

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 Identification Act is amended by
5 adding Section 2.2 as follows:

6 (20 ILCS 2630/2.2 new)

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

1 Section 10. The Mental Health and Developmental
2 Disabilities Code is amended by adding Section 6-103.1 as
3 follows:

4 (405 ILCS 5/6-103.1 new)

5 Sec. 6-103.1. Adjudication as a mental defective. When a
6 person has been adjudicated as a mental defective as defined in
7 Section 1.1 of the Firearm Owners Identification Card Act, the
8 court shall direct the circuit court clerk to immediately
9 notify the Department of State Police, Firearm Owner's
10 Identification (FOID) Office, in a form and manner prescribed
11 by the Department of State Police, and shall forward a copy of
12 the court order to the Department.

13 Section 15. The Firearm Owners Identification Card Act is
14 amended by changing Sections 2, 4, 6, 8, 8.1, 9, 10, 11, 13.2,
15 and 14 as follows:

16 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

17 Sec. 2. Firearm Owner's Identification Card required;
18 exceptions.

19 (a) (1) No person may acquire or possess any firearm, stun
20 gun, or taser within this State without having in his or
21 her possession a Firearm Owner's Identification Card
22 previously issued in his or her name by the Department of

1 State Police under the provisions of this Act.

2 (2) No person may acquire or possess firearm ammunition
3 within this State without having in his or her possession a
4 Firearm Owner's Identification Card previously issued in
5 his or her name by the Department of State Police under the
6 provisions of this Act.

7 (b) The provisions of this Section regarding the possession
8 of firearms, firearm ammunition, stun guns, and tasers do not
9 apply to:

10 (1) United States Marshals, while engaged in the
11 operation of their official duties;

12 (2) Members of the Armed Forces of the United States or
13 the National Guard, while engaged in the operation of their
14 official duties;

15 (3) Federal officials required to carry firearms,
16 while engaged in the operation of their official duties;

17 (4) Members of bona fide veterans organizations which
18 receive firearms directly from the armed forces of the
19 United States, while using the firearms for ceremonial
20 purposes with blank ammunition;

21 (5) Nonresident hunters during hunting season, with
22 valid nonresident hunting licenses and while in an area
23 where hunting is permitted; however, at all other times and
24 in all other places these persons must have their firearms
25 unloaded and enclosed in a case;

26 (6) Those hunters exempt from obtaining a hunting

1 license who are required to submit their Firearm Owner's
2 Identification Card when hunting on Department of Natural
3 Resources owned or managed sites;

4 (7) Nonresidents while on a firing or shooting range
5 recognized by the Department of State Police; however,
6 these persons must at all other times and in all other
7 places have their firearms unloaded and enclosed in a case;

8 (8) Nonresidents while at a firearm showing or display
9 recognized by the Department of State Police; however, at
10 all other times and in all other places these persons must
11 have their firearms unloaded and enclosed in a case;

12 (9) Nonresidents whose firearms are unloaded and
13 enclosed in a case;

14 (10) Nonresidents who are currently licensed or
15 registered to possess a firearm in their resident state;

16 (11) Unemancipated minors while in the custody and
17 immediate control of their parent or legal guardian or
18 other person in loco parentis to the minor if the parent or
19 legal guardian or other person in loco parentis to the
20 minor has a currently valid Firearm Owner's Identification
21 Card;

22 (12) Color guards of bona fide veterans organizations
23 or members of bona fide American Legion bands while using
24 firearms for ceremonial purposes with blank ammunition;

25 (13) Nonresident hunters whose state of residence does
26 not require them to be licensed or registered to possess a

1 firearm and only during hunting season, with valid hunting
2 licenses, while accompanied by, and using a firearm owned
3 by, a person who possesses a valid Firearm Owner's
4 Identification Card and while in an area within a
5 commercial club licensed under the Wildlife Code where
6 hunting is permitted and controlled, but in no instance
7 upon sites owned or managed by the Department of Natural
8 Resources;

9 (14) Resident hunters who are properly authorized to
10 hunt and, while accompanied by a person who possesses a
11 valid Firearm Owner's Identification Card, hunt in an area
12 within a commercial club licensed under the Wildlife Code
13 where hunting is permitted and controlled;

14 (15) A person who is otherwise eligible to obtain a
15 Firearm Owner's Identification Card under this Act and is
16 under the direct supervision of a holder of a Firearm
17 Owner's Identification Card who is 21 years of age or older
18 while the person is on a firing or shooting range or is a
19 participant in a firearms safety and training course
20 recognized by a law enforcement agency or a national,
21 statewide shooting sports organization; and

22 (16) Competitive shooting athletes whose competition
23 firearms are sanctioned by the International Olympic
24 Committee, the International Paralympic Committee, the
25 International Shooting Sport Federation, or USA Shooting
26 in connection with such athletes' training for and

1 participation in shooting competitions at the 2016 Olympic
2 and Paralympic Games and sanctioned test events leading up
3 to the 2016 Olympic and Paralympic Games.

4 (c) The provisions of this Section regarding the
5 acquisition and possession of firearms, firearm ammunition,
6 stun guns, and tasers do not apply to law enforcement officials
7 of this or any other jurisdiction, while engaged in the
8 operation of their official duties.

9 (d) Any person who becomes a resident of this State, who is
10 not otherwise prohibited from obtaining, possessing, or using a
11 firearm or firearm ammunition, shall not be required to have a
12 Firearm Owner's Identification Card to possess firearms or
13 firearms ammunition until 60 calendar days after he or she
14 obtains an Illinois driver's license or Illinois
15 Identification Card.

16 (Source: P.A. 96-7, eff. 4-3-09.)

17 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

18 Sec. 4. (a) Each applicant for a Firearm Owner's
19 Identification Card must:

20 (1) Make application on blank forms prepared and
21 furnished at convenient locations throughout the State by
22 the Department of State Police, or by electronic means, if
23 and when made available by the Department of State Police;
24 and

25 (2) Submit evidence to the Department of State Police

1 that:

2 (i) He or she is 21 years of age or over, or if he
3 or she is under 21 years of age that he or she has the
4 written consent of his or her parent or legal guardian
5 to possess and acquire firearms and firearm ammunition
6 and that he or she has never been convicted of a
7 misdemeanor other than a traffic offense or adjudged
8 delinquent, provided, however, that such parent or
9 legal guardian is not an individual prohibited from
10 having a Firearm Owner's Identification Card and files
11 an affidavit with the Department as prescribed by the
12 Department stating that he or she is not an individual
13 prohibited from having a Card;

14 (ii) He or she has not been convicted of a felony
15 under the laws of this or any other jurisdiction;

16 (iii) He or she is not addicted to narcotics;

17 (iv) He or she has not been a patient in a mental
18 institution within the past 5 years and he or she has
19 not been adjudicated as a mental defective;

20 (v) He or she is not intellectually disabled;

21 (vi) He or she is not an alien who is unlawfully
22 present in the United States under the laws of the
23 United States;

24 (vii) He or she is not subject to an existing order
25 of protection prohibiting him or her from possessing a
26 firearm;

1 (viii) He or she has not been convicted within the
2 past 5 years of battery, assault, aggravated assault,
3 violation of an order of protection, or a substantially
4 similar offense in another jurisdiction, in which a
5 firearm was used or possessed;

6 (ix) He or she has not been convicted of domestic
7 battery, aggravated domestic battery, or a
8 substantially similar offense in another jurisdiction
9 committed before, on or after January 1, 2012 (the
10 effective date of Public Act 97-158). If the applicant
11 knowingly and intelligently waives the right to have an
12 offense described in this clause (ix) tried by a jury,
13 and by guilty plea or otherwise, results in a
14 conviction for an offense in which a domestic
15 relationship is not a required element of the offense
16 but in which a determination of the applicability of 18
17 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the
18 Code of Criminal Procedure of 1963, an entry by the
19 court of a judgment of conviction for that offense
20 shall be grounds for denying the issuance of a Firearm
21 Owner's Identification Card under this Section ~~this~~
22 ~~amendatory Act of the 97th General Assembly;~~

23 (x) (Blank);

24 (xi) He or she is not an alien who has been
25 admitted to the United States under a non-immigrant
26 visa (as that term is defined in Section 101(a) (26) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(26)), or that he or she is an alien who has
3 been lawfully admitted to the United States under a
4 non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful
6 hunting or sporting purposes;

7 (2) an official representative of a foreign
8 government who is:

9 (A) accredited to the United States
10 Government or the Government's mission to an
11 international organization having its
12 headquarters in the United States; or

13 (B) en route to or from another country to
14 which that alien is accredited;

15 (3) an official of a foreign government or
16 distinguished foreign visitor who has been so
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a
19 friendly foreign government entering the United
20 States on official business; or

21 (5) one who has received a waiver from the
22 Attorney General of the United States pursuant to
23 18 U.S.C. 922(y)(3);

24 (xii) He or she is not a minor subject to a
25 petition filed under Section 5-520 of the Juvenile
26 Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that
2 if committed by an adult would be a felony; ~~and~~

3 (xiii) He or she is not an adult who had been
4 adjudicated a delinquent minor under the Juvenile
5 Court Act of 1987 for the commission of an offense that
6 if committed by an adult would be a felony; and

7 (xiv) He or she is a resident of the State of
8 Illinois; and

9 (3) Upon request by the Department of State Police,
10 sign a release on a form prescribed by the Department of
11 State Police waiving any right to confidentiality and
12 requesting the disclosure to the Department of State Police
13 of limited mental health institution admission information
14 from another state, the District of Columbia, any other
15 territory of the United States, or a foreign nation
16 concerning the applicant for the sole purpose of
17 determining whether the applicant is or was a patient in a
18 mental health institution and disqualified because of that
19 status from receiving a Firearm Owner's Identification
20 Card. No mental health care or treatment records may be
21 requested. The information received shall be destroyed
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification
24 Card who is over the age of 18 shall furnish to the Department
25 of State Police either his or her Illinois driver's license
26 number or Illinois Identification Card number, except as

1 provided in subsection (a-10).

2 (a-10) Each applicant for a Firearm Owner's Identification
3 Card, who is employed as a law enforcement officer, an armed
4 security officer in Illinois, or by the United States Military
5 permanently assigned in Illinois ~~at a nuclear energy, storage,~~
6 ~~weapons, or development facility regulated by the Nuclear~~
7 ~~Regulatory Commission~~ and who is not an Illinois resident,
8 shall furnish to the Department of State Police his or her
9 driver's license number or state identification card number
10 from his or her state of residence. The Department of State
11 Police may promulgate rules to enforce the provisions of this
12 subsection (a-10).

13 (a-15) If an applicant applying for a Firearm Owner's
14 Identification Card moves from the residence address named in
15 the application, he or she shall immediately notify in a form
16 and manner prescribed by the Department of State Police of that
17 change of address.

18 (a-20) Each applicant for a Firearm Owner's Identification
19 Card shall furnish to the Department of State Police his or her
20 photograph. An applicant who is 21 years of age or older
21 seeking a religious exemption to the photograph requirement
22 must furnish with the application an approved copy of United
23 States Department of the Treasury Internal Revenue Service Form
24 4029. In lieu of a photograph, an applicant regardless of age
25 seeking a religious exemption to the photograph requirement
26 shall submit fingerprints on a form and manner prescribed by

1 the Department with his or her application.

2 (b) Each application form shall include the following
3 statement printed in bold type: "Warning: Entering false
4 information on an application for a Firearm Owner's
5 Identification Card is punishable as a Class 2 felony in
6 accordance with subsection (d-5) of Section 14 of the Firearm
7 Owners Identification Card Act."

8 (c) Upon such written consent, pursuant to Section 4,
9 paragraph (a)(2)(i), the parent or legal guardian giving the
10 consent shall be liable for any damages resulting from the
11 applicant's use of firearms or firearm ammunition.

12 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
13 10-4-11.)

14 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

15 Sec. 6. Contents of Firearm Owner's Identification Card.

16 (a) A Firearm Owner's Identification Card, issued by the
17 Department of State Police at such places as the Director of
18 the Department shall specify, shall contain the applicant's
19 name, residence, date of birth, sex, physical description,
20 recent photograph, except as provided in subsection (c-5), and
21 signature. Each Firearm Owner's Identification Card must have
22 the expiration date boldly and conspicuously displayed on the
23 face of the card. Each Firearm Owner's Identification Card must
24 have printed on it the following: "CAUTION - This card does not
25 permit bearer to UNLAWFULLY carry or use firearms." Before

1 December 1, 2002, the Department may use a person's digital
2 photograph and signature from his or her Illinois driver's
3 license or Illinois Identification Card, if available. On and
4 after December 1, 2002, the Department shall use a person's
5 digital photograph and signature from his or her Illinois
6 driver's license or Illinois Identification Card, if
7 available. The Department shall decline to use a person's
8 digital photograph or signature if the digital photograph or
9 signature is the result of or associated with fraudulent or
10 erroneous data, unless otherwise provided by law.

11 (b) A person applying for a Firearm Owner's Identification
12 Card shall consent to the Department of State Police using the
13 applicant's digital driver's license or Illinois
14 Identification Card photograph, if available, and signature on
15 the applicant's Firearm Owner's Identification Card. The
16 Secretary of State shall allow the Department of State Police
17 access to the photograph and signature for the purpose of
18 identifying the applicant and issuing to the applicant a
19 Firearm Owner's Identification Card.

20 (c) The Secretary of State shall conduct a study to
21 determine the cost and feasibility of creating a method of
22 adding an identifiable code, background, or other means on the
23 driver's license or Illinois Identification Card to show that
24 an individual is not disqualified from owning or possessing a
25 firearm under State or federal law. The Secretary shall report
26 the findings of this study 12 months after the effective date

1 of this amendatory Act of the 92nd General Assembly.

2 (c-5) If a person qualifies for a photograph exemption, in
3 lieu of a photograph, the Firearm Owner's Identification Card
4 shall contain a copy of the card holder's fingerprints. Each
5 Firearm Owner's Identification Card described in this
6 subsection (c-5) must have printed on it the following: "This
7 card is only valid for firearm purchases through a federally
8 licensed firearms dealer when presented with photographic
9 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."
10 (Source: P.A. 91-694, eff. 4-13-00; 92-442, eff. 8-17-01.)

11 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

12 Sec. 8. The Department of State Police has authority to
13 deny an application for or to revoke and seize a Firearm
14 Owner's Identification Card previously issued under this Act
15 only if the Department finds that the applicant or the person
16 to whom such card was issued is or was at the time of issuance:

17 (a) A person under 21 years of age who has been convicted
18 of a misdemeanor other than a traffic offense or adjudged
19 delinquent;

20 (b) A person under 21 years of age who does not have the
21 written consent of his parent or guardian to acquire and
22 possess firearms and firearm ammunition, or whose parent or
23 guardian has revoked such written consent, or where such parent
24 or guardian does not qualify to have a Firearm Owner's
25 Identification Card;

1 (c) A person convicted of a felony under the laws of this
2 or any other jurisdiction;

3 (d) A person addicted to narcotics;

4 (e) A person who has been a patient of a mental institution
5 within the past 5 years or has been adjudicated as a mental
6 defective;

7 (f) A person whose mental condition is of such a nature
8 that it poses a clear and present danger to the applicant, any
9 other person or persons or the community;

10 For the purposes of this Section, "mental condition" means
11 a state of mind manifested by violent, suicidal, threatening or
12 assaultive behavior.

13 (g) A person who is intellectually disabled;

14 (h) A person who intentionally makes a false statement in
15 the Firearm Owner's Identification Card application;

16 (i) An alien who is unlawfully present in the United States
17 under the laws of the United States;

18 (i-5) An alien who has been admitted to the United States
19 under a non-immigrant visa (as that term is defined in Section
20 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(26))), except that this subsection (i-5) does not apply
22 to any alien who has been lawfully admitted to the United
23 States under a non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful hunting or
25 sporting purposes;

26 (2) an official representative of a foreign government

1 who is:

2 (A) accredited to the United States Government or
3 the Government's mission to an international
4 organization having its headquarters in the United
5 States; or

6 (B) en route to or from another country to which
7 that alien is accredited;

8 (3) an official of a foreign government or
9 distinguished foreign visitor who has been so designated by
10 the Department of State;

11 (4) a foreign law enforcement officer of a friendly
12 foreign government entering the United States on official
13 business; or

14 (5) one who has received a waiver from the Attorney
15 General of the United States pursuant to 18 U.S.C.
16 922 (y) (3);

17 (j) (Blank);

18 (k) A person who has been convicted within the past 5 years
19 of battery, assault, aggravated assault, violation of an order
20 of protection, or a substantially similar offense in another
21 jurisdiction, in which a firearm was used or possessed;

22 (l) A person who has been convicted of domestic battery,
23 aggravated domestic battery, or a substantially similar
24 offense in another jurisdiction committed before, on or after
25 January 1, 2012 (the effective date of Public Act 97-158). If
26 the applicant or person who has been previously issued a

1 Firearm Owner's Identification Card under this Act knowingly
2 and intelligently waives the right to have an offense described
3 in this paragraph (l) tried by a jury, and by guilty plea or
4 otherwise, results in a conviction for an offense in which a
5 domestic relationship is not a required element of the offense
6 but in which a determination of the applicability of 18 U.S.C.
7 922(g)(9) is made under Section 112A-11.1 of the Code of
8 Criminal Procedure of 1963, an entry by the court of a judgment
9 of conviction for that offense shall be grounds for denying an
10 application for and for revoking and seizing a Firearm Owner's
11 Identification Card previously issued to the person under this
12 Act ~~this amendatory Act of the 97th General Assembly;~~

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or possessing
15 firearms or firearm ammunition by any Illinois State statute or
16 by federal law;

17 (o) A minor subject to a petition filed under Section 5-520
18 of the Juvenile Court Act of 1987 alleging that the minor is a
19 delinquent minor for the commission of an offense that if
20 committed by an adult would be a felony; ~~or~~

21 (p) An adult who had been adjudicated a delinquent minor
22 under the Juvenile Court Act of 1987 for the commission of an
23 offense that if committed by an adult would be a felony; or ~~or~~

24 (q) A person who is not a resident of the State of
25 Illinois, except as provided in subsection (a-10) of Section 4.

26 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,

1 eff. 1-1-12; revised 10-4-11.)

2 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

3 Sec. 8.1. Circuit Clerk to notify Department of State
4 Police.

5 (a) The Circuit Clerk shall, in the form and manner
6 required by the Supreme Court, notify the Department of State
7 Police of all final dispositions of cases for which the
8 Department has received information reported to it under
9 Sections ~~Section~~ 2.1 and 2.2 of the Criminal Identification
10 Act.

11 (b) Upon adjudication of any individual as a mental
12 defective, as defined in Section 1.1 or as provided in
13 paragraph (3.5) of subsection (c) of Section 104-26 of the Code
14 of Criminal Procedure of 1963, the court shall direct the
15 circuit court clerk to immediately notify the Department of
16 State Police, Firearm Owner's Identification (FOID)
17 department, and shall forward a copy of the court order to the
18 Department.

19 (Source: P.A. 95-581, eff. 6-1-08.)

20 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

21 Sec. 9. Every person whose application for a Firearm
22 Owner's Identification Card is denied, and every holder of such
23 a Card whose ~~before his~~ Card is revoked or seized, shall
24 receive a written notice from the Department of State Police

1 stating specifically the grounds upon which his application has
2 been denied or upon which his Identification Card has been
3 revoked.

4 (Source: P.A. 84-25.)

5 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

6 Sec. 10. Appeal to director; hearing; relief from firearm
7 prohibitions.

8 (a) Whenever an application for a Firearm Owner's
9 Identification Card is denied, whenever the Department fails to
10 act on an application within 30 days of its receipt, or
11 whenever such a Card is revoked or seized as provided for in
12 Section 8 of this Act, the aggrieved party may appeal to the
13 Director of ~~the Department of~~ State Police for a hearing upon
14 such denial, revocation or seizure, unless the denial,
15 revocation, or seizure was based upon a forcible felony,
16 stalking, aggravated stalking, domestic battery, any violation
17 of the Illinois Controlled Substances Act, the Methamphetamine
18 Control and Community Protection Act, or the Cannabis Control
19 Act that is classified as a Class 2 or greater felony, any
20 felony violation of Article 24 of the Criminal Code of 1961, or
21 any adjudication as a delinquent minor for the commission of an
22 offense that if committed by an adult would be a felony, in
23 which case the aggrieved party may petition the circuit court
24 in writing in the county of his or her residence for a hearing
25 upon such denial, revocation, or seizure.

1 (b) At least 30 days before any hearing in the circuit
2 court, the petitioner shall serve the relevant State's Attorney
3 with a copy of the petition. The State's Attorney may object to
4 the petition and present evidence. At the hearing the court
5 shall determine whether substantial justice has been done.
6 Should the court determine that substantial justice has not
7 been done, the court shall issue an order directing the
8 Department of State Police to issue a Card. However, the court
9 shall not issue the order if the petitioner is otherwise
10 prohibited from obtaining, possessing, or using a firearm under
11 federal law.

12 (c) Any person prohibited from possessing a firearm under
13 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
14 acquiring a Firearm Owner's Identification Card under Section 8
15 of this Act may apply to the Director of ~~the Department of~~
16 State Police or petition the circuit court in the county where
17 the petitioner resides, whichever is applicable in accordance
18 with subsection (a) of this Section, requesting relief from
19 such prohibition and the Director or court may grant such
20 relief if it is established by the applicant to the court's or
21 Director's satisfaction that:

22 (0.05) when in the circuit court, the State's Attorney
23 has been served with a written copy of the petition at
24 least 30 days before any such hearing in the circuit court
25 and at the hearing the State's Attorney was afforded an
26 opportunity to present evidence and object to the petition;

1 (1) the applicant has not been convicted of a forcible
2 felony under the laws of this State or any other
3 jurisdiction within 20 years of the applicant's
4 application for a Firearm Owner's Identification Card, or
5 at least 20 years have passed since the end of any period
6 of imprisonment imposed in relation to that conviction;

7 (2) the circumstances regarding a criminal conviction,
8 where applicable, the applicant's criminal history and his
9 reputation are such that the applicant will not be likely
10 to act in a manner dangerous to public safety; ~~and~~

11 (3) granting relief would not be contrary to the public
12 interest; and

13 (4) granting relief would not be contrary to federal
14 law.

15
16 (d) When a minor is adjudicated delinquent for an offense
17 which if committed by an adult would be a felony, the court
18 shall notify the Department of State Police.

19 (e) The court shall review the denial of an application or
20 the revocation of a Firearm Owner's Identification Card of a
21 person who has been adjudicated delinquent for an offense that
22 if committed by an adult would be a felony if an application
23 for relief has been filed at least 10 years after the
24 adjudication of delinquency and the court determines that the
25 applicant should be granted relief from disability to obtain a
26 Firearm Owner's Identification Card. If the court grants

1 relief, the court shall notify the Department of State Police
2 that the disability has been removed and that the applicant is
3 eligible to obtain a Firearm Owner's Identification Card.

4 (f) Any person who is subject to the disabilities of 18
5 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
6 of 1968 because of an adjudication or commitment that occurred
7 under the laws of this State or who was determined to be
8 subject to the provisions of subsections (e), (f), or (g) of
9 Section 8 of this Act may apply to the Department of State
10 Police requesting relief from that prohibition. The Director
11 shall grant the relief if it is established by a preponderance
12 of the evidence that the person will not be likely to act in a
13 manner dangerous to public safety and that granting relief
14 would not be contrary to the public interest. In making this
15 determination, the Director shall receive evidence concerning
16 (i) the circumstances regarding the firearms disabilities from
17 which relief is sought; (ii) the petitioner's mental health and
18 criminal history records, if any; (iii) the petitioner's
19 reputation, developed at a minimum through character witness
20 statements, testimony, or other character evidence; and (iv)
21 changes in the petitioner's condition or circumstances since
22 the disqualifying events relevant to the relief sought. If
23 relief is granted under this subsection or by order of a court
24 under this Section, the Director shall as soon as practicable
25 but in no case later than 15 business days, update, correct,
26 modify, or remove the person's record in any database that the

1 Department of State Police makes available to the National
2 Instant Criminal Background Check System and notify the United
3 States Attorney General that the basis for the record being
4 made available no longer applies. The Department of State
5 Police shall adopt rules for the administration of this
6 subsection (f). ~~Any person who is prohibited from possessing a~~
7 ~~firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal~~
8 ~~Gun Control Act of 1968 may apply to the Department of State~~
9 ~~Police requesting relief from such prohibition and the Director~~
10 ~~shall grant such relief if it is established to the Director's~~
11 ~~satisfaction that the person will not be likely to act in a~~
12 ~~manner dangerous to public safety and granting relief would not~~
13 ~~be contrary to the public interest.~~

14 (Source: P.A. 96-1368, eff. 7-28-10.)

15 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

16 Sec. 11. Judicial review of final administrative
17 decisions.

18 (a) All final administrative decisions of the Department
19 under this Act, except final administrative decisions of the
20 Director of State Police to deny a person's application for
21 relief under subsection (f) of Section 10 of this Act, shall be
22 subject to judicial review under the provisions of the
23 Administrative Review Law, and all amendments and
24 modifications thereof, and the rules adopted pursuant thereto.
25 The term "administrative decision" is defined as in Section

1 3-101 of the Code of Civil Procedure.

2 (b) Any final administrative decision by the Director of
3 State Police to deny a person's application for relief under
4 subsection (f) of Section 10 of this Act is subject to de novo
5 judicial review by the circuit court, and any party may offer
6 evidence that is otherwise proper and admissible without regard
7 to whether that evidence is part of the administrative record.

8 (c) The Director of State Police shall submit a report to
9 the General Assembly on March 1 of each year, beginning March
10 1, 1991, listing all final decisions by a court of this State
11 upholding, reversing, or reversing in part any administrative
12 decision made by the Department of State Police.

13 (Source: P.A. 86-882.)

14 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

15 Sec. 13.2. The Department of State Police shall, 60 days
16 prior to the expiration of a Firearm Owner's Identification
17 Card, forward by first class mail to each person whose card is
18 to expire a notification of the expiration of the card and an
19 application which may be used to apply for renewal of the card.
20 It is the obligation of the holder of a Firearm Owner's
21 Identification Card to notify the Department of State Police of
22 any address change since the issuance of the Firearm Owner's
23 Identification Card. Whenever any person moves from the
24 residence address named on his or her card, the person shall
25 within 21 calendar days thereafter notify in a form and manner

1 prescribed by the Department of his or her old and new
2 residence addresses and the card number held by him or her. Any
3 person whose legal name has changed from the name on the card
4 that he or she has been previously issued must apply for a
5 corrected card within 30 calendar days after the change. The
6 cost for a corrected card shall be \$5 which shall be deposited
7 into the Firearm Owner's Notification Fund.

8 (Source: P.A. 91-690, eff. 4-13-00.)

9 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

10 Sec. 14. Sentence.

11 (a) Except as provided in subsection (a-5), a violation
12 of paragraph (1) of subsection (a) of Section 2, when the
13 person's Firearm Owner's Identification Card is expired but the
14 person is not otherwise disqualified from renewing the card, is
15 a Class A misdemeanor.

16 (a-5) A violation of paragraph (1) of subsection (a) of
17 Section 2, when the person's Firearm Owner's Identification
18 Card is expired but the person is not otherwise disqualified
19 from owning, purchasing, or possessing firearms, is a petty
20 offense if the card was expired for 6 months or less from the
21 date of expiration.

22 (b) Except as provided in subsection (a) with respect to an
23 expired card, a violation of paragraph (1) of subsection (a) of
24 Section 2 is a Class A misdemeanor when the person does not
25 possess a currently valid Firearm Owner's Identification Card,

1 but is otherwise eligible under this Act. A second or
2 subsequent violation is a Class 4 felony.

3 (c) A violation of paragraph (1) of subsection (a) of
4 Section 2 is a Class 3 felony when:

5 (1) the person's Firearm Owner's Identification Card
6 is revoked or subject to revocation under Section 8; or

7 (2) the person's Firearm Owner's Identification Card
8 is expired and not otherwise eligible for renewal under
9 this Act; or

10 (3) the person does not possess a currently valid
11 Firearm Owner's Identification Card, and the person is not
12 otherwise eligible under this Act.

13 (d) A violation of subsection (a) of Section 3 is a Class 4
14 felony. A third or subsequent conviction is a Class 1 felony.

15 (d-5) Any person who knowingly enters false information on
16 an application for a Firearm Owner's Identification Card, who
17 knowingly gives a false answer to any question on the
18 application, or who knowingly submits false evidence in
19 connection with an application is guilty of a Class 2 felony.

20 (e) Except as provided by Section 6.1 of this Act, any
21 other violation of this Act is a Class A misdemeanor.

22 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
23 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

24 Section 20. The Code of Criminal Procedure of 1963 is
25 amended by changing Sections 104-26 and 112A-14 and adding

1 Sections 112A-11.1 and 112A-11.2 as follows:

2 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

3 Sec. 104-26. Disposition of Defendants suffering
4 disabilities.

5 (a) A defendant convicted following a trial conducted under
6 the provisions of Section 104-22 shall not be sentenced before
7 a written presentence report of investigation is presented to
8 and considered by the court. The presentence report shall be
9 prepared pursuant to Sections 5-3-2, 5-3-3 and 5-3-4 of the
10 Unified Code of Corrections, as now or hereafter amended, and
11 shall include a physical and mental examination unless the
12 court finds that the reports of prior physical and mental
13 examinations conducted pursuant to this Article are adequate
14 and recent enough so that additional examinations would be
15 unnecessary.

16 (b) A defendant convicted following a trial under Section
17 104-22 shall not be subject to the death penalty.

18 (c) A defendant convicted following a trial under Section
19 104-22 shall be sentenced according to the procedures and
20 dispositions authorized under the Unified Code of Corrections,
21 as now or hereafter amended, subject to the following
22 provisions:

23 (1) The court shall not impose a sentence of
24 imprisonment upon the offender if the court believes that
25 because of his disability a sentence of imprisonment would

1 not serve the ends of justice and the interests of society
2 and the offender or that because of his disability a
3 sentence of imprisonment would subject the offender to
4 excessive hardship. In addition to any other conditions of
5 a sentence of conditional discharge or probation the court
6 may require that the offender undergo treatment
7 appropriate to his mental or physical condition.

8 (2) After imposing a sentence of imprisonment upon an
9 offender who has a mental disability, the court may remand
10 him to the custody of the Department of Human Services and
11 order a hearing to be conducted pursuant to the provisions
12 of the Mental Health and Developmental Disabilities Code,
13 as now or hereafter amended. If the offender is committed
14 following such hearing, he shall be treated in the same
15 manner as any other civilly committed patient for all
16 purposes except as provided in this Section. If the
17 defendant is not committed pursuant to such hearing, he
18 shall be remanded to the sentencing court for disposition
19 according to the sentence imposed.

20 (3) If the court imposes a sentence of imprisonment
21 upon an offender who has a mental disability but does not
22 proceed under subparagraph (2) of paragraph (c) of this
23 Section, it shall order the Department of Corrections to
24 proceed pursuant to Section 3-8-5 of the Unified Code of
25 Corrections, as now or hereafter amended.

26 (3.5) If the court imposes a sentence of imprisonment

1 upon an offender who has a mental disability, the court
2 shall direct the circuit court clerk to immediately notify
3 the Department of State Police, Firearm Owner's
4 Identification (FOID) Office, in a form and manner
5 prescribed by the Department of State Police and shall
6 forward a copy of the court order to the Department.

7 (4) If the court imposes a sentence of imprisonment
8 upon an offender who has a physical disability, it may
9 authorize the Department of Corrections to place the
10 offender in a public or private facility which is able to
11 provide care or treatment for the offender's disability and
12 which agrees to do so.

13 (5) When an offender is placed with the Department of
14 Human Services or another facility pursuant to
15 subparagraph (2) or (4) of this paragraph (c), the
16 Department or private facility shall not discharge or allow
17 the offender to be at large in the community without prior
18 approval of the court. If the defendant is placed in the
19 custody of the Department of Human Services, the defendant
20 shall be placed in a secure setting unless the court
21 determines that there are compelling reasons why such
22 placement is not necessary. The offender shall accrue good
23 time and shall be eligible for parole in the same manner as
24 if he were serving his sentence within the Department of
25 Corrections. When the offender no longer requires
26 hospitalization, care, or treatment, the Department of

1 Human Services or the facility shall transfer him, if his
2 sentence has not expired, to the Department of Corrections.
3 If an offender is transferred to the Department of
4 Corrections, the Department of Human Services shall
5 transfer to the Department of Corrections all related
6 records pertaining to length of custody and treatment
7 services provided during the time the offender was held.

8 (6) The Department of Corrections shall notify the
9 Department of Human Services or a facility in which an
10 offender has been placed pursuant to subparagraph (2) or
11 (4) of paragraph (c) of this Section of the expiration of
12 his sentence. Thereafter, an offender in the Department of
13 Human Services shall continue to be treated pursuant to his
14 commitment order and shall be considered a civilly
15 committed patient for all purposes including discharge. An
16 offender who is in a facility pursuant to subparagraph (4)
17 of paragraph (c) of this Section shall be informed by the
18 facility of the expiration of his sentence, and shall
19 either consent to the continuation of his care or treatment
20 by the facility or shall be discharged.

21 (Source: P.A. 89-507, eff. 7-1-97.)

22 (725 ILCS 5/112A-11.1 new)

23 Sec. 112A-11.1. Procedure for determining whether certain
24 misdemeanor crimes are crimes of domestic violence for purposes
25 of federal law.

1 (a) When a defendant has been charged with a violation of
2 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
3 Criminal Code of 1961, the State may, at arraignment or no
4 later than 45 days after arraignment, for the purpose of
5 notification to the Department of State Police Firearm Owner's
6 Identification Card Office, serve on the defendant and file
7 with the court a notice alleging that conviction of the offense
8 would subject the defendant to the prohibitions of 18 U.S.C.
9 922(g)(9) because of the relationship between the defendant and
10 the alleged victim and the nature of the alleged offense.

11 (b) The notice shall include the name of the person alleged
12 to be the victim of the crime and shall specify the nature of
13 the alleged relationship as set forth in 18 U.S.C.
14 921(a)(33)(A)(ii). It shall also specify the element of the
15 charged offense which requires the use or attempted use of
16 physical force, or the threatened use of a deadly weapon, as
17 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
18 notice that the defendant is entitled to a hearing on the
19 allegation contained in the notice and that if the allegation
20 is sustained, that determination and conviction shall be
21 reported to the Department of State Police Firearm Owner's
22 Identification Card Office.

23 (c) After having been notified as provided in subsection
24 (b) of this Section, the defendant may stipulate or admit,
25 orally on the record or in writing, that conviction of the
26 offense would subject the defendant to the prohibitions of 18

1 U.S.C. 922(g) (9). In that case, the applicability of 18 U.S.C.
2 922(g) (9) shall be deemed established for purposes of Section
3 112A-11.2. If the defendant denies the applicability of 18
4 U.S.C. 922(g) (9) as alleged in the notice served by the State,
5 or stands mute with respect to that allegation, then the State
6 shall bear the burden to prove beyond a reasonable doubt that
7 the offense is one to which the prohibitions of 18 U.S.C.
8 922(g) (9) apply. The court may consider reliable hearsay
9 evidence submitted by either party provided that it is relevant
10 to the determination of the allegation. Facts previously proven
11 at trial or elicited at the time of entry of a plea of guilty
12 shall be deemed established beyond a reasonable doubt and shall
13 not be relitigated. At the conclusion of the hearing, or upon a
14 stipulation or admission, as applicable, the court shall make a
15 specific written determination with respect to the allegation.

16 (725 ILCS 5/112A-11.2 new)

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 when the
22 defendant has been determined, under Section 112A-11.1, to be
23 subject to the prohibitions of 18 U.S.C. 922(g) (9), the circuit
24 court clerk shall include notification and a copy of the
25 written determination in a report of the conviction to the

1 Department of State Police Firearm Owner's Identification Card
2 Office to enable the office to report that determination to the
3 Federal Bureau of Investigation and assist the Bureau in
4 identifying persons prohibited from purchasing and possessing
5 a firearm pursuant to the provisions of 18 U.S.C. 922.

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Order of protection; remedies.

8 (a) Issuance of order. If the court finds that petitioner
9 has been abused by a family or household member, as defined in
10 this Article, an order of protection prohibiting such abuse
11 shall issue; provided that petitioner must also satisfy the
12 requirements of one of the following Sections, as appropriate:
13 Section 112A-17 on emergency orders, Section 112A-18 on interim
14 orders, or Section 112A-19 on plenary orders. Petitioner shall
15 not be denied an order of protection because petitioner or
16 respondent is a minor. The court, when determining whether or
17 not to issue an order of protection, shall not require physical
18 manifestations of abuse on the person of the victim.
19 Modification and extension of prior orders of protection shall
20 be in accordance with this Article.

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 112A-17 on emergency orders, Section 112A-18 on interim
25 orders, and Section 112A-19 on plenary orders. The remedies

1 listed in this subsection shall be in addition to other civil
2 or criminal remedies available to petitioner.

3 (1) Prohibition of abuse. Prohibit respondent's
4 harassment, interference with personal liberty,
5 intimidation of a dependent, physical abuse or willful
6 deprivation, as defined in this Article, if such abuse has
7 occurred or otherwise appears likely to occur if not
8 prohibited.

9 (2) Grant of exclusive possession of residence.
10 Prohibit respondent from entering or remaining in any
11 residence, household, or premises of the petitioner,
12 including one owned or leased by respondent, if petitioner
13 has a right to occupancy thereof. The grant of exclusive
14 possession of the residence, household, or premises shall
15 not affect title to real property, nor shall the court be
16 limited by the standard set forth in Section 701 of the
17 Illinois Marriage and Dissolution of Marriage Act.

18 (A) Right to occupancy. A party has a right to
19 occupancy of a residence or household if it is solely
20 or jointly owned or leased by that party, that party's
21 spouse, a person with a legal duty to support that
22 party or a minor child in that party's care, or by any
23 person or entity other than the opposing party that
24 authorizes that party's occupancy (e.g., a domestic
25 violence shelter). Standards set forth in subparagraph
26 (B) shall not preclude equitable relief.

1 (B) Presumption of hardships. If petitioner and
2 respondent each has the right to occupancy of a
3 residence or household, the court shall balance (i) the
4 hardships to respondent and any minor child or
5 dependent adult in respondent's care resulting from
6 entry of this remedy with (ii) the hardships to
7 petitioner and any minor child or dependent adult in
8 petitioner's care resulting from continued exposure to
9 the risk of abuse (should petitioner remain at the
10 residence or household) or from loss of possession of
11 the residence or household (should petitioner leave to
12 avoid the risk of abuse). When determining the balance
13 of hardships, the court shall also take into account
14 the accessibility of the residence or household.
15 Hardships need not be balanced if respondent does not
16 have a right to occupancy.

17 The balance of hardships is presumed to favor
18 possession by petitioner unless the presumption is
19 rebutted by a preponderance of the evidence, showing
20 that the hardships to respondent substantially
21 outweigh the hardships to petitioner and any minor
22 child or dependent adult in petitioner's care. The
23 court, on the request of petitioner or on its own
24 motion, may order respondent to provide suitable,
25 accessible, alternate housing for petitioner instead
26 of excluding respondent from a mutual residence or

1 household.

2 (3) Stay away order and additional prohibitions. Order
3 respondent to stay away from petitioner or any other person
4 protected by the order of protection, or prohibit
5 respondent from entering or remaining present at
6 petitioner's school, place of employment, or other
7 specified places at times when petitioner is present, or
8 both, if reasonable, given the balance of hardships.
9 Hardships need not be balanced for the court to enter a
10 stay away order or prohibit entry if respondent has no
11 right to enter the premises.

12 If an order of protection grants petitioner exclusive
13 possession of the residence, or prohibits respondent from
14 entering the residence, or orders respondent to stay away
15 from petitioner or other protected persons, then the court
16 may allow respondent access to the residence to remove
17 items of clothing and personal adornment used exclusively
18 by respondent, medications, and other items as the court
19 directs. The right to access shall be exercised on only one
20 occasion as the court directs and in the presence of an
21 agreed-upon adult third party or law enforcement officer.

22 (4) Counseling. Require or recommend the respondent to
23 undergo counseling for a specified duration with a social
24 worker, psychologist, clinical psychologist, psychiatrist,
25 family service agency, alcohol or substance abuse program,
26 mental health center guidance counselor, agency providing

1 services to elders, program designed for domestic violence
2 abusers or any other guidance service the court deems
3 appropriate. The court may order the respondent in any
4 intimate partner relationship to report to an Illinois
5 Department of Human Services protocol approved partner
6 abuse intervention program for an assessment and to follow
7 all recommended treatment.

8 (5) Physical care and possession of the minor child. In
9 order to protect the minor child from abuse, neglect, or
10 unwarranted separation from the person who has been the
11 minor child's primary caretaker, or to otherwise protect
12 the well-being of the minor child, the court may do either
13 or both of the following: (i) grant petitioner physical
14 care or possession of the minor child, or both, or (ii)
15 order respondent to return a minor child to, or not remove
16 a minor child from, the physical care of a parent or person
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 112A-3) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary legal custody. Award temporary legal
24 custody to petitioner in accordance with this Section, the
25 Illinois Marriage and Dissolution of Marriage Act, the
26 Illinois Parentage Act of 1984, and this State's Uniform

1 Child-Custody Jurisdiction and Enforcement Act.

2 If a court finds, after a hearing, that respondent has
3 committed abuse (as defined in Section 112A-3) of a minor
4 child, there shall be a rebuttable presumption that
5 awarding temporary legal custody to respondent would not be
6 in the child's best interest.

7 (7) Visitation. Determine the visitation rights, if
8 any, of respondent in any case in which the court awards
9 physical care or temporary legal custody of a minor child
10 to petitioner. The court shall restrict or deny
11 respondent's visitation with a minor child if the court
12 finds that respondent has done or is likely to do any of
13 the following: (i) abuse or endanger the minor child during
14 visitation; (ii) use the visitation as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members; (iii) improperly conceal or detain the
17 minor child; or (iv) otherwise act in a manner that is not
18 in the best interests of the minor child. The court shall
19 not be limited by the standards set forth in Section 607.1
20 of the Illinois Marriage and Dissolution of Marriage Act.
21 If the court grants visitation, the order shall specify
22 dates and times for the visitation to take place or other
23 specific parameters or conditions that are appropriate. No
24 order for visitation shall refer merely to the term
25 "reasonable visitation".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for visitation,
2 respondent is under the influence of drugs or alcohol and
3 constitutes a threat to the safety and well-being of
4 petitioner or petitioner's minor children or is behaving in
5 a violent or abusive manner.

6 If necessary to protect any member of petitioner's
7 family or household from future abuse, respondent shall be
8 prohibited from coming to petitioner's residence to meet
9 the minor child for visitation, and the parties shall
10 submit to the court their recommendations for reasonable
11 alternative arrangements for visitation. A person may be
12 approved to supervise visitation only after filing an
13 affidavit accepting that responsibility and acknowledging
14 accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit
16 respondent from removing a minor child from the State or
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in
19 court, alone or with a minor child, to prevent abuse,
20 neglect, removal or concealment of the child, to return the
21 child to the custody or care of the petitioner or to permit
22 any court-ordered interview or examination of the child or
23 the respondent.

24 (10) Possession of personal property. Grant petitioner
25 exclusive possession of personal property and, if
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the parties own the property jointly; sharing
5 it would risk abuse of petitioner by respondent or is
6 impracticable; and the balance of hardships favors
7 temporary possession by petitioner.

8 If petitioner's sole claim to ownership of the property
9 is that it is marital property, the court may award
10 petitioner temporary possession thereof under the
11 standards of subparagraph (ii) of this paragraph only if a
12 proper proceeding has been filed under the Illinois
13 Marriage and Dissolution of Marriage Act, as now or
14 hereafter amended.

15 No order under this provision shall affect title to
16 property.

17 (11) Protection of property. Forbid the respondent
18 from taking, transferring, encumbering, concealing,
19 damaging or otherwise disposing of any real or personal
20 property, except as explicitly authorized by the court, if:

21 (i) petitioner, but not respondent, owns the
22 property; or

23 (ii) the parties own the property jointly, and the
24 balance of hardships favors granting this remedy.

25 If petitioner's sole claim to ownership of the property
26 is that it is marital property, the court may grant

1 petitioner relief under subparagraph (ii) of this
2 paragraph only if a proper proceeding has been filed under
3 the Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended.

5 The court may further prohibit respondent from
6 improperly using the financial or other resources of an
7 aged member of the family or household for the profit or
8 advantage of respondent or of any other person.

9 (11.5) Protection of animals. Grant the petitioner the
10 exclusive care, custody, or control of any animal owned,
11 possessed, leased, kept, or held by either the petitioner
12 or the respondent or a minor child residing in the
13 residence or household of either the petitioner or the
14 respondent and order the respondent to stay away from the
15 animal and forbid the respondent from taking,
16 transferring, encumbering, concealing, harming, or
17 otherwise disposing of the animal.

18 (12) Order for payment of support. Order respondent to
19 pay temporary support for the petitioner or any child in
20 the petitioner's care or custody, when the respondent has a
21 legal obligation to support that person, in accordance with
22 the Illinois Marriage and Dissolution of Marriage Act,
23 which shall govern, among other matters, the amount of
24 support, payment through the clerk and withholding of
25 income to secure payment. An order for child support may be
26 granted to a petitioner with lawful physical care or

1 custody of a child, or an order or agreement for physical
2 care or custody, prior to entry of an order for legal
3 custody. Such a support order shall expire upon entry of a
4 valid order granting legal custody to another, unless
5 otherwise provided in the custody order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse. Such losses shall include, but not be limited
9 to, medical expenses, lost earnings or other support,
10 repair or replacement of property damaged or taken,
11 reasonable attorney's fees, court costs and moving or other
12 travel expenses, including additional reasonable expenses
13 for temporary shelter and restaurant meals.

14 (i) Losses affecting family needs. If a party is
15 entitled to seek maintenance, child support or
16 property distribution from the other party under the
17 Illinois Marriage and Dissolution of Marriage Act, as
18 now or hereafter amended, the court may order
19 respondent to reimburse petitioner's actual losses, to
20 the extent that such reimbursement would be
21 "appropriate temporary relief", as authorized by
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an
24 improper concealment or removal of a minor child, the
25 court may order respondent to pay the reasonable
26 expenses incurred or to be incurred in the search for

1 and recovery of the minor child, including but not
2 limited to legal fees, court costs, private
3 investigator fees, and travel costs.

4 (14) Prohibition of entry. Prohibit the respondent
5 from entering or remaining in the residence or household
6 while the respondent is under the influence of alcohol or
7 drugs and constitutes a threat to the safety and well-being
8 of the petitioner or the petitioner's children.

9 (14.5) Prohibition of firearm possession.

10 (a) Prohibit a respondent against whom an order of
11 protection was issued from possessing any firearms
12 during the duration of the order if the order:

13 (1) was issued after a hearing of which such
14 person received actual notice, and at which such
15 person had an opportunity to participate;

16 (2) restrains such person from harassing,
17 stalking, or threatening an intimate partner of
18 such person or child of such intimate partner or
19 person, or engaging in other conduct that would
20 place an intimate partner in reasonable fear of
21 bodily injury to the partner or child; and

22 (3) (i) includes a finding that such person
23 represents a credible threat to the physical
24 safety of such intimate partner or child; or (ii)
25 by its terms explicitly prohibits the use,
26 attempted use, or threatened use of physical force

1 against such intimate partner or child that would
2 reasonably be expected to cause bodily injury.

3 Any firearms in the possession of the respondent,
4 except as provided in subsection (b), shall be ordered
5 by the court to be turned over to the local law
6 enforcement agency for safekeeping. The court shall
7 issue an order that the respondent's Firearm Owner's
8 Identification Card be turned over to the local law
9 enforcement agency, which in turn shall immediately
10 mail the card to the Department of State Police Firearm
11 Owner's Identification Card Office for safekeeping.
12 The period of safekeeping shall be for the duration of
13 the order of protection. The firearm or firearms and
14 Firearm Owner's Identification Card, if unexpired,
15 shall at the respondent's request ~~shall~~ be returned to
16 the respondent at expiration of the order of
17 protection.

18 (b) If the respondent is a peace officer as defined
19 in Section 2-13 of the Criminal Code of 1961, 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 112A-5, 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 to effectuate one of the
5 granted remedies, if supported by the balance of hardships.
6 If the harm to be prevented by the injunction is abuse or
7 any other harm that one of the remedies listed in
8 paragraphs (1) through (16) of this subsection is designed
9 to prevent, no further evidence is necessary to establish
10 that the harm is an irreparable injury.

11 (c) Relevant factors; findings.

12 (1) In determining whether to grant a specific remedy,
13 other than payment of support, the court shall consider
14 relevant factors, including but not limited to the
15 following:

16 (i) the nature, frequency, severity, pattern and
17 consequences of the respondent's past abuse of the
18 petitioner or any family or household member,
19 including the concealment of his or her location in
20 order to evade service of process or notice, and the
21 likelihood of danger of future abuse to petitioner or
22 any member of petitioner's or respondent's family or
23 household; and

24 (ii) the danger that any minor child will be abused
25 or neglected or improperly removed from the
26 jurisdiction, improperly concealed within the State or

1 improperly separated from the child's primary
2 caretaker.

3 (2) In comparing relative hardships resulting to the
4 parties from loss of possession of the family home, the
5 court shall consider relevant factors, including but not
6 limited to the following:

7 (i) availability, accessibility, cost, safety,
8 adequacy, location and other characteristics of
9 alternate housing for each party and any minor child or
10 dependent adult in the party's care;

11 (ii) the effect on the party's employment; and

12 (iii) the effect on the relationship of the party,
13 and any minor child or dependent adult in the party's
14 care, to family, school, church and community.

15 (3) Subject to the exceptions set forth in paragraph
16 (4) of this subsection, the court shall make its findings
17 in an official record or in writing, and shall at a minimum
18 set forth the following:

19 (i) That the court has considered the applicable
20 relevant factors described in paragraphs (1) and (2) of
21 this subsection.

22 (ii) Whether the conduct or actions of respondent,
23 unless prohibited, will likely cause irreparable harm
24 or continued abuse.

25 (iii) Whether it is necessary to grant the
26 requested relief in order to protect petitioner or

1 other alleged abused persons.

2 (4) For purposes of issuing an ex parte emergency order
3 of protection, the court, as an alternative to or as a
4 supplement to making the findings described in paragraphs
5 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
6 the following procedure:

7 When a verified petition for an emergency order of
8 protection in accordance with the requirements of Sections
9 112A-5 and 112A-17 is presented to the court, the court
10 shall examine petitioner on oath or affirmation. An
11 emergency order of protection shall be issued by the court
12 if it appears from the contents of the petition and the
13 examination of petitioner that the averments are
14 sufficient to indicate abuse by respondent and to support
15 the granting of relief under the issuance of the emergency
16 order of protection.

17 (5) Never married parties. No rights or
18 responsibilities for a minor child born outside of marriage
19 attach to a putative father until a father and child
20 relationship has been established under the Illinois
21 Parentage Act of 1984. Absent such an adjudication, no
22 putative father shall be granted temporary custody of the
23 minor child, visitation with the minor child, or physical
24 care and possession of the minor child, nor shall an order
25 of payment for support of the minor child be entered.

26 (d) Balance of hardships; findings. If the court finds that

1 the balance of hardships does not support the granting of a
2 remedy governed by paragraph (2), (3), (10), (11), or (16) of
3 subsection (b) of this Section, which may require such
4 balancing, the court's findings shall so indicate and shall
5 include a finding as to whether granting the remedy will result
6 in hardship to respondent that would substantially outweigh the
7 hardship to petitioner from denial of the remedy. The findings
8 shall be an official record or in writing.

9 (e) Denial of remedies. Denial of any remedy shall not be
10 based, in whole or in part, on evidence that:

11 (1) Respondent has cause for any use of force, unless
12 that cause satisfies the standards for justifiable use of
13 force provided by Article VII of the Criminal Code of 1961;

14 (2) Respondent was voluntarily intoxicated;

15 (3) Petitioner acted in self-defense or defense of
16 another, provided that, if petitioner utilized force, such
17 force was justifiable under Article VII of the Criminal
18 Code of 1961;

19 (4) Petitioner did not act in self-defense or defense
20 of another;

21 (5) Petitioner left the residence or household to avoid
22 further abuse by respondent;

23 (6) Petitioner did not leave the residence or household
24 to avoid further abuse by respondent;

25 (7) Conduct by any family or household member excused
26 the abuse by respondent, unless that same conduct would

1 have excused such abuse if the parties had not been family
2 or household members.

3 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
4 97-158, eff. 1-1-12.)

5 Section 25. The Unified Code of Corrections is amended by
6 changing Section 5-6-3 as follows:

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 Sec. 5-6-3. Conditions of Probation and of Conditional
9 Discharge.

10 (a) The conditions of probation and of conditional
11 discharge shall be that the person:

12 (1) not violate any criminal statute of any
13 jurisdiction;

14 (2) report to or appear in person before such person or
15 agency as directed by the court;

16 (3) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a felony or, if a
18 misdemeanor, the offense involved the intentional or
19 knowing infliction of bodily harm or threat of bodily harm;

20 (4) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature that prior consent
23 by the court is not possible, without the prior
24 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional
2 discharge supervision to another state is subject to
3 acceptance by the other state pursuant to the Interstate
4 Compact for Adult Offender Supervision;

5 (5) permit the probation officer to visit him at his
6 home or elsewhere to the extent necessary to discharge his
7 duties;

8 (6) perform no less than 30 hours of community service
9 and not more than 120 hours of community service, if
10 community service is available in the jurisdiction and is
11 funded and approved by the county board where the offense
12 was committed, where the offense was related to or in
13 furtherance of the criminal activities of an organized gang
14 and was motivated by the offender's membership in or
15 allegiance to an organized gang. The community service
16 shall include, but not be limited to, the cleanup and
17 repair of any damage caused by a violation of Section
18 21-1.3 of the Criminal Code of 1961 and similar damage to
19 property located within the municipality or county in which
20 the violation occurred. When possible and reasonable, the
21 community service should be performed in the offender's
22 neighborhood. For purposes of this Section, "organized
23 gang" has the meaning ascribed to it in Section 10 of the
24 Illinois Streetgang Terrorism Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

1 misdemeanor or felony in a county of 3,000,000 or more
2 inhabitants and has not been previously convicted of a
3 misdemeanor or felony, may be required by the sentencing
4 court to attend educational courses designed to prepare the
5 defendant for a high school diploma and to work toward a
6 high school diploma or to work toward passing the high
7 school level Test of General Educational Development (GED)
8 or to work toward completing a vocational training program
9 approved by the court. The person on probation or
10 conditional discharge must attend a public institution of
11 education to obtain the educational or vocational training
12 required by this clause (7). The court shall revoke the
13 probation or conditional discharge of a person who wilfully
14 fails to comply with this clause (7). The person on
15 probation or conditional discharge shall be required to pay
16 for the cost of the educational courses or GED test, if a
17 fee is charged for those courses or test. The court shall
18 resentence the offender whose probation or conditional
19 discharge has been revoked as provided in Section 5-6-4.
20 This clause (7) does not apply to a person who has a high
21 school diploma or has successfully passed the GED test.
22 This clause (7) does not apply to a person who is
23 determined by the court to be developmentally disabled or
24 otherwise mentally incapable of completing the educational
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction or
4 disposition of supervision for possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act or after a sentence of probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 and upon a finding by the court that the person is
11 addicted, undergo treatment at a substance abuse program
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and conducted
17 in conformance with the standards developed under the Sex
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961, refrain from communicating with or contacting, by
9 means of the Internet, a person who is not related to the
10 accused and whom the accused reasonably believes to be
11 under 18 years of age; for purposes of this paragraph
12 (8.7), "Internet" has the meaning ascribed to it in Section
13 16-0.1 of the Criminal Code of 1961; and a person is not
14 related to the accused if the person is not: (i) the
15 spouse, brother, or sister of the accused; (ii) a
16 descendant of the accused; (iii) a first or second cousin
17 of the accused; or (iv) a step-child or adopted child of
18 the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961, or any attempt to commit any
23 of these offenses, committed on or after June 1, 2009 (the
24 effective date of Public Act 95-983):

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 offender's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer;

23 (8.9) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act committed on or after January
25 1, 2010 (the effective date of Public Act 96-262), refrain
26 from accessing or using a social networking website as

1 defined in Section 17-0.5 of the Criminal Code of 1961;

2 (9) if convicted of a felony or of any misdemeanor
3 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
4 12-3.5 of the Criminal Code of 1961 that was determined,
5 pursuant to Section 112A-11.1 of the Code of Criminal
6 Procedure of 1963, to trigger the prohibitions of 18 U.S.C.
7 922(g)(9), physically surrender at a time and place
8 designated by the court, his or her Firearm Owner's
9 Identification Card and any and all firearms in his or her
10 possession. The Court shall return to the Department of
11 State Police Firearm Owner's Identification Card Office
12 the person's Firearm Owner's Identification Card;

13 (10) if convicted of a sex offense as defined in
14 subsection (a-5) of Section 3-1-2 of this Code, unless the
15 offender is a parent or guardian of the person under 18
16 years of age present in the home and no non-familial minors
17 are present, not participate in a holiday event involving
18 children under 18 years of age, such as distributing candy
19 or other items to children on Halloween, wearing a Santa
20 Claus costume on or preceding Christmas, being employed as
21 a department store Santa Claus, or wearing an Easter Bunny
22 costume on or preceding Easter;

23 (11) if convicted of a sex offense as defined in
24 Section 2 of the Sex Offender Registration Act committed on
25 or after January 1, 2010 (the effective date of Public Act
26 96-362) that requires the person to register as a sex

1 offender under that Act, may not knowingly use any computer
2 scrub software on any computer that the sex offender uses;
3 and

4 (12) if convicted of a violation of the Methamphetamine
5 Control and Community Protection Act, the Methamphetamine
6 Precursor Control Act, or a methamphetamine related
7 offense:

8 (A) prohibited from purchasing, possessing, or
9 having under his or her control any product containing
10 pseudoephedrine unless prescribed by a physician; and

11 (B) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 ammonium nitrate.

14 (b) The Court may in addition to other reasonable
15 conditions relating to the nature of the offense or the
16 rehabilitation of the defendant as determined for each
17 defendant in the proper discretion of the Court require that
18 the person:

19 (1) serve a term of periodic imprisonment under Article
20 7 for a period not to exceed that specified in paragraph
21 (d) of Section 5-7-1;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

1 (5) attend or reside in a facility established for the
2 instruction or residence of defendants on probation;

3 (6) support his dependents;

4 (7) and in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 (iv) contribute to his own support at home or in a
9 foster home;

10 (v) with the consent of the superintendent of the
11 facility, attend an educational program at a facility
12 other than the school in which the offense was
13 committed if he or she is convicted of a crime of
14 violence as defined in Section 2 of the Crime Victims
15 Compensation Act committed in a school, on the real
16 property comprising a school, or within 1,000 feet of
17 the real property comprising a school;

18 (8) make restitution as provided in Section 5-5-6 of
19 this Code;

20 (9) perform some reasonable public or community
21 service;

22 (10) serve a term of home confinement. In addition to
23 any other applicable condition of probation or conditional
24 discharge, the conditions of home confinement shall be that
25 the offender:

26 (i) remain within the interior premises of the

1 place designated for his confinement during the hours
2 designated by the court;

3 (ii) admit any person or agent designated by the
4 court into the offender's place of confinement at any
5 time for purposes of verifying the offender's
6 compliance with the conditions of his confinement; and

7 (iii) if further deemed necessary by the court or
8 the Probation or Court Services Department, be placed
9 on an approved electronic monitoring device, subject
10 to Article 8A of Chapter V;

11 (iv) for persons convicted of any alcohol,
12 cannabis or controlled substance violation who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the offender to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court. The clerk of the circuit court shall pay
24 all monies collected from this fee to the county
25 treasurer for deposit in the substance abuse services
26 fund under Section 5-1086.1 of the Counties Code; and

1 (v) for persons convicted of offenses other than
2 those referenced in clause (iv) above and who are
3 placed on an approved monitoring device as a condition
4 of probation or conditional discharge, the court shall
5 impose a reasonable fee for each day of the use of the
6 device, as established by the county board in
7 subsection (g) of this Section, unless after
8 determining the inability of the defendant to pay the
9 fee, the court assesses a lesser fee or no fee as the
10 case may be. This fee shall be imposed in addition to
11 the fees imposed under subsections (g) and (i) of this
12 Section. The fee shall be collected by the clerk of the
13 circuit court. The clerk of the circuit court shall pay
14 all monies collected from this fee to the county
15 treasurer who shall use the monies collected to defray
16 the costs of corrections. The county treasurer shall
17 deposit the fee collected in the probation and court
18 services fund.

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986, as now or hereafter amended,
22 or an order of protection issued by the court of another
23 state, tribe, or United States territory. A copy of the
24 order of protection shall be transmitted to the probation
25 officer or agency having responsibility for the case;

26 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council Act
2 for any reasonable expenses incurred by the program on the
3 offender's case, not to exceed the maximum amount of the
4 fine authorized for the offense for which the defendant was
5 sentenced;

6 (13) contribute a reasonable sum of money, not to
7 exceed the maximum amount of the fine authorized for the
8 offense for which the defendant was sentenced, (i) to a
9 "local anti-crime program", as defined in Section 7 of the
10 Anti-Crime Advisory Council Act, or (ii) for offenses under
11 the jurisdiction of the Department of Natural Resources, to
12 the fund established by the Department of Natural Resources
13 for the purchase of evidence for investigation purposes and
14 to conduct investigations as outlined in Section 805-105 of
15 the Department of Natural Resources (Conservation) Law;

16 (14) refrain from entering into a designated
17 geographic area except upon such terms as the court finds
18 appropriate. Such terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the defendant, and advance approval by a
21 probation officer, if the defendant has been placed on
22 probation or advance approval by the court, if the
23 defendant was placed on conditional discharge;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or the
5 Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of his
7 or her blood or urine or both for tests to determine the
8 presence of any illicit drug;

9 (17) 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, refrain from communicating with or contacting, by
14 means of the Internet, a person who is related to the
15 accused and whom the accused reasonably believes to be
16 under 18 years of age; for purposes of this paragraph (17),
17 "Internet" has the meaning ascribed to it in Section 16-0.1
18 of the Criminal Code of 1961; and a person is related to
19 the accused if the person is: (i) the spouse, brother, or
20 sister of the accused; (ii) a descendant of the accused;
21 (iii) a first or second cousin of the accused; or (iv) a
22 step-child or adopted child of the accused;

23 (18) if convicted for an offense committed on or after
24 June 1, 2009 (the effective date of Public Act 95-983) that
25 would qualify as a sex offense as defined in the Sex
26 Offender Registration Act:

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the offender's probation officer,
4 except in connection with the offender's employment or
5 search for employment with the prior approval of the
6 offender's probation officer;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's probation
10 officer, a law enforcement officer, or assigned
11 computer or information technology specialist,
12 including the retrieval and copying of all data from
13 the computer or device and any internal or external
14 peripherals and removal of such information,
15 equipment, or device to conduct a more thorough
16 inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 subject's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the offender's probation officer; and

25 (19) refrain from possessing a firearm or other
26 dangerous weapon where the offense is a misdemeanor that

1 did not involve the intentional or knowing infliction of
2 bodily harm or threat of bodily harm.

3 (c) The court may as a condition of probation or of
4 conditional discharge require that a person under 18 years of
5 age found guilty of any alcohol, cannabis or controlled
6 substance violation, refrain from acquiring a driver's license
7 during the period of probation or conditional discharge. If
8 such person is in possession of a permit or license, the court
9 may require that the minor refrain from driving or operating
10 any motor vehicle during the period of probation or conditional
11 discharge, except as may be necessary in the course of the
12 minor's lawful employment.

13 (d) An offender sentenced to probation or to conditional
14 discharge shall be given a certificate setting forth the
15 conditions thereof.

16 (e) Except where the offender has committed a fourth or
17 subsequent violation of subsection (c) of Section 6-303 of the
18 Illinois Vehicle Code, the court shall not require as a
19 condition of the sentence of probation or conditional discharge
20 that the offender be committed to a period of imprisonment in
21 excess of 6 months. This 6 month limit shall not include
22 periods of confinement given pursuant to a sentence of county
23 impact incarceration under Section 5-8-1.2.

24 Persons committed to imprisonment as a condition of
25 probation or conditional discharge shall not be committed to
26 the Department of Corrections.

1 (f) The court may combine a sentence of periodic
2 imprisonment under Article 7 or a sentence to a county impact
3 incarceration program under Article 8 with a sentence of
4 probation or conditional discharge.

5 (g) An offender sentenced to probation or to conditional
6 discharge and who during the term of either undergoes mandatory
7 drug or alcohol testing, or both, or is assigned to be placed
8 on an approved electronic monitoring device, shall be ordered
9 to pay all costs incidental to such mandatory drug or alcohol
10 testing, or both, and all costs incidental to such approved
11 electronic monitoring in accordance with the defendant's
12 ability to pay those costs. The county board with the
13 concurrence of the Chief Judge of the judicial circuit in which
14 the county is located shall establish reasonable fees for the
15 cost of maintenance, testing, and incidental expenses related
16 to the mandatory drug or alcohol testing, or both, and all
17 costs incidental to approved electronic monitoring, involved
18 in a successful probation program for the county. The
19 concurrence of the Chief Judge shall be in the form of an
20 administrative order. The fees shall be collected by the clerk
21 of the circuit court. The clerk of the circuit court shall pay
22 all moneys collected from these fees to the county treasurer
23 who shall use the moneys collected to defray the costs of drug
24 testing, alcohol testing, and electronic monitoring. The
25 county treasurer shall deposit the fees collected in the county
26 working cash fund under Section 6-27001 or Section 6-29002 of

1 the Counties Code, as the case may be.

2 (h) Jurisdiction over an offender may be transferred from
3 the sentencing court to the court of another circuit with the
4 concurrence of both courts. Further transfers or retransfers of
5 jurisdiction are also authorized in the same manner. The court
6 to which jurisdiction has been transferred shall have the same
7 powers as the sentencing court. The probation department within
8 the circuit to which jurisdiction has been transferred may
9 impose probation fees upon receiving the transferred offender,
10 as provided in subsection (i). The probation department from
11 the original sentencing court shall retain all probation fees
12 collected prior to the transfer.

13 (i) The court shall impose upon an offender sentenced to
14 probation after January 1, 1989 or to conditional discharge
15 after January 1, 1992 or to community service under the
16 supervision of a probation or court services department after
17 January 1, 2004, as a condition of such probation or
18 conditional discharge or supervised community service, a fee of
19 \$50 for each month of probation or conditional discharge
20 supervision or supervised community service ordered by the
21 court, unless after determining the inability of the person
22 sentenced to probation or conditional discharge or supervised
23 community service to pay the fee, the court assesses a lesser
24 fee. The court may not impose the fee on a minor who is made a
25 ward of the State under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and
2 court services department. The fee shall be collected by the
3 clerk of the circuit court. The clerk of the circuit court
4 shall pay all monies collected from this fee to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers Act.

7 A circuit court may not impose a probation fee under this
8 subsection (i) in excess of \$25 per month unless the circuit
9 court has adopted, by administrative order issued by the chief
10 judge, a standard probation fee guide determining an offender's
11 ability to pay. Of the amount collected as a probation fee, up
12 to \$5 of that fee collected per month may be used to provide
13 services to crime victims and their families.

14 The Court may only waive probation fees based on an
15 offender's ability to pay. The probation department may
16 re-evaluate an offender's ability to pay every 6 months, and,
17 with the approval of the Director of Court Services or the
18 Chief Probation Officer, adjust the monthly fee amount. An
19 offender may elect to pay probation fees due in a lump sum. Any
20 offender that has been assigned to the supervision of a
21 probation department, or has been transferred either under
22 subsection (h) of this Section or under any interstate compact,
23 shall be required to pay probation fees to the department
24 supervising the offender, based on the offender's ability to
25 pay.

26 This amendatory Act of the 93rd General Assembly deletes

1 the \$10 increase in the fee under this subsection that was
2 imposed by Public Act 93-616. This deletion is intended to
3 control over any other Act of the 93rd General Assembly that
4 retains or incorporates that fee increase.

5 (i-5) In addition to the fees imposed under subsection (i)
6 of this Section, in the case of an offender convicted of a
7 felony sex offense (as defined in the Sex Offender Management
8 Board Act) or an offense that the court or probation department
9 has determined to be sexually motivated (as defined in the Sex
10 Offender Management Board Act), the court or the probation
11 department shall assess additional fees to pay for all costs of
12 treatment, assessment, evaluation for risk and treatment, and
13 monitoring the offender, based on that offender's ability to
14 pay those costs either as they occur or under a payment plan.

15 (j) All fines and costs imposed under this Section for any
16 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
17 Code, or a similar provision of a local ordinance, and any
18 violation of the Child Passenger Protection Act, or a similar
19 provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under Section 27.5
21 of the Clerks of Courts Act.

22 (k) Any offender who is sentenced to probation or
23 conditional discharge for a felony sex offense as defined in
24 the Sex Offender Management Board Act or any offense that the
25 court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

5 (1) The court may order an offender who is sentenced to
6 probation or conditional discharge for a violation of an order
7 of protection be placed under electronic surveillance as
8 provided in Section 5-8A-7 of this Code.

9 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
10 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
11 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
12 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
13 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
14 revised 9-14-11.)

15 Section 30. The Stalking No Contact Order Act is amended by
16 changing Section 80 as follows:

17 (740 ILCS 21/80)

18 Sec. 80. Stalking no contact orders; remedies.

19 (a) If the court finds that the petitioner has been a
20 victim of stalking, a stalking no contact order shall issue;
21 provided that the petitioner must also satisfy the requirements
22 of Section 95 on emergency orders or Section 100 on plenary
23 orders. The petitioner shall not be denied a stalking no
24 contact order because the petitioner or the respondent is a

1 minor. The court, when determining whether or not to issue a
2 stalking no contact order, may not require physical injury on
3 the person of the petitioner. Modification and extension of
4 prior stalking no contact orders shall be in accordance with
5 this Act.

6 (b) A stalking no contact order shall order one or more of
7 the following:

8 (1) prohibit the respondent from threatening to commit
9 or committing stalking;

10 (2) order the respondent not to have any contact with
11 the petitioner or a third person specifically named by the
12 court;

13 (3) prohibit the respondent from knowingly coming
14 within, or knowingly remaining within a specified distance
15 of the petitioner or the petitioner's residence, school,
16 daycare, or place of employment, or any specified place
17 frequented by the petitioner; however, the court may order
18 the respondent to stay away from the respondent's own
19 residence, school, or place of employment only if the
20 respondent has been provided actual notice of the
21 opportunity to appear and be heard on the petition;

22 (4) prohibit the respondent from possessing a Firearm
23 Owners Identification Card, or possessing or buying
24 firearms; and

25 (5) order other injunctive relief the court determines
26 to be necessary to protect the petitioner or third party

1 specifically named by the court.

2 (b-5) When the petitioner and the respondent attend the
3 same public, private, or non-public elementary, middle, or high
4 school, the court when issuing a stalking no contact order and
5 providing relief shall consider the severity of the act, any
6 continuing physical danger or emotional distress to the
7 petitioner, the educational rights guaranteed to the
8 petitioner and respondent under federal and State law, the
9 availability of a transfer of the respondent to another school,
10 a change of placement or a change of program of the respondent,
11 the expense, difficulty, and educational disruption that would
12 be caused by a transfer of the respondent to another school,
13 and any other relevant facts of the case. The court may order
14 that the respondent not attend the public, private, or
15 non-public elementary, middle, or high school attended by the
16 petitioner, order that the respondent accept a change of
17 placement or program, as determined by the school district or
18 private or non-public school, or place restrictions on the
19 respondent's movements within the school attended by the
20 petitioner. The respondent bears the burden of proving by a
21 preponderance of the evidence that a transfer, change of
22 placement, or change of program of the respondent is not
23 available. The respondent also bears the burden of production
24 with respect to the expense, difficulty, and educational
25 disruption that would be caused by a transfer of the respondent
26 to another school. A transfer, change of placement, or change

1 of program is not unavailable to the respondent solely on the
2 ground that the respondent does not agree with the school
3 district's or private or non-public school's transfer, change
4 of placement, or change of program or solely on the ground that
5 the respondent fails or refuses to consent to or otherwise does
6 not take an action required to effectuate a transfer, change of
7 placement, or change of program. When a court orders a
8 respondent to stay away from the public, private, or non-public
9 school attended by the petitioner and the respondent requests a
10 transfer to another attendance center within the respondent's
11 school district or private or non-public school, the school
12 district or private or non-public school shall have sole
13 discretion to determine the attendance center to which the
14 respondent is transferred. In the event the court order results
15 in a transfer of the minor respondent to another attendance
16 center, a change in the respondent's placement, or a change of
17 the respondent's program, the parents, guardian, or legal
18 custodian of the respondent is responsible for transportation
19 and other costs associated with the transfer or change.

20 (b-6) The court may order the parents, guardian, or legal
21 custodian of a minor respondent to take certain actions or to
22 refrain from taking certain actions to ensure that the
23 respondent complies with the order. In the event the court
24 orders a transfer of the respondent to another school, the
25 parents, guardian, or legal custodian of the respondent are
26 responsible for transportation and other costs associated with

1 the change of school by the respondent.

2 (b-7) The court shall not hold a school district or private
3 or non-public school or any of its employees in civil or
4 criminal contempt unless the school district or private or
5 non-public school has been allowed to intervene.

6 (b-8) The court may hold the parents, guardian, or legal
7 custodian of a minor respondent in civil or criminal contempt
8 for a violation of any provision of any order entered under
9 this Act for conduct of the minor respondent in violation of
10 this Act if the parents, guardian, or legal custodian directed,
11 encouraged, or assisted the respondent minor in such conduct.

12 (c) The court may award the petitioner costs and attorneys
13 fees if a stalking no contact order is granted.

14 (d) Monetary damages are not recoverable as a remedy.

15 (e) If the stalking no contact order prohibits the
16 respondent from possessing a Firearm Owner's Identification
17 Card, or possessing or buying firearms; the court shall
18 confiscate the respondent's Firearm Owner's Identification
19 Card and immediately return the card to the Department of State
20 Police Firearm Owner's Identification Card Office.

21 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12.)

22 Section 35. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Section 214 as follows:

24 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

1 Sec. 214. Order of protection; remedies.

2 (a) Issuance of order. If the court finds that petitioner
3 has been abused by a family or household member or that
4 petitioner is a high-risk adult who has been abused, neglected,
5 or exploited, as defined in this Act, an order of protection
6 prohibiting the abuse, neglect, or exploitation shall issue;
7 provided that petitioner must also satisfy the requirements of
8 one of the following Sections, as appropriate: Section 217 on
9 emergency orders, Section 218 on interim orders, or Section 219
10 on plenary orders. Petitioner shall not be denied an order of
11 protection because petitioner or respondent is a minor. The
12 court, when determining whether or not to issue an order of
13 protection, shall not require physical manifestations of abuse
14 on the person of the victim. Modification and extension of
15 prior orders of protection shall be in accordance with this
16 Act.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 217 on emergency orders, Section 218 on interim orders,
21 and Section 219 on plenary orders. The remedies listed in this
22 subsection shall be in addition to other civil or criminal
23 remedies available to petitioner.

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

1 abuse, or willful deprivation, neglect or exploitation, as
2 defined in this Act, or stalking of the petitioner, as
3 defined in Section 12-7.3 of the Criminal Code of 1961, if
4 such abuse, neglect, exploitation, or stalking has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in Section 701 of the
15 Illinois Marriage and Dissolution of Marriage Act.

16 (A) Right to occupancy. A party has a right to
17 occupancy of a residence or household if it is solely
18 or jointly owned or leased by that party, that party's
19 spouse, a person with a legal duty to support that
20 party or a minor child in that party's care, or by any
21 person or entity other than the opposing party that
22 authorizes that party's occupancy (e.g., a domestic
23 violence shelter). Standards set forth in subparagraph
24 (B) shall not preclude equitable relief.

25 (B) Presumption of hardships. If petitioner and
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i) the
2 hardships to respondent and any minor child or
3 dependent adult in respondent's care resulting from
4 entry of this remedy with (ii) the hardships to
5 petitioner and any minor child or dependent adult in
6 petitioner's care resulting from continued exposure to
7 the risk of abuse (should petitioner remain at the
8 residence or household) or from loss of possession of
9 the residence or household (should petitioner leave to
10 avoid the risk of abuse). When determining the balance
11 of hardships, the court shall also take into account
12 the accessibility of the residence or household.
13 Hardships need not be balanced if respondent does not
14 have a right to occupancy.

15 The balance of hardships is presumed to favor
16 possession by petitioner unless the presumption is
17 rebutted by a preponderance of the evidence, showing
18 that the hardships to respondent substantially
19 outweigh the hardships to petitioner and any minor
20 child or dependent adult in petitioner's care. The
21 court, on the request of petitioner or on its own
22 motion, may order respondent to provide suitable,
23 accessible, alternate housing for petitioner instead
24 of excluding respondent from a mutual residence or
25 household.

26 (3) Stay away order and additional prohibitions. Order

1 respondent to stay away from petitioner or any other person
2 protected by the order of protection, or prohibit
3 respondent from entering or remaining present at
4 petitioner's school, place of employment, or other
5 specified places at times when petitioner is present, or
6 both, if reasonable, given the balance of hardships.
7 Hardships need not be balanced for the court to enter a
8 stay away order or prohibit entry if respondent has no
9 right to enter the premises.

10 (A) If an order of protection grants petitioner
11 exclusive possession of the residence, or prohibits
12 respondent from entering the residence, or orders
13 respondent to stay away from petitioner or other
14 protected persons, then the court may allow respondent
15 access to the residence to remove items of clothing and
16 personal adornment used exclusively by respondent,
17 medications, and other items as the court directs. The
18 right to access shall be exercised on only one occasion
19 as the court directs and in the presence of an
20 agreed-upon adult third party or law enforcement
21 officer.

22 (B) When the petitioner and the respondent attend
23 the same public, private, or non-public elementary,
24 middle, or high school, the court when issuing an order
25 of protection and providing relief shall consider the
26 severity of the act, any continuing physical danger or

1 emotional distress to the petitioner, the educational
2 rights guaranteed to the petitioner and respondent
3 under federal and State law, the availability of a
4 transfer of the respondent to another school, a change
5 of placement or a change of program of the respondent,
6 the expense, difficulty, and educational disruption
7 that would be caused by a transfer of the respondent to
8 another school, and any other relevant facts of the
9 case. The court may order that the respondent not
10 attend the public, private, or non-public elementary,
11 middle, or high school attended by the petitioner,
12 order that the respondent accept a change of placement
13 or change of program, as determined by the school
14 district or private or non-public school, or place
15 restrictions on the respondent's movements within the
16 school attended by the petitioner. The respondent
17 bears the burden of proving by a preponderance of the
18 evidence that a transfer, change of placement, or
19 change of program of the respondent is not available.
20 The respondent also bears the burden of production with
21 respect to the expense, difficulty, and educational
22 disruption that would be caused by a transfer of the
23 respondent to another school. A transfer, change of
24 placement, or change of program is not unavailable to
25 the respondent solely on the ground that the respondent
26 does not agree with the school district's or private or

1 non-public school's transfer, change of placement, or
2 change of program or solely on the ground that the
3 respondent fails or refuses to consent or otherwise
4 does not take an action required to effectuate a
5 transfer, change of placement, or change of program.
6 When a court orders a respondent to stay away from the
7 public, private, or non-public school attended by the
8 petitioner and the respondent requests a transfer to
9 another attendance center within the respondent's
10 school district or private or non-public school, the
11 school district or private or non-public school shall
12 have sole discretion to determine the attendance
13 center to which the respondent is transferred. In the
14 event the court order results in a transfer of the
15 minor respondent to another attendance center, a
16 change in the respondent's placement, or a change of
17 the respondent's program, the parents, guardian, or
18 legal custodian of the respondent is responsible for
19 transportation and other costs associated with the
20 transfer or change.

21 (C) The court may order the parents, guardian, or
22 legal custodian of a minor respondent to take certain
23 actions or to refrain from taking certain actions to
24 ensure that the respondent complies with the order. ~~The~~
25 ~~court may order the parents, guardian, or legal~~
26 ~~custodian of a minor respondent to take certain actions~~

1 ~~or to refrain from taking certain actions to ensure~~
2 ~~that the respondent complies with the order.~~ In the
3 event the court orders a transfer of the respondent to
4 another school, the parents, guardian, or legal
5 custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 change of school by the respondent.

8 (4) Counseling. Require or recommend the respondent to
9 undergo counseling for a specified duration with a social
10 worker, psychologist, clinical psychologist, psychiatrist,
11 family service agency, alcohol or substance abuse program,
12 mental health center guidance counselor, agency providing
13 services to elders, program designed for domestic violence
14 abusers or any other guidance service the court deems
15 appropriate. The Court may order the respondent in any
16 intimate partner relationship to report to an Illinois
17 Department of Human Services protocol approved partner
18 abuse intervention program for an assessment and to follow
19 all recommended treatment.

20 (5) Physical care and possession of the minor child. In
21 order to protect the minor child from abuse, neglect, or
22 unwarranted separation from the person who has been the
23 minor child's primary caretaker, or to otherwise protect
24 the well-being of the minor child, the court may do either
25 or both of the following: (i) grant petitioner physical
26 care or possession of the minor child, or both, or (ii)

1 order respondent to return a minor child to, or not remove
2 a minor child from, the physical care of a parent or person
3 in loco parentis.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding physical care to respondent would not be in the
8 minor child's best interest.

9 (6) Temporary legal custody. Award temporary legal
10 custody to petitioner in accordance with this Section, the
11 Illinois Marriage and Dissolution of Marriage Act, the
12 Illinois Parentage Act of 1984, and this State's Uniform
13 Child-Custody Jurisdiction and Enforcement Act.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 103) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding temporary legal custody to respondent would not be
18 in the child's best interest.

19 (7) Visitation. Determine the visitation rights, if
20 any, of respondent in any case in which the court awards
21 physical care or temporary legal custody of a minor child
22 to petitioner. The court shall restrict or deny
23 respondent's visitation with a minor child if the court
24 finds that respondent has done or is likely to do any of
25 the following: (i) abuse or endanger the minor child during
26 visitation; (ii) use the visitation as an opportunity to

1 abuse or harass petitioner or petitioner's family or
2 household members; (iii) improperly conceal or detain the
3 minor child; or (iv) otherwise act in a manner that is not
4 in the best interests of the minor child. The court shall
5 not be limited by the standards set forth in Section 607.1
6 of the Illinois Marriage and Dissolution of Marriage Act.
7 If the court grants visitation, the order shall specify
8 dates and times for the visitation to take place or other
9 specific parameters or conditions that are appropriate. No
10 order for visitation shall refer merely to the term
11 "reasonable visitation".

12 Petitioner may deny respondent access to the minor
13 child if, when respondent arrives for visitation,
14 respondent is under the influence of drugs or alcohol and
15 constitutes a threat to the safety and well-being of
16 petitioner or petitioner's minor children or is behaving in
17 a violent or abusive manner.

18 If necessary to protect any member of petitioner's
19 family or household from future abuse, respondent shall be
20 prohibited from coming to petitioner's residence to meet
21 the minor child for visitation, and the parties shall
22 submit to the court their recommendations for reasonable
23 alternative arrangements for visitation. A person may be
24 approved to supervise visitation only after filing an
25 affidavit accepting that responsibility and acknowledging
26 accountability to the court.

1 (8) Removal or concealment of minor child. Prohibit
2 respondent from removing a minor child from the State or
3 concealing the child within the State.

4 (9) Order to appear. Order the respondent to appear in
5 court, alone or with a minor child, to prevent abuse,
6 neglect, removal or concealment of the child, to return the
7 child to the custody or care of the petitioner or to permit
8 any court-ordered interview or examination of the child or
9 the respondent.

10 (10) Possession of personal property. Grant petitioner
11 exclusive possession of personal property and, if
12 respondent has possession or control, direct respondent to
13 promptly make it available to petitioner, if:

14 (i) petitioner, but not respondent, owns the
15 property; or

16 (ii) the parties own the property jointly; sharing
17 it would risk abuse of petitioner by respondent or is
18 impracticable; and the balance of hardships favors
19 temporary possession by petitioner.

20 If petitioner's sole claim to ownership of the property
21 is that it is marital property, the court may award
22 petitioner temporary possession thereof under the
23 standards of subparagraph (ii) of this paragraph only if a
24 proper proceeding has been filed under the Illinois
25 Marriage and Dissolution of Marriage Act, as now or
26 hereafter amended.

1 No order under this provision shall affect title to
2 property.

3 (11) Protection of property. Forbid the respondent
4 from taking, transferring, encumbering, concealing,
5 damaging or otherwise disposing of any real or personal
6 property, except as explicitly authorized by the court, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly, and the
10 balance of hardships favors granting this remedy.

11 If petitioner's sole claim to ownership of the property
12 is that it is marital property, the court may grant
13 petitioner relief under subparagraph (ii) of this
14 paragraph only if a proper proceeding has been filed under
15 the Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended.

17 The court may further prohibit respondent from
18 improperly using the financial or other resources of an
19 aged member of the family or household for the profit or
20 advantage of respondent or of any other person.

21 (11.5) Protection of animals. Grant the petitioner the
22 exclusive care, custody, or control of any animal owned,
23 possessed, leased, kept, or held by either the petitioner
24 or the respondent or a minor child residing in the
25 residence or household of either the petitioner or the
26 respondent and order the respondent to stay away from the

1 animal and forbid the respondent from taking,
2 transferring, encumbering, concealing, harming, or
3 otherwise disposing of the animal.

4 (12) Order for payment of support. Order respondent to
5 pay temporary support for the petitioner or any child in
6 the petitioner's care or custody, when the respondent has a
7 legal obligation to support that person, in accordance with
8 the Illinois Marriage and Dissolution of Marriage Act,
9 which shall govern, among other matters, the amount of
10 support, payment through the clerk and withholding of
11 income to secure payment. An order for child support may be
12 granted to a petitioner with lawful physical care or
13 custody of a child, or an order or agreement for physical
14 care or custody, prior to entry of an order for legal
15 custody. Such a support order shall expire upon entry of a
16 valid order granting legal custody to another, unless
17 otherwise provided in the custody order.

18 (13) Order for payment of losses. Order respondent to
19 pay petitioner for losses suffered as a direct result of
20 the abuse, neglect, or exploitation. Such losses shall
21 include, but not be limited to, medical expenses, lost
22 earnings or other support, repair or replacement of
23 property damaged or taken, reasonable attorney's fees,
24 court costs and moving or other travel expenses, including
25 additional reasonable expenses for temporary shelter and
26 restaurant meals.

1 (i) Losses affecting family needs. If a party is
2 entitled to seek maintenance, child support or
3 property distribution from the other party under the
4 Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended, the court may order
6 respondent to reimburse petitioner's actual losses, to
7 the extent that such reimbursement would be
8 "appropriate temporary relief", as authorized by
9 subsection (a) (3) of Section 501 of that Act.

10 (ii) Recovery of expenses. In the case of an
11 improper concealment or removal of a minor child, the
12 court may order respondent to pay the reasonable
13 expenses incurred or to be incurred in the search for
14 and recovery of the minor child, including but not
15 limited to legal fees, court costs, private
16 investigator fees, and travel costs.

17 (14) Prohibition of entry. Prohibit the respondent
18 from entering or remaining in the residence or household
19 while the respondent is under the influence of alcohol or
20 drugs and constitutes a threat to the safety and well-being
21 of the petitioner or the petitioner's children.

22 (14.5) Prohibition of firearm possession.

23 (a) Prohibit a respondent against whom an order of
24 protection was issued from possessing any firearms
25 during the duration of the order if the order:

26 (1) was issued after a hearing of which such

1 person received actual notice, and at which such
2 person had an opportunity to participate;

3 (2) restrains such person from harassing,
4 stalking, or threatening an intimate partner of
5 such person or child of such intimate partner or
6 person, or engaging in other conduct that would
7 place an intimate partner in reasonable fear of
8 bodily injury to the partner or child; and

9 (3)(i) includes a finding that such person
10 represents a credible threat to the physical
11 safety of such intimate partner or child; or (ii)
12 by its terms explicitly prohibits the use,
13 attempted use, or threatened use of physical force
14 against such intimate partner or child that would
15 reasonably be expected to cause bodily injury.

16 Any Firearm Owner's Identification Card in the
17 possession of the respondent, except as provided in
18 subsection (b), shall be ordered by the court to be
19 turned over to the local law enforcement agency. The
20 local law enforcement agency shall immediately mail
21 the card to the Department of State Police Firearm
22 Owner's Identification Card Office for safekeeping.
23 The court shall issue a warrant for seizure of any
24 firearm ~~and Firearm Owner's Identification Card~~ in the
25 possession of the respondent, to be kept by the local
26 law enforcement agency for safekeeping, except as

1 provided in subsection (b). The period of safekeeping
2 shall be for the duration of the order of protection.
3 The firearm or firearms and Firearm Owner's
4 Identification Card, if unexpired, shall at the
5 respondent's request, shall be returned to the
6 respondent at the end of the order of protection. It is
7 the respondent's responsibility to notify the
8 Department of State Police Firearm Owner's
9 Identification Card Office.

10 (b) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 1961, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 duration of the order of protection.

18 (c) Upon expiration of the period of safekeeping,
19 if the firearms or Firearm Owner's Identification Card
20 cannot be returned to respondent because respondent
21 cannot be located, fails to respond to requests to
22 retrieve the firearms, or is not lawfully eligible to
23 possess a firearm, upon petition from the local law
24 enforcement agency, the court may order the local law
25 enforcement agency to destroy the firearms, use the
26 firearms for training purposes, or for any other

1 application as deemed appropriate by the local law
2 enforcement agency; or that the firearms be turned over
3 to a third party who is lawfully eligible to possess
4 firearms, and who does not reside with respondent.

5 (15) Prohibition of access to records. If an order of
6 protection prohibits respondent from having contact with
7 the minor child, or if petitioner's address is omitted
8 under subsection (b) of Section 203, or if necessary to
9 prevent abuse or wrongful removal or concealment of a minor
10 child, the order shall deny respondent access to, and
11 prohibit respondent from inspecting, obtaining, or
12 attempting to inspect or obtain, school or any other
13 records of the minor child who is in the care of
14 petitioner.

15 (16) Order for payment of shelter services. Order
16 respondent to reimburse a shelter providing temporary
17 housing and counseling services to the petitioner for the
18 cost of the services, as certified by the shelter and
19 deemed reasonable by the court.

20 (17) Order for injunctive relief. Enter injunctive
21 relief necessary or appropriate to prevent further abuse of
22 a family or household member or further abuse, neglect, or
23 exploitation of a high-risk adult with disabilities or to
24 effectuate one of the granted remedies, if supported by the
25 balance of hardships. If the harm to be prevented by the
26 injunction is abuse or any other harm that one of the

1 remedies listed in paragraphs (1) through (16) of this
2 subsection is designed to prevent, no further evidence is
3 necessary that the harm is an irreparable injury.

4 (c) Relevant factors; findings.

5 (1) In determining whether to grant a specific remedy,
6 other than payment of support, the court shall consider
7 relevant factors, including but not limited to the
8 following:

9 (i) the nature, frequency, severity, pattern and
10 consequences of the respondent's past abuse, neglect
11 or exploitation of the petitioner or any family or
12 household member, including the concealment of his or
13 her location in order to evade service of process or
14 notice, and the likelihood of danger of future abuse,
15 neglect, or exploitation to petitioner or any member of
16 petitioner's or respondent's family or household; and

17 (ii) the danger that any minor child will be abused
18 or neglected or improperly removed from the
19 jurisdiction, improperly concealed within the State or
20 improperly separated from the child's primary
21 caretaker.

22 (2) In comparing relative hardships resulting to the
23 parties from loss of possession of the family home, the
24 court shall consider relevant factors, including but not
25 limited to the following:

26 (i) availability, accessibility, cost, safety,

1 adequacy, location and other characteristics of
2 alternate housing for each party and any minor child or
3 dependent adult in the party's care;

4 (ii) the effect on the party's employment; and

5 (iii) the effect on the relationship of the party,
6 and any minor child or dependent adult in the party's
7 care, to family, school, church and community.

8 (3) Subject to the exceptions set forth in paragraph
9 (4) of this subsection, the court shall make its findings
10 in an official record or in writing, and shall at a minimum
11 set forth the following:

12 (i) That the court has considered the applicable
13 relevant factors described in paragraphs (1) and (2) of
14 this subsection.

15 (ii) Whether the conduct or actions of respondent,
16 unless prohibited, will likely cause irreparable harm
17 or continued abuse.

18 (iii) Whether it is necessary to grant the
19 requested relief in order to protect petitioner or
20 other alleged abused persons.

21 (4) For purposes of issuing an ex parte emergency order
22 of protection, the court, as an alternative to or as a
23 supplement to making the findings described in paragraphs
24 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
25 the following procedure:

26 When a verified petition for an emergency order of

1 protection in accordance with the requirements of Sections
2 203 and 217 is presented to the court, the court shall
3 examine petitioner on oath or affirmation. An emergency
4 order of protection shall be issued by the court if it
5 appears from the contents of the petition and the
6 examination of petitioner that the averments are
7 sufficient to indicate abuse by respondent and to support
8 the granting of relief under the issuance of the emergency
9 order of protection.

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of marriage
12 attach to a putative father until a father and child
13 relationship has been established under the Illinois
14 Parentage Act of 1984, the Illinois Public Aid Code,
15 Section 12 of the Vital Records Act, the Juvenile Court Act
16 of 1987, the Probate Act of 1985, the Revised Uniform
17 Reciprocal Enforcement of Support Act, the Uniform
18 Interstate Family Support Act, the Expedited Child Support
19 Act of 1990, any judicial, administrative, or other act of
20 another state or territory, any other Illinois statute, or
21 by any foreign nation establishing the father and child
22 relationship, any other proceeding substantially in
23 conformity with the Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
25 or where both parties appeared in open court or at an
26 administrative hearing acknowledging under oath or

1 admitting by affirmation the existence of a father and
2 child relationship. Absent such an adjudication, finding,
3 or acknowledgement, no putative father shall be granted
4 temporary custody of the minor child, visitation with the
5 minor child, or physical care and possession of the minor
6 child, nor shall an order of payment for support of the
7 minor child be entered.

8 (d) Balance of hardships; findings. If the court finds that
9 the balance of hardships does not support the granting of a
10 remedy governed by paragraph (2), (3), (10), (11), or (16) of
11 subsection (b) of this Section, which may require such
12 balancing, the court's findings shall so indicate and shall
13 include a finding as to whether granting the remedy will result
14 in hardship to respondent that would substantially outweigh the
15 hardship to petitioner from denial of the remedy. The findings
16 shall be an official record or in writing.

17 (e) Denial of remedies. Denial of any remedy shall not be
18 based, in whole or in part, on evidence that:

19 (1) Respondent has cause for any use of force, unless
20 that cause satisfies the standards for justifiable use of
21 force provided by Article VII of the Criminal Code of 1961;

22 (2) Respondent was voluntarily intoxicated;

23 (3) Petitioner acted in self-defense or defense of
24 another, provided that, if petitioner utilized force, such
25 force was justifiable under Article VII of the Criminal
26 Code of 1961;

1 (4) Petitioner did not act in self-defense or defense
2 of another;

3 (5) Petitioner left the residence or household to avoid
4 further abuse, neglect, or exploitation by respondent;

5 (6) Petitioner did not leave the residence or household
6 to avoid further abuse, neglect, or exploitation by
7 respondent;

8 (7) Conduct by any family or household member excused
9 the abuse, neglect, or exploitation by respondent, unless
10 that same conduct would have excused such abuse, neglect,
11 or exploitation if the parties had not been family or
12 household members.

13 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
14 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)