



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3199

Introduced 2/6/2024, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.2-5	
720 ILCS 5/24-2	
720 ILCS 5/36-1	from Ch. 38, par. 36-1
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1

Amends the Criminal Code of 2012. Deletes provisions that prohibit the possession or use of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. Amends the Code of Criminal Procedure of 1963 to make conforming changes.

LRB103 37957 RLC 68089 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 24-1, 24-1.2-5, 24-2, and 36-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

10 (1) Sells, manufactures, purchases, possesses or  
11 carries any bludgeon, black-jack, slung-shot, sand-club,  
12 sand-bag, metal knuckles or other knuckle weapon  
13 regardless of its composition, throwing star, or any  
14 knife, commonly referred to as a switchblade knife, which  
15 has a blade that opens automatically by hand pressure  
16 applied to a button, spring or other device in the handle  
17 of the knife, or a ballistic knife, which is a device that  
18 propels a knifelike blade as a projectile by means of a  
19 coil spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same  
21 unlawfully against another, a dagger, dirk, billy,  
22 dangerous knife, razor, stiletto, broken bottle or other  
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (2.5) Carries or possesses with intent to use the same  
3 unlawfully against another, any firearm in a church,  
4 synagogue, mosque, or other building, structure, or place  
5 used for religious worship; or

6 (3) Carries on or about his person or in any vehicle, a  
7 tear gas gun projector or bomb or any object containing  
8 noxious liquid gas or substance, other than an object  
9 containing a non-lethal noxious liquid gas or substance  
10 designed solely for personal defense carried by a person  
11 18 years of age or older; or

12 (4) Carries or possesses in any vehicle or concealed  
13 on or about his person except when on his land or in his  
14 own abode, legal dwelling, or fixed place of business, or  
15 on the land or in the legal dwelling of another person as  
16 an invitee with that person's permission, any pistol,  
17 revolver, stun gun or taser or other firearm, except that  
18 this subsection (a)(4) does not apply to or affect  
19 transportation of weapons that meet one of the following  
20 conditions:

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

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a  
25 person 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  
4 Firearm Concealed Carry Act; or

5 (5) Sets a spring gun; or

6 (6) (Blank) ~~Possesses any device or attachment of any~~  
7 ~~kind designed, used or intended for use in silencing the~~  
8 ~~report of any firearm; or~~

9 (7) Sells, manufactures, purchases, possesses or  
10 carries:

11 (i) a machine gun, which shall be defined for the  
12 purposes of this subsection as any weapon, which  
13 shoots, is designed to shoot, or can be readily  
14 restored to shoot, automatically more than one shot  
15 without manually reloading by a single function of the  
16 trigger, including the frame or receiver of any such  
17 weapon, or sells, manufactures, purchases, possesses,  
18 or carries any combination of parts designed or  
19 intended for use in converting any weapon into a  
20 machine gun, or any combination or parts from which a  
21 machine gun can be assembled if such parts are in the  
22 possession or under the control of a person;

23 (ii) any rifle having one or more barrels less  
24 than 16 inches in length or a shotgun having one or  
25 more barrels less than 18 inches in length or any  
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a  
2 weapon as modified has an overall length of less than  
3 26 inches; or

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

9 (8) Carries or possesses any firearm, stun gun or  
10 taser or other deadly weapon in any place which is  
11 licensed to sell intoxicating beverages, or at any public  
12 gathering held pursuant to a license issued by any  
13 governmental body or any public gathering at which an  
14 admission is charged, excluding a place where a showing,  
15 demonstration or lecture involving the exhibition of  
16 unloaded firearms is conducted.

17 This subsection (a) (8) does not apply to any auction  
18 or raffle of a firearm held pursuant to a license or permit  
19 issued by a governmental body, nor does it apply to  
20 persons engaged in firearm safety training courses; or

21 (9) Carries or possesses in a vehicle or on or about  
22 his or her person any pistol, revolver, stun gun or taser  
23 or firearm or ballistic knife, when he or she is hooded,  
24 robed or masked in such manner as to conceal his or her  
25 identity; or

26 (10) Carries or possesses on or about his or her

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

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

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm  
16 carrying box, shipping box, or other container by a  
17 person who has been issued a currently valid Firearm  
18 Owner's Identification Card; or

19 (iv) are carried or possessed in accordance with  
20 the Firearm Concealed Carry Act by a person who has  
21 been issued a currently valid license under the  
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)  
24 means (i) any device which is powered by electrical  
25 charging units, such as, batteries, and which fires one or  
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of  
2 disrupting the person's nervous system in such a manner as  
3 to render him incapable of normal functioning or (ii) any  
4 device which is powered by electrical charging units, such  
5 as batteries, and which, upon contact with a human or  
6 clothing worn by a human, can send out current capable of  
7 disrupting the person's nervous system in such a manner as  
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures, delivers, imports,  
10 possesses, or purchases any assault weapon attachment or  
11 .50 caliber cartridge in violation of Section 24-1.9 or  
12 any explosive bullet. For purposes of this paragraph (a)  
13 "explosive bullet" means the projectile portion of an  
14 ammunition cartridge which contains or carries an  
15 explosive charge which will explode upon contact with the  
16 flesh of a human or an animal. "Cartridge" means a tubular  
17 metal case having a projectile affixed at the front  
18 thereof and a cap or primer at the rear end thereof, with  
19 the propellant contained in such tube between the  
20 projectile and the cap; or

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her  
23 person while in a building occupied by a unit of  
24 government, a billy club, other weapon of like character,  
25 or other instrument of like character intended for use as  
26 a weapon. For the purposes of this Section, "billy club"

1 means a short stick or club commonly carried by police  
2 officers which is either telescopic or constructed of a  
3 solid piece of wood or other man-made material; or

4 (14) Manufactures, possesses, sells, or offers to  
5 sell, purchase, manufacture, import, transfer, or use any  
6 device, part, kit, tool, accessory, or combination of  
7 parts that is designed to and functions to increase the  
8 rate of fire of a semiautomatic firearm above the standard  
9 rate of fire for semiautomatic firearms that is not  
10 equipped with that device, part, or combination of parts;  
11 or

12 (15) Carries or possesses any assault weapon or .50  
13 caliber rifle in violation of Section 24-1.9; or

14 (16) Manufactures, sells, delivers, imports, or  
15 purchases any assault weapon or .50 caliber rifle in  
16 violation of Section 24-1.9.

17 (b) Sentence. A person convicted of a violation of  
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
19 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)  
20 commits a Class A misdemeanor. A person convicted of a  
21 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a  
22 Class 4 felony; a person convicted of a violation of  
23 subsection ~~24-1(a)(6)~~, 24-1(a)(7)(ii), 24-1(a)(7)(iii), or  
24 24-1(a)(16) commits a Class 3 felony. A person convicted of a  
25 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony  
26 and shall be sentenced to a term of imprisonment of not less



1 than 3 years and not more than 7 years, unless the weapon is  
2 possessed in the passenger compartment of a motor vehicle as  
3 defined in Section 1-146 of the Illinois Vehicle Code, or on  
4 the person, while the weapon is loaded, in which case it shall  
5 be a Class X felony. A person convicted of a second or  
6 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),  
7 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3  
8 felony. A person convicted of a violation of subsection  
9 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The  
10 possession of each weapon or device in violation of this  
11 Section constitutes a single and separate violation.

12 (c) Violations in specific places.

13 (1) A person who violates subsection ~~24-1(a)(6)~~ or  
14 24-1(a)(7) in any school, regardless of the time of day or  
15 the time of year, in residential property owned, operated  
16 or managed by a public housing agency or leased by a public  
17 housing agency as part of a scattered site or mixed-income  
18 development, in a public park, in a courthouse, on the  
19 real property comprising any school, regardless of the  
20 time of day or the time of year, on residential property  
21 owned, operated or managed by a public housing agency or  
22 leased by a public housing agency as part of a scattered  
23 site or mixed-income development, on the real property  
24 comprising any public park, on the real property  
25 comprising any courthouse, in any conveyance owned, leased  
26 or contracted by a school to transport students to or from

1 school or a school related activity, in any conveyance  
2 owned, leased, or contracted by a public transportation  
3 agency, or on any public way within 1,000 feet of the real  
4 property comprising any school, public park, courthouse,  
5 public transportation facility, or residential property  
6 owned, operated, or managed by a public housing agency or  
7 leased by a public housing agency as part of a scattered  
8 site or mixed-income development commits a Class 2 felony  
9 and shall be sentenced to a term of imprisonment of not  
10 less than 3 years and not more than 7 years.

11 (1.5) A person who violates subsection 24-1(a)(4),  
12 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
13 the time of day or the time of year, in residential  
14 property owned, operated, or managed by a public housing  
15 agency or leased by a public housing agency as part of a  
16 scattered site or mixed-income development, in a public  
17 park, in a courthouse, on the real property comprising any  
18 school, regardless of the time of day or the time of year,  
19 on residential property owned, operated, or managed by a  
20 public housing agency or leased by a public housing agency  
21 as part of a scattered site or mixed-income development,  
22 on the real property comprising any public park, on the  
23 real property comprising any courthouse, in any conveyance  
24 owned, leased, or contracted by a school to transport  
25 students to or from school or a school related activity,  
26 in any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000  
2 feet of the real property comprising any school, public  
3 park, courthouse, public transportation facility, or  
4 residential property owned, operated, or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development  
7 commits a Class 3 felony.

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

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development  
4 commits a Class 4 felony. "Courthouse" means any building  
5 that is used by the Circuit, Appellate, or Supreme Court  
6 of this State for the conduct of official business.

7 (3) Paragraphs (1), (1.5), and (2) of this subsection  
8 (c) shall not apply to law enforcement officers or  
9 security officers of such school, college, or university  
10 or to students carrying or possessing firearms for use in  
11 training courses, parades, hunting, target shooting on  
12 school ranges, or otherwise with the consent of school  
13 authorities and which firearms are transported unloaded  
14 enclosed in a suitable case, box, or transportation  
15 package.

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

19 (5) For the purposes of this subsection (c), "public  
20 transportation agency" means a public or private agency  
21 that provides for the transportation or conveyance of  
22 persons by means available to the general public, except  
23 for transportation by automobiles not used for conveyance  
24 of the general public as passengers; and "public  
25 transportation facility" means a terminal or other place  
26 where one may obtain public transportation.

1           (d) The presence in an automobile other than a public  
2 omnibus of any weapon, instrument or substance referred to in  
3 subsection (a) (7) is prima facie evidence that it is in the  
4 possession of, and is being carried by, all persons occupying  
5 such automobile at the time such weapon, instrument or  
6 substance is found, except under the following circumstances:  
7 (i) if such weapon, instrument or instrumentality is found  
8 upon the person of one of the occupants therein; or (ii) if  
9 such weapon, instrument or substance is found in an automobile  
10 operated for hire by a duly licensed driver in the due, lawful  
11 and proper pursuit of his or her trade, then such presumption  
12 shall not apply to the driver.

13           (e) Exemptions.

14           (1) Crossbows, Common or Compound bows and Underwater  
15 Spearguns are exempted from the definition of ballistic  
16 knife as defined in paragraph (1) of subsection (a) of  
17 this Section.

18           (2) The provision of paragraph (1) of subsection (a)  
19 of this Section prohibiting the sale, manufacture,  
20 purchase, possession, or carrying of any knife, commonly  
21 referred to as a switchblade knife, which has a blade that  
22 opens automatically by hand pressure applied to a button,  
23 spring or other device in the handle of the knife, does not  
24 apply to a person who possesses a currently valid Firearm  
25 Owner's Identification Card previously issued in his or  
26 her name by the Illinois State Police or to a person or an

1           entity engaged in the business of selling or manufacturing  
2           switchblade knives.

3           (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;  
4           102-1116, eff. 1-10-23.)

5           (720 ILCS 5/24-1.2-5)

6           Sec. 24-1.2-5. Aggravated discharge of a machine gun ~~or a~~  
7           ~~firearm equipped with a device designed or used for silencing~~  
8           ~~the report of a firearm.~~

9           (a) A person commits aggravated discharge of a machine gun  
10          ~~or a firearm equipped with a device designed or used for~~  
11          ~~silencing the report of a firearm~~ when he or she knowingly or  
12          intentionally:

13               (1) Discharges a machine gun ~~or a firearm equipped~~  
14               ~~with a device designed or used for silencing the report of~~  
15               ~~a firearm~~ at or into a building he or she knows to be  
16               occupied and the machine gun ~~or the firearm equipped with~~  
17               ~~a device designed or used for silencing the report of a~~  
18               ~~firearm~~ is discharged from a place or position outside  
19               that building;

20               (2) Discharges a machine gun ~~or a firearm equipped~~  
21               ~~with a device designed or used for silencing the report of~~  
22               ~~a firearm~~ in the direction of another person or in the  
23               direction of a vehicle he or she knows to be occupied;

24               (3) Discharges a machine gun ~~or a firearm equipped~~  
25               ~~with a device designed or used for silencing the report of~~

1       ~~a firearm~~ in the direction of a person he or she knows to  
2       be a peace officer, a person summoned or directed by a  
3       peace officer, a correctional institution employee, or a  
4       fireman while the officer, employee or fireman is engaged  
5       in the execution of any of his or her official duties, or  
6       to prevent the officer, employee or fireman from  
7       performing his or her official duties, or in retaliation  
8       for the officer, employee or fireman performing his or her  
9       official duties;

10       (4) Discharges a machine gun ~~or a firearm equipped~~  
11       ~~with a device designed or used for silencing the report of~~  
12       ~~a firearm~~ in the direction of a vehicle he or she knows to  
13       be occupied by a peace officer, a person summoned or  
14       directed by a peace officer, a correctional institution  
15       employee or a fireman while the officer, employee or  
16       fireman is engaged in the execution of any of his or her  
17       official duties, or to prevent the officer, employee or  
18       fireman from performing his or her official duties, or in  
19       retaliation for the officer, employee or fireman  
20       performing his or her official duties;

21       (5) Discharges a machine gun ~~or a firearm equipped~~  
22       ~~with a device designed or used for silencing the report of~~  
23       ~~a firearm~~ in the direction of a person he or she knows to  
24       be emergency medical services personnel while the  
25       emergency medical services personnel is engaged in the  
26       execution of any of his or her official duties, or to

1 prevent the emergency medical services personnel from  
2 performing his or her official duties, or in retaliation  
3 for the emergency medical services personnel performing  
4 his or her official duties;

5 (6) Discharges a machine gun ~~or a firearm equipped~~  
6 ~~with a device designed or used for silencing the report of~~  
7 ~~a firearm~~ in the direction of a vehicle he or she knows to  
8 be occupied by emergency medical services personnel, while  
9 the emergency medical services personnel is engaged in the  
10 execution of any of his or her official duties, or to  
11 prevent the emergency medical services personnel from  
12 performing his or her official duties, or in retaliation  
13 for the emergency medical services personnel performing  
14 his or her official duties;

15 (7) Discharges a machine gun ~~or a firearm equipped~~  
16 ~~with a device designed or used for silencing the report of~~  
17 ~~a firearm~~ in the direction of a person he or she knows to  
18 be an emergency management worker while the emergency  
19 management worker is engaged in the execution of any of  
20 his or her official duties, or to prevent the emergency  
21 management worker from performing his or her official  
22 duties, or in retaliation for the emergency management  
23 worker performing his or her official duties; or

24 (8) Discharges a machine gun ~~or a firearm equipped~~  
25 ~~with a device designed or used for silencing the report of~~  
26 ~~a firearm~~ in the direction of a vehicle he or she knows to



1 be occupied by an emergency management worker while the  
2 emergency management worker is engaged in the execution of  
3 any of his or her official duties, or to prevent the  
4 emergency management worker from performing his or her  
5 official duties, or in retaliation for the emergency  
6 management worker performing his or her official duties.

7 (b) A violation of subsection (a) (1) or subsection (a)  
8 (2) of this Section is a Class X felony. A violation of  
9 subsection (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a)  
10 (8) of this Section is a Class X felony for which the sentence  
11 shall be a term of imprisonment of no less than 12 years and no  
12 more than 50 years.

13 (c) For the purpose of this Section:

14 "Emergency medical services personnel" has the meaning  
15 specified in Section 3.5 of the Emergency Medical Services  
16 (EMS) Systems Act and shall include all ambulance crew  
17 members, including drivers or pilots.

18 "Machine gun" has the meaning ascribed to it in clause  
19 (i) of paragraph (7) of subsection (a) of Section 24-1 of  
20 this Code.

21 (d) This Section does not apply to a peace officer while  
22 serving as a member of a tactical response team or special  
23 operations team. ~~A peace officer may not personally own or~~  
24 ~~apply for ownership of a device or attachment of any kind~~  
25 ~~designed, used, or intended for use in silencing the report of~~  
26 ~~any firearm. These devices shall be owned and maintained by~~

1 ~~lawfully recognized units of government whose duties include~~  
2 ~~the investigation of criminal acts.~~

3 (Source: P.A. 99-816, eff. 8-15-16.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
8 the following:

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

12 (2) Wardens, superintendents and keepers of prisons,  
13 penitentiaries, jails and other institutions for the  
14 detention of persons accused or convicted of an offense,  
15 while in the performance of their official duty, or while  
16 commuting between their homes and places of employment.

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

21 (4) Special agents employed by a railroad or a public  
22 utility to perform police functions, and guards of armored  
23 car companies, while actually engaged in the performance  
24 of the duties of their employment or commuting between  
25 their homes and places of employment; and watchmen while

1 actually engaged in the performance of the duties of their  
2 employment.

3 (5) Persons licensed as private security contractors,  
4 private detectives, or private alarm contractors, or  
5 employed by a private security contractor, private  
6 detective, or private alarm contractor agency licensed by  
7 the Department of Financial and Professional Regulation,  
8 if their duties include the carrying of a weapon under the  
9 provisions of the Private Detective, Private Alarm,  
10 Private Security, Fingerprint Vendor, and Locksmith Act of  
11 2004, while actually engaged in the performance of the  
12 duties of their employment or commuting between their  
13 homes and places of employment. A person shall be  
14 considered eligible for this exemption if he or she has  
15 completed the required 20 hours of training for a private  
16 security contractor, private detective, or private alarm  
17 contractor, or employee of a licensed private security  
18 contractor, private detective, or private alarm contractor  
19 agency and 28 hours of required firearm training, and has  
20 been issued a firearm control card by the Department of  
21 Financial and Professional Regulation. Conditions for the  
22 renewal of firearm control cards issued under the  
23 provisions of this Section shall be the same as for those  
24 cards issued under the provisions of the Private  
25 Detective, Private Alarm, Private Security, Fingerprint  
26 Vendor, and Locksmith Act of 2004. The firearm control

1 card shall be carried by the private security contractor,  
2 private detective, or private alarm contractor, or  
3 employee of the licensed private security contractor,  
4 private detective, or private alarm contractor agency at  
5 all times when he or she is in possession of a concealable  
6 weapon permitted by his or her firearm control card.

7 (6) Any person regularly employed in a commercial or  
8 industrial operation as a security guard for the  
9 protection of persons employed and private property  
10 related to such commercial or industrial operation, while  
11 actually engaged in the performance of his or her duty or  
12 traveling between sites or properties belonging to the  
13 employer, and who, as a security guard, is a member of a  
14 security force registered with the Department of Financial  
15 and Professional Regulation; provided that such security  
16 guard has successfully completed a course of study,  
17 approved by and supervised by the Department of Financial  
18 and Professional Regulation, consisting of not less than  
19 48 hours of training that includes the theory of law  
20 enforcement, liability for acts, and the handling of  
21 weapons. A person shall be considered eligible for this  
22 exemption if he or she has completed the required 20 hours  
23 of training for a security officer and 28 hours of  
24 required firearm training, and has been issued a firearm  
25 control card by the Department of Financial and  
26 Professional Regulation. Conditions for the renewal of

1 firearm control cards issued under the provisions of this  
2 Section shall be the same as for those cards issued under  
3 the provisions of the Private Detective, Private Alarm,  
4 Private Security, Fingerprint Vendor, and Locksmith Act of  
5 2004. The firearm control card shall be carried by the  
6 security guard at all times when he or she is in possession  
7 of a concealable weapon permitted by his or her firearm  
8 control card.

9 (7) Agents and investigators of the Illinois  
10 Legislative Investigating Commission authorized by the  
11 Commission to carry the weapons specified in subsections  
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution as a  
15 security guard for the protection of other employees and  
16 property related to such financial institution, while  
17 actually engaged in the performance of their duties,  
18 commuting between their homes and places of employment, or  
19 traveling between sites or properties owned or operated by  
20 such financial institution, and who, as a security guard,  
21 is a member of a security force registered with the  
22 Department; provided that any person so employed has  
23 successfully completed a course of study, approved by and  
24 supervised by the Department of Financial and Professional  
25 Regulation, consisting of not less than 48 hours of  
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person  
2 shall be considered to be eligible for this exemption if  
3 he or she has completed the required 20 hours of training  
4 for a security officer and 28 hours of required firearm  
5 training, and has been issued a firearm control card by  
6 the Department of Financial and Professional Regulation.  
7 Conditions for renewal of firearm control cards issued  
8 under the provisions of this Section shall be the same as  
9 for those issued under the provisions of the Private  
10 Detective, Private Alarm, Private Security, Fingerprint  
11 Vendor, and Locksmith Act of 2004. The firearm control  
12 card shall be carried by the security guard at all times  
13 when he or she is in possession of a concealable weapon  
14 permitted by his or her firearm control card. For purposes  
15 of this subsection, "financial institution" means a bank,  
16 savings and loan association, credit union or company  
17 providing armored car services.

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

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

24 (11) Investigators of the Office of the State's  
25 Attorneys Appellate Prosecutor authorized by the board of  
26 governors of the Office of the State's Attorneys Appellate

1           Prosecutor to carry weapons pursuant to Section 7.06 of  
2           the State's Attorneys Appellate Prosecutor's Act.

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

5           (12.5) Probation officers while in the performance of  
6           their duties, or while commuting between their homes,  
7           places of employment or specific locations that are part  
8           of their assigned duties, with the consent of the chief  
9           judge of the circuit for which they are employed, if they  
10          have received weapons training according to requirements  
11          of the Peace Officer and Probation Officer Firearm  
12          Training Act.

13          (13) Court Security Officers while in the performance  
14          of their official duties, or while commuting between their  
15          homes and places of employment, with the consent of the  
16          Sheriff.

17          (13.5) A person employed as an armed security guard at  
18          a nuclear energy, storage, weapons or development site or  
19          facility regulated by the Nuclear Regulatory Commission  
20          who has completed the background screening and training  
21          mandated by the rules and regulations of the Nuclear  
22          Regulatory Commission.

23          (14) Manufacture, transportation, or sale of weapons  
24          to persons authorized under subdivisions (1) through  
25          (13.5) of this subsection to possess those weapons.

26          (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,  
2 or handgun and the person has been issued a currently valid  
3 license under the Firearm Concealed Carry Act at the time of  
4 the commission of the offense.

5 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
6 to or affect a qualified current or retired law enforcement  
7 officer or a current or retired deputy, county correctional  
8 officer, or correctional officer of the Department of  
9 Corrections qualified under the laws of this State or under  
10 the federal Law Enforcement Officers Safety Act.

11 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
12 24-1.6 do not apply to or affect any of the following:

13 (1) Members of any club or organization organized for  
14 the purpose of practicing shooting at targets upon  
15 established target ranges, whether public or private, and  
16 patrons of such ranges, while such members or patrons are  
17 using their firearms on those target ranges.

18 (2) Duly authorized military or civil organizations  
19 while parading, with the special permission of the  
20 Governor.

21 (3) Hunters, trappers, or fishermen while engaged in  
22 lawful hunting, trapping, or fishing under the provisions  
23 of the Wildlife Code or the Fish and Aquatic Life Code.

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

26 (5) Carrying or possessing any pistol, revolver, stun



1 gun or taser or other firearm on the land or in the legal  
2 dwelling of another person as an invitee with that  
3 person's permission.

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

6 (1) Peace officers while in performance of their  
7 official duties.

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

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

14 (4) Manufacture, transportation, or sale of machine  
15 guns to persons authorized under subdivisions (1) through  
16 (3) of this subsection to possess machine guns, if the  
17 machine guns are broken down in a non-functioning state or  
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture  
20 any weapon from which 8 or more shots or bullets can be  
21 discharged by a single function of the firing device, or  
22 ammunition for such weapons, and actually engaged in the  
23 business of manufacturing such weapons or ammunition, but  
24 only with respect to activities which are within the  
25 lawful scope of such business, such as the manufacture,  
26 transportation, or testing of such weapons or ammunition.

1           This exemption does not authorize the general private  
2           possession of any weapon from which 8 or more shots or  
3           bullets can be discharged by a single function of the  
4           firing device, but only such possession and activities as  
5           are within the lawful scope of a licensed manufacturing  
6           business described in this paragraph.

7           During transportation, such weapons shall be broken  
8           down in a non-functioning state or not immediately  
9           accessible.

10           (6) The manufacture, transport, testing, delivery,  
11           transfer or sale, and all lawful commercial or  
12           experimental activities necessary thereto, of rifles,  
13           shotguns, and weapons made from rifles or shotguns, or  
14           ammunition for such rifles, shotguns or weapons, where  
15           engaged in by a person operating as a contractor or  
16           subcontractor pursuant to a contract or subcontract for  
17           the development and supply of such rifles, shotguns,  
18           weapons or ammunition to the United States government or  
19           any branch of the Armed Forces of the United States, when  
20           such activities are necessary and incident to fulfilling  
21           the terms of such contract.

22           The exemption granted under this subdivision (c)(6)  
23           shall also apply to any authorized agent of any such  
24           contractor or subcontractor who is operating within the  
25           scope of his employment, where such activities involving  
26           such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

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

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

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

20 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
21 Section 24-1.6 do not apply to members of any club or  
22 organization organized for the purpose of practicing shooting  
23 at targets upon established target ranges, whether public or  
24 private, while using their firearms on those target ranges.

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

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

4           (2) Bonafide collectors of antique or surplus military  
5           ordnance.

6           (3) Laboratories having a department of forensic  
7           ballistics, or specializing in the development of  
8           ammunition or explosive ordnance.

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

18          (g-5) (Blank). ~~Subsection 24-1(a)(6) does not apply to or~~  
19 ~~affect persons licensed under federal law to manufacture any~~  
20 ~~device or attachment of any kind designed, used, or intended~~  
21 ~~for use in silencing the report of any firearm, firearms, or~~  
22 ~~ammunition for those firearms equipped with those devices, and~~  
23 ~~actually engaged in the business of manufacturing those~~  
24 ~~devices, firearms, or ammunition, but only with respect to~~  
25 ~~activities that are within the lawful scope of that business,~~  
26 ~~such as the manufacture, transportation, or testing of those~~

1 ~~devices, firearms, or ammunition. This exemption does not~~  
2 ~~authorize the general private possession of any device or~~  
3 ~~attachment of any kind designed, used, or intended for use in~~  
4 ~~silencing the report of any firearm, but only such possession~~  
5 ~~and activities as are within the lawful scope of a licensed~~  
6 ~~manufacturing business described in this subsection (g 5).~~  
7 ~~During transportation, these devices shall be detached from~~  
8 ~~any weapon or not immediately accessible.~~

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

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

23 (g-10) (Blank).

24 (h) An information or indictment based upon a violation of  
25 any subsection of this Article need not negative any  
26 exemptions contained in this Article. The defendant shall have

1 the burden of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or  
3 affect the transportation, carrying, or possession, of any  
4 pistol or revolver, stun gun, taser, or other firearm  
5 consigned to a common carrier operating under license of the  
6 State of Illinois or the federal government, where such  
7 transportation, carrying, or possession is incident to the  
8 lawful transportation in which such common carrier is engaged;  
9 and nothing in this Article shall prohibit, apply to, or  
10 affect the transportation, carrying, or possession of any  
11 pistol, revolver, stun gun, taser, or other firearm, not the  
12 subject of and regulated by subsection 24-1(a)(7) or  
13 subsection 24-2(c) of this Article, which is unloaded and  
14 enclosed in a case, firearm carrying box, shipping box, or  
15 other container, by the possessor of a valid Firearm Owners  
16 Identification Card.

17 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;  
18 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)

19 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

20 Sec. 36-1. Property subject to forfeiture.

21 (a) Any vessel or watercraft, vehicle, or aircraft is  
22 subject to forfeiture under this Article if the vessel or  
23 watercraft, vehicle, or aircraft is used with the knowledge  
24 and consent of the owner in the commission of or in the attempt  
25 to commit as defined in Section 8-4 of this Code:

1 (1) an offense prohibited by Section 9-1 (first degree  
2 murder), Section 9-3 (involuntary manslaughter and  
3 reckless homicide), Section 10-2 (aggravated kidnaping),  
4 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
5 (aggravated criminal sexual assault), Section 11-1.40  
6 (predatory criminal sexual assault of a child), subsection  
7 (a) of Section 11-1.50 (criminal sexual abuse), subsection  
8 (a), (c), or (d) of Section 11-1.60 (aggravated criminal  
9 sexual abuse), Section 11-6 (indecent solicitation of a  
10 child), Section 11-14.4 (promoting juvenile prostitution  
11 except for keeping a place of juvenile prostitution),  
12 Section 11-20.1 (child pornography), paragraph (a)(1),  
13 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),  
14 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05  
15 (aggravated battery), Section 12-7.3 (stalking), Section  
16 12-7.4 (aggravated stalking), Section 16-1 (theft if the  
17 theft is of precious metal or of scrap metal), subdivision  
18 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section  
19 18-2 (armed robbery), Section 19-1 (burglary), Section  
20 19-2 (possession of burglary tools), Section 19-3  
21 (residential burglary), Section 20-1 (arson; residential  
22 arson; place of worship arson), Section 20-2 (possession  
23 of explosives or explosive or incendiary devices),  
24 subdivision ~~(a)(6) or~~ (a)(7) of Section 24-1 (unlawful use  
25 of weapons), Section 24-1.2 (aggravated discharge of a  
26 firearm), Section 24-1.2-5 (aggravated discharge of a

1 machine gun ~~or a firearm equipped with a device designed~~  
2 ~~or used for silencing the report of a firearm~~), Section  
3 24-1.5 (reckless discharge of a firearm), Section 28-1  
4 (gambling), or Section 29D-15.2 (possession of a deadly  
5 substance) of this Code;

6 (2) an offense prohibited by Section 21, 22, 23, 24 or  
7 26 of the Cigarette Tax Act if the vessel or watercraft,  
8 vehicle, or aircraft contains more than 10 cartons of such  
9 cigarettes;

10 (3) an offense prohibited by Section 28, 29, or 30 of  
11 the Cigarette Use Tax Act if the vessel or watercraft,  
12 vehicle, or aircraft contains more than 10 cartons of such  
13 cigarettes;

14 (4) an offense prohibited by Section 44 of the  
15 Environmental Protection Act;

16 (5) an offense prohibited by Section 11-204.1 of the  
17 Illinois Vehicle Code (aggravated fleeing or attempting to  
18 elude a peace officer);

19 (6) an offense prohibited by Section 11-501 of the  
20 Illinois Vehicle Code (driving while under the influence  
21 of alcohol or other drug or drugs, intoxicating compound  
22 or compounds or any combination thereof) or a similar  
23 provision of a local ordinance, and:

24 (A) during a period in which his or her driving  
25 privileges are revoked or suspended if the revocation  
26 or suspension was for:



1 (i) Section 11-501 (driving under the  
2 influence of alcohol or other drug or drugs,  
3 intoxicating compound or compounds or any  
4 combination thereof),

5 (ii) Section 11-501.1 (statutory summary  
6 suspension or revocation),

7 (iii) paragraph (b) of Section 11-401 (motor  
8 vehicle crashes involving death or personal  
9 injuries), or

10 (iv) reckless homicide as defined in Section  
11 9-3 of this Code;

12 (B) has been previously convicted of reckless  
13 homicide or a similar provision of a law of another  
14 state relating to reckless homicide in which the  
15 person was determined to have been under the influence  
16 of alcohol, other drug or drugs, or intoxicating  
17 compound or compounds as an element of the offense or  
18 the person has previously been convicted of committing  
19 a violation of driving under the influence of alcohol  
20 or other drug or drugs, intoxicating compound or  
21 compounds or any combination thereof and was involved  
22 in a motor vehicle crash that resulted in death, great  
23 bodily harm, or permanent disability or disfigurement  
24 to another, when the violation was a proximate cause  
25 of the death or injuries;

26 (C) the person committed a violation of driving

1 under the influence of alcohol or other drug or drugs,  
2 intoxicating compound or compounds or any combination  
3 thereof under Section 11-501 of the Illinois Vehicle  
4 Code or a similar provision for the third or  
5 subsequent time;

6 (D) he or she did not possess a valid driver's  
7 license or permit or a valid restricted driving permit  
8 or a valid judicial driving permit or a valid  
9 monitoring device driving permit; or

10 (E) he or she knew or should have known that the  
11 vehicle he or she was driving was not covered by a  
12 liability insurance policy;

13 (7) an offense described in subsection (g) of Section  
14 6-303 of the Illinois Vehicle Code;

15 (8) an offense described in subsection (e) of Section  
16 6-101 of the Illinois Vehicle Code; or

17 (9) (A) operating a watercraft under the influence of  
18 alcohol, other drug or drugs, intoxicating compound or  
19 compounds, or combination thereof under Section 5-16 of  
20 the Boat Registration and Safety Act during a period in  
21 which his or her privileges to operate a watercraft are  
22 revoked or suspended and the revocation or suspension was  
23 for operating a watercraft under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds,  
25 or combination thereof; (B) operating a watercraft under  
26 the influence of alcohol, other drug or drugs,

1       intoxicating compound or compounds, or combination thereof  
2       and has been previously convicted of reckless homicide or  
3       a similar provision of a law in another state relating to  
4       reckless homicide in which the person was determined to  
5       have been under the influence of alcohol, other drug or  
6       drugs, intoxicating compound or compounds, or combination  
7       thereof as an element of the offense or the person has  
8       previously been convicted of committing a violation of  
9       operating a watercraft under the influence of alcohol,  
10      other drug or drugs, intoxicating compound or compounds,  
11      or combination thereof and was involved in an accident  
12      that resulted in death, great bodily harm, or permanent  
13      disability or disfigurement to another, when the violation  
14      was a proximate cause of the death or injuries; or (C) the  
15      person committed a violation of operating a watercraft  
16      under the influence of alcohol, other drug or drugs,  
17      intoxicating compound or compounds, or combination thereof  
18      under Section 5-16 of the Boat Registration and Safety Act  
19      or a similar provision for the third or subsequent time.

20      (b) In addition, any mobile or portable equipment used in  
21      the commission of an act which is in violation of Section 7g of  
22      the Metropolitan Water Reclamation District Act shall be  
23      subject to seizure and forfeiture under the same procedures  
24      provided in this Article for the seizure and forfeiture of  
25      vessels or watercraft, vehicles, and aircraft, and any such  
26      equipment shall be deemed a vessel or watercraft, vehicle, or

1 aircraft for purposes of this Article.

2 (c) In addition, when a person discharges a firearm at  
3 another individual from a vehicle with the knowledge and  
4 consent of the owner of the vehicle and with the intent to  
5 cause death or great bodily harm to that individual and as a  
6 result causes death or great bodily harm to that individual,  
7 the vehicle shall be subject to seizure and forfeiture under  
8 the same procedures provided in this Article for the seizure  
9 and forfeiture of vehicles used in violations of clauses (1),  
10 (2), (3), or (4) of subsection (a) of this Section.

11 (d) If the spouse of the owner of a vehicle seized for an  
12 offense described in subsection (g) of Section 6-303 of the  
13 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
14 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
15 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
16 Code makes a showing that the seized vehicle is the only source  
17 of transportation and it is determined that the financial  
18 hardship to the family as a result of the seizure outweighs the  
19 benefit to the State from the seizure, the vehicle may be  
20 forfeited to the spouse or family member and the title to the  
21 vehicle shall be transferred to the spouse or family member  
22 who is properly licensed and who requires the use of the  
23 vehicle for employment or family transportation purposes. A  
24 written declaration of forfeiture of a vehicle under this  
25 Section shall be sufficient cause for the title to be  
26 transferred to the spouse or family member. The provisions of

1 this paragraph shall apply only to one forfeiture per vehicle.  
2 If the vehicle is the subject of a subsequent forfeiture  
3 proceeding by virtue of a subsequent conviction of either  
4 spouse or the family member, the spouse or family member to  
5 whom the vehicle was forfeited under the first forfeiture  
6 proceeding may not utilize the provisions of this paragraph in  
7 another forfeiture proceeding. If the owner of the vehicle  
8 seized owns more than one vehicle, the procedure set out in  
9 this paragraph may be used for only one vehicle.

10 (e) In addition, property subject to forfeiture under  
11 Section 40 of the Illinois Streetgang Terrorism Omnibus  
12 Prevention Act may be seized and forfeited under this Article.

13 (Source: P.A. 102-982, eff. 7-1-23.)

14 Section 10. The Code of Criminal Procedure of 1963 is  
15 amended by changing Section 110-6.1 as follows:

16 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

17 Sec. 110-6.1. Denial of pretrial release.

18 (a) Upon verified petition by the State, the court shall  
19 hold a hearing and may deny a defendant pretrial release only  
20 if:

21 (1) the defendant is charged with a felony offense  
22 other than a forcible felony for which, based on the  
23 charge or the defendant's criminal history, a sentence of  
24 imprisonment, without probation, periodic imprisonment or

1 conditional discharge, is required by law upon conviction,  
2 and it is alleged that the defendant's pretrial release  
3 poses a real and present threat to the safety of any person  
4 or persons or the community, based on the specific  
5 articulable facts of the case;

6 (1.5) the defendant's pretrial release poses a real  
7 and present threat to the safety of any person or persons  
8 or the community, based on the specific articulable facts  
9 of the case, and the defendant is charged with a forcible  
10 felony, which as used in this Section, means treason,  
11 first degree murder, second degree murder, predatory  
12 criminal sexual assault of a child, aggravated criminal  
13 sexual assault, criminal sexual assault, armed robbery,  
14 aggravated robbery, robbery, burglary where there is use  
15 of force against another person, residential burglary,  
16 home invasion, vehicular invasion, aggravated arson,  
17 arson, aggravated kidnaping, kidnaping, aggravated battery  
18 resulting in great bodily harm or permanent disability or  
19 disfigurement or any other felony which involves the  
20 threat of or infliction of great bodily harm or permanent  
21 disability or disfigurement;

22 (2) the defendant is charged with stalking or  
23 aggravated stalking, and it is alleged that the  
24 defendant's pre-trial release poses a real and present  
25 threat to the safety of a victim of the alleged offense,  
26 and denial of release is necessary to prevent fulfillment

1 of the threat upon which the charge is based;

2 (3) the defendant is charged with a violation of an  
3 order of protection issued under Section 112A-14 of this  
4 Code or Section 214 of the Illinois Domestic Violence Act  
5 of 1986, a stalking no contact order under Section 80 of  
6 the Stalking No Contact Order Act, or of a civil no contact  
7 order under Section 213 of the Civil No Contact Order Act,  
8 and it is alleged that the defendant's pretrial release  
9 poses a real and present threat to the safety of any person  
10 or persons or the community, based on the specific  
11 articulable facts of the case;

12 (4) the defendant is charged with domestic battery or  
13 aggravated domestic battery under Section 12-3.2 or 12-3.3  
14 of the Criminal Code of 2012 and it is alleged that the  
15 defendant's pretrial release poses a real and present  
16 threat to the safety of any person or persons or the  
17 community, based on the specific articulable facts of the  
18 case;

19 (5) the defendant is charged with any offense under  
20 Article 11 of the Criminal Code of 2012, except for  
21 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,  
22 11-40, and 11-45 of the Criminal Code of 2012, or similar  
23 provisions of the Criminal Code of 1961 and it is alleged  
24 that the defendant's pretrial release poses a real and  
25 present threat to the safety of any person or persons or  
26 the community, based on the specific articulable facts of

1 the case;

2 (6) the defendant is charged with any of the following  
3 offenses under the Criminal Code of 2012, and it is  
4 alleged that the defendant's pretrial release poses a real  
5 and present threat to the safety of any person or persons  
6 or the community, based on the specific articulable facts  
7 of the case:

8 (A) Section 24-1.2 (aggravated discharge of a  
9 firearm);

10 (B) Section 24-2.5 (aggravated discharge of a  
11 machine gun ~~or a firearm equipped with a device~~  
12 ~~designed or use for silencing the report of a~~  
13 ~~firearm~~);

14 (C) Section 24-1.5 (reckless discharge of a  
15 firearm);

16 (D) Section 24-1.7 (armed habitual criminal);

17 (E) Section 24-2.2 (manufacture, sale or transfer  
18 of bullets or shells represented to be armor piercing  
19 bullets, dragon's breath shotgun shells, bolo shells,  
20 or flechette shells);

21 (F) Section 24-3 (unlawful sale or delivery of  
22 firearms);

23 (G) Section 24-3.3 (unlawful sale or delivery of  
24 firearms on the premises of any school);

25 (H) Section 24-34 (unlawful sale of firearms by  
26 liquor license);



1 (I) Section 24-3.5 (unlawful purchase of a  
2 firearm);

3 (J) Section 24-3A (gunrunning);

4 (K) Section 24-3B (firearms trafficking);

5 (L) Section 10-9 (b) (involuntary servitude);

6 (M) Section 10-9 (c) (involuntary sexual servitude  
7 of a minor);

8 (N) Section 10-9(d) (trafficking in persons);

9 (O) Non-probationable violations: (i) unlawful use  
10 or possession of weapons by felons or persons in the  
11 Custody of the Department of Corrections facilities  
12 (Section 24-1.1), (ii) aggravated unlawful use of a  
13 weapon (Section 24-1.6), or (iii) aggravated  
14 possession of a stolen firearm (Section 24-3.9);

15 (P) Section 9-3 (reckless homicide and involuntary  
16 manslaughter);

17 (Q) Section 19-3 (residential burglary);

18 (R) Section 10-5 (child abduction);

19 (S) Felony violations of Section 12C-5 (child  
20 endangerment);

21 (T) Section 12-7.1 (hate crime);

22 (U) Section 10-3.1 (aggravated unlawful  
23 restraint);

24 (V) Section 12-9 (threatening a public official);

25 (W) Subdivision (f)(1) of Section 12-3.05  
26 (aggravated battery with a deadly weapon other than by

1 discharge of a firearm);

2 (6.5) the defendant is charged with any of the  
3 following offenses, and it is alleged that the defendant's  
4 pretrial release poses a real and present threat to the  
5 safety of any person or persons or the community, based on  
6 the specific articulable facts of the case:

7 (A) Felony violations of Sections 3.01, 3.02, or  
8 3.03 of the Humane Care for Animals Act (cruel  
9 treatment, aggravated cruelty, and animal torture);

10 (B) Subdivision (d) (1) (B) of Section 11-501 of the  
11 Illinois Vehicle Code (aggravated driving under the  
12 influence while operating a school bus with  
13 passengers);

14 (C) Subdivision (d) (1) (C) of Section 11-501 of the  
15 Illinois Vehicle Code (aggravated driving under the  
16 influence causing great bodily harm);

17 (D) Subdivision (d) (1) (D) of Section 11-501 of the  
18 Illinois Vehicle Code (aggravated driving under the  
19 influence after a previous reckless homicide  
20 conviction);

21 (E) Subdivision (d) (1) (F) of Section 11-501 of the  
22 Illinois Vehicle Code (aggravated driving under the  
23 influence leading to death); or

24 (F) Subdivision (d) (1) (J) of Section 11-501 of the  
25 Illinois Vehicle Code (aggravated driving under the  
26 influence that resulted in bodily harm to a child

1 under the age of 16);

2 (7) the defendant is charged with an attempt to commit  
3 any charge listed in paragraphs (1) through (6.5), and it  
4 is alleged that the defendant's pretrial release poses a  
5 real and present threat to the safety of any person or  
6 persons or the community, based on the specific  
7 articulable facts of the case; or

8 (8) the person has a high likelihood of willful flight  
9 to avoid prosecution and is charged with:

10 (A) Any felony described in subdivisions (a)(1)  
11 through (a)(7) of this Section; or

12 (B) A felony offense other than a Class 4 offense.

13 (b) If the charged offense is a felony, as part of the  
14 detention hearing, the court shall determine whether there is  
15 probable cause the defendant has committed an offense, unless  
16 a hearing pursuant to Section 109-3 of this Code has already  
17 been held or a grand jury has returned a true bill of  
18 indictment against the defendant. If there is a finding of no  
19 probable cause, the defendant shall be released. No such  
20 finding is necessary if the defendant is charged with a  
21 misdemeanor.

22 (c) Timing of petition.

23 (1) A petition may be filed without prior notice to  
24 the defendant at the first appearance before a judge, or  
25 within the 21 calendar days, except as provided in Section  
26 110-6, after arrest and release of the defendant upon

1 reasonable notice to defendant; provided that while such  
2 petition is pending before the court, the defendant if  
3 previously released shall not be detained.

4 (2) Upon filing, the court shall immediately hold a  
5 hearing on the petition unless a continuance is requested.  
6 If a continuance is requested and granted, the hearing  
7 shall be held within 48 hours of the defendant's first  
8 appearance if the defendant is charged with first degree  
9 murder or a Class X, Class 1, Class 2, or Class 3 felony,  
10 and within 24 hours if the defendant is charged with a  
11 Class 4 or misdemeanor offense. The Court may deny or  
12 grant the request for continuance. If the court decides to  
13 grant the continuance, the Court retains the discretion to  
14 detain or release the defendant in the time between the  
15 filing of the petition and the hearing.

16 (d) Contents of petition.

17 (1) The petition shall be verified by the State and  
18 shall state the grounds upon which it contends the  
19 defendant should be denied pretrial release, including the  
20 real and present threat to the safety of any person or  
21 persons or the community, based on the specific  
22 articulable facts or flight risk, as appropriate.

23 (2) If the State seeks to file a second or subsequent  
24 petition under this Section, the State shall be required  
25 to present a verified application setting forth in detail  
26 any new facts not known or obtainable at the time of the

1 filing of the previous petition.

2 (e) Eligibility: All defendants shall be presumed eligible  
3 for pretrial release, and the State shall bear the burden of  
4 proving by clear and convincing evidence that:

5 (1) the proof is evident or the presumption great that  
6 the defendant has committed an offense listed in  
7 subsection (a), and

8 (2) for offenses listed in paragraphs (1) through (7)  
9 of subsection (a), the defendant poses a real and present  
10 threat to the safety of any person or persons or the  
11 community, based on the specific articulable facts of the  
12 case, by conduct which may include, but is not limited to,  
13 a forcible felony, the obstruction of justice,  
14 intimidation, injury, or abuse as defined by paragraph (1)  
15 of Section 103 of the Illinois Domestic Violence Act of  
16 1986, and

17 (3) no condition or combination of conditions set  
18 forth in subsection (b) of Section 110-10 of this Article  
19 can mitigate (i) the real and present threat to the safety  
20 of any person or persons or the community, based on the  
21 specific articulable facts of the case, for offenses  
22 listed in paragraphs (1) through (7) of subsection (a), or  
23 (ii) the defendant's willful flight for offenses listed in  
24 paragraph (8) of subsection (a), and

25 (4) for offenses under subsection (b) of Section 407  
26 of the Illinois Controlled Substances Act that are subject

1 to paragraph (1) of subsection (a), no condition or  
2 combination of conditions set forth in subsection (b) of  
3 Section 110-10 of this Article can mitigate the real and  
4 present threat to the safety of any person or persons or  
5 the community, based on the specific articulable facts of  
6 the case, and the defendant poses a serious risk to not  
7 appear in court as required.

8 (f) Conduct of the hearings.

9 (1) Prior to the hearing, the State shall tender to  
10 the defendant copies of the defendant's criminal history  
11 available, any written or recorded statements, and the  
12 substance of any oral statements made by any person, if  
13 relied upon by the State in its petition, and any police  
14 reports in the prosecutor's possession at the time of the  
15 hearing.

16 (2) The State or defendant may present evidence at the  
17 hearing by way of proffer based upon reliable information.

18 (3) The defendant has the right to be represented by  
19 counsel, and if he or she is indigent, to have counsel  
20 appointed for him or her. The defendant shall have the  
21 opportunity to testify, to present witnesses on his or her  
22 own behalf, and to cross-examine any witnesses that are  
23 called by the State. Defense counsel shall be given  
24 adequate opportunity to confer with the defendant before  
25 any hearing at which conditions of release or the  
26 detention of the defendant are to be considered, with an

1 accommodation for a physical condition made to facilitate  
2 attorney/client consultation. If defense counsel needs to  
3 confer or consult with the defendant during any hearing  
4 conducted via a two-way audio-visual communication system,  
5 such consultation shall not be recorded and shall be  
6 undertaken consistent with constitutional protections.

7 (3.5) A hearing at which pretrial release may be  
8 denied must be conducted in person (and not by way of  
9 two-way audio visual communication) unless the accused  
10 waives the right to be present physically in court, the  
11 court determines that the physical health and safety of  
12 any person necessary to the proceedings would be  
13 endangered by appearing in court, or the chief judge of  
14 the circuit orders use of that system due to operational  
15 challenges in conducting the hearing in person. Such  
16 operational challenges must be documented and approved by  
17 the chief judge of the circuit, and a plan to address the  
18 challenges through reasonable efforts must be presented  
19 and approved by the Administrative Office of the Illinois  
20 Courts every 6 months.

21 (4) If the defense seeks to compel the complaining  
22 witness to testify as a witness in its favor, it shall  
23 petition the court for permission. When the ends of  
24 justice so require, the court may exercise its discretion  
25 and compel the appearance of a complaining witness. The  
26 court shall state on the record reasons for granting a

1 defense request to compel the presence of a complaining  
2 witness only on the issue of the defendant's pretrial  
3 detention. In making a determination under this Section,  
4 the court shall state on the record the reason for  
5 granting a defense request to compel the presence of a  
6 complaining witness, and only grant the request if the  
7 court finds by clear and convincing evidence that the  
8 defendant will be materially prejudiced if the complaining  
9 witness does not appear. Cross-examination of a  
10 complaining witness at the pretrial detention hearing for  
11 the purpose of impeaching the witness' credibility is  
12 insufficient reason to compel the presence of the witness.  
13 In deciding whether to compel the appearance of a  
14 complaining witness, the court shall be considerate of the  
15 emotional and physical well-being of the witness. The  
16 pre-trial detention hearing is not to be used for purposes  
17 of discovery, and the post arraignment rules of discovery  
18 do not apply. The State shall tender to the defendant,  
19 prior to the hearing, copies, if any, of the defendant's  
20 criminal history, if available, and any written or  
21 recorded statements and the substance of any oral  
22 statements made by any person, if in the State's  
23 Attorney's possession at the time of the hearing.

24 (5) The rules concerning the admissibility of evidence  
25 in criminal trials do not apply to the presentation and  
26 consideration of information at the hearing. At the trial



1 concerning the offense for which the hearing was conducted  
2 neither the finding of the court nor any transcript or  
3 other record of the hearing shall be admissible in the  
4 State's case-in-chief, but shall be admissible for  
5 impeachment, or as provided in Section 115-10.1 of this  
6 Code, or in a perjury proceeding.

7 (6) The defendant may not move to suppress evidence or  
8 a confession, however, evidence that proof of the charged  
9 crime may have been the result of an unlawful search or  
10 seizure, or both, or through improper interrogation, is  
11 relevant in assessing the weight of the evidence against  
12 the defendant.

13 (7) Decisions regarding release, conditions of  
14 release, and detention prior to trial must be  
15 individualized, and no single factor or standard may be  
16 used exclusively to order detention. Risk assessment tools  
17 may not be used as the sole basis to deny pretrial release.

18 (g) Factors to be considered in making a determination of  
19 dangerousness. The court may, in determining whether the  
20 defendant poses a real and present threat to the safety of any  
21 person or persons or the community, based on the specific  
22 articulable facts of the case, consider, but shall not be  
23 limited to, evidence or testimony concerning:

24 (1) The nature and circumstances of any offense  
25 charged, including whether the offense is a crime of  
26 violence, involving a weapon, or a sex offense.

1           (2) The history and characteristics of the defendant  
2 including:

3           (A) Any evidence of the defendant's prior criminal  
4 history indicative of violent, abusive or assaultive  
5 behavior, or lack of such behavior. Such evidence may  
6 include testimony or documents received in juvenile  
7 proceedings, criminal, quasi-criminal, civil  
8 commitment, domestic relations, or other proceedings.

9           (B) Any evidence of the defendant's psychological,  
10 psychiatric or other similar social history which  
11 tends to indicate a violent, abusive, or assaultive  
12 nature, or lack of any such history.

13           (3) The identity of any person or persons to whose  
14 safety the defendant is believed to pose a threat, and the  
15 nature of the threat.

16           (4) Any statements made by, or attributed to the  
17 defendant, together with the circumstances surrounding  
18 them.

19           (5) The age and physical condition of the defendant.

20           (6) The age and physical condition of any victim or  
21 complaining witness.

22           (7) Whether the defendant is known to possess or have  
23 access to any weapon or weapons.

24           (8) Whether, at the time of the current offense or any  
25 other offense or arrest, the defendant was on probation,  
26 parole, aftercare release, mandatory supervised release or

1 other release from custody pending trial, sentencing,  
2 appeal or completion of sentence for an offense under  
3 federal or state law.

4 (9) Any other factors, including those listed in  
5 Section 110-5 of this Article deemed by the court to have a  
6 reasonable bearing upon the defendant's propensity or  
7 reputation for violent, abusive, or assaultive behavior,  
8 or lack of such behavior.

9 (h) Detention order. The court shall, in any order for  
10 detention:

11 (1) make a written finding summarizing the court's  
12 reasons for concluding that the defendant should be denied  
13 pretrial release, including why less restrictive  
14 conditions would not avoid a real and present threat to  
15 the safety of any person or persons or the community,  
16 based on the specific articulable facts of the case, or  
17 prevent the defendant's willful flight from prosecution;

18 (2) direct that the defendant be committed to the  
19 custody of the sheriff for confinement in the county jail  
20 pending trial;

21 (3) direct that the defendant be given a reasonable  
22 opportunity for private consultation with counsel, and for  
23 communication with others of his or her choice by  
24 visitation, mail and telephone; and

25 (4) direct that the sheriff deliver the defendant as  
26 required for appearances in connection with court

1 proceedings.

2 (i) Detention. If the court enters an order for the  
3 detention of the defendant pursuant to subsection (e) of this  
4 Section, the defendant shall be brought to trial on the  
5 offense for which he is detained within 90 days after the date  
6 on which the order for detention was entered. If the defendant  
7 is not brought to trial within the 90-day period required by  
8 the preceding sentence, he shall not be denied pretrial  
9 release. In computing the 90-day period, the court shall omit  
10 any period of delay resulting from a continuance granted at  
11 the request of the defendant and any period of delay resulting  
12 from a continuance granted at the request of the State with  
13 good cause shown pursuant to Section 103-5.

14 (i-5) At each subsequent appearance of the defendant  
15 before the court, the judge must find that continued detention  
16 is necessary to avoid a real and present threat to the safety  
17 of any person or persons or the community, based on the  
18 specific articulable facts of the case, or to prevent the  
19 defendant's willful flight from prosecution.

20 (j) Rights of the defendant. The defendant shall be  
21 entitled to appeal any order entered under this Section  
22 denying his or her pretrial release.

23 (k) Appeal. The State may appeal any order entered under  
24 this Section denying any motion for denial of pretrial  
25 release.

26 (l) Presumption of innocence. Nothing in this Section

1 shall be construed as modifying or limiting in any way the  
2 defendant's presumption of innocence in further criminal  
3 proceedings.

4 (m) Interest of victims.

5 (1) Crime victims shall be given notice by the State's  
6 Attorney's office of this hearing as required in paragraph (1)  
7 of subsection (b) of Section 4.5 of the Rights of Crime Victims  
8 and Witnesses Act and shall be informed of their opportunity  
9 at this hearing to obtain a protective order.

10 (2) If the defendant is denied pretrial release, the court  
11 may impose a no contact provision with the victim or other  
12 interested party that shall be enforced while the defendant  
13 remains in custody.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)