
3 consecutive days, or 300 hours of community service, shall be
4 imposed for a violation of subsection (a-5) of Section 6-303 of
5 the Illinois Vehicle Code, as provided in subsection (b-5) of
6 that Section.

7 (4.8) A mandatory prison sentence shall be imposed for a
8 second violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (c-5) of that
10 Section. The person's driving privileges shall be revoked for a
11 period of not less than 5 years from the date of his or her
12 release from prison.

13 (4.9) A mandatory prison sentence of not less than 4 and
14 not more than 15 years shall be imposed for a third violation
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
16 Code, as provided in subsection (d-2.5) of that Section. The
17 person's driving privileges shall be revoked for the remainder
18 of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony
20 shall be imposed, and the person shall be eligible for an
21 extended term sentence, for a fourth or subsequent violation of
22 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
23 as provided in subsection (d-3.5) of that Section. The person's
24 driving privileges shall be revoked for the remainder of his or
25 her life.

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

4 (C) make restitution to the victim under Section 5-5-6
5 of this Code.

6 (5.1) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.2) or (5.3), a person
8 convicted of violating subsection (c) of Section 11-907 of the
9 Illinois Vehicle Code shall have his or her driver's license,
10 permit, or privileges suspended for at least 90 days but not
11 more than one year, if the violation resulted in damage to the
12 property of another person.

13 (5.2) In addition to any other penalties imposed, and
14 except as provided in paragraph (5.3), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license, permit, or
17 privileges suspended for at least 180 days but not more than 2
18 years, if the violation resulted in injury to another person.

19 (5.3) In addition to any other penalties imposed, a person
20 convicted of violating subsection (c) of Section 11-907 of the
21 Illinois Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for 2 years, if the violation
23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person
25 convicted of violating Section 3-707 of the Illinois Vehicle
26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code during a period in which his or her driver's license,
6 permit, or privileges were suspended for a previous violation
7 of that Section shall have his or her driver's license, permit,
8 or privileges suspended for an additional 6 months after the
9 expiration of the original 3-month suspension and until he or
10 she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent offense
15 of ritualized abuse of a child may be sentenced to a term of
16 natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a
19 first offense and \$2,000 for a second or subsequent offense
20 upon a person convicted of or placed on supervision for battery
21 when the individual harmed was a sports official or coach at
22 any level of competition and the act causing harm to the sports
23 official or coach occurred within an athletic facility or
24 within the immediate vicinity of the athletic facility at which
25 the sports official or coach was an active participant of the
26 athletic contest held at the athletic facility. For the

1 purposes of this paragraph (11), "sports official" means a
2 person at an athletic contest who enforces the rules of the
3 contest, such as an umpire or referee; "athletic facility"
4 means an indoor or outdoor playing field or recreational area
5 where sports activities are conducted; and "coach" means a
6 person recognized as a coach by the sanctioning authority that
7 conducted the sporting event.

8 (12) A person may not receive a disposition of court
9 supervision for a violation of Section 5-16 of the Boat
10 Registration and Safety Act if that person has previously
11 received a disposition of court supervision for a violation of
12 that Section.

13 (13) A person convicted of or placed on court supervision
14 for an assault or aggravated assault when the victim and the
15 offender are family or household members as defined in Section
16 103 of the Illinois Domestic Violence Act of 1986 or convicted
17 of domestic battery or aggravated domestic battery may be
18 required to attend a Partner Abuse Intervention Program under
19 protocols set forth by the Illinois Department of Human
20 Services under such terms and conditions imposed by the court.
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the

1 time since the original sentence was passed. The trial court
2 shall then impose sentence upon the defendant. The trial court
3 may impose any sentence which could have been imposed at the
4 original trial subject to Section 5-5-4 of the Unified Code of
5 Corrections. If a sentence is vacated on appeal or on
6 collateral attack due to the failure of the trier of fact at
7 trial to determine beyond a reasonable doubt the existence of a
8 fact (other than a prior conviction) necessary to increase the
9 punishment for the offense beyond the statutory maximum
10 otherwise applicable, either the defendant may be re-sentenced
11 to a term within the range otherwise provided or, if the State
12 files notice of its intention to again seek the extended
13 sentence, the defendant shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 results in conviction
17 of a defendant who was a family member of the victim at the
18 time of the commission of the offense, the court shall consider
19 the safety and welfare of the victim and may impose a sentence
20 of probation only where:

21 (1) the court finds (A) or (B) or both are appropriate:

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

6 (iv) restitution for harm done to the victim;

7 and

8 (v) compliance with any other measures that
9 the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the
11 victim's counseling services, to the extent that the court
12 finds, after considering the defendant's income and
13 assets, that the defendant is financially capable of paying
14 for such services, if the victim was under 18 years of age
15 at the time the offense was committed and requires
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section
18 5-6-4; except where the court determines at the hearing that
19 the defendant violated a condition of his or her probation
20 restricting contact with the victim or other family members or
21 commits another offense with the victim or other family
22 members, the court shall revoke the defendant's probation and
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the defendant shall undergo medical
9 testing to determine whether the defendant has any sexually
10 transmissible disease, including a test for infection with
11 human immunodeficiency virus (HIV) or any other identified
12 causative agent of acquired immunodeficiency syndrome (AIDS).
13 Any such medical test shall be performed only by appropriately
14 licensed medical practitioners and may include an analysis of
15 any bodily fluids as well as an examination of the defendant's
16 person. Except as otherwise provided by law, the results of
17 such test shall be kept strictly confidential by all medical
18 personnel involved in the testing and must be personally
19 delivered in a sealed envelope to the judge of the court in
20 which the conviction was entered for the judge's inspection in
21 camera. Acting in accordance with the best interests of the
22 victim and the public, the judge shall have the discretion to
23 determine to whom, if anyone, the results of the testing may be
24 revealed. The court shall notify the defendant of the test
25 results. The court shall also notify the victim if requested by
26 the victim, and if the victim is under the age of 15 and if

1 requested by the victim's parents or legal guardian, the court
2 shall notify the victim's parents or legal guardian of the test
3 results. The court shall provide information on the
4 availability of HIV testing and counseling at Department of
5 Public Health facilities to all parties to whom the results of
6 the testing are revealed and shall direct the State's Attorney
7 to provide the information to the victim when possible. A
8 State's Attorney may petition the court to obtain the results
9 of any HIV test administered under this Section, and the court
10 shall grant the disclosure if the State's Attorney shows it is
11 relevant in order to prosecute a charge of criminal
12 transmission of HIV under Section 12-5.01 or 12-16.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 against the
14 defendant. The court shall order that the cost of any such test
15 shall be paid by the county and may be taxed as costs against
16 the convicted defendant.

17 (g-5) When an inmate is tested for an airborne communicable
18 disease, as determined by the Illinois Department of Public
19 Health including but not limited to tuberculosis, the results
20 of the test shall be personally delivered by the warden or his
21 or her designee in a sealed envelope to the judge of the court
22 in which the inmate must appear for the judge's inspection in
23 camera if requested by the judge. Acting in accordance with the
24 best interests of those in the courtroom, the judge shall have
25 the discretion to determine what if any precautions need to be
26 taken to prevent transmission of the disease in the courtroom.

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-5.01 or
26 12-16.2 of the Criminal Code of 1961 or the Criminal Code of

1 2012 against the defendant. The court shall order that the cost
2 of any such test shall be paid by the county and may be taxed as
3 costs against the convicted defendant.

4 (i) All fines and penalties imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing high school equivalency
20 testing or to work toward completing a vocational training
21 program offered by the Department of Corrections. If a
22 defendant fails to complete the educational training required
23 by his or her sentence during the term of incarceration, the
24 Prisoner Review Board shall, as a condition of mandatory
25 supervised release, require the defendant, at his or her own
26 expense, to pursue a course of study toward a high school

1 diploma or passage of high school equivalency testing. The
2 Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed high school
14 equivalency testing. This subsection (j-5) does not apply to a
15 defendant who is determined by the court to be a person with a
16 developmental disability or otherwise mentally incapable of
17 completing the educational or vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by the
21 Immigration and Nationality Act, is convicted of any felony or
22 misdemeanor offense, the court after sentencing the defendant
23 may, upon motion of the State's Attorney, hold sentence in
24 abeyance and remand the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent to be deported when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under the
3 Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct and
6 would not be inconsistent with the ends of justice.

7 Otherwise, the defendant shall be sentenced as provided in
8 this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act, the
14 court may, upon motion of the State's Attorney to suspend the
15 sentence imposed, commit the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

24 (C) This subsection (1) does not apply to offenders who are
25 subject to the provisions of paragraph (2) of subsection (a) of
26 Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of the
3 United States, the defendant shall be recommitted to the
4 custody of the county from which he or she was sentenced.
5 Thereafter, the defendant shall be brought before the
6 sentencing court, which may impose any sentence that was
7 available under Section 5-5-3 at the time of initial
8 sentencing. In addition, the defendant shall not be eligible
9 for additional sentence credit for good conduct as provided
10 under Section 3-6-3.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person is an addict or alcoholic, as defined in
24 the Alcoholism and Other Drug Abuse and Dependency Act, to a
25 substance or alcohol abuse program licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions of
4 license renewal established by the Secretary of State.

5 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
6 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

7 (730 ILCS 5/5-5-3.2)

8 Sec. 5-5-3.2. Factors in aggravation and extended-term
9 sentencing.

10 (a) The following factors shall be accorded weight in favor
11 of imposing a term of imprisonment or may be considered by the
12 court as reasons to impose a more severe sentence under Section
13 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency or
19 criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular offense
22 committed or to bring the offenders committing it to
23 justice;

24 (5) the defendant held public office at the time of the
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who has a physical disability or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" has the meaning ascribed to it in paragraph
23 (0-1) of Section 1-103 of the Illinois Human Rights Act;

24 (11) the offense took place in a place of worship or on
25 the grounds of a place of worship, immediately prior to,
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall
2 mean any church, synagogue or other building, structure or
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed
5 while he was released on bail or his own recognizance
6 pending trial for a prior felony and was convicted of such
7 prior felony, or the defendant was convicted of a felony
8 committed while he was serving a period of probation,
9 conditional discharge, or mandatory supervised release
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a
12 felony while he was wearing a bulletproof vest. For the
13 purposes of this paragraph (13), a bulletproof vest is any
14 device which is designed for the purpose of protecting the
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or
17 supervision such as, but not limited to, family member as
18 defined in Section 11-0.1 of the Criminal Code of 2012,
19 teacher, scout leader, baby sitter, or day care worker, in
20 relation to a victim under 18 years of age, and the
21 defendant committed an offense in violation of Section
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
23 11-14.4 except for an offense that involves keeping a place
24 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
25 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
26 or 12-16 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 against that victim;

2 (15) the defendant committed an offense related to the
3 activities of an organized gang. For the purposes of this
4 factor, "organized gang" has the meaning ascribed to it in
5 Section 10 of the Streetgang Terrorism Omnibus Prevention
6 Act;

7 (16) the defendant committed an offense in violation of
8 one of the following Sections while in a school, regardless
9 of the time of day or time of year; on any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related activity; on
12 the real property of a school; or on a public way within
13 1,000 feet of the real property comprising any school:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (16.5) the defendant committed an offense in violation
22 of one of the following Sections while in a day care
23 center, regardless of the time of day or time of year; on
24 the real property of a day care center, regardless of the
25 time of day or time of year; or on a public way within
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
8 Criminal Code of 2012;

9 (17) the defendant committed the offense by reason of
10 any person's activity as a community policing volunteer or
11 to prevent any person from engaging in activity as a
12 community policing volunteer. For the purpose of this
13 Section, "community policing volunteer" has the meaning
14 ascribed to it in Section 2-3.5 of the Criminal Code of
15 2012;

16 (18) the defendant committed the offense in a nursing
17 home or on the real property comprising a nursing home. For
18 the purposes of this paragraph (18), "nursing home" means a
19 skilled nursing or intermediate long term care facility
20 that is subject to license by the Illinois Department of
21 Public Health under the Nursing Home Care Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, the
23 ID/DD Community Care Act, or the MC/DD Act;

24 (19) the defendant was a federally licensed firearm
25 dealer and was previously convicted of a violation of
26 subsection (a) of Section 3 of the Firearm Owners

1 Identification Card Act before its repeal by this
2 amendatory Act of the 100th General Assembly and has now
3 committed ~~either a felony violation of the Firearm Owners~~
4 ~~Identification Card Act or~~ an act of armed violence while
5 armed with a firearm;

6 (20) the defendant (i) committed the offense of
7 reckless homicide under Section 9-3 of the Criminal Code of
8 1961 or the Criminal Code of 2012 or the offense of driving
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds or any combination
11 thereof under Section 11-501 of the Illinois Vehicle Code
12 or a similar provision of a local ordinance and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code;

16 (21) the defendant (i) committed the offense of
17 reckless driving or aggravated reckless driving under
18 Section 11-503 of the Illinois Vehicle Code and (ii) was
19 operating a motor vehicle in excess of 20 miles per hour
20 over the posted speed limit as provided in Article VI of
21 Chapter 11 of the Illinois Vehicle Code;

22 (22) the defendant committed the offense against a
23 person that the defendant knew, or reasonably should have
24 known, was a member of the Armed Forces of the United
25 States serving on active duty. For purposes of this clause
26 (22), the term "Armed Forces" means any of the Armed Forces

1 of the United States, including a member of any reserve
2 component thereof or National Guard unit called to active
3 duty;

4 (23) the defendant committed the offense against a
5 person who was elderly or infirm or who was a person with a
6 disability by taking advantage of a family or fiduciary
7 relationship with the elderly or infirm person or person
8 with a disability;

9 (24) the defendant committed any offense under Section
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 and possessed 100 or more images;

12 (25) the defendant committed the offense while the
13 defendant or the victim was in a train, bus, or other
14 vehicle used for public transportation;

15 (26) the defendant committed the offense of child
16 pornography or aggravated child pornography, specifically
17 including paragraph (1), (2), (3), (4), (5), or (7) of
18 subsection (a) of Section 11-20.1 of the Criminal Code of
19 1961 or the Criminal Code of 2012 where a child engaged in,
20 solicited for, depicted in, or posed in any act of sexual
21 penetration or bound, fettered, or subject to sadistic,
22 masochistic, or sadomasochistic abuse in a sexual context
23 and specifically including paragraph (1), (2), (3), (4),
24 (5), or (7) of subsection (a) of Section 11-20.1B or
25 Section 11-20.3 of the Criminal Code of 1961 where a child
26 engaged in, solicited for, depicted in, or posed in any act

1 of sexual penetration or bound, fettered, or subject to
2 sadistic, masochistic, or sadomasochistic abuse in a
3 sexual context;

4 (27) the defendant committed the offense of first
5 degree murder, assault, aggravated assault, battery,
6 aggravated battery, robbery, armed robbery, or aggravated
7 robbery against a person who was a veteran and the
8 defendant knew, or reasonably should have known, that the
9 person was a veteran performing duties as a representative
10 of a veterans' organization. For the purposes of this
11 paragraph (27), "veteran" means an Illinois resident who
12 has served as a member of the United States Armed Forces, a
13 member of the Illinois National Guard, or a member of the
14 United States Reserve Forces; and "veterans' organization"
15 means an organization comprised of members of which
16 substantially all are individuals who are veterans or
17 spouses, widows, or widowers of veterans, the primary
18 purpose of which is to promote the welfare of its members
19 and to provide assistance to the general public in such a
20 way as to confer a public benefit;

21 (28) the defendant committed the offense of assault,
22 aggravated assault, battery, aggravated battery, robbery,
23 armed robbery, or aggravated robbery against a person that
24 the defendant knew or reasonably should have known was a
25 letter carrier or postal worker while that person was
26 performing his or her duties delivering mail for the United

1 States Postal Service;

2 (29) the defendant committed the offense of criminal
3 sexual assault, aggravated criminal sexual assault,
4 criminal sexual abuse, or aggravated criminal sexual abuse
5 against a victim with an intellectual disability, and the
6 defendant holds a position of trust, authority, or
7 supervision in relation to the victim; or

8 (30) the defendant committed the offense of promoting
9 juvenile prostitution, patronizing a prostitute, or
10 patronizing a minor engaged in prostitution and at the time
11 of the commission of the offense knew that the prostitute
12 or minor engaged in prostitution was in the custody or
13 guardianship of the Department of Children and Family
14 Services.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified
19 and licensed day care center as defined in Section 2.09 of the
20 Child Care Act of 1969 that displays a sign in plain view
21 stating that the property is a day care center.

22 "Intellectual disability" means significantly subaverage
23 intellectual functioning which exists concurrently with
24 impairment in adaptive behavior.

25 "Public transportation" means the transportation or
26 conveyance of persons by means available to the general public,

1 and includes paratransit services.

2 (b) The following factors, related to all felonies, may be
3 considered by the court as reasons to impose an extended term
4 sentence under Section 5-8-2 upon any offender:

5 (1) When a defendant is convicted of any felony, after
6 having been previously convicted in Illinois or any other
7 jurisdiction of the same or similar class felony or greater
8 class felony, when such conviction has occurred within 10
9 years after the previous conviction, excluding time spent
10 in custody, and such charges are separately brought and
11 tried and arise out of different series of acts; or

12 (2) When a defendant is convicted of any felony and the
13 court finds that the offense was accompanied by
14 exceptionally brutal or heinous behavior indicative of
15 wanton cruelty; or

16 (3) When a defendant is convicted of any felony
17 committed against:

18 (i) a person under 12 years of age at the time of
19 the offense or such person's property;

20 (ii) a person 60 years of age or older at the time
21 of the offense or such person's property; or

22 (iii) a person who had a physical disability at the
23 time of the offense or such person's property; or

24 (4) When a defendant is convicted of any felony and the
25 offense involved any of the following types of specific
26 misconduct committed as part of a ceremony, rite,

1 initiation, observance, performance, practice or activity
2 of any actual or ostensible religious, fraternal, or social
3 group:

4 (i) the brutalizing or torturing of humans or
5 animals;

6 (ii) the theft of human corpses;

7 (iii) the kidnapping of humans;

8 (iv) the desecration of any cemetery, religious,
9 fraternal, business, governmental, educational, or
10 other building or property; or

11 (v) ritualized abuse of a child; or

12 (5) When a defendant is convicted of a felony other
13 than conspiracy and the court finds that the felony was
14 committed under an agreement with 2 or more other persons
15 to commit that offense and the defendant, with respect to
16 the other individuals, occupied a position of organizer,
17 supervisor, financier, or any other position of management
18 or leadership, and the court further finds that the felony
19 committed was related to or in furtherance of the criminal
20 activities of an organized gang or was motivated by the
21 defendant's leadership in an organized gang; or

22 (6) When a defendant is convicted of an offense
23 committed while using a firearm with a laser sight attached
24 to it. For purposes of this paragraph, "laser sight" has
25 the meaning ascribed to it in Section 26-7 of the Criminal
26 Code of 2012; or

1 (7) When a defendant who was at least 17 years of age
2 at the time of the commission of the offense is convicted
3 of a felony and has been previously adjudicated a
4 delinquent minor under the Juvenile Court Act of 1987 for
5 an act that if committed by an adult would be a Class X or
6 Class 1 felony when the conviction has occurred within 10
7 years after the previous adjudication, excluding time
8 spent in custody; or

9 (8) When a defendant commits any felony and the
10 defendant used, possessed, exercised control over, or
11 otherwise directed an animal to assault a law enforcement
12 officer engaged in the execution of his or her official
13 duties or in furtherance of the criminal activities of an
14 organized gang in which the defendant is engaged; or

15 (9) When a defendant commits any felony and the
16 defendant knowingly video or audio records the offense with
17 the intent to disseminate the recording.

18 (c) The following factors may be considered by the court as
19 reasons to impose an extended term sentence under Section 5-8-2
20 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of
2 acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

10 (2) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter, or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual.

15 (3) When a defendant is convicted of aggravated
16 criminal sexual assault or criminal sexual assault, when
17 there is a finding that aggravated criminal sexual assault
18 or criminal sexual assault was also committed on the same
19 victim by one or more other individuals, and the defendant
20 voluntarily participated in the crime with the knowledge of
21 the participation of the others in the crime, and the
22 commission of the crime was part of a single course of
23 conduct during which there was no substantial change in the
24 nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
4 of Section 12-14.1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation
7 of Section 24-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
9 finding that the defendant is a member of an organized
10 gang.

11 (6) When a defendant was convicted of unlawful use of
12 weapons under Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
14 a weapon that is not readily distinguishable as one of the
15 weapons enumerated in Section 24-1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

17 (7) When a defendant is convicted of an offense
18 involving the illegal manufacture of a controlled
19 substance under Section 401 of the Illinois Controlled
20 Substances Act (720 ILCS 570/401), the illegal manufacture
21 of methamphetamine under Section 25 of the Methamphetamine
22 Control and Community Protection Act (720 ILCS 646/25), or
23 the illegal possession of explosives and an emergency
24 response officer in the performance of his or her duties is
25 killed or injured at the scene of the offense while
26 responding to the emergency caused by the commission of the

1 offense. In this paragraph, "emergency" means a situation
2 in which a person's life, health, or safety is in jeopardy;
3 and "emergency response officer" means a peace officer,
4 community policing volunteer, fireman, emergency medical
5 technician-ambulance, emergency medical
6 technician-intermediate, emergency medical
7 technician-paramedic, ambulance driver, other medical
8 assistance or first aid personnel, or hospital emergency
9 room personnel.

10 (8) When the defendant is convicted of attempted mob
11 action, solicitation to commit mob action, or conspiracy to
12 commit mob action under Section 8-1, 8-2, or 8-4 of the
13 Criminal Code of 2012, where the criminal object is a
14 violation of Section 25-1 of the Criminal Code of 2012, and
15 an electronic communication is used in the commission of
16 the offense. For the purposes of this paragraph (8),
17 "electronic communication" shall have the meaning provided
18 in Section 26.5-0.1 of the Criminal Code of 2012.

19 (d) For the purposes of this Section, "organized gang" has
20 the meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (e) The court may impose an extended term sentence under
23 Article 4.5 of Chapter V upon an offender who has been
24 convicted of a felony violation of Section 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
26 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012

1 when the victim of the offense is under 18 years of age at the
2 time of the commission of the offense and, during the
3 commission of the offense, the victim was under the influence
4 of alcohol, regardless of whether or not the alcohol was
5 supplied by the offender; and the offender, at the time of the
6 commission of the offense, knew or should have known that the
7 victim had consumed alcohol.

8 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,
9 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,
10 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;
11 99-347, eff. 1-1-16; 99-642, eff. 7-28-16.)

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

13 Sec. 5-6-3. Conditions of Probation and of Conditional
14 Discharge.

15 (a) The conditions of probation and of conditional
16 discharge shall be that the person:

17 (1) not violate any criminal statute of any
18 jurisdiction;

19 (2) report to or appear in person before such person or
20 agency as directed by the court;

21 (3) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a felony or, if a
23 misdemeanor, the offense involved the intentional or
24 knowing infliction of bodily harm or threat of bodily harm;

25 (4) not leave the State without the consent of the

1 court or, in circumstances in which the reason for the
2 absence is of such an emergency nature that prior consent
3 by the court is not possible, without the prior
4 notification and approval of the person's probation
5 officer. Transfer of a person's probation or conditional
6 discharge supervision to another state is subject to
7 acceptance by the other state pursuant to the Interstate
8 Compact for Adult Offender Supervision;

9 (5) permit the probation officer to visit him at his
10 home or elsewhere to the extent necessary to discharge his
11 duties;

12 (6) perform no less than 30 hours of community service
13 and not more than 120 hours of community service, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board where the offense
16 was committed, where the offense was related to or in
17 furtherance of the criminal activities of an organized gang
18 and was motivated by the offender's membership in or
19 allegiance to an organized gang. The community service
20 shall include, but not be limited to, the cleanup and
21 repair of any damage caused by a violation of Section
22 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
23 2012 and similar damage to property located within the
24 municipality or county in which the violation occurred.
25 When possible and reasonable, the community service should
26 be performed in the offender's neighborhood. For purposes

1 of this Section, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang Terrorism
3 Omnibus Prevention Act;

4 (7) if he or she is at least 17 years of age and has
5 been sentenced to probation or conditional discharge for a
6 misdemeanor or felony in a county of 3,000,000 or more
7 inhabitants and has not been previously convicted of a
8 misdemeanor or felony, may be required by the sentencing
9 court to attend educational courses designed to prepare the
10 defendant for a high school diploma and to work toward a
11 high school diploma or to work toward passing high school
12 equivalency testing or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend a
15 public institution of education to obtain the educational
16 or vocational training required by this clause (7). The
17 court shall revoke the probation or conditional discharge
18 of a person who wilfully fails to comply with this clause
19 (7). The person on probation or conditional discharge shall
20 be required to pay for the cost of the educational courses
21 or high school equivalency testing if a fee is charged for
22 those courses or testing. The court shall resentence the
23 offender whose probation or conditional discharge has been
24 revoked as provided in Section 5-6-4. This clause (7) does
25 not apply to a person who has a high school diploma or has
26 successfully passed high school equivalency testing. This

1 clause (7) does not apply to a person who is determined by
2 the court to be a person with a developmental disability or
3 otherwise mentally incapable of completing the educational
4 or vocational program;

5 (8) if convicted of possession of a substance
6 prohibited by the Cannabis Control Act, the Illinois
7 Controlled Substances Act, or the Methamphetamine Control
8 and Community Protection Act after a previous conviction or
9 disposition of supervision for possession of a substance
10 prohibited by the Cannabis Control Act or Illinois
11 Controlled Substances Act or after a sentence of probation
12 under Section 10 of the Cannabis Control Act, Section 410
13 of the Illinois Controlled Substances Act, or Section 70 of
14 the Methamphetamine Control and Community Protection Act
15 and upon a finding by the court that the person is
16 addicted, undergo treatment at a substance abuse program
17 approved by the court;

18 (8.5) if convicted of a felony sex offense as defined
19 in the Sex Offender Management Board Act, the person shall
20 undergo and successfully complete sex offender treatment
21 by a treatment provider approved by the Board and conducted
22 in conformance with the standards developed under the Sex
23 Offender Management Board Act;

24 (8.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders;

9 (8.7) if convicted for an offense committed on or after
10 June 1, 2008 (the effective date of Public Act 95-464) that
11 would qualify the accused as a child sex offender as
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
13 1961 or the Criminal Code of 2012, refrain from
14 communicating with or contacting, by means of the Internet,
15 a person who is not related to the accused and whom the
16 accused reasonably believes to be under 18 years of age;
17 for purposes of this paragraph (8.7), "Internet" has the
18 meaning ascribed to it in Section 16-0.1 of the Criminal
19 Code of 2012; and a person is not related to the accused if
20 the person is not: (i) the spouse, brother, or sister of
21 the accused; (ii) a descendant of the accused; (iii) a
22 first or second cousin of the accused; or (iv) a step-child
23 or adopted child of the accused;

24 (8.8) if convicted for an offense under Section 11-6,
25 11-9.1, 11-14.4 that involves soliciting for a juvenile
26 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 or any attempt to commit any of these offenses, committed
3 on or after June 1, 2009 (the effective date of Public Act
4 95-983):

5 (i) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the offender's probation officer,
8 except in connection with the offender's employment or
9 search for employment with the prior approval of the
10 offender's probation officer;

11 (ii) submit to periodic unannounced examinations
12 of the offender's computer or any other device with
13 Internet capability by the offender's probation
14 officer, a law enforcement officer, or assigned
15 computer or information technology specialist,
16 including the retrieval and copying of all data from
17 the computer or device and any internal or external
18 peripherals and removal of such information,
19 equipment, or device to conduct a more thorough
20 inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the offender's probation officer;

3 (8.9) if convicted of a sex offense as defined in the
4 Sex Offender Registration Act committed on or after January
5 1, 2010 (the effective date of Public Act 96-262), refrain
6 from accessing or using a social networking website as
7 defined in Section 17-0.5 of the Criminal Code of 2012;

8 (9) if convicted of a felony or of any misdemeanor
9 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
10 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
11 2012 that was determined, pursuant to Section 112A-11.1 of
12 the Code of Criminal Procedure of 1963, to trigger the
13 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
14 at a time and place designated by the court, ~~his or her~~
15 ~~Firearm Owner's Identification Card~~ and any and all
16 firearms in his or her possession. ~~The Court shall return~~
17 ~~to the Department of State Police Firearm Owner's~~
18 ~~Identification Card Office the person's Firearm Owner's~~
19 ~~Identification Card;~~

20 (10) if convicted of a sex offense as defined in
21 subsection (a-5) of Section 3-1-2 of this Code, unless the
22 offender is a parent or guardian of the person under 18
23 years of age present in the home and no non-familial minors
24 are present, not participate in a holiday event involving
25 children under 18 years of age, such as distributing candy
26 or other items to children on Halloween, wearing a Santa

1 Claus costume on or preceding Christmas, being employed as
2 a department store Santa Claus, or wearing an Easter Bunny
3 costume on or preceding Easter;

4 (11) if convicted of a sex offense as defined in
5 Section 2 of the Sex Offender Registration Act committed on
6 or after January 1, 2010 (the effective date of Public Act
7 96-362) that requires the person to register as a sex
8 offender under that Act, may not knowingly use any computer
9 scrub software on any computer that the sex offender uses;
10 and

11 (12) if convicted of a violation of the Methamphetamine
12 Control and Community Protection Act, the Methamphetamine
13 Precursor Control Act, or a methamphetamine related
14 offense:

15 (A) prohibited from purchasing, possessing, or
16 having under his or her control any product containing
17 pseudoephedrine unless prescribed by a physician; and

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate.

21 (b) The Court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the Court require that
25 the person:

26 (1) serve a term of periodic imprisonment under Article

1 7 for a period not to exceed that specified in paragraph
2 (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his dependents;

11 (7) and in addition, if a minor:

12 (i) reside with his parents or in a foster home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 (iv) contribute to his own support at home or in a
16 foster home;

17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is convicted of a crime of
21 violence as defined in Section 2 of the Crime Victims
22 Compensation Act committed in a school, on the real
23 property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

25 (8) make restitution as provided in Section 5-5-6 of
26 this Code;

1 (9) perform some reasonable public or community
2 service;

3 (10) serve a term of home confinement. In addition to
4 any other applicable condition of probation or conditional
5 discharge, the conditions of home confinement shall be that
6 the offender:

7 (i) remain within the interior premises of the
8 place designated for his confinement during the hours
9 designated by the court;

10 (ii) admit any person or agent designated by the
11 court into the offender's place of confinement at any
12 time for purposes of verifying the offender's
13 compliance with the conditions of his confinement; and

14 (iii) if further deemed necessary by the court or
15 the Probation or Court Services Department, be placed
16 on an approved electronic monitoring device, subject
17 to Article 8A of Chapter V;

18 (iv) for persons convicted of any alcohol,
19 cannabis or controlled substance violation who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the offender to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer for
8 deposit in the substance abuse services fund under
9 Section 5-1086.1 of the Counties Code, except as
10 provided in an administrative order of the Chief Judge
11 of the circuit court.

12 The Chief Judge of the circuit court of the county
13 may by administrative order establish a program for
14 electronic monitoring of offenders, in which a vendor
15 supplies and monitors the operation of the electronic
16 monitoring device, and collects the fees on behalf of
17 the county. The program shall include provisions for
18 indigent offenders and the collection of unpaid fees.
19 The program shall not unduly burden the offender and
20 shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend
22 any additional charges or fees for late payment,
23 interest, or damage to any device; and

24 (v) for persons convicted of offenses other than
25 those referenced in clause (iv) above and who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the defendant to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court, except as provided in an administrative
11 order of the Chief Judge of the circuit court. The
12 clerk of the circuit court shall pay all monies
13 collected from this fee to the county treasurer who
14 shall use the monies collected to defray the costs of
15 corrections. The county treasurer shall deposit the
16 fee collected in the probation and court services fund.
17 The Chief Judge of the circuit court of the county may
18 by administrative order establish a program for
19 electronic monitoring of offenders, in which a vendor
20 supplies and monitors the operation of the electronic
21 monitoring device, and collects the fees on behalf of
22 the county. The program shall include provisions for
23 indigent offenders and the collection of unpaid fees.
24 The program shall not unduly burden the offender and
25 shall be subject to review by the Chief Judge.

26 The Chief Judge of the circuit court may suspend

1 any additional charges or fees for late payment,
2 interest, or damage to any device.

3 (11) comply with the terms and conditions of an order
4 of protection issued by the court pursuant to the Illinois
5 Domestic Violence Act of 1986, as now or hereafter amended,
6 or an order of protection issued by the court of another
7 state, tribe, or United States territory. A copy of the
8 order of protection shall be transmitted to the probation
9 officer or agency having responsibility for the case;

10 (12) reimburse any "local anti-crime program" as
11 defined in Section 7 of the Anti-Crime Advisory Council Act
12 for any reasonable expenses incurred by the program on the
13 offender's case, not to exceed the maximum amount of the
14 fine authorized for the offense for which the defendant was
15 sentenced;

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses under
21 the jurisdiction of the Department of Natural Resources, to
22 the fund established by the Department of Natural Resources
23 for the purchase of evidence for investigation purposes and
24 to conduct investigations as outlined in Section 805-105 of
25 the Department of Natural Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds
2 appropriate. Such terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the defendant, and advance approval by a
5 probation officer, if the defendant has been placed on
6 probation or advance approval by the court, if the
7 defendant was placed on conditional discharge;

8 (15) refrain from having any contact, directly or
9 indirectly, with certain specified persons or particular
10 types of persons, including but not limited to members of
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act, the Illinois Controlled Substances Act, or the
15 Methamphetamine Control and Community Protection Act,
16 unless prescribed by a physician, and submit samples of his
17 or her blood or urine or both for tests to determine the
18 presence of any illicit drug;

19 (17) if convicted for an offense committed on or after
20 June 1, 2008 (the effective date of Public Act 95-464) that
21 would qualify the accused as a child sex offender as
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
23 1961 or the Criminal Code of 2012, refrain from
24 communicating with or contacting, by means of the Internet,
25 a person who is related to the accused and whom the accused
26 reasonably believes to be under 18 years of age; for

1 purposes of this paragraph (17), "Internet" has the meaning
2 ascribed to it in Section 16-0.1 of the Criminal Code of
3 2012; and a person is related to the accused if the person
4 is: (i) the spouse, brother, or sister of the accused; (ii)
5 a descendant of the accused; (iii) a first or second cousin
6 of the accused; or (iv) a step-child or adopted child of
7 the accused;

8 (18) if convicted for an offense committed on or after
9 June 1, 2009 (the effective date of Public Act 95-983) that
10 would qualify as a sex offense as defined in the Sex
11 Offender Registration Act:

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the offender's probation officer,
15 except in connection with the offender's employment or
16 search for employment with the prior approval of the
17 offender's probation officer;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's probation
21 officer, a law enforcement officer, or assigned
22 computer or information technology specialist,
23 including the retrieval and copying of all data from
24 the computer or device and any internal or external
25 peripherals and removal of such information,
26 equipment, or device to conduct a more thorough

1 inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 subject's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the offender's probation officer; and

10 (19) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a misdemeanor that
12 did not involve the intentional or knowing infliction of
13 bodily harm or threat of bodily harm.

14 (c) The court may as a condition of probation or of
15 conditional discharge require that a person under 18 years of
16 age found guilty of any alcohol, cannabis or controlled
17 substance violation, refrain from acquiring a driver's license
18 during the period of probation or conditional discharge. If
19 such person is in possession of a permit or license, the court
20 may require that the minor refrain from driving or operating
21 any motor vehicle during the period of probation or conditional
22 discharge, except as may be necessary in the course of the
23 minor's lawful employment.

24 (d) An offender sentenced to probation or to conditional
25 discharge shall be given a certificate setting forth the
26 conditions thereof.

1 (e) Except where the offender has committed a fourth or
2 subsequent violation of subsection (c) of Section 6-303 of the
3 Illinois Vehicle Code, the court shall not require as a
4 condition of the sentence of probation or conditional discharge
5 that the offender be committed to a period of imprisonment in
6 excess of 6 months. This 6 month limit shall not include
7 periods of confinement given pursuant to a sentence of county
8 impact incarceration under Section 5-8-1.2.

9 Persons committed to imprisonment as a condition of
10 probation or conditional discharge shall not be committed to
11 the Department of Corrections.

12 (f) The court may combine a sentence of periodic
13 imprisonment under Article 7 or a sentence to a county impact
14 incarceration program under Article 8 with a sentence of
15 probation or conditional discharge.

16 (g) An offender sentenced to probation or to conditional
17 discharge and who during the term of either undergoes mandatory
18 drug or alcohol testing, or both, or is assigned to be placed
19 on an approved electronic monitoring device, shall be ordered
20 to pay all costs incidental to such mandatory drug or alcohol
21 testing, or both, and all costs incidental to such approved
22 electronic monitoring in accordance with the defendant's
23 ability to pay those costs. The county board with the
24 concurrence of the Chief Judge of the judicial circuit in which
25 the county is located shall establish reasonable fees for the
26 cost of maintenance, testing, and incidental expenses related

1 to the mandatory drug or alcohol testing, or both, and all
2 costs incidental to approved electronic monitoring, involved
3 in a successful probation program for the county. The
4 concurrence of the Chief Judge shall be in the form of an
5 administrative order. The fees shall be collected by the clerk
6 of the circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The clerk of the
8 circuit court shall pay all moneys collected from these fees to
9 the county treasurer who shall use the moneys collected to
10 defray the costs of drug testing, alcohol testing, and
11 electronic monitoring. The county treasurer shall deposit the
12 fees collected in the county working cash fund under Section
13 6-27001 or Section 6-29002 of the Counties Code, as the case
14 may be. The Chief Judge of the circuit court of the county may
15 by administrative order establish a program for electronic
16 monitoring of offenders, in which a vendor supplies and
17 monitors the operation of the electronic monitoring device, and
18 collects the fees on behalf of the county. The program shall
19 include provisions for indigent offenders and the collection of
20 unpaid fees. The program shall not unduly burden the offender
21 and shall be subject to review by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device.

25 (h) Jurisdiction over an offender may be transferred from
26 the sentencing court to the court of another circuit with the

1 concurrence of both courts. Further transfers or retransfers of
2 jurisdiction are also authorized in the same manner. The court
3 to which jurisdiction has been transferred shall have the same
4 powers as the sentencing court. The probation department within
5 the circuit to which jurisdiction has been transferred, or
6 which has agreed to provide supervision, may impose probation
7 fees upon receiving the transferred offender, as provided in
8 subsection (i). For all transfer cases, as defined in Section
9 9b of the Probation and Probation Officers Act, the probation
10 department from the original sentencing court shall retain all
11 probation fees collected prior to the transfer. After the
12 transfer all probation fees shall be paid to the probation
13 department within the circuit to which jurisdiction has been
14 transferred.

15 (i) The court shall impose upon an offender sentenced to
16 probation after January 1, 1989 or to conditional discharge
17 after January 1, 1992 or to community service under the
18 supervision of a probation or court services department after
19 January 1, 2004, as a condition of such probation or
20 conditional discharge or supervised community service, a fee of
21 \$50 for each month of probation or conditional discharge
22 supervision or supervised community service ordered by the
23 court, unless after determining the inability of the person
24 sentenced to probation or conditional discharge or supervised
25 community service to pay the fee, the court assesses a lesser
26 fee. The court may not impose the fee on a minor who is made a

1 ward of the State under the Juvenile Court Act of 1987 while
2 the minor is in placement. The fee shall be imposed only upon
3 an offender who is actively supervised by the probation and
4 court services department. The fee shall be collected by the
5 clerk of the circuit court. The clerk of the circuit court
6 shall pay all monies collected from this fee to the county
7 treasurer for deposit in the probation and court services fund
8 under Section 15.1 of the Probation and Probation Officers Act.

9 A circuit court may not impose a probation fee under this
10 subsection (i) in excess of \$25 per month unless the circuit
11 court has adopted, by administrative order issued by the chief
12 judge, a standard probation fee guide determining an offender's
13 ability to pay. Of the amount collected as a probation fee, up
14 to \$5 of that fee collected per month may be used to provide
15 services to crime victims and their families.

16 The Court may only waive probation fees based on an
17 offender's ability to pay. The probation department may
18 re-evaluate an offender's ability to pay every 6 months, and,
19 with the approval of the Director of Court Services or the
20 Chief Probation Officer, adjust the monthly fee amount. An
21 offender may elect to pay probation fees due in a lump sum. Any
22 offender that has been assigned to the supervision of a
23 probation department, or has been transferred either under
24 subsection (h) of this Section or under any interstate compact,
25 shall be required to pay probation fees to the department
26 supervising the offender, based on the offender's ability to

1 pay.

2 This amendatory Act of the 93rd General Assembly deletes
3 the \$10 increase in the fee under this subsection that was
4 imposed by Public Act 93-616. This deletion is intended to
5 control over any other Act of the 93rd General Assembly that
6 retains or incorporates that fee increase.

7 (i-5) In addition to the fees imposed under subsection (i)
8 of this Section, in the case of an offender convicted of a
9 felony sex offense (as defined in the Sex Offender Management
10 Board Act) or an offense that the court or probation department
11 has determined to be sexually motivated (as defined in the Sex
12 Offender Management Board Act), the court or the probation
13 department shall assess additional fees to pay for all costs of
14 treatment, assessment, evaluation for risk and treatment, and
15 monitoring the offender, based on that offender's ability to
16 pay those costs either as they occur or under a payment plan.

17 (j) All fines and costs imposed under this Section for any
18 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
19 Code, or a similar provision of a local ordinance, and any
20 violation of the Child Passenger Protection Act, or a similar
21 provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under Section 27.5
23 of the Clerks of Courts Act.

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

7 (1) The court may order an offender who is sentenced to
8 probation or conditional discharge for a violation of an order
9 of protection be placed under electronic surveillance as
10 provided in Section 5-8A-7 of this Code.

11 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
12 eff. 7-27-15; 99-797, eff. 8-12-16.)

13 Section 100. The Stalking No Contact Order Act is amended
14 by changing Section 80 as follows:

15 (740 ILCS 21/80)

16 Sec. 80. Stalking no contact orders; remedies.

17 (a) If the court finds that the petitioner has been a
18 victim of stalking, a stalking no contact order shall issue;
19 provided that the petitioner must also satisfy the requirements
20 of Section 95 on emergency orders or Section 100 on plenary
21 orders. The petitioner shall not be denied a stalking no
22 contact order because the petitioner or the respondent is a
23 minor. The court, when determining whether or not to issue a
24 stalking no contact order, may not require physical injury on

1 the person of the petitioner. Modification and extension of
2 prior stalking no contact orders shall be in accordance with
3 this Act.

4 (b) A stalking no contact order shall order one or more of
5 the following:

6 (1) prohibit the respondent from threatening to commit
7 or committing stalking;

8 (2) order the respondent not to have any contact with
9 the petitioner or a third person specifically named by the
10 court;

11 (3) prohibit the respondent from knowingly coming
12 within, or knowingly remaining within a specified distance
13 of the petitioner or the petitioner's residence, school,
14 daycare, or place of employment, or any specified place
15 frequented by the petitioner; however, the court may order
16 the respondent to stay away from the respondent's own
17 residence, school, or place of employment only if the
18 respondent has been provided actual notice of the
19 opportunity to appear and be heard on the petition;

20 (4) prohibit the respondent from ~~possessing a Firearm~~
21 ~~Owners Identification Card, or~~ possessing or buying
22 firearms; and

23 (5) order other injunctive relief the court determines
24 to be necessary to protect the petitioner or third party
25 specifically named by the court.

26 (b-5) When the petitioner and the respondent attend the

1 same public, private, or non-public elementary, middle, or high
2 school, the court when issuing a stalking no contact order and
3 providing relief shall consider the severity of the act, any
4 continuing physical danger or emotional distress to the
5 petitioner, the educational rights guaranteed to the
6 petitioner and respondent under federal and State law, the
7 availability of a transfer of the respondent to another school,
8 a change of placement or a change of program of the respondent,
9 the expense, difficulty, and educational disruption that would
10 be caused by a transfer of the respondent to another school,
11 and any other relevant facts of the case. The court may order
12 that the respondent not attend the public, private, or
13 non-public elementary, middle, or high school attended by the
14 petitioner, order that the respondent accept a change of
15 placement or program, as determined by the school district or
16 private or non-public school, or place restrictions on the
17 respondent's movements within the school attended by the
18 petitioner. The respondent bears the burden of proving by a
19 preponderance of the evidence that a transfer, change of
20 placement, or change of program of the respondent is not
21 available. The respondent also bears the burden of production
22 with respect to the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the respondent
24 to another school. A transfer, change of placement, or change
25 of program is not unavailable to the respondent solely on the
26 ground that the respondent does not agree with the school

1 district's or private or non-public school's transfer, change
2 of placement, or change of program or solely on the ground that
3 the respondent fails or refuses to consent to or otherwise does
4 not take an action required to effectuate a transfer, change of
5 placement, or change of program. When a court orders a
6 respondent to stay away from the public, private, or non-public
7 school attended by the petitioner and the respondent requests a
8 transfer to another attendance center within the respondent's
9 school district or private or non-public school, the school
10 district or private or non-public school shall have sole
11 discretion to determine the attendance center to which the
12 respondent is transferred. In the event the court order results
13 in a transfer of the minor respondent to another attendance
14 center, a change in the respondent's placement, or a change of
15 the respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for transportation
17 and other costs associated with the transfer or change.

18 (b-6) The court may order the parents, guardian, or legal
19 custodian of a minor respondent to take certain actions or to
20 refrain from taking certain actions to ensure that the
21 respondent complies with the order. In the event the court
22 orders a transfer of the respondent to another school, the
23 parents, guardian, or legal custodian of the respondent are
24 responsible for transportation and other costs associated with
25 the change of school by the respondent.

26 (b-7) The court shall not hold a school district or private

1 or non-public school or any of its employees in civil or
2 criminal contempt unless the school district or private or
3 non-public school has been allowed to intervene.

4 (b-8) The court may hold the parents, guardian, or legal
5 custodian of a minor respondent in civil or criminal contempt
6 for a violation of any provision of any order entered under
7 this Act for conduct of the minor respondent in violation of
8 this Act if the parents, guardian, or legal custodian directed,
9 encouraged, or assisted the respondent minor in such conduct.

10 (c) The court may award the petitioner costs and attorneys
11 fees if a stalking no contact order is granted.

12 (d) Monetary damages are not recoverable as a remedy.

13 (e) If the stalking no contact order prohibits the
14 respondent from ~~possessing a Firearm Owner's Identification~~
15 ~~Card, or~~ possessing or buying firearms; the court shall
16 confiscate the respondent's firearms ~~Firearm Owner's~~
17 ~~Identification Card and immediately return the card to the~~
18 ~~Department of State Police Firearm Owner's Identification Card~~
19 ~~Office.~~

20 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
21 97-1131, eff. 1-1-13.)

22 Section 105. The Mental Health and Developmental
23 Disabilities Confidentiality Act is amended by changing
24 Section 12 as follows:

1 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

2 Sec. 12. (a) If the United States Secret Service or the
3 Department of State Police requests information from a mental
4 health or developmental disability facility, as defined in
5 Section 1-107 and 1-114 of the Mental Health and Developmental
6 Disabilities Code, relating to a specific recipient and the
7 facility director determines that disclosure of such
8 information may be necessary to protect the life of, or to
9 prevent the infliction of great bodily harm to, a public
10 official, or a person under the protection of the United States
11 Secret Service, only the following information may be
12 disclosed: the recipient's name, address, and age and the date
13 of any admission to or discharge from a facility; and any
14 information which would indicate whether or not the recipient
15 has a history of violence or presents a danger of violence to
16 the person under protection. Any information so disclosed shall
17 be used for investigative purposes only and shall not be
18 publicly disseminated. Any person participating in good faith
19 in the disclosure of such information in accordance with this
20 provision shall have immunity from any liability, civil,
21 criminal or otherwise, if such information is disclosed relying
22 upon the representation of an officer of the United States
23 Secret Service or the Department of State Police that a person
24 is under the protection of the United States Secret Service or
25 is a public official.

26 For the purpose of this subsection (a), the term "public

1 official" means the Governor, Lieutenant Governor, Attorney
2 General, Secretary of State, State Comptroller, State
3 Treasurer, member of the General Assembly, member of the United
4 States Congress, Judge of the United States as defined in 28
5 U.S.C. 451, Justice of the United States as defined in 28
6 U.S.C. 451, United States Magistrate Judge as defined in 28
7 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
8 Supreme, Appellate, Circuit, or Associate Judge of the State of
9 Illinois. The term shall also include the spouse, child or
10 children of a public official.

11 (b) The Department of Human Services (acting as successor
12 to the Department of Mental Health and Developmental
13 Disabilities) and all public or private hospitals and mental
14 health facilities are required, as hereafter described in this
15 subsection, to furnish the Department of State Police only such
16 information as may be required for the sole purpose of
17 determining whether an individual who may be or may have been a
18 patient is disqualified because of that status from receiving
19 or retaining a firearm under paragraph (4) of subsection (a) of
20 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
21 ~~Identification Card or falls within the federal prohibitors~~
22 ~~under subsection (c), (f), (g), (r), (s), or (t) of Section 8~~
23 ~~of the Firearm Owners Identification Card Act~~, or falls within
24 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
25 physicians, clinical psychologists, or qualified examiners at
26 public or private mental health facilities or parts thereof as

1 defined in this subsection shall, in the form and manner
2 required by the Department, provide notice directly to the
3 Department of Human Services, or to his or her employer who
4 shall then report to the Department, within 24 hours after
5 determining that a person poses a clear and present danger to
6 himself, herself, or others, or within 7 days after a person 14
7 years or older is determined to be a person with a
8 developmental disability by a physician, clinical
9 psychologist, or qualified examiner as described in this
10 subsection (b) Section 1.1 of the Firearm Owners Identification
11 Card Act. If a person is a patient as described in clause
12 (2) (A) ~~(1)~~ of the definition of "patient" in (2) (A) Section 1.1
13 of the Firearm Owners Identification Card Act, this information
14 shall be furnished within 7 days after admission to a public or
15 private hospital or mental health facility or the provision of
16 services. Any such information disclosed under this subsection
17 shall remain privileged and confidential, and shall not be
18 redisclosed, except as required by clause (e) (2) of Section
19 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of Section~~
20 ~~3.1 of the Firearm Owners Identification Card Act~~, nor utilized
21 for any other purpose. The method of requiring the providing of
22 such information shall guarantee that no information is
23 released beyond what is necessary for this purpose. In
24 addition, the information disclosed shall be provided by the
25 Department within the time period established by Section 24-3
26 of the Criminal Code of 2012 regarding the delivery of

1 firearms. The method used shall be sufficient to provide the
2 necessary information within the prescribed time period, which
3 may include periodically providing lists to the Department of
4 Human Services or any public or private hospital or mental
5 health facility of ~~Firearm Owner's Identification Card~~
6 applicants for firearm purchases on which the Department or
7 hospital shall indicate the identities of those individuals who
8 are to its knowledge disqualified from having a firearm ~~Firearm~~
9 ~~Owner's Identification Card~~ for reasons described herein. The
10 Department may provide for a centralized source of information
11 for the State on this subject under its jurisdiction. The
12 identity of the person reporting under this subsection shall
13 not be disclosed to the subject of the report. For the purposes
14 of this subsection, the physician, clinical psychologist, or
15 qualified examiner making the determination and his or her
16 employer shall not be held criminally, civilly, or
17 professionally liable for making or not making the notification
18 required under this subsection, except for willful or wanton
19 misconduct.

20 Any person, institution, or agency, under this Act,
21 participating in good faith in the reporting or disclosure of
22 records and communications otherwise in accordance with this
23 provision or with rules, regulations or guidelines issued by
24 the Department shall have immunity from any liability, civil,
25 criminal or otherwise, that might result by reason of the
26 action. For the purpose of any proceeding, civil or criminal,

1 arising out of a report or disclosure in accordance with this
2 provision, the good faith of any person, institution, or agency
3 so reporting or disclosing shall be presumed. The full extent
4 of the immunity provided in this subsection (b) shall apply to
5 any person, institution or agency that fails to make a report
6 or disclosure in the good faith belief that the report or
7 disclosure would violate federal regulations governing the
8 confidentiality of alcohol and drug abuse patient records
9 implementing 42 U.S.C. 290dd-3 and 290ee-3.

10 For purposes of this subsection (b) only, the following
11 terms shall have the meaning prescribed:

12 (1) (Blank).

13 (1.3) "Clear and present danger" has the meaning as
14 defined in Section 6-103.3 of the Mental Health and
15 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
16 ~~Identification Card Act.~~

17 (1.5) "Person with a developmental disability" 6-103.3
18 of the Mental Health and Developmental Disabilities Code
19 ~~has the meaning as defined in Section 1.1 of the Firearm~~
20 ~~Owners Identification Card Act.~~

21 (2) "Patient" means (A) a person who voluntarily
22 receives mental health treatment as an in-patient or
23 resident of any public or private mental health facility,
24 unless the treatment was solely for an alcohol abuse
25 disorder and no other secondary substance abuse disorder or
26 mental illness; or (B) a person who voluntarily receives

1 mental health treatment as an out-patient or is provided
2 services by a public or private mental health facility, and
3 who poses a clear and present danger to himself, herself,
4 or to others ~~has the meaning as defined in Section 1.1 of~~
5 ~~the Firearm Owners Identification Card Act.~~

6 (3) "Mental health facility" means any licensed
7 private hospital or hospital affiliate, institution, or
8 facility, or part thereof, and any facility, or part
9 thereof, operated by the State or a political subdivision
10 thereof which provide treatment of persons with mental
11 illness and includes all hospitals, institutions, clinics,
12 evaluation facilities, mental health centers, colleges,
13 universities, long-term care facilities, and nursing
14 homes, or parts thereof, which provide treatment of persons
15 with mental illness whether or not the primary purpose is
16 to provide treatment of persons with mental illness ~~has the~~
17 ~~meaning as defined in Section 1.1 of the Firearm Owners~~
18 ~~Identification Card Act.~~

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; 99-642, eff. 7-28-16.)

2 Section 110. The Illinois Domestic Violence Act of 1986 is
3 amended by changing Section 214 as follows:

4 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

5 Sec. 214. Order of protection; remedies.

6 (a) Issuance of order. If the court finds that petitioner
7 has been abused by a family or household member or that
8 petitioner is a high-risk adult who has been abused, neglected,
9 or exploited, as defined in this Act, an order of protection
10 prohibiting the abuse, neglect, or exploitation shall issue;
11 provided that petitioner must also satisfy the requirements of
12 one of the following Sections, as appropriate: Section 217 on
13 emergency orders, Section 218 on interim orders, or Section 219
14 on plenary orders. Petitioner shall not be denied an order of
15 protection because petitioner or respondent is a minor. The
16 court, when determining whether or not to issue an order of
17 protection, shall not require physical manifestations of abuse
18 on the person of the victim. Modification and extension of
19 prior orders of protection shall be in accordance with this
20 Act.

21 (b) Remedies and standards. The remedies to be included in
22 an order of protection shall be determined in accordance with
23 this Section and one of the following Sections, as appropriate:
24 Section 217 on emergency orders, Section 218 on interim orders,

1 and Section 219 on plenary orders. The remedies listed in this
2 subsection shall be in addition to other civil or criminal
3 remedies available to petitioner.

4 (1) Prohibition of abuse, neglect, or exploitation.
5 Prohibit respondent's harassment, interference with
6 personal liberty, intimidation of a dependent, physical
7 abuse, or willful deprivation, neglect or exploitation, as
8 defined in this Act, or stalking of the petitioner, as
9 defined in Section 12-7.3 of the Criminal Code of 2012, if
10 such abuse, neglect, exploitation, or stalking has
11 occurred or otherwise appears likely to occur if not
12 prohibited.

13 (2) Grant of exclusive possession of residence.
14 Prohibit respondent from entering or remaining in any
15 residence, household, or premises of the petitioner,
16 including one owned or leased by respondent, if petitioner
17 has a right to occupancy thereof. The grant of exclusive
18 possession of the residence, household, or premises shall
19 not affect title to real property, nor shall the court be
20 limited by the standard set forth in Section 701 of the
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to
23 occupancy of a residence or household if it is solely
24 or jointly owned or leased by that party, that party's
25 spouse, a person with a legal duty to support that
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that
2 authorizes that party's occupancy (e.g., a domestic
3 violence shelter). Standards set forth in subparagraph
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and
6 respondent each has the right to occupancy of a
7 residence or household, the court shall balance (i) the
8 hardships to respondent and any minor child or
9 dependent adult in respondent's care resulting from
10 entry of this remedy with (ii) the hardships to
11 petitioner and any minor child or dependent adult in
12 petitioner's care resulting from continued exposure to
13 the risk of abuse (should petitioner remain at the
14 residence or household) or from loss of possession of
15 the residence or household (should petitioner leave to
16 avoid the risk of abuse). When determining the balance
17 of hardships, the court shall also take into account
18 the accessibility of the residence or household.
19 Hardships need not be balanced if respondent does not
20 have a right to occupancy.

21 The balance of hardships is presumed to favor
22 possession by petitioner unless the presumption is
23 rebutted by a preponderance of the evidence, showing
24 that the hardships to respondent substantially
25 outweigh the hardships to petitioner and any minor
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own
2 motion, may order respondent to provide suitable,
3 accessible, alternate housing for petitioner instead
4 of excluding respondent from a mutual residence or
5 household.

6 (3) Stay away order and additional prohibitions. Order
7 respondent to stay away from petitioner or any other person
8 protected by the order of protection, or prohibit
9 respondent from entering or remaining present at
10 petitioner's school, place of employment, or other
11 specified places at times when petitioner is present, or
12 both, if reasonable, given the balance of hardships.
13 Hardships need not be balanced for the court to enter a
14 stay away order or prohibit entry if respondent has no
15 right to enter the premises.

16 (A) If an order of protection grants petitioner
17 exclusive possession of the residence, or prohibits
18 respondent from entering the residence, or orders
19 respondent to stay away from petitioner or other
20 protected persons, then the court may allow respondent
21 access to the residence to remove items of clothing and
22 personal adornment used exclusively by respondent,
23 medications, and other items as the court directs. The
24 right to access shall be exercised on only one occasion
25 as the court directs and in the presence of an
26 agreed-upon adult third party or law enforcement

1 officer.

2 (B) When the petitioner and the respondent attend
3 the same public, private, or non-public elementary,
4 middle, or high school, the court when issuing an order
5 of protection and providing relief shall consider the
6 severity of the act, any continuing physical danger or
7 emotional distress to the petitioner, the educational
8 rights guaranteed to the petitioner and respondent
9 under federal and State law, the availability of a
10 transfer of the respondent to another school, a change
11 of placement or a change of program of the respondent,
12 the expense, difficulty, and educational disruption
13 that would be caused by a transfer of the respondent to
14 another school, and any other relevant facts of the
15 case. The court may order that the respondent not
16 attend the public, private, or non-public elementary,
17 middle, or high school attended by the petitioner,
18 order that the respondent accept a change of placement
19 or change of program, as determined by the school
20 district or private or non-public school, or place
21 restrictions on the respondent's movements within the
22 school attended by the petitioner. The respondent
23 bears the burden of proving by a preponderance of the
24 evidence that a transfer, change of placement, or
25 change of program of the respondent is not available.
26 The respondent also bears the burden of production with

1 respect to the expense, difficulty, and educational
2 disruption that would be caused by a transfer of the
3 respondent to another school. A transfer, change of
4 placement, or change of program is not unavailable to
5 the respondent solely on the ground that the respondent
6 does not agree with the school district's or private or
7 non-public school's transfer, change of placement, or
8 change of program or solely on the ground that the
9 respondent fails or refuses to consent or otherwise
10 does not take an action required to effectuate a
11 transfer, change of placement, or change of program.
12 When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to
15 another attendance center within the respondent's
16 school district or private or non-public school, the
17 school district or private or non-public school shall
18 have sole discretion to determine the attendance
19 center to which the respondent is transferred. In the
20 event the court order results in a transfer of the
21 minor respondent to another attendance center, a
22 change in the respondent's placement, or a change of
23 the respondent's program, the parents, guardian, or
24 legal custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 transfer or change.

1 (C) The court may order the parents, guardian, or
2 legal custodian of a minor respondent to take certain
3 actions or to refrain from taking certain actions to
4 ensure that the respondent complies with the order. In
5 the event the court orders a transfer of the respondent
6 to another school, the parents, guardian, or legal
7 custodian of the respondent is responsible for
8 transportation and other costs associated with the
9 change of school by the respondent.

10 (4) Counseling. Require or recommend the respondent to
11 undergo counseling for a specified duration with a social
12 worker, psychologist, clinical psychologist, psychiatrist,
13 family service agency, alcohol or substance abuse program,
14 mental health center guidance counselor, agency providing
15 services to elders, program designed for domestic violence
16 abusers or any other guidance service the court deems
17 appropriate. The Court may order the respondent in any
18 intimate partner relationship to report to an Illinois
19 Department of Human Services protocol approved partner
20 abuse intervention program for an assessment and to follow
21 all recommended treatment.

22 (5) Physical care and possession of the minor child. In
23 order to protect the minor child from abuse, neglect, or
24 unwarranted separation from the person who has been the
25 minor child's primary caretaker, or to otherwise protect
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

6 If a court finds, after a hearing, that respondent has
7 committed abuse (as defined in Section 103) of a minor
8 child, there shall be a rebuttable presumption that
9 awarding physical care to respondent would not be in the
10 minor child's best interest.

11 (6) Temporary allocation of parental responsibilities:
12 significant decision-making. Award temporary
13 decision-making responsibility to petitioner in accordance
14 with this Section, the Illinois Marriage and Dissolution of
15 Marriage Act, the Illinois Parentage Act of 2015, and this
16 State's Uniform Child-Custody Jurisdiction and Enforcement
17 Act.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding temporary significant decision-making
22 responsibility to respondent would not be in the child's
23 best interest.

24 (7) Parenting time. Determine the parenting time, if
25 any, of respondent in any case in which the court awards
26 physical care or allocates temporary significant

1 decision-making responsibility of a minor child to
2 petitioner. The court shall restrict or deny respondent's
3 parenting time with a minor child if the court finds that
4 respondent has done or is likely to do any of the
5 following: (i) abuse or endanger the minor child during
6 parenting time; (ii) use the parenting time as an
7 opportunity to abuse or harass petitioner or petitioner's
8 family or household members; (iii) improperly conceal or
9 detain the minor child; or (iv) otherwise act in a manner
10 that is not in the best interests of the minor child. The
11 court shall not be limited by the standards set forth in
12 Section 603.10 of the Illinois Marriage and Dissolution of
13 Marriage Act. If the court grants parenting time, the order
14 shall specify dates and times for the parenting time to
15 take place or other specific parameters or conditions that
16 are appropriate. No order for parenting time shall refer
17 merely to the term "reasonable parenting time".

18 Petitioner may deny respondent access to the minor
19 child if, when respondent arrives for parenting time,
20 respondent is under the influence of drugs or alcohol and
21 constitutes a threat to the safety and well-being of
22 petitioner or petitioner's minor children or is behaving in
23 a violent or abusive manner.

24 If necessary to protect any member of petitioner's
25 family or household from future abuse, respondent shall be
26 prohibited from coming to petitioner's residence to meet

1 the minor child for parenting time, and the parties shall
2 submit to the court their recommendations for reasonable
3 alternative arrangements for parenting time. A person may
4 be approved to supervise parenting time only after filing
5 an affidavit accepting that responsibility and
6 acknowledging accountability to the court.

7 (8) Removal or concealment of minor child. Prohibit
8 respondent from removing a minor child from the State or
9 concealing the child within the State.

10 (9) Order to appear. Order the respondent to appear in
11 court, alone or with a minor child, to prevent abuse,
12 neglect, removal or concealment of the child, to return the
13 child to the custody or care of the petitioner or to permit
14 any court-ordered interview or examination of the child or
15 the respondent.

16 (10) Possession of personal property. Grant petitioner
17 exclusive possession of personal property and, if
18 respondent has possession or control, direct respondent to
19 promptly make it available to petitioner, if:

20 (i) petitioner, but not respondent, owns the
21 property; or

22 (ii) the parties own the property jointly; sharing
23 it would risk abuse of petitioner by respondent or is
24 impracticable; and the balance of hardships favors
25 temporary possession by petitioner.

26 If petitioner's sole claim to ownership of the property

1 is that it is marital property, the court may award
2 petitioner temporary possession thereof under the
3 standards of subparagraph (ii) of this paragraph only if a
4 proper proceeding has been filed under the Illinois
5 Marriage and Dissolution of Marriage Act, as now or
6 hereafter amended.

7 No order under this provision shall affect title to
8 property.

9 (11) Protection of property. Forbid the respondent
10 from taking, transferring, encumbering, concealing,
11 damaging or otherwise disposing of any real or personal
12 property, except as explicitly authorized by the court, if:

13 (i) petitioner, but not respondent, owns the
14 property; or

15 (ii) the parties own the property jointly, and the
16 balance of hardships favors granting this remedy.

17 If petitioner's sole claim to ownership of the property
18 is that it is marital property, the court may grant
19 petitioner relief under subparagraph (ii) of this
20 paragraph only if a proper proceeding has been filed under
21 the Illinois Marriage and Dissolution of Marriage Act, as
22 now or hereafter amended.

23 The court may further prohibit respondent from
24 improperly using the financial or other resources of an
25 aged member of the family or household for the profit or
26 advantage of respondent or of any other person.

1 (11.5) Protection of animals. Grant the petitioner the
2 exclusive care, custody, or control of any animal owned,
3 possessed, leased, kept, or held by either the petitioner
4 or the respondent or a minor child residing in the
5 residence or household of either the petitioner or the
6 respondent and order the respondent to stay away from the
7 animal and forbid the respondent from taking,
8 transferring, encumbering, concealing, harming, or
9 otherwise disposing of the animal.

10 (12) Order for payment of support. Order respondent to
11 pay temporary support for the petitioner or any child in
12 the petitioner's care or over whom the petitioner has been
13 allocated parental responsibility, when the respondent has
14 a legal obligation to support that person, in accordance
15 with the Illinois Marriage and Dissolution of Marriage Act,
16 which shall govern, among other matters, the amount of
17 support, payment through the clerk and withholding of
18 income to secure payment. An order for child support may be
19 granted to a petitioner with lawful physical care of a
20 child, or an order or agreement for physical care of a
21 child, prior to entry of an order allocating significant
22 decision-making responsibility. Such a support order shall
23 expire upon entry of a valid order allocating parental
24 responsibility differently and vacating the petitioner's
25 significant decision-making authority, unless otherwise
26 provided in the order.

1 (13) Order for payment of losses. Order respondent to
2 pay petitioner for losses suffered as a direct result of
3 the abuse, neglect, or exploitation. Such losses shall
4 include, but not be limited to, medical expenses, lost
5 earnings or other support, repair or replacement of
6 property damaged or taken, reasonable attorney's fees,
7 court costs and moving or other travel expenses, including
8 additional reasonable expenses for temporary shelter and
9 restaurant meals.

10 (i) Losses affecting family needs. If a party is
11 entitled to seek maintenance, child support or
12 property distribution from the other party under the
13 Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended, the court may order
15 respondent to reimburse petitioner's actual losses, to
16 the extent that such reimbursement would be
17 "appropriate temporary relief", as authorized by
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including but not
24 limited to legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and well-being
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (a) Prohibit a respondent against whom an order of
7 protection was issued from possessing any firearms
8 during the duration of the order if the order:

9 (1) was issued after a hearing of which such
10 person received actual notice, and at which such
11 person had an opportunity to participate;

12 (2) restrains such person from harassing,
13 stalking, or threatening an intimate partner of
14 such person or child of such intimate partner or
15 person, or engaging in other conduct that would
16 place an intimate partner in reasonable fear of
17 bodily injury to the partner or child; and

18 (3)(i) includes a finding that such person
19 represents a credible threat to the physical
20 safety of such intimate partner or child; or (ii)
21 by its terms explicitly prohibits the use,
22 attempted use, or threatened use of physical force
23 against such intimate partner or child that would
24 reasonably be expected to cause bodily injury.

25 ~~Any Firearm Owner's Identification Card in the~~
26 ~~possession of the respondent, except as provided in~~

1 ~~subsection (b), shall be ordered by the court to be~~
2 ~~turned over to the local law enforcement agency. The~~
3 ~~local law enforcement agency shall immediately mail~~
4 ~~the card to the Department of State Police Firearm~~
5 ~~Owner's Identification Card Office for safekeeping.~~
6 The court shall issue a warrant for seizure of any
7 firearm in the possession of the respondent, to be kept
8 by the local law enforcement agency for safekeeping,
9 except as provided in subsection (b). The period of
10 safekeeping shall be for the duration of the order of
11 protection. The firearm or firearms ~~and Firearm~~
12 ~~Owner's Identification Card, if unexpired,~~ shall at
13 the respondent's request, be returned to the
14 respondent at the end of the order of protection. It is
15 the respondent's responsibility to notify the
16 Department of State Police ~~Firearm Owner's~~
17 ~~Identification Card Office.~~

18 (b) If the respondent is a peace officer as defined
19 in Section 2-13 of the Criminal Code of 2012, the court
20 shall order that any firearms used by the respondent in
21 the performance of his or her duties as a peace officer
22 be surrendered to the chief law enforcement executive
23 of the agency in which the respondent is employed, who
24 shall retain the firearms for safekeeping for the
25 duration of the order of protection.

26 (c) Upon expiration of the period of safekeeping,

1 if the firearms ~~or Firearm Owner's Identification Card~~
2 cannot be returned to respondent because respondent
3 cannot be located, fails to respond to requests to
4 retrieve the firearms, or is not lawfully eligible to
5 possess a firearm, upon petition from the local law
6 enforcement agency, the court may order the local law
7 enforcement agency to destroy the firearms, use the
8 firearms for training purposes, or for any other
9 application as deemed appropriate by the local law
10 enforcement agency; or that the firearms be turned over
11 to a third party who is lawfully eligible to possess
12 firearms, and who does not reside with respondent.

13 (15) Prohibition of access to records. If an order of
14 protection prohibits respondent from having contact with
15 the minor child, or if petitioner's address is omitted
16 under subsection (b) of Section 203, or if necessary to
17 prevent abuse or wrongful removal or concealment of a minor
18 child, the order shall deny respondent access to, and
19 prohibit respondent from inspecting, obtaining, or
20 attempting to inspect or obtain, school or any other
21 records of the minor child who is in the care of
22 petitioner.

23 (16) Order for payment of shelter services. Order
24 respondent to reimburse a shelter providing temporary
25 housing and counseling services to the petitioner for the
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

2 (17) Order for injunctive relief. Enter injunctive
3 relief necessary or appropriate to prevent further abuse of
4 a family or household member or further abuse, neglect, or
5 exploitation of a high-risk adult with disabilities or to
6 effectuate one of the granted remedies, if supported by the
7 balance of hardships. If the harm to be prevented by the
8 injunction is abuse or any other harm that one of the
9 remedies listed in paragraphs (1) through (16) of this
10 subsection is designed to prevent, no further evidence is
11 necessary that the harm is an irreparable injury.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including but not limited to the
16 following:

17 (i) the nature, frequency, severity, pattern and
18 consequences of the respondent's past abuse, neglect
19 or exploitation of the petitioner or any family or
20 household member, including the concealment of his or
21 her location in order to evade service of process or
22 notice, and the likelihood of danger of future abuse,
23 neglect, or exploitation to petitioner or any member of
24 petitioner's or respondent's family or household; and

25 (ii) the danger that any minor child will be abused
26 or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State or
2 improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including but not
7 limited to the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location and other characteristics of
10 alternate housing for each party and any minor child or
11 dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,
14 and any minor child or dependent adult in the party's
15 care, to family, school, church and community.

16 (3) Subject to the exceptions set forth in paragraph
17 (4) of this subsection, the court shall make its findings
18 in an official record or in writing, and shall at a minimum
19 set forth the following:

20 (i) That the court has considered the applicable
21 relevant factors described in paragraphs (1) and (2) of
22 this subsection.

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) For purposes of issuing an ex parte emergency order
4 of protection, the court, as an alternative to or as a
5 supplement to making the findings described in paragraphs
6 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
7 the following procedure:

8 When a verified petition for an emergency order of
9 protection in accordance with the requirements of Sections
10 203 and 217 is presented to the court, the court shall
11 examine petitioner on oath or affirmation. An emergency
12 order of protection shall be issued by the court if it
13 appears from the contents of the petition and the
14 examination of petitioner that the averments are
15 sufficient to indicate abuse by respondent and to support
16 the granting of relief under the issuance of the emergency
17 order of protection.

18 (5) Never married parties. No rights or
19 responsibilities for a minor child born outside of marriage
20 attach to a putative father until a father and child
21 relationship has been established under the Illinois
22 Parentage Act of 1984, the Illinois Parentage Act of 2015,
23 the Illinois Public Aid Code, Section 12 of the Vital
24 Records Act, the Juvenile Court Act of 1987, the Probate
25 Act of 1985, the Revised Uniform Reciprocal Enforcement of
26 Support Act, the Uniform Interstate Family Support Act, the

1 Expedited Child Support Act of 1990, any judicial,
2 administrative, or other act of another state or territory,
3 any other Illinois statute, or by any foreign nation
4 establishing the father and child relationship, any other
5 proceeding substantially in conformity with the Personal
6 Responsibility and Work Opportunity Reconciliation Act of
7 1996 (Pub. L. 104-193), or where both parties appeared in
8 open court or at an administrative hearing acknowledging
9 under oath or admitting by affirmation the existence of a
10 father and child relationship. Absent such an
11 adjudication, finding, or acknowledgement, no putative
12 father shall be granted temporary allocation of parental
13 responsibilities, including parenting time with the minor
14 child, or physical care and possession of the minor child,
15 nor shall an order of payment for support of the minor
16 child be entered.

17 (d) Balance of hardships; findings. If the court finds that
18 the balance of hardships does not support the granting of a
19 remedy governed by paragraph (2), (3), (10), (11), or (16) of
20 subsection (b) of this Section, which may require such
21 balancing, the court's findings shall so indicate and shall
22 include a finding as to whether granting the remedy will result
23 in hardship to respondent that would substantially outweigh the
24 hardship to petitioner from denial of the remedy. The findings
25 shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) Respondent has cause for any use of force, unless
3 that cause satisfies the standards for justifiable use of
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) Respondent was voluntarily intoxicated;

6 (3) Petitioner acted in self-defense or defense of
7 another, provided that, if petitioner utilized force, such
8 force was justifiable under Article 7 of the Criminal Code
9 of 2012;

10 (4) Petitioner did not act in self-defense or defense
11 of another;

12 (5) Petitioner left the residence or household to avoid
13 further abuse, neglect, or exploitation by respondent;

14 (6) Petitioner did not leave the residence or household
15 to avoid further abuse, neglect, or exploitation by
16 respondent;

17 (7) Conduct by any family or household member excused
18 the abuse, neglect, or exploitation by respondent, unless
19 that same conduct would have excused such abuse, neglect,
20 or exploitation if the parties had not been family or
21 household members.

22 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
23 eff. 7-28-16.)

24 Section 115. The Uniform Disposition of Unclaimed Property
25 Act is amended by changing Section 1 as follows:

1 (765 ILCS 1025/1) (from Ch. 141, par. 101)

2 Sec. 1. As used in this Act, unless the context otherwise
3 requires:

4 (a) "Banking organization" means any bank, trust company,
5 savings bank, industrial bank, land bank, safe deposit company,
6 or a private banker.

7 (b) "Business association" means any corporation, joint
8 stock company, business trust, partnership, or any
9 association, limited liability company, or other business
10 entity consisting of one or more persons, whether or not for
11 profit.

12 (c) "Financial organization" means any savings and loan
13 association, building and loan association, credit union,
14 currency exchange, co-operative bank, mutual funds, or
15 investment company.

16 (d) "Holder" means any person in possession of property
17 subject to this Act belonging to another, or who is trustee in
18 case of a trust, or is indebted to another on an obligation
19 subject to this Act.

20 (e) "Life insurance corporation" means any association or
21 corporation transacting the business of insurance on the lives
22 of persons or insurance appertaining thereto, including, but
23 not by way of limitation, endowments and annuities.

24 (f) "Owner" means a depositor in case of a deposit, a
25 beneficiary in case of a trust, a creditor, claimant, or payee

1 in case of other property, or any person having a legal or
2 equitable interest in property subject to this Act, or his
3 legal representative.

4 (g) "Person" means any individual, business association,
5 financial organization, government or political subdivision or
6 agency, public authority, estate, trust, or any other legal or
7 commercial entity.

8 (h) "Utility" means any person who owns or operates, for
9 public use, any plant, equipment, property, franchise, or
10 license for the transmission of communications or the
11 production, storage, transmission, sale, delivery, or
12 furnishing of electricity, water, steam, oil or gas.

13 (i) (Blank).

14 (j) "Insurance company" means any person transacting the
15 kinds of business enumerated in Section 4 of the Illinois
16 Insurance Code other than life insurance.

17 (k) "Economic loss", as used in Sections 2a and 9 of this
18 Act includes, but is not limited to, delivery charges,
19 mark-downs and write-offs, carrying costs, restocking charges,
20 lay-aways, special orders, issuance of credit memos, and the
21 costs of special services or goods provided that reduce the
22 property value or that result in lost sales opportunity.

23 (l) "Reportable property" means property, tangible or
24 intangible, presumed abandoned under this Act that must be
25 appropriately and timely reported and remitted to the Office of
26 the State Treasurer under this Act. Interest, dividends, stock

1 splits, warrants, or other rights that become reportable
2 property under this Act include the underlying security or
3 commodity giving rise to the interest, dividend, split,
4 warrant, or other right to which the owner would be entitled.

5 (m) "Firearm" has the meaning ascribed to that term in
6 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
7 ~~Identification Card Act.~~

8 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
9 eff. 6-2-00.)

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18 720 ILCS 5/24-3.2 from Ch. 38, par. 24-3.2
19 720 ILCS 5/24-3.4 from Ch. 38, par. 24-3.4
20 720 ILCS 5/24-3.5
21 720 ILCS 5/24-4.1
22 720 ILCS 5/24-4.5 new
23 720 ILCS 5/24-9
24 720 ILCS 646/10
25 725 ILCS 5/110-10 from Ch. 38, par. 110-10
26 725 ILCS 5/112A-11.1

- 1 725 ILCS 5/112A-11.2
- 2 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14
- 3 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3
- 4 730 ILCS 5/5-5-3.2
- 5 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3
- 6 740 ILCS 21/80
- 7 740 ILCS 110/12 from Ch. 91 1/2, par. 812
- 8 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 9 765 ILCS 1025/1 from Ch. 141, par. 101