



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2834

by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

See Index

Referred to as the Illinois Public Safety Act. Creates the Gun Safety and Responsibility Act. Allows State Police to issue a concealed carry license to a resident at least 21 who: (1) is eligible to possess firearms; (2) meets qualifications and training; and (3) has particularized need. \$100 fee. License valid throughout the State subject to prohibitions for 4 years. Creates the State Police Firearm Services Fund for duties under the Firearm Owners Identification Card Act (FOID), concealed carry licensing, and assault weapon registration. Amends the State Police Act to authorize emergency procurement necessary to implement these gun measures. Amends the FOID Act to require background checks for the transfer of firearms, except to family member, by operation of law, or gun show. Amends the Criminal Code of 2012. Bans possession, delivery, sale, and purchase of assault weapons, attachments, and .50 caliber rifles and cartridges, except possession of weapons registered in time provided. Provides exemptions. Prohibits delivery, sale, purchase or possession of large capacity ammunition feeding devices. Provides exemptions. Prohibits sale, delivery, or possession of a firearm to or by a person prohibited from possessing a firearm. Raises minimum imprisonment for gunrunning. Creates failure to report a lost or stolen firearm offense. Requires safe firearm storage where a minor (now under 14) or person prohibited from possessing a firearm may gain access. Requires firearm owners to keep records. Amends various Acts regarding suspension and revocation of FOID cards and concealed carry licenses. Makes conforming changes. Effective immediately.

LRB098 10911 MRW 41442 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms, which may be referred to as the
2 Illinois Public Safety Act.

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

5 Section 1. Legislative findings; purpose and intent. The
6 General Assembly finds and declares:

7 (1) Gun violence takes an extraordinary toll on families
8 and communities in Illinois. In 2007, over 1,000 individuals
9 died from firearm-related injuries in this State. In that same
10 year, incidents of gun murders, gun suicides, and unintentional
11 shootings in Illinois killed 150 children and adolescents ages
12 19 and younger.

13 (2) Existing federal firearm laws have proven insufficient
14 to prevent dangerous individuals from obtaining, carrying, and
15 using firearms in public places.

16 (3) The federal Brady Handgun Violence Prevention Act
17 allows unlicensed private sellers of firearms, who account for
18 40% of firearms sold in the U.S., to sell firearms without
19 performing a background check on the prospective purchaser.
20 Federal law does not require sellers to report sales of
21 firearms to law enforcement. In fact, federal law does not even
22 allow the Federal Bureau of Investigation to maintain records
23 of approved gun purchasers for more than 24 hours. Federal law
24 also provides no comprehensive system of firearm registration,

1 and does not require firearm owners to report to law
2 enforcement if their firearms are lost or stolen.

3 (4) Background checks performed by licensed dealers have
4 proven to be extremely effective at keeping guns out of the
5 hands of prohibited persons. Since the federal background check
6 requirement was adopted in 1994, over 1.9 million criminals and
7 other prohibited persons across the United States have been
8 prohibited from buying guns. In 2010 alone, 70,972 gun
9 transfers were denied using the federal background check
10 system. Nevertheless, individuals prohibited by law from
11 possessing guns can easily obtain them from private sellers.
12 Universal background checks will help ensure that all persons
13 buying guns are legally eligible to do so.

14 (5) Firearm registration laws, which require individuals
15 to record their ownership or possession of a firearm with a
16 designated law enforcement agency, and laws requiring sellers
17 to report firearm sales to a centralized database help law
18 enforcement quickly and reliably trace the source of firearms
19 recovered from crime scenes, and retrieve firearms from persons
20 who have become legally prohibited from possessing the firearms
21 through criminal convictions or other prohibitions. These laws
22 also discourage illegal firearm sales by creating
23 accountability for gun owners, and help law enforcement return
24 lost or stolen firearms to their rightful owners. Furthermore,
25 information generated by firearm sales reporting and
26 registration systems help protect law enforcement officers

1 responding to an incident by providing them with information
2 about firearms that may be present at the scene.

3 (6) States with some form of registration and licensing
4 systems have greater success keeping firearms from being used
5 in crimes than states without these systems. Illinois currently
6 has a licensing system through the Firearm Owners
7 Identification Card Act, but no system of firearm registration.

8 (7) Laws requiring the reporting of lost or stolen firearms
9 make gun owners more accountable for their firearms and are
10 beneficial to law enforcement because these laws:

11 (A) help deter and prosecute gun traffickers and
12 criminals who often falsely claim that a gun used in a
13 crime that has been traced to them was lost or stolen in
14 order to hide his or her involvement in the crime;

15 (B) help disarm persons ineligible to possess firearms
16 by deterring a person in a prohibited category from falsely
17 claiming that his or her firearm was lost or stolen; and

18 (C) help return lost or stolen firearms to their
19 owners.

20 (8) Firearms carried or possessed in public places increase
21 the risk of deaths and injuries by increasing the chances that
22 firearms will be used to settle disputes, and increase the risk
23 of accidental shootings in places where large numbers of people
24 are gathered. The carrying or possession of firearms in public
25 places also increase the risk that those firearms will be lost
26 or stolen, and end up in the hands of criminals or other

1 persons ineligible to possess firearms.

2 (9) Flawed application processes in existing state systems
3 for licensing individuals to carry concealed weapons (CCW) have
4 allowed numerous persons prohibited from possessing firearms
5 to receive CCW permits. Analyses have found that numerous
6 criminals including rapists, armed robbers, and individuals
7 who had pleaded guilty or no contest to felonies, individuals
8 with outstanding warrants, persons with active domestic
9 violence injunctions against them, and 6 registered sex
10 offenders had been issued CCW licenses under other state's
11 permissive CCW laws.

12 (10) Research has shown that individuals issued CCW permits
13 include not only persons who have committed violent crimes in
14 the past, but also those who subsequently commit violent
15 crimes. One study found that Texas CCW permit holders were
16 arrested for weapons-related crimes at a rate 81% higher than
17 that of the state's general adult population. According to the
18 Violence Policy Center (VPC), between May 2007 and March 2012,
19 individuals licensed to carry concealed weapons killed at least
20 11 law enforcement officers and 391 private citizens, including
21 31 shooters who killed themselves after an attack.

22 (11) It is the purpose and intent of the General Assembly
23 to strengthen State firearm laws by:

24 (A) requiring all firearm purchasers to be subject to a
25 background check;

26 (B) requiring all firearm dealers and ammunition

1 sellers to obtain a state license and report gun sales;

2 (C) enact a comprehensive system of firearm
3 registration;

4 (D) requiring the State Police to maintain records of
5 gun sales;

6 (E) requiring gun owners to report all lost or stolen
7 firearms; and

8 (F) licensing and restricting the carrying of firearms
9 in public places.

10 (12) The General Assembly believes that these restrictions
11 will:

12 (A) help keep guns out of the hands of felons, domestic
13 abusers, the mentally ill, and other prohibited persons;

14 (B) discourage illegal gun sales and gun trafficking;

15 (C) help law enforcement solve gun crimes; and

16 (D) reduce gun deaths and injuries and increase public
17 safety.

18 (13) The General Assembly further believes it is necessary
19 to restrict the carrying of firearms in public places to
20 individuals who have demonstrated a particularized need to
21 carry a firearm in public, because they are exposed to unusual
22 personal danger which is distinct from other members of the
23 community.

24 Section 5. Short title. This Act may be referred to as the
25 Gun Safety and Responsibility Act.

1 Section 10. Definitions. As used in this Act:

2 "Concealed firearm" means a loaded or unloaded handgun
3 carried on or about a person completely or mostly concealed
4 from view of the public, or carried in a vehicle in such a way
5 as it is concealed from view of the public.

6 "Department" means the Department of State Police.

7 "Director" means the Director of State Police.

8 "Fund" means the State Police Firearm Services Fund.

9 "Handgun" means any device which is designed to expel a
10 projectile or projectiles by the action of an explosion,
11 expansion of gas, or escape of gas that is designed to be held
12 and fired by the use of a single hand, and includes a
13 combination of parts from which this type of firearm can be
14 assembled. "Handgun" does not include a stun gun or taser.

15 "License", "permit", "concealed carry license", or
16 "concealed carry permit" means a license issued by the
17 Department of State Police to carry a loaded or unloaded
18 concealed firearm.

19 "Licensee" means a person issued a license to carry a
20 concealed firearm.

21 "Peace officer" has the same meaning as provided in Section
22 2-13 of the Criminal Code of 2012.

23 Section 15. Issuance of license to carry a concealed
24 firearm.

- 1 (a) The Department may issue a license to an applicant who:
- 2 (1) meets the qualifications of Section 20;
- 3 (2) has provided the application and documentation
4 required in Section 25; and
- 5 (3) has submitted the required fees.
- 6 (b) The Department may issue a renewal, corrected, or
7 duplicate license in accordance with this Act.
- 8 (c) A licensee shall possess his or her license at all
9 times the licensee is carrying a concealed firearm unless:
- 10 (1) the person is carrying or possessing a concealed
11 firearm and the person is on his or her land or in his or
12 her abode or legal dwelling or in the abode or legal
13 dwelling of another person as an invitee with that person's
14 permission;
- 15 (2) the person is authorized to carry a concealed
16 firearm under Section 24-2 of the Criminal Code of 2012; or
- 17 (3) the handgun is broken down in a non-functioning
18 state, is not immediately accessible, or is enclosed in a
19 firearm case, carrying box, shipping box, or other similar
20 portable container designed for the safe transportation of
21 firearms.
- 22 (d) A licensee shall display the license upon the request
23 of a peace officer or person designated to enforce the
24 provisions of Section 55.
- 25 (e) An applicant shall sufficiently demonstrate, in the
26 judgment of the Department that:

1 (1) he or she has a particularized need for the
2 license;

3 (2) he or she is a responsible person; and

4 (3) the issuance of the license is in the public's
5 interest.

6 (f) The Department shall make applications for a license
7 available no later than 180 days after the effective date of
8 this Act. Applications shall be available at Department
9 locations, sheriff offices, on the Department's official
10 website, and any other location designated by the Department.

11 (g) A completed application for a license shall be
12 submitted to the Department with all accompanying materials and
13 fees. The Department shall review the application and all
14 accompanying materials, within 90 days of receipt. The
15 Department shall promptly return an incomplete application to
16 the applicant. An applicant for a license or renewal shall
17 submit a \$100 application or renewal fee for expenses related
18 to receiving and reviewing applications, of which \$75 shall be
19 deposited into the State Police Firearm Services Fund. The
20 remaining \$25 shall be deposited into the LEADS Maintenance
21 Fund.

22 (h) The Department shall by rule develop a method of
23 notifying the sheriff and municipal police department in the
24 county and municipality where an applicant resides of the name,
25 address, and date of birth of any person submitting an
26 application for a license. The sheriff and municipal police

1 department may submit to the Department an objection to an
2 application, provided the objection is in writing and includes
3 specific reasons for the objection. Any objection submitted by
4 a sheriff or municipal police department, including reports,
5 must be disclosed to the applicant unless disclosure would
6 interfere with a criminal investigation, or as determined by
7 the Department, disclosure may threaten the safety or welfare
8 of the sheriff, municipal police department, or employees of
9 the sheriff or municipal police department.

10 (i) Notwithstanding subsection (a), the Department may
11 consider any objection or recommendation made by the sheriff or
12 municipal police department and may determine the applicant is
13 ineligible based solely on those objections. If the applicant
14 is found by the Department to be ineligible, the Department
15 shall deny the application and notify the applicant and the
16 sheriff or municipal police department in writing, stating the
17 grounds for denial. The notice of denial must inform the
18 applicant that he or she may, within 90 days, appeal the denial
19 and submit additional materials relevant to the grounds for
20 denial. Upon receiving the additional documentation, the
21 Department shall reconsider its decision and inform the
22 applicant within 90 days of the result of the reconsideration.
23 If upon reconsideration the Department denies the application,
24 the applicant must be informed of the right to administrative
25 review.

26 (j) A license shall be valid throughout the State for a

1 period of 4 years.

2 (k) The Department shall adopt rules to implement the
3 provisions of this Section.

4 Section 20. Qualifications for a concealed carry
5 applicant.

6 The Department shall not issue a license to an applicant
7 completing an application in accordance with Section 25 of this
8 Act unless the person has demonstrated by affidavit that he or
9 she:

- 10 (1) is at least 21 years of age;
- 11 (2) has a valid Firearm Owner's Identification Card;
- 12 (3) resides within the State of Illinois;
- 13 (4) has not been convicted in this State or any other
14 state of:
- 15 (A) a felony;
- 16 (B) a misdemeanor involving the use or threat of
17 physical force or violence to any person;
- 18 (C) a misdemeanor crime of domestic violence;
- 19 (D) a misdemeanor or any similar law in another
20 jurisdiction involving the use, possession, or
21 distribution of a controlled substance or cannabis
22 within the 10 years preceding the date of the
23 application; or
- 24 (E) a misdemeanor involving the manufacture, sale,
25 carrying, possession, or use of a firearm, dangerous

1 weapon, deadly weapon, or ammunition;

2 (5) does not chronically and habitually use or is
3 addicted to cannabis or a controlled substance;

4 (6) has not been a patient in a mental institution
5 within the past 5 years;

6 (7) has not been adjudicated as a mental defective;

7 (8) is not intellectually disabled;

8 (9) does not suffer from a mental condition that is of
9 a nature that poses a clear and present danger to himself,
10 herself, others, or the community;

11 (10) is not free on any form of bond or pretrial
12 release, other than a traffic offense or other
13 non-disqualifying act, and has no outstanding warrants in
14 this State or any other state;

15 (11) does not chronically and habitually abuse
16 alcoholic beverages as evidenced by the applicant having 2
17 or more convictions for violating Section 11-501 of the
18 Illinois Vehicle Code or similar provision of a local
19 ordinance within 5 years preceding the date of the
20 application, or if the applicant has elected treatment
21 under the supervision of a licensed program in accordance
22 with the Alcoholism and Other Drug Abuse and Dependency Act
23 or similar laws of any other state, within 5 years
24 preceding the date of the application;

25 (12) has completed firearms training and any
26 educational component required in Section 70 of this Act;

1 (13) possesses the same powers of eyesight as required
2 for a driver's license under Section 6-109 of the Illinois
3 Vehicle Code;

4 (14) has not been adjudicated a delinquent minor under
5 the Juvenile Court Act of 1987 or similar law in another
6 jurisdiction, for an offense which, if committed by an
7 adult would disqualify the adult for a license under this
8 Section; and

9 (15) has not within the proceeding 5 years, been the
10 respondent to an order of protection or civil stalking no
11 contact order, or 2 or more emergency orders of protection,
12 or any similar law in another jurisdiction.

13 Section 25. Contents of the application.

14 (a) The application shall be in writing, under oath or
15 affirmation and in the form and manner prescribed by the
16 Department. Each application form shall include the following
17 statement printed in bold type: "Warning: Entering false
18 information on this form is punishable as perjury under Section
19 32-2 of the Criminal Code of 2012.". The application shall be
20 accompanied by the documentation required in this Section and
21 all applicable fees.

22 (b) The application shall contain the following:

23 (1) the applicant's name, current address, home and
24 business telephone numbers, cell phone numbers, gender,
25 date and year of birth, place of birth, height, weight,

1 hair color, eye color, maiden name or any other name the
2 applicant has used or identified with, and any address at
3 which the applicant resided for more than 30 days within
4 the 5 years preceding the date of the application;

5 (2) the present business or occupation and any business
6 or occupation in which the applicant has engaged during the
7 5-year period immediately preceding the application and
8 the addresses of the business or place of employment;

9 (3) the applicant's driver's license or state
10 identification card number and the last 4 digits of the
11 applicant's social security number;

12 (4) proof that the applicant has completed firearms
13 training and any educational component required in Section
14 70 of this Act;

15 (5) proof that the applicant is a resident of this
16 State and has been a resident for at least the previous 30
17 days;

18 (6) whether the federal government or a governmental
19 entity in any state or subdivision of any state has denied
20 or revoked the applicant's license, permit, registration,
21 or certificate pertaining to any firearm, and if so, the
22 jurisdiction, the identifying number of the license,
23 permit, registration, or certificate, the reason for
24 denial or revocation, and the date of denial or revocation;

25 (7) whether the applicant has failed a drug test within
26 the preceding 5 years, and if so, the provider of the test,

1 the specific substance involved, and date of the test;

2 (8) whether the applicant has ever been prohibited by
3 law from purchasing, possessing, or carrying a firearm, and
4 if so, the jurisdiction, the date, and the reason for the
5 prohibition;

6 (9) whether the applicant has been suspended or
7 expelled from a post-secondary educational institution,
8 such as a college or university, because of suspected
9 mental illness or violent behavior, and if so, the name of
10 the school, the date, and the reason for the suspension or
11 expulsion;

12 (10) a description of any incident in which the
13 applicant threatened, injured, or killed any person, if a
14 firearm was involved or the incident occurred during the
15 preceding 5 years and the police were involved, including,
16 for each incident, the date, place, time, circumstances,
17 and the names of any persons and police agencies involved;

18 (11) a waiver of privacy and confidentiality rights and
19 privileges of the applicant under all federal and State
20 laws, including those governing access to juvenile court,
21 criminal justice, psychological or psychiatric records, or
22 records relating to the applicant's history of
23 institutionalization, and an affirmative request that any
24 person having custody of this record provide it or
25 information concerning it to the Department;

26 (12) an affirmation that the applicant possesses a

1 currently valid Illinois Firearm Owner's Identification
2 Card;

3 (13) an affirmation that the applicant has never been
4 convicted in this State or any other state of:

5 (A) a felony;

6 (B) a misdemeanor involving the use or threat of
7 physical force or violence to any person;

8 (C) a misdemeanor involving the use, possession,
9 or distribution of a controlled substance or cannabis
10 within the 10 years preceding the date of the
11 application; or

12 (D) a misdemeanor involving the manufacture, sale,
13 carrying, possession, or use of a firearm, dangerous
14 weapon, deadly weapon, or ammunition;

15 (14) an explanation of the applicant's particularized
16 need for and intended use of the firearm, including
17 descriptions of any incident in which the applicant has
18 been threatened or injured, or copies of police reports or
19 restraining orders;

20 (15) the make, model, manufacturer's name, caliber or
21 gauge, and serial number of each handgun to be carried
22 under the license;

23 (16) written agreement that, if the person is
24 approached by a peace officer while carrying a concealed
25 firearm under the license, the person will immediately
26 inform the officer that he or she is in possession of a

1 firearm and a license to carry a concealed firearm, and
2 will submit to a pat down search and allow the officer to
3 take possession of the firearm for the duration of the
4 encounter;

5 (17) written consent to submit to one or more field
6 sobriety or chemical tests to determine the presence of
7 alcohol or drugs, at any point when the person is carrying
8 a concealed firearm and the person is approached by a peace
9 officer who has a reasonable suspicion that the person is
10 under the influence of alcohol or a controlled substance;

11 (18) proof that the applicant possesses the same powers
12 of eyesight as required for a driver's license under
13 Section 6-109 of the Illinois Vehicle Code; and if the
14 applicant does not possess a current Illinois driver's
15 license, the applicant may present a current optometrist's
16 or ophthalmologist's statement certifying the vision
17 reading obtained from the applicant; and

18 (19) any other information that the Department finds
19 necessary to process an application.

20 (c) A person applying for a license shall provide a clean
21 head and shoulder color photograph in a size specified by the
22 Department that was taken within the 30 days preceding the date
23 of the application. The applicant shall consent to the
24 Department reviewing and using the applicant's digital
25 driver's license or Illinois Identification card photograph
26 and signature, if available. The Secretary of State shall allow

1 the Department access to the photograph and signature for the
2 purpose of identifying the applicant and issuing the applicant
3 a license.

4 (d) A person applying for a license shall submit with the
5 application a full set of legible fingerprints. Fingerprinting
6 may be administered by the Department or any other federal,
7 State, county, or municipal law enforcement agency. The
8 Department of State Police and Federal Bureau of Investigation
9 shall furnish, through a fingerprint-based criminal history
10 records check, any record of convictions, forever and
11 hereafter, until expunged. The Department shall charge the
12 applicant a fee for conducting the check, which fee shall be
13 deposited into the State Police Firearm Services Fund and must
14 not exceed the cost of the inquiry. The Department shall accept
15 a hard copy or electronic version of fingerprints.

16 (e) A person applying for a license shall submit a
17 photocopy of a certificate or other evidence of completion of a
18 course to show compliance with Section 70 of this Act.

19 (f) The Department is authorized to establish a system for
20 electronically submitting applications, including applications
21 for renewal or a replacement license.

22 (g) Each application shall contain the following
23 statement: "NOTICE: A person who has been issued a concealed
24 carry license by the Department of State Police and who is in
25 possession of a concealed and loaded firearm shall be deemed to
26 have given consent to a chemical test or tests of blood,

1 breath, or urine for the purpose of determining the alcohol or
2 drug content of the person's blood, if a police officer has
3 reasonable suspicion to believe that the licensee has consumed
4 any amount of an alcoholic beverage or drugs based upon
5 evidence of the licensee's physical condition or other first
6 hand knowledge of the police officer. The test or tests shall
7 be administered at the direction of the arresting officer.".
8 The law enforcement agency employing the officer shall
9 designate which tests shall be administered. A urine test may
10 be administered even after a blood or breath test or both has
11 been administered.

12 Section 30. Investigation of an applicant.

13 (a) The Department shall complete a background check on an
14 applicant for a license to carry a concealed firearm to ensure
15 compliance with the requirements of this Act and all federal,
16 state, and local laws. The background check shall include a
17 search of each of the following:

18 (1) The National Instant Criminal Background Check
19 System of the Federal Bureau of Investigation.

20 (2) All available state and local criminal history
21 record information files, including records of juvenile
22 adjudications.

23 (3) All available federal, state, and local records
24 regarding wanted persons.

25 (4) All available federal, state, and local records of

1 domestic violence restraining and protective orders.

2 (5) All available federal, state, and local records
3 identifying persons who are unlawful users of or addicted
4 to any controlled substance as defined in Section 802 of
5 Title 21 of the United States Code.

6 (6) The files of the Department of Human Services
7 relating to mental health and developmental disabilities.

8 (7) All other available files of any federal, state,
9 and local agency and other private or public entity in any
10 jurisdiction likely to contain information relevant to
11 whether the applicant is prohibited from purchasing or
12 possessing a firearm under federal, state, or local law.

13 (b) As part of its investigation, the Department may, at
14 its discretion, conduct interviews of the applicant, any of the
15 applicant's current or former family or household members,
16 co-workers, employers, neighbors, and any other member of the
17 public who may have information relevant to the application.

18 (c) In addition to the information in subsections (a) and
19 (b), the Department may, at its discretion, require the
20 applicant, at the applicant's expense, to undergo a mental
21 health examination by a licensed psychiatrist or psychologist
22 or any other tests, interviews, or examinations that it
23 determines to be appropriate.

24 Section 35. Database of applicants and licenses.

25 (a) Within 2 years of the effective date of this Act, the

1 Department shall make available and maintain a database of
2 applicants for a concealed carry license. The database shall be
3 available to all law enforcement agencies, State's Attorneys,
4 and the Attorney General. Members and staff of the judiciary
5 may access the database for the purpose of determining whether
6 to confiscate a license or to ensure compliance with this Act
7 or any other law. The database shall be searchable and provide
8 all information included in the application, a photo of the
9 applicant or licensee, and any information related to
10 violations of this Act. Individual law enforcement agencies
11 shall not maintain a separate, searchable database of
12 applicants and licensees containing information included in
13 the Department's database.

14 (b) The Department may provide on its website and upon
15 request under the Freedom of Information Act statistical
16 information about the number of licenses issued by county, age,
17 race, or gender. These statistics shall be updated quarterly.

18 (c) Except as provided in subsection (b), applications and
19 information in the database shall be confidential and exempt
20 from disclosure under the Freedom of Information Act.

21 (d) The Department may answer requests to confirm or deny
22 whether a person has been issued a license as part of inquiries
23 dealing with a criminal investigation. Individual law
24 enforcement agencies, State's Attorneys, and judicial staff
25 shall sign a confidentiality agreement, prepared by the
26 Department, prior to receiving access to this information. No

1 law enforcement agency, State's Attorney, or member or staff of
2 the judiciary, other than the Department, shall provide any
3 information to a requester not entitled to it by law, except as
4 required or necessary for the conduct of a criminal
5 investigation.

6 Section 40. Suspension or revocation of license.

7 (a) A license issued or renewed under this Act shall be
8 revoked if, at any time, the licensee is found ineligible for a
9 license based on the criteria in Section 20 of this Act or the
10 licensee no longer possesses a Firearm Owner's Identification
11 Card. This subsection shall not apply to a person who has filed
12 an application with the State Police for renewal of a Firearm
13 Owner's Identification Card and who is not otherwise ineligible
14 to obtain a Firearm Owner's Identification Card.

15 (b) A license shall be suspended if an order of protection
16 under Section 112A-14 of the Code of Criminal Procedure of 1963
17 or under Section 214 of the Illinois Domestic Violence Act of
18 1986 is issued against a licensee. The license shall be
19 suspended for the duration of the order or until the order is
20 terminated by a court and the Department shall not reissue or
21 renew a license for the duration of the order or until the
22 order is terminated. If an order of protection is issued
23 against a licensee, the licensee shall surrender the license to
24 the court at the time the order is entered or to the law
25 enforcement agency or to the entity designated to serve process

1 at the time the licensee is served the order. The court, law
2 enforcement agency, or entity responsible for serving the order
3 shall transmit the license to the Department.

4 (c) The Department may temporarily or permanently suspend a
5 license for a violation of Section 55 of this Act in accordance
6 with subsection (j) of Section 55.

7 (d) A license shall be invalid upon expiration of the
8 license, unless the licensee has submitted an application to
9 renew the license. A person who fails to renew his or her
10 application within 6 months after its expiration must reapply
11 for a new license and pay the fee for a new application.

12 (e) The Department may suspend a license if a licensee
13 fails to submit a change of address or name or fails to report
14 a lost, destroyed, or stolen license to the Department within
15 30 days.

16 (f) Every person whose concealed carry license is suspended
17 or revoked shall immediately return their concealed carry
18 license to the Department of State Police. Failure to return
19 the license is a business offense with a minimum fine of \$100.
20 Any person found carrying a concealed firearm after suspension
21 or revocation of his or her license shall be subject to
22 prosecution under Article 24 of the Criminal Code of 2012 for
23 unlawful use of weapons.

24 Section 45. Renewal of license.

25 (a) Not later than 120 days before the expiration of any

1 license issued under this Act, the Department shall notify the
2 licensee in writing of the expiration and furnish an
3 application for renewal of the license or make the application
4 available on-line.

5 (b) Applications for renewal of a license shall be made to
6 the Department. A license shall be renewed for a period of 5
7 years upon receipt of a completed renewal application. The
8 renewal application shall contain the information required in
9 Section 25, except that the applicant need not resubmit a full
10 set of fingerprints. Each applicant for a renewal shall submit,
11 on a form prescribed by the Department, proof that the
12 applicant has:

13 (1) successfully completed an equivalent range
14 exercise as prescribed in Section 70 and certified to by an
15 instructor qualified under this Act or a certified law
16 enforcement instructor, or

17 (2) successfully completed firearm instructor training
18 under Section 75.

19 (c) The Department shall make the range recertification
20 form available on its website or as part of a renewal
21 application.

22 Section 50. Change of address; change of name; lost,
23 destroyed, or stolen licenses.

24 (a) A licensee shall notify the Department within 30 days
25 of moving or changing a residence or any change of name, and

1 upon the discovery of the loss or destruction of a license.

2 (b) If a licensee changes residence within this State or
3 changes his or her name, the licensee shall request a new
4 license. The licensee shall submit a \$50 fee, a notarized
5 statement that the licensee has changed residence or his or her
6 name, and a photograph as required in Section 25 of this Act.
7 The statement must include the prior and current address or
8 name and the date the applicant moved or changed his or her
9 name.

10 (c) A lost, destroyed, or stolen license shall be invalid.
11 To request a new license, the licensee shall submit:

12 (1) a \$50 fee;

13 (2) a notarized statement that the licensee no longer
14 possesses the license and that it was lost, destroyed, or
15 stolen;

16 (3) a copy of a police report stating that the license
17 was lost, destroyed, or stolen; and

18 (4) a photograph as required in Section 25 of this Act.

19 Section 55. Carry restrictions.

20 (a) A license issued under this Act shall not authorize the
21 licensee to knowingly carry a concealed firearm into:

22 (1) Any building or office under the control of the
23 Governor, Lieutenant Governor, Attorney General, Secretary
24 of State, Comptroller, or Treasurer.

25 (2) Any building or office under the control of the

1 General Assembly or any of its support service agencies,
2 including the portion of a building in which a committee of
3 the General Assembly convenes for the purpose of conducting
4 meetings of committees, joint committees, or legislative
5 commissions.

6 (3) Any courthouse or building occupied in whole or in
7 part by the circuit court, appellate court, or Supreme
8 Court or a room designated as a courtroom for court
9 proceedings by any of these courts.

10 (4) Any meeting of the governing body of a unit of
11 local government or special district.

12 (5) Any establishment licensed to dispense alcoholic
13 beverages for consumption on the premises.

14 (6) Any area of an airport to which access is
15 controlled by the inspection of persons and property.

16 (7) Any place where the carrying of a firearm is
17 prohibited by federal law.

18 (8) Any elementary or secondary school.

19 (9) Any portion of a building used as a child care
20 facility without the consent of the manager. Nothing in
21 this Section shall prevent the operator of a child care
22 facility in a family home from owning or possessing a
23 firearm or license, so long as the firearm is stored as
24 provided in Section 24-9 of the Criminal Code of 2012.

25 (10) Any gaming facility licensed under the Riverboat
26 Gambling Act or the Illinois Horse Racing Act of 1975.

1 (11) Any gated area of an amusement park.

2 (12) Any stadium, arena, or any elementary or secondary
3 school, collegiate, or professional sporting event.

4 (13) Any hospital or mental health facility.

5 (14) Any community college, college, or university
6 campus without consent of the school authorities. School
7 authorities shall inform the appropriate law enforcement
8 agency and any law enforcement personnel on site of this
9 consent.

10 (15) Any library or museum.

11 (16) Any police, sheriff, or State Police office or
12 station without the consent of the chief law enforcement
13 officer in charge of that office or station.

14 (17) Any adult or juvenile detention or correctional
15 institution, prison, or jail.

16 (18) Any polling place on any election day.

17 (19) Any street fair or festival, farmer's market,
18 carnival, concert, protest, parade, or other temporary
19 special event, that is conducted primarily outdoors on
20 property open to the public, and that requires the issuance
21 of a permit from the city or county where it occurs, unless
22 the city or county specifically authorizes licensees to
23 carry concealed firearms at the event.

24 (20) Any private property without the express
25 permission of the owner, manager, operator, or individual
26 with the authority to control activities in that place, as

1 evidenced by signage. This provision shall apply to private
2 property of any kind, including private residences and
3 places of business, regardless of whether they are open or
4 closed to members of the public.

5 (21) Any building owned, leased, or controlled by a
6 municipality or any building or property owned, leased or
7 controlled by a school district unless authorized by a
8 majority vote of members of its governing board. Nothing in
9 this paragraph shall prohibit a licensee from carrying a
10 concealed firearm on any sidewalk, on any highway or
11 roadway, in any public restroom, or in the licensee's own
12 residence.

13 (22) Any shopping mall or strip mall property, which
14 includes all enclosed public walkways or hall areas that
15 serve to connect retail or professional establishments and
16 its attached common areas, excluding the parking lot.

17 (b) Any person licensed under this Act who is prohibited
18 from carrying a concealed firearm into a building or on the
19 premises as specified in subsection (a) shall be permitted to
20 store that handgun or ammunition out of plain sight in a locked
21 trunk, or if it is not in a trunk, in a locked vehicle, so long
22 as the firearm is unloaded and enclosed in a firearm case,
23 carrying box, shipping box, or other similar portable container
24 designed for the safe transportation of firearms. A licensee
25 shall not be in violation of this Section while he or she is
26 traveling along a public right of way that touches or crosses

1 any of the premises specified in subsection (a) if the handgun
2 is carried on his or her person in accordance with the
3 provisions of this Act or is being transported in a vehicle by
4 the licensee in accordance with all other applicable provisions
5 of law.

6 (c) A license to carry a concealed firearm issued or
7 renewed under this Act may include any additional reasonable
8 restrictions or conditions which the Department deems
9 warranted, including restrictions as to the time, place,
10 manner, and circumstances under which the person may carry a
11 firearm.

12 (d) If a law enforcement officer initiates an investigative
13 stop, including but not limited to a traffic stop, of a
14 licensee who is carrying a concealed firearm, the licensee
15 shall immediately disclose to the officer that he or she is in
16 possession of a concealed firearm under this Act. The licensee
17 shall comply with all lawful orders and directions from the
18 officer. For the safety of the officer and the public, the
19 officer may conduct a pat down of the licensee and take
20 possession of the firearm for the duration of the encounter.

21 (e) A licensee shall not carry a concealed firearm while
22 under the influence of any illegal drug, controlled substance,
23 or hallucinogenic substance. The licensee shall not be under
24 the influence of any prescription medication that causes
25 impairment. The licensee shall not consume alcoholic beverages
26 to the extent that it results in impairment or intoxication.

1 (f) Signs stating that the carrying of a concealed firearm
2 is prohibited shall be clearly and conspicuously posted at
3 every entrance of a building or premises specified in
4 subsection (a) or designated in accordance with subsection (b)
5 or (c). The Department shall adopt rules for standardized signs
6 to be used under this subsection.

7 (g) A licensee shall only carry a concealed firearm similar
8 to what they were trained with under Section 70.

9 (h) A licensee shall not engage in acts in an unreasonable
10 manner so as to alarm or disturb another and to provoke a
11 breach of the peace; as evidenced by a signed complaint and
12 arrest for disorderly conduct under Section 26-1 of the
13 Criminal Code of 2012.

14 (i) A negligent or reckless violation of subsection (a),
15 (b), (c), (d), or (e) is a Class B misdemeanor. A violation of
16 subsection (a), (b), (c), (d), or (e) committed knowingly is a
17 Class A misdemeanor. In addition to any other fees or court
18 costs for a violation of subsection (d), the court may require
19 a licensee to pay a \$150 fee. For the purposes of this
20 subsection, "negligent", "reckless", and "knowingly" has the
21 meaning as provided in Article 4 of the Criminal Code of 2012.

22 (j) The Department may suspend a license for up to 180 days
23 for a first violation of subsection (a), (b), (c), (d), or (e).
24 The Department may suspend a license for up to one year for a
25 second violation of subsection (a), (b), (c), (d), or (e). The
26 Department shall permanently revoke a license for a third

1 violation of subsection (a), (b), (c), (d), or (e).

2 Section 60. Immunity for employees and agents.

3 The Department of State Police shall not be liable for
4 damages in any civil action arising from alleged wrongful or
5 improper granting, renewing, suspending, revoking, or failure
6 to suspend or revoke licenses issued under this Act, except for
7 willful or wanton misconduct. The office of the county sheriff,
8 a municipal police department, and any employees or agents of
9 the sheriff or municipal police department shall not be liable
10 for submitting specific or articulable reasons why an applicant
11 should be denied a license, unless the objection contains
12 false, malicious, or inaccurate information and the objection
13 constituted willful and wanton misconduct.

14 Section 65. Fees; report.

15 (a) Fees collected under this Act by the Department and
16 deposited into the State Police Firearm Services Fund and LEADS
17 Maintenance Fund shall be appropriated for administration of
18 this Act.

19 (b) Fees shall be:

20 (1) New license: \$100.

21 (2) Renewal of license: \$100.

22 (3) Duplicate license for lost, destroyed, or stolen:
23 \$50.

24 (4) Corrected license for address or name change: \$50.

1 (c) By March 1 of each year, the Department shall submit a
2 statistical report to the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives
4 indicating the number of licenses issued, revoked, suspended,
5 denied, and issued after appeal since the last report and in
6 total and also the number of licenses currently valid.

7 (d) The Secretary of State shall conduct a study to
8 determine the cost and feasibility of creating a method of
9 adding an identifiable code, background, or other means to show
10 that an individual has been issued a concealed carry license by
11 the Department on the person's driver's license.

12 Section 70. Applicant training.

13 (a) The Department shall, by rule, approve or disapprove
14 training programs for the firearm training course, which shall
15 be taught by a qualified instructor. Qualifications for
16 qualified firearm instructors shall be set by rule. The firearm
17 training course shall be conducted by entities, by a qualified
18 instructor, or by an agency licensed under this Act, provided
19 the course is approved by the Department.

20 (b) Applicant training courses shall not be open to anyone
21 under the age of 18 and no certificate of completion shall be
22 issued to persons under 21 years of age.

23 (c) Instructors shall maintain all records of student
24 performance for not less than 5 years.

25 (d) The Department shall make materials for applicant

1 training available to qualified instructors online through the
2 Department's website or Internet.

3 (e) For purposes of this Section, successful completion of
4 qualified firearm instructors training under Section 75 shall
5 meet the training requirements of this Section.

6 (f) Applicants shall be trained and qualify on any firearm
7 they seek to carry concealed.

8 (g) The Department shall adopt rules to implement the
9 provisions of this Section.

10 Section 75. Firearm instructor training.

11 (a) The Department shall, by rule, approve or disapprove
12 qualified firearm instructors for the firearm training course.
13 Qualifications for qualified firearm instructors shall be set
14 by rule. The firearm training course shall be conducted by
15 entities, by a licensee, or by an agency licensed by this Act,
16 provided the course is approved by the Department.

17 (b) Persons who are not qualified firearm instructors shall
18 not teach applicant training courses.

19 (c) Persons who are not qualified firearm instructors shall
20 not advertise or otherwise represent courses they teach as
21 qualifying their students to meet the requirements to receive a
22 license under this Act.

23 (d) Persons who are not certified instructor trainers shall
24 not teach instructor qualification courses.

25 (e) Persons wishing to become qualified firearm

1 instructors shall:

- 2 (1) be at least 21 years of age;
- 3 (2) be a citizen of the United States; and
- 4 (3) be a resident of Illinois.

5 (f) Persons wishing to become instructor trainers, in
6 addition to the requirements of subsection (e) of this Section,
7 shall:

8 (1) possess a high school diploma or GED certificate;

9 and

10 (2) have at least one of the following valid firearm
11 instructor certifications:

12 (A) certification from a firearm instructor's
13 course offered by a State or federal governmental
14 agency; or

15 (B) a similar firearm instructor qualifying
16 course, approved by the Director or his or her
17 designee.

18 (g) An applicant:

19 (1) shall agree to background checks; and

20 (2) may be disqualified from taking firearm instructor
21 training, or have his or her instructor qualification
22 revoked, if the applicant:

23 (A) does not meet the requirements of this Act to
24 possess a license;

25 (B) provides false or misleading information on
26 the application; or

1 (C) has had a prior instructor qualification
2 revoked by the Department or other issuing body.

3 (h) The Department shall post on its website a list of all
4 qualified firearm instructors by county.

5 (i) The Department shall adopt rules to implement the
6 provisions of this Section.

7 Section 80. The Freedom of Information Act is amended by
8 changing Section 7.5 as follows:

9 (5 ILCS 140/7.5)

10 Sec. 7.5. Statutory Exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be exempt
12 from inspection and copying:

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

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

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

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

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

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

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

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

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

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

20 (j) Information and data concerning the distribution of
21 surcharge moneys collected and remitted by wireless carriers
22 under the Wireless Emergency Telephone Safety Act.

23 (k) Law enforcement officer identification information or
24 driver identification information compiled by a law
25 enforcement agency or the Department of Transportation under
26 Section 11-212 of the Illinois Vehicle Code.

1 (1) Records and information provided to a residential
2 health care facility resident sexual assault and death review
3 team or the Executive Council under the Abuse Prevention Review
4 Team Act.

5 (m) Information provided to the predatory lending database
6 created pursuant to Article 3 of the Residential Real Property
7 Disclosure Act, except to the extent authorized under that
8 Article.

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

16 (o) Information that is prohibited from being disclosed
17 under Section 4 of the Illinois Health and Hazardous Substances
18 Registry Act.

19 (p) Security portions of system safety program plans,
20 investigation reports, surveys, schedules, lists, data, or
21 information compiled, collected, or prepared by or for the
22 Regional Transportation Authority under Section 2.11 of the
23 Regional Transportation Authority Act or the St. Clair County
24 Transit District under the Bi-State Transit Safety Act.

25 (q) Information prohibited from being disclosed by the
26 Personnel Records Review Act.

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

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

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

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

20 (v) Names, affidavit, records, and information of people
21 who have:

22 (1) applied for or received Firearm Owner's
23 Identification Cards under the Firearm Owners
24 Identification Card Act;

25 (2) provided a registration affidavit to the
26 Department of State Police for a weapon, attachment, or

1 device under Section 24-1.9 of the Criminal Code of 2012;

2 or

3 (3) been issued a concealed carry license by the
4 Department of State Police under the Gun Safety and
5 Responsibility Act, unless otherwise authorized by that
6 Act.

7 (w) Personally identifiable information which is exempted
8 from disclosure under subsection (g) of Section 19.1 of the
9 Toll Highway Act.

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

13 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
14 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
15 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
16 eff. 1-1-13.)

17 Section 85. The Department of State Police Law of the Civil
18 Administrative Code of Illinois is amended by changing Section
19 2605-300 and by adding Section 2605-595 as follows:

20 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-300. Records; crime laboratories; personnel. To
22 do the following:

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

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

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

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

8 (5) Establish general and field crime laboratories.

9 (6) Register and file for record information that may
10 be required by law for the issuance of firearm owner's
11 identification cards under the Firearm Owners
12 Identification Card Act and concealed carry licenses under
13 the Gun Safety and Responsibility Act.

14 (7) Employ polygraph operators, laboratory
15 technicians, and other specially qualified persons to aid
16 in the identification of criminal activity.

17 (8) Undertake other identification, information,
18 laboratory, statistical, or registration activities that
19 may be required by law.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
22 eff. 8-14-98; 91-239, eff. 1-1-00.)

23 (20 ILCS 2605/2605-595 new)

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

25 (a) There is created in the State treasury a special fund

1 known as the State Police Firearm Services Fund. The Fund shall
2 receive revenue under Section 5 of the Firearm Owners
3 Identification Card Act, the Gun Safety and Responsibility Act
4 and Section 24-1.9 of the Criminal Code of 2012. The Fund may
5 also receive revenue from grants, pass-through grants,
6 donations, appropriations, and any other legal source.

7 (b) The Department of State Police may use moneys in the
8 Fund to finance any of its lawful purposes, mandates,
9 functions, and duties under the Firearm Owners Identification
10 Card Act, the Gun Safety and Responsibility Act, and Section
11 24-1.9 of the Criminal Code of 2012, including the cost of
12 sending notices of expiration of Firearm Owner's
13 Identification Cards, concealed carry licenses, the prompt and
14 efficient processing of applications under the Firearm Owners
15 Identification Card Act and the Gun Safety and Responsibility
16 Act, and support for investigations required under these Acts
17 and law.

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

21 (d) The State Police Firearm Services Fund shall not be
22 subject to administrative chargebacks.

23 Section 90. The State Police Act is amended by adding
24 Section 25 as follows:

1 (20 ILCS 2610/25 new)

2 Sec. 25. Emergency procurement authorized.

3 In order to comply with recent court rulings regarding
4 concealed carry in Illinois and the assault weapons ban and
5 consumer protection provisions of this amendatory Act of the
6 98th General Assembly, any procurements necessary for the
7 implementation of this amendatory Act of the 98th General
8 Assembly, shall be eligible for emergency procurement.

9 Section 95. The State Finance Act is amended by adding
10 Section 5.826 as follows:

11 (30 ILCS 105/5.826 new)

12 Sec. 5.826. The State Police Firearm Services Fund.

13 (30 ILCS 105/5.206 rep.)

14 Section 97. The State Finance Act is amended by repealing
15 Section 5.206.

16 Section 100. The Firearm Owners Identification Card Act is
17 amended by changing Sections 1.1, 2, 3, 5, 9, 12, and 13.2 and
18 by adding Section 5.1 as follows:

19 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

20 Sec. 1.1. For purposes of this Act:

21 "Has been adjudicated as a mental defective" means the

1 person is the subject of a determination by a court, board,
2 commission or other lawful authority that a person, as a result
3 of marked subnormal intelligence, or mental illness, mental
4 impairment, incompetency, condition, or disease:

5 (1) is a danger to himself, herself, or to others;

6 (2) lacks the mental capacity to manage his or her own
7 affairs;

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

10 (4) is incompetent to stand trial in a criminal case;

11 (5) is not guilty by reason of lack of mental
12 responsibility pursuant to Articles 50a and 72b of the
13 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

14 "Counterfeit" means to copy or imitate, without legal
15 authority, with intent to deceive.

16 "Federally licensed firearm dealer" means a person who is
17 licensed as a federal firearms dealer under Section 923 of the
18 federal Gun Control Act of 1968 (18 U.S.C. 923).

19 "Firearm" means any device, by whatever name known, which
20 is designed to expel a projectile or projectiles by the action
21 of an explosion, expansion of gas or escape of gas; excluding,
22 however:

23 (1) any pneumatic gun, spring gun, paint ball gun, or
24 B-B gun which expels a single globular projectile not
25 exceeding .18 inch in diameter or which has a maximum
26 muzzle velocity of less than 700 feet per second;

1 (1.1) any pneumatic gun, spring gun, paint ball gun, or
2 B-B gun which expels breakable paint balls containing
3 washable marking colors;

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

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

10 (4) an antique firearm (other than a machine-gun)
11 which, although designed as a weapon, the Department of
12 State Police finds by reason of the date of its
13 manufacture, value, design, and other characteristics is
14 primarily a collector's item and is not likely to be used
15 as a weapon.

16 "Firearm ammunition" means any self-contained cartridge or
17 shotgun shell, by whatever name known, which is designed to be
18 used or adaptable to use in a firearm; excluding, however:

19 (1) any ammunition exclusively designed for use with a
20 device used exclusively for signalling or safety and
21 required or recommended by the United States Coast Guard or
22 the Interstate Commerce Commission; and

23 (2) any ammunition designed exclusively for use with a
24 stud or rivet driver or other similar industrial
25 ammunition.

26 "Firearm ammunition feeding device" means a magazine,

1 clip, belt, drum, feed strip, or similar device, manufactured
2 with a capacity to accept firearm ammunition.

3 "Gun show" means an event or function:

4 (1) at which the sale and transfer of firearms is the
5 regular and normal course of business and where 50 or more
6 firearms are displayed, offered, or exhibited for sale,
7 transfer, or exchange; or

8 (2) at which not less than 10 gun show vendors display,
9 offer, or exhibit for sale, sell, transfer, or exchange
10 firearms.

11 "Gun show" includes the entire premises provided for an
12 event or function, including parking areas for the event or
13 function, that is sponsored to facilitate the purchase, sale,
14 transfer, or exchange of firearms as described in this Section.

15 "Gun show" does not include training or safety classes,
16 competitive shooting events, such as rifle, shotgun, or handgun
17 matches, trap, skeet, or sporting clays shoots, dinners,
18 banquets, raffles, or any other event where the sale or
19 transfer of firearms is not the primary course of business.

20 "Gun show promoter" means a person who organizes or
21 operates a gun show.

22 "Gun show vendor" means a person who exhibits, sells,
23 offers for sale, transfers, or exchanges any firearms at a gun
24 show, regardless of whether the person arranges with a gun show
25 promoter for a fixed location from which to exhibit, sell,
26 offer for sale, transfer, or exchange any firearm.

1 "Sanctioned competitive shooting event" means a shooting
2 contest officially recognized by a national or state shooting
3 sport association, and includes any sight-in or practice
4 conducted in conjunction with the event.

5 "Stun gun or taser" has the meaning ascribed to it in
6 Section 24-1 of the Criminal Code of 2012.

7 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

8 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

9 Sec. 2. Firearm Owner's Identification Card required;
10 exceptions.

11 (a) (1) No person may acquire or possess any firearm, stun
12 gun, or taser within this State without having in his or
13 her possession a valid Firearm Owner's Identification Card
14 previously issued in his or her name by the Department of
15 State Police under the provisions of this Act.

16 (2) No person may acquire or possess firearm ammunition
17 or a firearm ammunition feeding device within this State
18 without having in his or her possession a valid Firearm
19 Owner's Identification Card previously issued in his or her
20 name by the Department of State Police under the provisions
21 of this Act.

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

25 (1) United States Marshals, while engaged in the

1 operation of their official duties;

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

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

7 (4) Members of bona fide veterans organizations which
8 receive firearms directly from the armed forces of the
9 United States, while using the firearms for ceremonial
10 purposes with blank ammunition;

11 (5) Nonresident hunters during hunting season, with
12 valid nonresident hunting licenses and while in an area
13 where hunting is permitted; however, at all other times and
14 in all other places these persons must have their firearms
15 unloaded and enclosed in a case;

16 (6) Those hunters exempt from obtaining a hunting
17 license who are required to submit their Firearm Owner's
18 Identification Card when hunting on Department of Natural
19 Resources owned or managed sites;

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

24 (8) Nonresidents while at a firearm showing or display
25 recognized by the Department of State Police; however, at
26 all other times and in all other places these persons must

1 have their firearms unloaded and enclosed in a case;

2 (9) Nonresidents whose firearms are unloaded and
3 enclosed in a case;

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

6 (11) Unemancipated minors while in the custody and
7 immediate control of their parent or legal guardian or
8 other person in loco parentis to the minor if the parent or
9 legal guardian or other person in loco parentis to the
10 minor has a currently valid Firearm Owner's Identification
11 Card;

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

15 (13) Nonresident hunters whose state of residence does
16 not require them to be licensed or registered to possess a
17 firearm and only during hunting season, with valid hunting
18 licenses, while accompanied by, and using a firearm owned
19 by, a person who possesses a valid Firearm Owner's
20 Identification Card and while in an area within a
21 commercial club licensed under the Wildlife Code where
22 hunting is permitted and controlled, but in no instance
23 upon sites owned or managed by the Department of Natural
24 Resources;

25 (14) Resident hunters who are properly authorized to
26 hunt and, while accompanied by a person who possesses a

1 valid Firearm Owner's Identification Card, hunt in an area
2 within a commercial club licensed under the Wildlife Code
3 where hunting is permitted and controlled;

4 (15) A person who is otherwise eligible to obtain a
5 Firearm Owner's Identification Card under this Act and is
6 under the direct supervision of a holder of a Firearm
7 Owner's Identification Card who is 21 years of age or older
8 while the person is on a firing or shooting range or is a
9 participant in a firearms safety and training course
10 recognized by a law enforcement agency or a national,
11 statewide shooting sports organization; and

12 (16) Competitive shooting athletes whose competition
13 firearms are sanctioned by the International Olympic
14 Committee, the International Paralympic Committee, the
15 International Shooting Sport Federation, or USA Shooting
16 in connection with such athletes' training for and
17 participation in shooting competitions at the 2016 Olympic
18 and Paralympic Games and sanctioned test events leading up
19 to the 2016 Olympic and Paralympic Games.

20 (c) The provisions of this Section regarding the
21 acquisition and possession of firearms, firearm ammunition,
22 stun guns, and tasers do not apply to law enforcement officials
23 of this or any other jurisdiction, while engaged in the
24 operation of their official duties.

25 (d) Any person who becomes a resident of this State, who is
26 not otherwise prohibited from obtaining, possessing, or using a

1 firearm or firearm ammunition, shall not be required to have a
2 Firearm Owner's Identification Card to possess firearms or
3 firearms ammunition until 60 calendar days after he or she
4 obtains an Illinois driver's license or Illinois
5 Identification Card.

6 (Source: P.A. 96-7, eff. 4-3-09; 97-1131, eff. 1-1-13.)

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays a
12 currently valid Firearm Owner's Identification Card which has
13 previously been issued in his name by the Department of State
14 Police under the provisions of this Act. In addition, all
15 firearm, stun gun, and taser transfers by federally licensed
16 firearm dealers are subject to Section 3.1.

17 (a-5) Any person who is not a federally licensed firearm
18 dealer and who desires to transfer or sell a firearm while that
19 person is on the grounds of a gun show must, before selling or
20 transferring the firearm, request the Department of State
21 Police to conduct a background check on the prospective
22 recipient of the firearm in accordance with Section 3.1.

23 (a-10) Any person who is not a federally licensed importer,
24 manufacturer, or dealer and who desires to sell or transfer a
25 firearm to another person, who is not a federally licensed

1 importer, manufacturer, or dealer, shall do so only at the
2 place of business of a federally licensed firearm dealer. The
3 federally licensed firearm dealer shall conduct a background
4 check on the prospective recipient of the firearm in accordance
5 with Section 3.1 of this Act and follow all other applicable
6 federal, State, and local laws as if he or she were the seller
7 of the firearm. The purchaser or transferee may be required by
8 the federally licensed firearm dealer to pay a fee not to
9 exceed \$10 per firearm, which the dealer may retain as
10 compensation for performing the functions required under this
11 subsection, plus the applicable fees authorized by Section 3.1.

12 The provisions of this subsection (a-10) do not apply to:

13 (1) transfers to the transferor's husband, wife, son,
14 daughter, stepson, stepdaughter, father, mother,
15 stepfather, stepmother, brother, sister, nephew, niece,
16 uncle, aunt, grandfather, grandmother, grandson,
17 granddaughter, father-in-law, mother-in-law, son-in-law,
18 or daughter-in-law;

19 (2) transfers by persons acting pursuant to operation
20 of law or a court order; or

21 (3) transfers on the grounds of a gun show.

22 (b) Any person within this State who transfers or causes to
23 be transferred any firearm, stun gun, or taser shall keep a
24 record of such transfer for a period of 10 years from the date
25 of transfer. Such record shall contain the date of the
26 transfer; the description, serial number or other information

1 identifying the firearm, stun gun, or taser if no serial number
2 is available; and, if the transfer was completed within this
3 State, the transferee's Firearm Owner's Identification Card
4 number. On or after January 1, 2006, the record shall contain
5 the date of application for transfer of the firearm. On demand
6 of a peace officer such transferor shall produce for inspection
7 such record of transfer. If the transfer or sale took place at
8 a gun show, the record shall include the unique identification
9 number. Failure to record the unique identification number is a
10 petty offense.

11 (b-5) Any resident may purchase ammunition from a person
12 within or outside of Illinois if shipment is by United States
13 mail or by a private express carrier authorized by federal law
14 to ship ammunition. Any resident purchasing ammunition within
15 or outside the State of Illinois must provide the seller with a
16 copy of his or her valid Firearm Owner's Identification Card
17 and either his or her Illinois driver's license or Illinois
18 State Identification Card prior to the shipment of the
19 ammunition. The ammunition may be shipped only to an address on
20 either of those 2 documents.

21 (c) The provisions of this Section regarding the transfer
22 of firearm ammunition shall not apply to those persons
23 specified in paragraph (b) of Section 2 of this Act.

24 (Source: P.A. 97-1135, eff. 12-4-12.)

25 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

1 Sec. 5. The Department of State Police shall either approve
2 or deny all applications within 30 days from the date they are
3 received, and every applicant found qualified under ~~pursuant to~~
4 Section 8 of this Act by the Department shall be entitled to a
5 Firearm Owner's Identification Card upon the payment of a \$18
6 ~~\$10~~ fee. Any applicant who is an active duty member of the
7 Armed Forces of the United States, a member of the Illinois
8 National Guard, or a member of the Reserve Forces of the United
9 States is exempt from the application fee. \$6 of each fee
10 derived from the issuance of Firearm Owner's Identification
11 Cards, or renewals thereof, shall be deposited in the Wildlife
12 and Fish Fund in the State Treasury; \$1 of the ~~such~~ fee shall
13 be deposited in the State Police Services Fund and \$11 ~~\$3~~ of
14 the ~~such~~ fee shall be deposited in the State Police Firearm
15 Services Fund. ~~Firearm Owner's Notification Fund. Monies in the~~
16 ~~Firearm Owner's Notification Fund shall be used exclusively to~~
17 ~~pay for the cost of sending notices of expiration of Firearm~~
18 ~~Owner's Identification Cards under Section 13.2 of this Act.~~
19 ~~Excess monies in the Firearm Owner's Notification Fund shall be~~
20 ~~used to ensure the prompt and efficient processing of~~
21 ~~applications received under Section 4 of this Act.~~

22 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

23 (430 ILCS 65/5.1 new)

24 Sec. 5.1. State Police Firearm Services Fund. All moneys
25 remaining in the Firearm Owner's Notification Fund on the

1 effective date of this amendatory Act of the 98th General
2 Assembly shall be transferred into the State Police Firearm
3 Services Fund, a special fund created in the State treasury, to
4 be expended by the Department of State Police, for the purposes
5 specified in this Act and Section 2605-595 of the Department of
6 State Police Law of the Civil Administrative Code of Illinois.

7 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

8 Sec. 9.

9 (a) Every person whose application for a Firearm Owner's
10 Identification Card is denied, and every holder of such a Card
11 whose Card is revoked or seized, shall receive a written notice
12 from the Department of State Police stating specifically the
13 grounds upon which his application has been denied or upon
14 which his Identification Card has been revoked.

15 (b) Any person who has received notice from the Department
16 of State Police stating his or her card is revoked shall
17 immediately return the card to the Department of State Police.
18 Failure to return his or her card shall be a business offense
19 with a minimum fine of \$100. After being served notice, persons
20 who use their revoked card to purchase any firearm, firearm
21 ammunition, or firearm ammunition feeding device shall be
22 guilty of a Class 4 felony.

23 (Source: P.A. 97-1131, eff. 1-1-13.)

24 (430 ILCS 65/12) (from Ch. 38, par. 83-12)

1 Sec. 12. The provisions of this Act shall not apply to the
2 passing or transfer of any firearm or firearm ammunition upon
3 the death of the owner thereof to his or her heir or legatee or
4 to the passing or transfer of any firearm or firearm ammunition
5 to a person incident to any legal proceeding or action until 60
6 days after the ~~such~~ passing or transfer, if the heir, legatee,
7 or person is eligible for a Firearm Owner's Identification Card
8 or not otherwise prohibited from the possession of firearms or
9 firearm ammunition. If the heir, legatee, or person is
10 ineligible or prohibited from the possession of firearms or
11 firearm ammunition, he or she must immediately transfer the
12 firearm or firearm ammunition to a person with a valid Firearm
13 Owner's Identification Card.

14 (Source: Laws 1967, p. 2600.)

15 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

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

1 within 21 calendar days thereafter notify in a form and manner
2 prescribed by the Department of his or her old and new
3 residence addresses and the card number held by him or her. Any
4 person whose legal name has changed from the name on the card
5 that he or she has been previously issued must apply for a
6 corrected card within 30 calendar days after the change. The
7 cost for a corrected card shall be \$5 which shall be deposited
8 into the State Police Firearm Services Fund ~~Firearm Owner's~~
9 ~~Notification Fund~~.

10 (Source: P.A. 97-1131, eff. 1-1-13.)

11 Section 105. The Criminal Code of 2012 is amended by
12 changing Sections 21-6, 24-1, 24-1.6, 24-2, 24-3, 24-3.1,
13 24-3A, and 24-9 and by adding Sections 24-1.9, 24-1.10, and
14 24-4.1 as follows:

15 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

16 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

17 (a) Whoever possesses or stores any weapon enumerated in
18 Section 33A-1 in any building or on land supported in whole or
19 in part with public funds or in any building on such land
20 without prior written permission from the chief security
21 officer for such land or building commits a Class A
22 misdemeanor.

23 (b) The chief security officer must grant any reasonable
24 request for permission under paragraph (a).

1 (c) This Section shall not apply to a person who has been
2 issued a concealed carry license and is acting lawfully under
3 the Gun Safety and Responsibility Act.

4 (Source: P.A. 89-685, eff. 6-1-97.)

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

6 Sec. 24-1. Unlawful Use of Weapons.

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

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

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

24 (3) Carries on or about his person or in any vehicle, a
25 tear gas gun projector or bomb or any object containing

1 noxious liquid gas or substance, other than an object
2 containing a non-lethal noxious liquid gas or substance
3 designed solely for personal defense carried by a person 18
4 years of age or older; or

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

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

15 (ii) are not immediately accessible; or

16 (iii) are unloaded and enclosed in a firearm case,
17 ~~firearm~~ carrying box, shipping box, or other similar
18 portable container designed for the safe
19 transportation of firearms by a person who has been
20 issued a currently valid Firearm Owner's
21 Identification Card; or

22 (5) Sets a spring gun; or

23 (6) Possesses any device or attachment of any kind
24 designed, used or intended for use in silencing the report
25 of any firearm; or

26 (7) Sells, manufactures, purchases, possesses or

1 carries:

2 (i) a machine gun, which shall be defined for the
3 purposes of this subsection as any weapon, which
4 shoots, is designed to shoot, or can be readily
5 restored to shoot, automatically more than one shot
6 without manually reloading by a single function of the
7 trigger, including the frame or receiver of any such
8 weapon, or sells, manufactures, purchases, possesses,
9 or carries any combination of parts designed or
10 intended for use in converting any weapon into a
11 machine gun, or any combination or parts from which a
12 machine gun can be assembled if such parts are in the
13 possession or under the control of a person;

14 (ii) any rifle having one or more barrels less than
15 16 inches in length or a shotgun having one or more
16 barrels less than 18 inches in length or any weapon
17 made from a rifle or shotgun, whether by alteration,
18 modification, or otherwise, if such a weapon as
19 modified has an overall length of less than 26 inches;
20 or

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

26 (8) Carries or possesses any firearm, stun gun or taser

1 or other deadly weapon in any place which is licensed to
2 sell intoxicating beverages, or at any public gathering
3 held pursuant to a license issued by any governmental body
4 or any public gathering at which an admission is charged,
5 excluding a place where a showing, demonstration or lecture
6 involving the exhibition of unloaded firearms is
7 conducted.

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

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

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

1 weapons that meet one of the following conditions:

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

3 (ii) are not immediately accessible; or

4 (iii) are unloaded and enclosed in a firearm case,
5 ~~firearm~~ carrying box, shipping box, or other similar
6 portable container designed for the safe
7 transportation of firearms by a person who has been
8 issued a currently valid Firearm Owner's
9 Identification Card.

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

22 (11) Sells, manufactures or purchases any explosive
23 bullet. For purposes of this paragraph (a) "explosive
24 bullet" means the projectile portion of an ammunition
25 cartridge which contains or carries an explosive charge
26 which will explode upon contact with the flesh of a human

1 or an animal. "Cartridge" means a tubular metal case having
2 a projectile affixed at the front thereof and a cap or
3 primer at the rear end thereof, with the propellant
4 contained in such tube between the projectile and the cap;
5 or

6 (12) (Blank); or

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

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

1 Code, or on the person, while the weapon is loaded, in which
2 case it shall be a Class X felony. A person convicted of a
3 second or subsequent violation of subsection 24-1(a)(4),
4 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
5 felony. The possession of each weapon in violation of this
6 Section constitutes a single and separate violation.

7 (c) Violations in specific places.

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

1 operated, or managed by a public housing agency or leased
2 by a public housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony and shall
4 be sentenced to a term of imprisonment of not less than 3
5 years and not more than 7 years.

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

1 as part of a scattered site or mixed-income development
2 commits a Class 3 felony.

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

1 this State for the conduct of official business.

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

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

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

22 (d) The presence in an automobile other than a public
23 omnibus of any weapon, instrument or substance referred to in
24 subsection (a)(7) is prima facie evidence that it is in the
25 possession of, and is being carried by, all persons occupying
26 such automobile at the time such weapon, instrument or

1 substance is found, except under the following circumstances:
2 (i) if such weapon, instrument or instrumentality is found upon
3 the person of one of the occupants therein; or (ii) if such
4 weapon, instrument or substance is found in an automobile
5 operated for hire by a duly licensed driver in the due, lawful
6 and proper pursuit of his trade, then such presumption shall
7 not apply to the driver.

8 (e) Exemptions. Crossbows, Common or Compound bows and
9 Underwater Spearguns are exempted from the definition of
10 ballistic knife as defined in paragraph (1) of subsection (a)
11 of this Section.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
13 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
14 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

15 (720 ILCS 5/24-1.6)

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

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

19 (1) Carries on or about his or her person or in any
20 vehicle or concealed on or about his or her person except
21 when on his or her land or in his or her abode, legal
22 dwelling, or fixed place of business, or on the land or in
23 the legal dwelling of another person as an invitee with
24 that person's permission, any pistol, revolver, stun gun or
25 taser or other firearm; or

1 (2) Carries or possesses on or about his or her person,
2 upon any public street, alley, or other public lands within
3 the corporate limits of a city, village or incorporated
4 town, except when an invitee thereon or therein, for the
5 purpose of the display of such weapon or the lawful
6 commerce in weapons, or except when on his or her own land
7 or in his or her own abode, legal dwelling, or fixed place
8 of business, or on the land or in the legal dwelling of
9 another person as an invitee with that person's permission,
10 any pistol, revolver, stun gun or taser or other firearm;
11 and

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

13 (A) the firearm possessed was uncased, loaded and
14 immediately accessible at the time of the offense; or

15 (B) the firearm possessed was uncased, unloaded
16 and the ammunition for the weapon was immediately
17 accessible at the time of the offense; or

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

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

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

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

5 (F) (blank); or

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

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

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun as defined
15 in Section 24-3, unless the person under 21 is engaged
16 in lawful activities under the Wildlife Code or
17 described in subsection 24-2(b)(1), (b)(3), or
18 24-2(f).

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

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

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a firearm case,
26 ~~firearm~~ carrying box, shipping box, or other similar

1 portable container designed for the safe
2 transportation of firearms by a person who has been
3 issued a currently valid Firearm Owner's
4 Identification Card.

5 (d) Sentence.

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

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

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

24 (4) Aggravated unlawful use of a weapon while wearing
25 or in possession of body armor as defined in Section 33F-1
26 by a person who has not been issued a valid Firearms

1 Owner's Identification Card in accordance with Section 5 of
2 the Firearm Owners Identification Card Act is a Class X
3 felony.

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

6 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
7 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

8 (720 ILCS 5/24-1.9 new)

9 Sec. 24-1.9. Possession, delivery, sale, and purchase of
10 assault weapons, .50 caliber rifles, and .50 caliber
11 cartridges.

12 (a) Definitions. As used in this Section:

13 (1) "Assault weapon" means:

14 (A) any rifle which has a belt fed ammunition
15 system or which has a detachable magazine capable of
16 holding more than 10 rounds of ammunition;

17 (B) a semi-automatic rifle that has the ability to
18 accept a detachable magazine and has any of the
19 following:

20 (i) a folding or telescoping stock; or

21 (ii) a shroud that is attached to, or partially
22 or completely encircles the barrel, and that
23 permits the shooter to hold the firearm with the
24 non-trigger hand without being burned;

25 (C) a semi-automatic pistol that has the ability to

1 accept a detachable magazine and has any of the
2 following:

3 (i) a folding or telescoping stock;

4 (ii) a shroud that is attached to, or partially
5 or completely encircles the barrel, and that
6 permits the shooter to hold the firearm with the
7 non-trigger hand without being burned; or

8 (iii) a manufactured weight of 50 ounces or
9 more when the pistol is unloaded.

10 (D) a semi-automatic rifle or pistol with a fixed
11 magazine that has the capacity to accept more than 10
12 rounds of ammunition;

13 (E) a semi-automatic shotgun that has:

14 (i) a folding or telescoping stock; and

15 (ii) contains its ammunition in a revolving
16 cylinder; or

17 (iii) a fixed magazine capacity in excess of 5
18 rounds of ammunition, except as may be authorized
19 under the Wildlife Code and excluding magazine
20 extensions during the snow geese conservation
21 order season; or

22 (iv) an ability to accept a detachable
23 magazine of more than 5 rounds of ammunition.

24 "Assault weapon" does not include:

25 (A) any firearm that:

26 (i) is manually operated by bolt, pump, lever,

1 or slide action;
2 (ii) is an unserviceable firearm or has been
3 made permanently inoperable;
4 (iii) is an antique firearm;
5 (iv) uses rimfire ammunition or cartridges; or
6 (iv) has been excluded as an assault weapon in
7 a Department of Natural Resources rule. The
8 Department of Natural Resources shall have the
9 authority to adopt rules to further define
10 exclusions of assault weapon types under this
11 Section, provided the make, model, and caliber of
12 the firearm excluded has a viable application to
13 hunting game and conforms to accepted hunting
14 principles of fair chase.

15 (B) any air rifle as defined in Section 24.8-0.1 of
16 this Code.

17 For the purposes of this Section, a firearm is considered
18 to have the ability to accept a detachable magazine unless the
19 magazine or ammunition feeding device can only be removed
20 through disassembly of the firearm action.

21 (2) "Assault weapon attachment" means any device
22 capable of being attached to a firearm that is specifically
23 designed for making or converting a firearm into any of the
24 firearms listed in paragraph (1) of this subsection (a).

25 (3) "Antique firearm" has the meaning ascribed to it in
26 18 U.S.C. 921 (a) (16).

1 (4) ".50 caliber rifle" means a centerfire rifle
2 capable of firing a .50 caliber cartridge. The term does
3 not include any antique firearm, any shotgun including a
4 shotgun that has a rifle barrel, or any muzzle-loader which
5 uses black powder for hunting or historical re-enactments.

6 (5) ".50 caliber cartridge" means a cartridge in .50
7 BMG caliber, either by designation or actual measurement,
8 that is capable of being fired from a centerfire rifle. The
9 term ".50 caliber cartridge" does not include any
10 memorabilia or display item that is filled with a permanent
11 inert substance or that is otherwise permanently altered in
12 a manner that prevents ready modification for use as live
13 ammunition or shotgun ammunition with a caliber
14 measurement that is equal to or greater than .50 caliber.

15 (6) "Locking mechanism" means secured by a device or
16 mechanism, other than the firearm safety, designed to
17 render a firearm temporarily inoperable; or a box or
18 container capable of containing the firearm and that can be
19 securely locked.

20 (b) The Department of State Police shall take all steps
21 necessary to carry out the requirements of this Section within
22 180 days after the effective date of this amendatory Act of the
23 98th General Assembly.

24 (c) Except as provided in subsections (d), (e), (f), and
25 (h) of this Section, on or after the effective date of this
26 amendatory Act of the 98th General Assembly, it is unlawful for

1 any person within this State to knowingly deliver, sell, or
2 purchase or cause to be delivered, sold, or purchased or cause
3 to be possessed by another, an assault weapon, assault weapon
4 attachment, .50 caliber rifle, or .50 caliber cartridge.

5 (d) Except as otherwise provided in subsections (e), (f),
6 and (h) of this Section, 300 days after the effective date of
7 this amendatory Act of the 98th General Assembly, it is
8 unlawful for any person within this State to knowingly possess
9 an assault weapon, .50 caliber rifle, or .50 caliber cartridge.

10 (e) This Section does not apply to a person who possessed
11 an assault weapon or .50 caliber rifle prohibited by subsection
12 (d) of this Section before the effective date of this
13 amendatory Act of the 98th General Assembly, provided the
14 person has provided in a registration affidavit, under oath or
15 affirmation and in the form and manner prescribed by the
16 Department of State Police on or after 180 days after the
17 effective date of this amendatory Act of the 98th General
18 Assembly but within 300 days after the effective date of this
19 amendatory Act of the 98th General Assembly:

20 (1) his or her name;

21 (2) date of birth;

22 (3) Firearm Owner's Identification Card number;

23 (4) the make, model, caliber, and serial number of the
24 weapon; and

25 (5) proof of a locking mechanism that properly fits the
26 weapon. The affidavit shall include a statement that the

1 weapon is owned by the person submitting the affidavit and
2 that he or she owns a locking mechanism for the weapon.

3 The affidavit form shall include the following statement
4 printed in bold type: "Warning: Entering false information on
5 this form is punishable as perjury under Section 32-2 of the
6 Criminal Code of 2012."

7 Beginning 300 days after the effective date of this
8 amendatory Act of the 98th General Assembly, the person may
9 transfer the assault weapon or .50 caliber rifle only to an
10 heir, an individual residing in another state maintaining it in
11 another state, or a dealer licensed as a federal firearms
12 dealer under Section 923 of the federal Gun Control Act of
13 1968. Within 10 days after transfer of the weapon except to an
14 heir, the person shall notify the Department of State Police of
15 the name and address of the transferee and comply with the
16 requirements of subsection (b) of Section 3 of the Firearm
17 Owners Identification Card Act. The person to whom the weapon
18 is transferred shall, within 60 days of the transfer, complete
19 an affidavit and pay the required registration fee under this
20 Section. A person to whom the weapon is transferred may
21 transfer it only as provided in this subsection.

22 (f) This Section does not apply to a peace officer who has
23 retired in good standing from a law enforcement agency of this
24 State and who possesses an assault weapon or .50 caliber rifle
25 prohibited by subsection (d) of this Section, if the weapon was
26 lawfully possessed and acquired by the peace officer prior to

1 retirement and the retired peace officer within 30 days of
2 retirement registers the weapon with the Department of State
3 Police and pays the required registration fee under this
4 Section. The retired peace officer shall comply with the
5 transfer and notification requirements in subsection (e) of
6 this Section.

7 (g) For the purpose of registration required under
8 subsections (e) and (f) of this Section, the Department of
9 State Police shall assess a registration fee of \$25 per person
10 to the owner of an assault weapon and \$25 per person to the
11 owner of a .50 caliber rifle. The fees shall be deposited into
12 the State Police Firearm Services Fund.

13 (h) This Section does not apply to or affect any of the
14 following:

15 (1) Peace officers as defined in Section 2-13 of this
16 Code.

17 (2) Acquisition and possession by a local law
18 enforcement agency for the purpose of equipping the
19 agency's peace officers as defined in paragraph (1) of this
20 subsection.

21 (3) Wardens, superintendents, and keepers of prisons,
22 penitentiaries, jails, and other institutions for the
23 detention of persons accused or convicted of an offense.

24 (4) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard, while in
26 the performance of their official duties or while traveling

1 to or from their place of duty.

2 (5) Any company that employs armed security officers in
3 this State at a nuclear energy, storage, weapons, or
4 development site or facility regulated by the federal
5 Nuclear Regulatory Commission and persons employed as an
6 armed security force member at a nuclear energy, storage,
7 weapons, or development site or facility regulated by the
8 federal Nuclear Regulatory Commission who have completed
9 the background screening and training mandated by the rules
10 and regulations of the federal Nuclear Regulatory
11 Commission and while in the performance of their official
12 duties.

13 (6) Manufacture, transportation, or sale of weapons,
14 attachments, or ammunition to persons authorized under
15 subdivisions (1) through (5) of this subsection (h) to
16 possess those items.

17 (7) Manufacture, transportation, or sale of weapons,
18 attachments, or ammunition for sale or transfer in another
19 state.

20 (8) Possession of any firearm if that firearm is
21 sanctioned by the International Olympic Committee and by
22 USA Shooting, the national governing body for
23 international shooting competition in the United States,
24 but only when the firearm is in the actual possession of an
25 Olympic target shooting competitor or target shooting
26 coach for the purpose of storage, transporting to and from

1 Olympic target shooting practice or events if the firearm
2 is broken down in a non-functioning state, is not
3 immediately accessible, or is unloaded and enclosed in a
4 firearm case, carrying box, shipping box, or other similar
5 portable container designed for the safe transportation of
6 firearms, and when the Olympic target shooting competitor
7 or target shooting coach is engaging in those practices or
8 events. For the purposes of this paragraph (8), "firearm"
9 is as defined in Section 1.1 of the Firearm Owners
10 Identification Card Act.

11 (9) Any non-resident who transports, within 24 hours, a
12 weapon for any lawful purpose from any place where he or
13 she may lawfully possess and carry that weapon to any other
14 place where he or she may lawfully possess and carry that
15 weapon if, during the transportation the weapon is
16 unloaded, and neither the weapon nor any ammunition being
17 transported is readily accessible or is directly
18 accessible from the passenger compartment of the
19 transporting vehicle. Provided that, in the case of a
20 vehicle without a compartment separate from the driver's
21 compartment the weapon or ammunition shall be contained in
22 a locked container other than the glove compartment or
23 console.

24 (10) Possession of a weapon at events taking place at
25 the World Shooting and Recreational Complex at Sparta, only
26 while engaged in the legal use of this weapon, or while

1 traveling to or from this location if the weapon is broken
2 down in a non-functioning state, or is not immediately
3 accessible, or is unloaded and enclosed in a firearm case,
4 carrying box, shipping box, or other similar portable
5 container designed for the safe transportation of
6 firearms.

7 (11) Possession of a weapon only for hunting use
8 expressly permitted under the Wildlife Code, or while
9 traveling to or from a location authorized for this hunting
10 use under the Wildlife Code if the weapon is broken down in
11 a non-functioning state, or is not immediately accessible,
12 or is unloaded and enclosed in a firearm case, carrying
13 box, shipping box, or other similar portable container
14 designed for the safe transportation of firearms.

15 (12) The manufacture, transportation, possession,
16 sale, or rental of blank-firing assault weapons and .50
17 caliber rifles, or the weapon's respective attachments, to
18 persons authorized or permitted, or both authorized and
19 permitted to acquire and possess these weapons or
20 attachments for the purpose of rental for use solely as
21 props for a motion picture, television, or video production
22 or entertainment event.

23 (i) Sentence.

24 (1) A person who knowingly delivers, sells, purchases,
25 or possesses or causes to be delivered, sold, purchased, or
26 possessed an assault weapon in violation of this Section

1 commits a Class 3 felony for a first violation and a Class
2 2 felony for a second or subsequent violation or for the
3 possession or delivery of 2 or more of these weapons at the
4 same time.

5 (2) A person who knowingly delivers, sells, purchases,
6 or possesses or causes to be delivered, sold, purchased, or
7 possessed in violation of this Section an assault weapon
8 attachment commits a Class 4 felony for a first violation
9 and a Class 3 felony for a second or subsequent violation.

10 (3) A person who knowingly delivers, sells, purchases,
11 or possesses or causes to be delivered, sold, purchased, or
12 possessed in violation of this Section a .50 caliber rifle
13 commits a Class 3 felony for a first violation and a Class
14 2 felony for a second or subsequent violation or for the
15 possession or delivery of 2 or more of these weapons at the
16 same time.

17 (4) A person who knowingly delivers, sells, purchases,
18 or possesses or causes to be delivered, sold, purchased, or
19 possessed in violation of this Section a .50 caliber
20 cartridge commits a Class A misdemeanor.

21 (5) Any other violation of this Section is a Class A
22 misdemeanor.

23 (720 ILCS 5/24-1.10 new)

24 Sec. 24-1.10. Delivery or sale of large capacity ammunition
25 feeding devices.

1 (a) As used in this Section:

2 "Large capacity ammunition feeding device" means:

3 (1) a magazine, belt, drum, feed strip, or similar
4 device that has a capacity of, or that can be readily
5 restored or converted to accept, more than 10 rounds of
6 ammunition; or

7 (2) any combination of parts from which a device
8 described in paragraph (1) can be assembled.

9 "Large capacity ammunition feeding device" does not
10 include an attached tubular device designed to accept, and
11 capable of operating only with, .22 caliber rimfire ammunition.

12 "Large capacity ammunition feeding device" does not include a
13 tubular magazine that is contained in a lever-action firearm or
14 any device that has been made permanently inoperable.

15 (b) Except as provided in subsection (c), it is unlawful
16 for any person within this State to knowingly deliver, sell,
17 purchase, or possess or cause to be delivered, sold, or
18 purchased a large capacity ammunition feeding device.

19 (c) This Section does not apply to or affect any of the
20 following:

21 (1) Peace officers as defined in Section 2-13 of this
22 Code.

23 (2) A local law enforcement agency for the purpose of
24 equipping the agency's peace officers as defined in
25 paragraph (1) of this subsection.

26 (3) Wardens, superintendents, and keepers of prisons,

1 penitentiaries, jails, and other institutions for the
2 detention of persons accused or convicted of an offense.

3 (4) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard, for the
5 performance of their official duties.

6 (5) Any company that employs armed security officers in
7 this State at a nuclear energy, storage, weapons, or
8 development site or facility regulated by the federal
9 Nuclear Regulatory Commission and persons employed as an
10 armed security force member at a nuclear energy, storage,
11 weapons, or development site or facility regulated by the
12 federal Nuclear Regulatory Commission who have completed
13 the background screening and training mandated by the rules
14 and regulations of the federal Nuclear Regulatory
15 Commission for the performance of their official duties.

16 (6) Sale of large capacity ammunition feeding devices
17 to persons authorized under subdivisions (1) through (5) of
18 this subsection (c) to possess those devices.

19 (7) Sale of large capacity ammunition feeding devices
20 for sale or transfer in another state.

21 (8) Sale or rental of large capacity ammunition feeding
22 devices for blank-firing assault weapons and .50 caliber
23 rifles, to persons authorized or permitted, or both
24 authorized and permitted to acquire these devices for the
25 purpose of rental for use solely as props for a motion
26 picture, television, or video production or entertainment

1 event.

2 (d) Sentence. A person who knowingly delivers, sells,
3 purchases, or causes to be delivered, sold, or purchased in
4 violation of this Section a large capacity ammunition feeding
5 device capable of holding more than 15 rounds of ammunition
6 commits a Class 3 felony for a first violation and a Class 2
7 felony for a second or subsequent violation or for delivery or
8 possession of 2 or more of these devices at the same time. Any
9 other violation of this Section is a Class A misdemeanor.

10 (720 ILCS 5/24-2)

11 Sec. 24-2. Exemptions.

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

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

18 (2) Wardens, superintendents and keepers of prisons,
19 penitentiaries, jails and other institutions for the
20 detention of persons accused or convicted of an offense,
21 while in the performance of their official duty, or while
22 commuting between their homes and places of employment.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard or the
25 Reserve Officers Training Corps, while in the performance

1 of their official duty.

2 (4) Special agents employed by a railroad or a public
3 utility to perform police functions, and guards of armored
4 car companies, while actually engaged in the performance of
5 the duties of their employment or commuting between their
6 homes and places of employment; and watchmen while actually
7 engaged in the performance of the duties of their
8 employment.

9 (5) Persons licensed as private security contractors,
10 private detectives, or private alarm contractors, or
11 employed by an agency certified by the Department of
12 Financial and Professional Regulation, if their duties
13 include the carrying of a weapon under the provisions of
14 the Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004, while
16 actually engaged in the performance of the duties of their
17 employment or commuting between their homes and places of
18 employment, provided that such commuting is accomplished
19 within one hour from departure from home or place of
20 employment, as the case may be. A person shall be
21 considered eligible for this exemption if he or she has
22 completed the required 20 hours of training for a private
23 security contractor, private detective, or private alarm
24 contractor, or employee of a licensed agency and 20 hours
25 of required firearm training, and has been issued a firearm
26 control card by the Department of Financial and

1 Professional Regulation. Conditions for the renewal of
2 firearm control cards issued under the provisions of this
3 Section shall be the same as for those cards issued under
4 the provisions of the Private Detective, Private Alarm,
5 Private Security, Fingerprint Vendor, and Locksmith Act of
6 2004. The firearm control card shall be carried by the
7 private security contractor, private detective, or private
8 alarm contractor, or employee of the licensed agency at all
9 times when he or she is in possession of a concealable
10 weapon.

11 (6) Any person regularly employed in a commercial or
12 industrial operation as a security guard for the protection
13 of persons employed and private property related to such
14 commercial or industrial operation, while actually engaged
15 in the performance of his or her duty or traveling between
16 sites or properties belonging to the employer, and who, as
17 a security guard, is a member of a security force of at
18 least 5 persons registered with the Department of Financial
19 and Professional Regulation; provided that such security
20 guard has successfully completed a course of study,
21 approved by and supervised by the Department of Financial
22 and Professional Regulation, consisting of not less than 40
23 hours of training that includes the theory of law
24 enforcement, liability for acts, and the handling of
25 weapons. A person shall be considered eligible for this
26 exemption if he or she has completed the required 20 hours

1 of training for a security officer and 20 hours of required
2 firearm training, and has been issued a firearm control
3 card by the Department of Financial and Professional
4 Regulation. Conditions for the renewal of firearm control
5 cards issued under the provisions of this Section shall be
6 the same as for those cards issued under the provisions of
7 the Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
9 control card shall be carried by the security guard at all
10 times when he or she is in possession of a concealable
11 weapon.

12 (7) Agents and investigators of the Illinois
13 Legislative Investigating Commission authorized by the
14 Commission to carry the weapons specified in subsections
15 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
16 any investigation for the Commission.

17 (8) Persons employed by a financial institution for the
18 protection of other employees and property related to such
19 financial institution, while actually engaged in the
20 performance of their duties, commuting between their homes
21 and places of employment, or traveling between sites or
22 properties owned or operated by such financial
23 institution, provided that any person so employed has
24 successfully completed a course of study, approved by and
25 supervised by the Department of Financial and Professional
26 Regulation, consisting of not less than 40 hours of

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

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

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

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys Appellate
26 Prosecutor to carry weapons pursuant to Section 7.06 of the

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part of
7 their assigned duties, with the consent of the chief judge
8 of the circuit for which they are employed.

9 (13) Court Security Officers while in the performance
10 of their official duties, or while commuting between their
11 homes and places of employment, with the consent of the
12 Sheriff.

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

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

24 (1) Members of any club or organization organized for
25 the purpose of practicing shooting at targets upon
26 established target ranges, whether public or private, and

1 patrons of such ranges, while such members or patrons are
2 using their firearms on those target ranges.

3 (2) Duly authorized military or civil organizations
4 while parading, with the special permission of the
5 Governor.

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

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

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

14 (6) A person who has been issued a concealed carry
15 license and is acting lawfully under the Gun Safety and
16 Responsibility Act.

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

19 (1) Peace officers while in performance of their
20 official duties.

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

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

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

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

20 During transportation, such weapons shall be broken
21 down in a non-functioning state or not immediately
22 accessible.

23 (6) The manufacture, transport, testing, delivery,
24 transfer or sale, and all lawful commercial or experimental
25 activities necessary thereto, of rifles, shotguns, and
26 weapons made from rifles or shotguns, or ammunition for

1 such rifles, shotguns or weapons, where engaged in by a
2 person operating as a contractor or subcontractor pursuant
3 to a contract or subcontract for the development and supply
4 of such rifles, shotguns, weapons or ammunition to the
5 United States government or any branch of the Armed Forces
6 of the United States, when such activities are necessary
7 and incident to fulfilling the terms of such contract.

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

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

17 (7) A person possessing a rifle with a barrel or
18 barrels less than 16 inches in length if: (A) the person
19 has been issued a Curios and Relics license from the U.S.
20 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
21 the person is an active member of a bona fide, nationally
22 recognized military re-enacting group and the modification
23 is required and necessary to accurately portray the weapon
24 for historical re-enactment purposes; the re-enactor is in
25 possession of a valid and current re-enacting group
26 membership credential; and the overall length of the weapon

1 as modified is not less than 26 inches.

2 During transportation, any such weapon shall be broken
3 down in a non-functioning state, or not immediately
4 accessible.

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

8 (e) Subsection 24-1(a)(8) does not apply to any owner,
9 manager or authorized employee of any place specified in that
10 subsection nor to any law enforcement officer or to a person
11 who has been issued a concealed carry license and is acting
12 lawfully under the Gun Safety and Responsibility Act.

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

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

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

23 (2) Bonafide collectors of antique or surplus military
24 ordinance.

25 (3) Laboratories having a department of forensic
26 ballistics, or specializing in the development of

1 ammunition or explosive ordinance.

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

11 (g-5) Subsection 24-1(a)(6) does not apply to or affect
12 persons licensed under federal law to manufacture any device or
13 attachment of any kind designed, used, or intended for use in
14 silencing the report of any firearm, firearms, or ammunition
15 for those firearms equipped with those devices, and actually
16 engaged in the business of manufacturing those devices,
17 firearms, or ammunition, but only with respect to activities
18 that are within the lawful scope of that business, such as the
19 manufacture, transportation, or testing of those devices,
20 firearms, or ammunition. This exemption does not authorize the
21 general private possession of any device or attachment of any
22 kind designed, used, or intended for use in silencing the
23 report of any firearm, but only such possession and activities
24 as are within the lawful scope of a licensed manufacturing
25 business described in this subsection (g-5). During
26 transportation, these devices shall be detached from any weapon

1 or not immediately accessible.

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

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

15 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
16 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
17 athlete's possession, transport on official Olympic and
18 Paralympic transit systems established for athletes, or use of
19 competition firearms sanctioned by the International Olympic
20 Committee, the International Paralympic Committee, the
21 International Shooting Sport Federation, or USA Shooting in
22 connection with such athlete's training for and participation
23 in shooting competitions at the 2016 Olympic and Paralympic
24 Games and sanctioned test events leading up to the 2016 Olympic
25 and Paralympic Games.

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any exemptions
2 contained in this Article. The defendant shall have the burden
3 of proving such an exemption.

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

19 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
20 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
21 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
22 revised 8-23-12.)

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

25 (A) A person commits the offense of unlawful sale or

1 delivery of firearms when he or she knowingly does any of the
2 following:

3 (a) Sells or gives any firearm of a size which may be
4 concealed upon the person to any person under 18 years of
5 age.

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

9 (b-5) Sells or gives any firearm to a person prohibited
10 from possessing a firearm or Firearm Owner's
11 Identification Card under Section 8 of the Firearm Owners
12 Identification Card Act.

13 (c) (Blank) ~~Sells or gives any firearm to any narcotic~~
14 ~~addict.~~

15 (d) (Blank) ~~Sells or gives any firearm to any person~~
16 ~~who has been convicted of a felony under the laws of this~~
17 ~~or any other jurisdiction.~~

18 (e) (Blank) ~~Sells or gives any firearm to any person~~
19 ~~who has been a patient in a mental hospital within the past~~
20 ~~5 years.~~

21 (f) (Blank) ~~Sells or gives any firearms to any person~~
22 ~~who is intellectually disabled.~~

23 (g) Delivers any firearm of a size which may be
24 concealed upon the person, incidental to a sale, without
25 withholding delivery of such firearm for at least 72 hours
26 after application and complete payment for its purchase has

1 been made, or delivers any rifle, shotgun or other long
2 gun, or a stun gun or taser, incidental to a sale, without
3 withholding delivery of such rifle, shotgun or other long
4 gun, or a stun gun or taser for at least 24 hours after
5 application and complete payment for its purchase has been
6 made. However, this paragraph (g) does not apply to: (1)
7 the sale of a firearm to a law enforcement officer if the
8 seller of the firearm knows that the person to whom he or
9 she is selling the firearm is a law enforcement officer or
10 the sale of a firearm to a person who desires to purchase a
11 firearm for use in promoting the public interest incident
12 to his or her employment as a bank guard, armed truck
13 guard, or other similar employment; (2) a mail order sale
14 of a firearm to a nonresident of Illinois under which the
15 firearm is mailed to a point outside the boundaries of
16 Illinois; (3) the sale of a firearm to a nonresident of
17 Illinois while at a firearm showing or display recognized
18 by the Illinois Department of State Police; or (4) the sale
19 of a firearm to a dealer licensed as a federal firearms
20 dealer under Section 923 of the federal Gun Control Act of
21 1968 (18 U.S.C. 923). For purposes of this paragraph (g),
22 "application" means when the buyer and seller reach an
23 agreement to purchase a firearm.

24 (h) While holding any license as a dealer, importer,
25 manufacturer or pawnbroker under the federal Gun Control
26 Act of 1968, manufactures, sells or delivers to any

1 unlicensed person a handgun having a barrel, slide, frame
2 or receiver which is a die casting of zinc alloy or any
3 other nonhomogeneous metal which will melt or deform at a
4 temperature of less than 800 degrees Fahrenheit. For
5 purposes of this paragraph, (1) "firearm" is defined as in
6 the Firearm Owners Identification Card Act; and (2)
7 "handgun" is defined as a firearm designed to be held and
8 fired by the use of a single hand, and includes a
9 combination of parts from which such a firearm can be
10 assembled.

11 (i) Sells or gives a firearm of any size to any person
12 under 18 years of age who does not possess a valid Firearm
13 Owner's Identification Card.

14 (j) Sells or gives a firearm while engaged in the
15 business of selling firearms at wholesale or retail without
16 being licensed as a federal firearms dealer under Section
17 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
18 In this paragraph (j):

19 A person "engaged in the business" means a person who
20 devotes time, attention, and labor to engaging in the
21 activity as a regular course of trade or business with the
22 principal objective of livelihood and profit, but does not
23 include a person who makes occasional repairs of firearms
24 or who occasionally fits special barrels, stocks, or
25 trigger mechanisms to firearms.

26 "With the principal objective of livelihood and

1 profit" means that the intent underlying the sale or
2 disposition of firearms is predominantly one of obtaining
3 livelihood and pecuniary gain, as opposed to other intents,
4 such as improving or liquidating a personal firearms
5 collection; however, proof of profit shall not be required
6 as to a person who engages in the regular and repetitive
7 purchase and disposition of firearms for criminal purposes
8 or terrorism.

9 (k) Sells or transfers ownership of a firearm to a
10 person who does not display to the seller or transferor of
11 the firearm a currently valid Firearm Owner's
12 Identification Card that has previously been issued in the
13 transferee's name by the Department of State Police under
14 the provisions of the Firearm Owners Identification Card
15 Act. This paragraph (k) does not apply to the transfer of a
16 firearm to a person who is exempt from the requirement of
17 possessing a Firearm Owner's Identification Card under
18 Section 2 of the Firearm Owners Identification Card Act.
19 For the purposes of this Section, a currently valid Firearm
20 Owner's Identification Card means (i) a Firearm Owner's
21 Identification Card that has not expired or (ii) if the
22 transferor is licensed as a federal firearms dealer under
23 Section 923 of the federal Gun Control Act of 1968 (18
24 U.S.C. 923), an approval number issued in accordance with
25 Section 3.1 of the Firearm Owners Identification Card Act
26 shall be proof that the Firearm Owner's Identification Card

1 was valid.

2 (1) Not being entitled to the possession of a firearm,
3 delivers the firearm, knowing it to have been stolen or
4 converted. It may be inferred that a person who possesses a
5 firearm with knowledge that its serial number has been
6 removed or altered has knowledge that the firearm is stolen
7 or converted.

8 (B) Paragraph (h) of subsection (A) does not include
9 firearms sold within 6 months after enactment of Public Act
10 78-355 (approved August 21, 1973, effective October 1, 1973),
11 nor is any firearm legally owned or possessed by any citizen or
12 purchased by any citizen within 6 months after the enactment of
13 Public Act 78-355 subject to confiscation or seizure under the
14 provisions of that Public Act. Nothing in Public Act 78-355
15 shall be construed to prohibit the gift or trade of any firearm
16 if that firearm was legally held or acquired within 6 months
17 after the enactment of that Public Act.

18 (C) Sentence.

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

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

25 (3) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a) of subsection (A)

1 commits a Class 2 felony.

2 (4) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a), (b), or (i) of
4 subsection (A) in any school, on the real property
5 comprising a school, within 1,000 feet of the real property
6 comprising a school, at a school related activity, or on or
7 within 1,000 feet of any conveyance owned, leased, or
8 contracted by a school or school district to transport
9 students to or from school or a school related activity,
10 regardless of the time of day or time of year at which the
11 offense was committed, commits a Class 1 felony. Any person
12 convicted of a second or subsequent violation of unlawful
13 sale or delivery of firearms in violation of paragraph (a),
14 (b), or (i) of subsection (A) in any school, on the real
15 property comprising a school, within 1,000 feet of the real
16 property comprising a school, at a school related activity,
17 or on or within 1,000 feet of any conveyance owned, leased,
18 or contracted by a school or school district to transport
19 students to or from school or a school related activity,
20 regardless of the time of day or time of year at which the
21 offense was committed, commits a Class 1 felony for which
22 the sentence shall be a term of imprisonment of no less
23 than 5 years and no more than 15 years.

24 (5) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) or (i) of
26 subsection (A) in residential property owned, operated, or

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

14 (6) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (j) of subsection (A)
16 commits a Class A misdemeanor. A second or subsequent
17 violation is a Class 4 felony.

18 (7) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (k) of subsection (A)
20 commits a Class 4 felony. A third or subsequent conviction
21 for a violation of paragraph (k) of subsection (A) is a
22 Class 1 felony.

23 (8) A person 18 years of age or older convicted of
24 unlawful sale or delivery of firearms in violation of
25 paragraph (a) or (i) of subsection (A), when the firearm
26 that was sold or given to another person under 18 years of

1 age was used in the commission of or attempt to commit a
2 forcible felony, shall be fined or imprisoned, or both, not
3 to exceed the maximum provided for the most serious
4 forcible felony so committed or attempted by the person
5 under 18 years of age who was sold or given the firearm.

6 (9) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (b-5) ~~(d)~~ of
8 subsection (A) commits a Class 3 felony.

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

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

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary
18 school, community college, college, or university.

19 "School related activity" means any sporting, social,
20 academic, or other activity for which students' attendance or
21 participation is sponsored, organized, or funded in whole or in
22 part by a school or school district.

23 (E) A prosecution for a violation of paragraph (k) of
24 subsection (A) of this Section may be commenced within 6 years
25 after the commission of the offense. A prosecution for a
26 violation of this Section other than paragraph (g) of

1 subsection (A) of this Section may be commenced within 5 years
2 after the commission of the offense defined in the particular
3 paragraph.

4 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
5 eff. 1-1-12; 97-813, eff. 7-13-12.)

6 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

7 Sec. 24-3.1. Unlawful possession of firearms and firearm
8 ammunition.

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

11 (1) He or she is under 18 years of age and has in his or
12 her possession any firearm of a size which may be concealed
13 upon the person; or

14 (2) He or she is under 21 years of age, has been
15 convicted of a misdemeanor other than a traffic offense or
16 adjudged delinquent and has any firearms or firearm
17 ammunition in his or her possession; or

18 (2.5) He or she is prohibited from possessing a firearm
19 or Firearm Owner's Identification Card under Section 8 of
20 the Firearm Owners Identification Card Act; or

21 (3) (Blank) He is a narcotic addict and has any
22 firearms or firearm ammunition in his possession; or

23 (4) (Blank) He has been a patient in a mental hospital
24 within the past 5 years and has any firearms or firearm
25 ammunition in his possession; or

1 (5) (Blank) ~~He is intellectually disabled and has any~~
2 ~~firearms or firearm ammunition in his possession; or~~

3 (6) He or she has in his possession any explosive
4 bullet.

5 For purposes of this paragraph "explosive bullet" means the
6 projectile portion of an ammunition cartridge which contains or
7 carries an explosive charge which will explode upon contact
8 with the flesh of a human or an animal. "Cartridge" means a
9 tubular metal case having a projectile affixed at the front
10 thereof and a cap or primer at the rear end thereof, with the
11 propellant contained in such tube between the projectile and
12 the cap.

13 (b) Sentence.

14 Unlawful possession of firearms, other than handguns, and
15 firearm ammunition is a Class A misdemeanor. Unlawful
16 possession of handguns is a Class 4 felony. The possession of
17 each firearm or firearm ammunition in violation of this Section
18 constitutes a single and separate violation.

19 (c) Nothing in paragraph (1) of subsection (a) of this
20 Section prohibits a person under 18 years of age from
21 participating in any lawful recreational activity with a
22 firearm such as, but not limited to, practice shooting at
23 targets upon established public or private target ranges or
24 hunting, trapping, or fishing in accordance with the Wildlife
25 Code or the Fish and Aquatic Life Code.

26 (Source: P.A. 97-227, eff. 1-1-12.)

1 (720 ILCS 5/24-3A)

2 Sec. 24-3A. Gunrunning.

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

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

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

8 (2) is guilty of a Class X felony for which the
9 sentence shall be a term of imprisonment of not less than
10 10 ~~8~~ years and not more than 40 years if the transfer is of
11 not less than 11 firearms and not more than 20 firearms;

12 (3) is guilty of a Class X felony for which the
13 sentence shall be a term of imprisonment of not less than
14 15 ~~10~~ years and not more than 50 years if the transfer is
15 of more than 20 firearms.

16 A person who commits gunrunning by transferring firearms to a
17 person who, at the time of the commission of the offense, is
18 under 18 years of age is guilty of a Class X felony for which
19 the sentence shall be a term of imprisonment of not less than 8
20 years.

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

22 (720 ILCS 5/24-4.1 new)

23 Sec. 24-4.1. Report of lost or stolen firearms.

24 (a) A person, who possesses a firearm and either loses or

1 misplaces the firearm or has the firearm stolen, must report
2 the loss or theft to a law enforcement agency having
3 jurisdiction within 24 hours after obtaining knowledge of the
4 loss or theft.

5 (b) A law enforcement agency having jurisdiction shall take
6 a written report and shall as soon as practical enter the
7 firearm's serial number as stolen into the Law Enforcement
8 Agencies Data System (LEADS).

9 (c) A person does not commit the offense if:

10 (1) the failure to report is due to an act of God, act
11 of war, or inability of a law enforcement agency to receive
12 the report;

13 (2) the person calls 911 to make the report;

14 (3) the person is hospitalized, in a coma, or is
15 otherwise seriously physically or mentally impaired as to
16 prevent the person from reporting; or

17 (4) the person's designee makes a report if the person
18 is unable to make the report.

19 (d) Sentence. A person who violates subsection (a) is
20 guilty of a Class B misdemeanor for a first violation. A second
21 or subsequent violation of subsection (a) is a Class A
22 misdemeanor.

23 (720 ILCS 5/24-9)

24 Sec. 24-9. Firearms; Child Protection; Ownership
25 Requirements.

1 (a) Except as provided in subsection (c), it is unlawful
2 for any person to store or leave, within premises under his or
3 her control, a firearm if the person knows or has reason to
4 believe that a minor ~~under the age of 14 years who does not~~
5 ~~have a Firearm Owners Identification Card~~ is likely to gain
6 access to the firearm ~~without the lawful permission of the~~
7 ~~minor's parent, guardian, or person having charge of the minor,~~
8 ~~and the minor causes death or great bodily harm with the~~
9 ~~firearm~~, unless the firearm is:

10 (1) secured by a device or mechanism, other than the
11 firearm safety, designed to render a firearm temporarily
12 inoperable; or

13 (2) placed in a securely locked box or container; or

14 (3) placed in some other location that a reasonable
15 person would believe to be secure from a minor ~~under the~~
16 ~~age of 14 years.~~

17 (a-5) A person who owns any firearm shall keep a record for
18 each firearm owned that contains a description of the firearm
19 and if available the firearm's serial number. If the firearm's
20 serial number is not available, the record shall contain other
21 information identifying the firearm.

22 (a-10) It is unlawful for any person to store or leave,
23 within premises under his or her control, a firearm if the
24 person knows or has reason to know that a person who is
25 otherwise prohibited from obtaining a Firearm Owner's
26 Identification Card is likely to gain access to the firearm,

1 unless the firearm is:

2 (1) secured by a device or mechanism, other than the
3 firearm safety, designed to render a firearm temporarily
4 inoperable;

5 (2) placed in a securely locked box or container; or

6 (3) placed in some other location that a reasonable
7 person would believe to be secure from a person.

8 (b) Sentence. A first violation of subsection (a-5) is a
9 petty offense. A first violation of subsection (a) or (a-10) is
10 ~~person who violates this Section is guilty of~~ a Class C
11 misdemeanor and the person shall be fined not less than \$1,000.
12 A second or subsequent violation of this Section is a Class A
13 misdemeanor.

14 (c) Subsection (a) and (a-10) do ~~does~~ not apply:

15 (1) if the minor or prohibited person ~~under 14 years of~~
16 ~~age~~ gains access to a firearm and uses it in a lawful act
17 of self-defense or defense of another; or

18 (2) to any firearm obtained by a minor or prohibited
19 person ~~under the age of 14~~ because of an unlawful entry of
20 the premises by the minor or another person.

21 (d) For the purposes of this Section, "firearm" has the
22 meaning ascribed to it in Section 1.1 of the Firearm Owners
23 Identification Card Act.

24 (Source: P.A. 91-18, eff. 1-1-00.)

25 Section 110. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-14 as follows:

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

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

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 112A-17 on emergency orders, Section 112A-18 on interim
21 orders, and Section 112A-19 on plenary orders. The remedies
22 listed in this subsection shall be in addition to other civil
23 or criminal remedies available to petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's
25 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful
2 deprivation, as defined in this Article, if such abuse has
3 occurred or otherwise appears likely to occur if not
4 prohibited.

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

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

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i) the
26 hardships to respondent and any minor child or

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

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

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other person
26 protected by the order of protection, or prohibit

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

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

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist, psychiatrist,
21 family service agency, alcohol or substance abuse program,
22 mental health center guidance counselor, agency providing
23 services to elders, program designed for domestic violence
24 abusers or any other guidance service the court deems
25 appropriate. The court may order the respondent in any
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner
2 abuse intervention program for an assessment and to follow
3 all recommended treatment.

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

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

19 (6) Temporary legal custody. Award temporary legal
20 custody to petitioner in accordance with this Section, the
21 Illinois Marriage and Dissolution of Marriage Act, the
22 Illinois Parentage Act of 1984, and this State's Uniform
23 Child-Custody Jurisdiction and Enforcement Act.

24 If a court finds, after a hearing, that respondent has
25 committed abuse (as defined in Section 112A-3) of a minor
26 child, there shall be a rebuttable presumption that

1 awarding temporary legal custody to respondent would not be
2 in the child's best interest.

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

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for visitation,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

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

11 (8) Removal or concealment of minor child. Prohibit
12 respondent from removing a minor child from the State or
13 concealing the child within the State.

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

20 (10) Possession of personal property. Grant petitioner
21 exclusive possession of personal property and, if
22 respondent has possession or control, direct respondent to
23 promptly make it available to petitioner, if:

24 (i) petitioner, but not respondent, owns the
25 property; or

26 (ii) the parties own the property jointly; sharing

1 it would risk abuse of petitioner by respondent or is
2 impracticable; and the balance of hardships favors
3 temporary possession by petitioner.

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

11 No order under this provision shall affect title to
12 property.

13 (11) Protection of property. Forbid the respondent
14 from taking, transferring, encumbering, concealing,
15 damaging or otherwise disposing of any real or personal
16 property, except as explicitly authorized by the court, if:

17 (i) petitioner, but not respondent, owns the
18 property; or

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

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

1 The court may further prohibit respondent from
2 improperly using the financial or other resources of an
3 aged member of the family or household for the profit or
4 advantage of respondent or of any other person.

5 (11.5) Protection of animals. Grant the petitioner the
6 exclusive care, custody, or control of any animal owned,
7 possessed, leased, kept, or held by either the petitioner
8 or the respondent or a minor child residing in the
9 residence or household of either the petitioner or the
10 respondent and order the respondent to stay away from the
11 animal and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the animal.

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

1 otherwise provided in the custody order.

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

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

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including but not
24 limited to legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and well-being
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (a) Prohibit a respondent against whom an order of
7 protection was issued from possessing any firearms
8 during the duration of the order if the order:

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

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

18 (3)(i) includes a finding that such person
19 represents a credible threat to the physical
20 safety of such intimate partner or child; or (ii)
21 by its terms explicitly prohibits the use,
22 attempted use, or threatened use of physical force
23 against such intimate partner or child that would
24 reasonably be expected to cause bodily injury.

25 Any firearms in the possession of the respondent,
26 except as provided in subsection (b), shall be ordered

1 by the court to be turned over to the local law
2 enforcement agency for safekeeping. The local law
3 enforcement agency shall conduct a query with the
4 Department of State Police concerning registered
5 assault weapons under this amendatory Act of the 98th
6 General Assembly. The court shall issue an order that
7 the respondent's Firearm Owner's Identification Card
8 and, if applicable, a concealed carry license issued
9 under the Gun Safety and Responsibility Act be turned
10 over to the local law enforcement agency, which in turn
11 shall immediately mail the card, license, or both to
12 the Department of State Police Firearm Owner's
13 Identification Card Office for safekeeping. The period
14 of safekeeping shall be for the duration of the order
15 of protection. The firearm or firearms and Firearm
16 Owner's Identification Card and, if applicable, a
17 concealed carry license issued under the Gun Safety and
18 Responsibility Act, if unexpired, shall at the
19 respondent's request be returned to the respondent at
20 expiration of the order of protection.

21 (b) If the respondent is a peace officer as defined
22 in Section 2-13 of the Criminal Code of 2012, the court
23 shall order that any firearms used by the respondent in
24 the performance of his or her duties as a peace officer
25 be surrendered to the chief law enforcement executive
26 of the agency in which the respondent is employed, who

1 shall retain the firearms for safekeeping for the
2 duration of the order of protection.

3 (c) Upon expiration of the period of safekeeping,
4 if the firearms, ~~or~~ Firearm Owner's Identification
5 Card, or concealed carry license cannot be returned to
6 respondent because respondent cannot be located, fails
7 to respond to requests to retrieve the firearms, or is
8 not lawfully eligible to possess a firearm, upon
9 petition from the local law enforcement agency, the
10 court may order the local law enforcement agency to
11 destroy the firearms, use the firearms for training
12 purposes, or for any other application as deemed
13 appropriate by the local law enforcement agency; or
14 that the firearms be turned over to a third party who
15 is lawfully eligible to possess firearms, and who does
16 not reside with respondent.

17 (15) Prohibition of access to records. If an order of
18 protection prohibits respondent from having contact with
19 the minor child, or if petitioner's address is omitted
20 under subsection (b) of Section 112A-5, or if necessary to
21 prevent abuse or wrongful removal or concealment of a minor
22 child, the order shall deny respondent access to, and
23 prohibit respondent from inspecting, obtaining, or
24 attempting to inspect or obtain, school or any other
25 records of the minor child who is in the care of
26 petitioner.

1 (16) Order for payment of shelter services. Order
2 respondent to reimburse a shelter providing temporary
3 housing and counseling services to the petitioner for the
4 cost of the services, as certified by the shelter and
5 deemed reasonable by the court.

6 (17) Order for injunctive relief. Enter injunctive
7 relief necessary or appropriate to prevent further abuse of
8 a family or household member or to effectuate one of the
9 granted remedies, if supported by the balance of hardships.
10 If the harm to be prevented by the injunction is abuse or
11 any other harm that one of the remedies listed in
12 paragraphs (1) through (16) of this subsection is designed
13 to prevent, no further evidence is necessary to establish
14 that the harm is an irreparable injury.

15 (c) Relevant factors; findings.

16 (1) In determining whether to grant a specific remedy,
17 other than payment of support, the court shall consider
18 relevant factors, including but not limited to the
19 following:

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

1 household; and

2 (ii) the danger that any minor child will be abused
3 or neglected or improperly removed from the
4 jurisdiction, improperly concealed within the State or
5 improperly separated from the child's primary
6 caretaker.

7 (2) In comparing relative hardships resulting to the
8 parties from loss of possession of the family home, the
9 court shall consider relevant factors, including but not
10 limited to the following:

11 (i) availability, accessibility, cost, safety,
12 adequacy, location and other characteristics of
13 alternate housing for each party and any minor child or
14 dependent adult in the party's care;

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

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

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

23 (i) That the court has considered the applicable
24 relevant factors described in paragraphs (1) and (2) of
25 this subsection.

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm
2 or continued abuse.

3 (iii) Whether it is necessary to grant the
4 requested relief in order to protect petitioner or
5 other alleged abused persons.

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

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

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of marriage
23 attach to a putative father until a father and child
24 relationship has been established under the Illinois
25 Parentage Act of 1984. Absent such an adjudication, no
26 putative father shall be granted temporary custody of the

1 minor child, visitation with the minor child, or physical
2 care and possession of the minor child, nor shall an order
3 of payment for support of the minor child be entered.

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

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

15 (1) Respondent has cause for any use of force, unless
16 that cause satisfies the standards for justifiable use of
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of
20 another, provided that, if petitioner utilized force, such
21 force was justifiable under Article 7 of the Criminal Code
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense
24 of another;

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

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

3 (7) Conduct by any family or household member excused
4 the abuse by respondent, unless that same conduct would
5 have excused such abuse if the parties had not been family
6 or household members.

7 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
8 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)

10 Section 115. The Unified Code of Corrections is amended by
11 changing Section 5-6-3 as follows:

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

13 Sec. 5-6-3. Conditions of Probation and of Conditional
14 Discharge.

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

17 (1) not violate any criminal statute of any
18 jurisdiction;

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

21 (3) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a felony or, if a
23 misdemeanor, the offense involved the intentional or
24 knowing infliction of bodily harm or threat of bodily harm;

1 (4) not leave the State without the consent of the
2 court or, in circumstances in which the reason for the
3 absence is of such an emergency nature that prior consent
4 by the court is not possible, without the prior
5 notification and approval of the person's probation
6 officer. Transfer of a person's probation or conditional
7 discharge supervision to another state is subject to
8 acceptance by the other state pursuant to the Interstate
9 Compact for Adult Offender Supervision;

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

13 (6) perform no less than 30 hours of community service
14 and not more than 120 hours of community service, if
15 community service is available in the jurisdiction and is
16 funded and approved by the county board where the offense
17 was committed, where the offense was related to or in
18 furtherance of the criminal activities of an organized gang
19 and was motivated by the offender's membership in or
20 allegiance to an organized gang. The community service
21 shall include, but not be limited to, the cleanup and
22 repair of any damage caused by a violation of Section
23 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
24 2012 and similar damage to property located within the
25 municipality or county in which the violation occurred.
26 When possible and reasonable, the community service should

1 be performed in the offender's neighborhood. For purposes
2 of this Section, "organized gang" has the meaning ascribed
3 to it in Section 10 of the Illinois Streetgang Terrorism
4 Omnibus Prevention Act;

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

1 school diploma or has successfully passed the GED test.
2 This clause (7) does not apply to a person who is
3 determined by the court to be developmentally disabled or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is not related to the accused and whom the
17 accused reasonably believes to be under 18 years of age;
18 for purposes of this paragraph (8.7), "Internet" has the
19 meaning ascribed to it in Section 16-0.1 of the Criminal
20 Code of 2012; and a person is not related to the accused if
21 the person is not: (i) the spouse, brother, or sister of
22 the accused; (ii) a descendant of the accused; (iii) a
23 first or second cousin of the accused; or (iv) a step-child
24 or adopted child of the accused;

25 (8.8) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the offender's probation officer,
9 except in connection with the offender's employment or
10 search for employment with the prior approval of the
11 offender's probation officer;

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

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or software
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the offender's probation officer;

4 (8.9) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (9) if convicted of a felony or of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
15 at a time and place designated by the court, his or her
16 Firearm Owner's Identification Card and, if applicable, a
17 concealed carry license issued under the Gun Safety and
18 Responsibility Act and any and all firearms in his or her
19 possession. The local law enforcement agency shall conduct
20 a query with the Department of State Police concerning
21 registered assault weapons under this amendatory Act of the
22 98th General Assembly. The Court shall return to the
23 Department of State Police Firearm Owner's Identification
24 Card Office the person's Firearm Owner's Identification
25 Card and, if applicable, a concealed carry license issued
26 under the Gun Safety and Responsibility Act;

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

11 (11) if convicted of a sex offense as defined in
12 Section 2 of the Sex Offender Registration Act committed on
13 or after January 1, 2010 (the effective date of Public Act
14 96-362) that requires the person to register as a sex
15 offender under that Act, may not knowingly use any computer
16 scrub software on any computer that the sex offender uses;
17 and

18 (12) if convicted of a violation of the Methamphetamine
19 Control and Community Protection Act, the Methamphetamine
20 Precursor Control Act, or a methamphetamine related
21 offense:

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

25 (B) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 ammonium nitrate.

2 (b) The Court may in addition to other reasonable
3 conditions relating to the nature of the offense or the
4 rehabilitation of the defendant as determined for each
5 defendant in the proper discretion of the Court require that
6 the person:

7 (1) serve a term of periodic imprisonment under Article
8 7 for a period not to exceed that specified in paragraph
9 (d) of Section 5-7-1;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical, psychological or psychiatric
14 treatment; or treatment for drug addiction or alcoholism;

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

17 (6) support his dependents;

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

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

20 (ii) attend school;

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

22 (iv) contribute to his own support at home or in a
23 foster home;

24 (v) with the consent of the superintendent of the
25 facility, attend an educational program at a facility
26 other than the school in which the offense was

1 committed if he or she is convicted of a crime of
2 violence as defined in Section 2 of the Crime Victims
3 Compensation Act committed in a school, on the real
4 property comprising a school, or within 1,000 feet of
5 the real property comprising a school;

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

8 (9) perform some reasonable public or community
9 service;

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

14 (i) remain within the interior premises of the
15 place designated for his confinement during the hours
16 designated by the court;

17 (ii) admit any person or agent designated by the
18 court into the offender's place of confinement at any
19 time for purposes of verifying the offender's
20 compliance with the conditions of his confinement; and

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

25 (iv) for persons convicted of any alcohol,
26 cannabis or controlled substance violation who are

1 placed on an approved monitoring device as a condition
2 of probation or conditional discharge, the court shall
3 impose a reasonable fee for each day of the use of the
4 device, as established by the county board in
5 subsection (g) of this Section, unless after
6 determining the inability of the offender to pay the
7 fee, the court assesses a lesser fee or no fee as the
8 case may be. This fee shall be imposed in addition to
9 the fees imposed under subsections (g) and (i) of this
10 Section. The fee shall be collected by the clerk of the
11 circuit court. The clerk of the circuit court shall pay
12 all monies collected from this fee to the county
13 treasurer for deposit in the substance abuse services
14 fund under Section 5-1086.1 of the Counties Code; and

15 (v) for persons convicted of offenses other than
16 those referenced in clause (iv) above and who are
17 placed on an approved monitoring device as a condition
18 of probation or conditional discharge, the court shall
19 impose a reasonable fee for each day of the use of the
20 device, as established by the county board in
21 subsection (g) of this Section, unless after
22 determining the inability of the defendant to pay the
23 fee, the court assesses a lesser fee or no fee as the
24 case may be. This fee shall be imposed in addition to
25 the fees imposed under subsections (g) and (i) of this
26 Section. The fee shall be collected by the clerk of the

1 circuit court. The clerk of the circuit court shall pay
2 all monies collected from this fee to the county
3 treasurer who shall use the monies collected to defray
4 the costs of corrections. The county treasurer shall
5 deposit the fee collected in the probation and court
6 services fund.

7 (11) comply with the terms and conditions of an order
8 of protection issued by the court pursuant to the Illinois
9 Domestic Violence Act of 1986, as now or hereafter amended,
10 or an order of protection issued by the court of another
11 state, tribe, or United States territory. A copy of the
12 order of protection shall be transmitted to the probation
13 officer or agency having responsibility for the case;

14 (12) reimburse any "local anti-crime program" as
15 defined in Section 7 of the Anti-Crime Advisory Council Act
16 for any reasonable expenses incurred by the program on the
17 offender's case, not to exceed the maximum amount of the
18 fine authorized for the offense for which the defendant was
19 sentenced;

20 (13) contribute a reasonable sum of money, not to
21 exceed the maximum amount of the fine authorized for the
22 offense for which the defendant was sentenced, (i) to a
23 "local anti-crime program", as defined in Section 7 of the
24 Anti-Crime Advisory Council Act, or (ii) for offenses under
25 the jurisdiction of the Department of Natural Resources, to
26 the fund established by the Department of Natural Resources

1 for the purchase of evidence for investigation purposes and
2 to conduct investigations as outlined in Section 805-105 of
3 the Department of Natural Resources (Conservation) Law;

4 (14) refrain from entering into a designated
5 geographic area except upon such terms as the court finds
6 appropriate. Such terms may include consideration of the
7 purpose of the entry, the time of day, other persons
8 accompanying the defendant, and advance approval by a
9 probation officer, if the defendant has been placed on
10 probation or advance approval by the court, if the
11 defendant was placed on conditional discharge;

12 (15) refrain from having any contact, directly or
13 indirectly, with certain specified persons or particular
14 types of persons, including but not limited to members of
15 street gangs and drug users or dealers;

16 (16) refrain from having in his or her body the
17 presence of any illicit drug prohibited by the Cannabis
18 Control Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and submit samples of his
21 or her blood or urine or both for tests to determine the
22 presence of any illicit drug;

23 (17) if convicted for an offense committed on or after
24 June 1, 2008 (the effective date of Public Act 95-464) that
25 would qualify the accused as a child sex offender as
26 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1 1961 or the Criminal Code of 2012, refrain from
2 communicating with or contacting, by means of the Internet,
3 a person who is related to the accused and whom the accused
4 reasonably believes to be under 18 years of age; for
5 purposes of this paragraph (17), "Internet" has the meaning
6 ascribed to it in Section 16-0.1 of the Criminal Code of
7 2012; and a person is related to the accused if the person
8 is: (i) the spouse, brother, or sister of the accused; (ii)
9 a descendant of the accused; (iii) a first or second cousin
10 of the accused; or (iv) a step-child or adopted child of
11 the accused;

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

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the offender's probation officer,
19 except in connection with the offender's employment or
20 search for employment with the prior approval of the
21 offender's probation officer;

22 (ii) submit to periodic unannounced examinations
23 of the offender's computer or any other device with
24 Internet capability by the offender's probation
25 officer, a law enforcement officer, or assigned
26 computer or information technology specialist,

1 including the retrieval and copying of all data from
2 the computer or device and any internal or external
3 peripherals and removal of such information,
4 equipment, or device to conduct a more thorough
5 inspection;

6 (iii) submit to the installation on the offender's
7 computer or device with Internet capability, at the
8 subject's expense, of one or more hardware or software
9 systems to monitor the Internet use; and

10 (iv) submit to any other appropriate restrictions
11 concerning the offender's use of or access to a
12 computer or any other device with Internet capability
13 imposed by the offender's probation officer; and

14 (19) refrain from possessing a firearm or other
15 dangerous weapon where the offense is a misdemeanor that
16 did not involve the intentional or knowing infliction of
17 bodily harm or threat of bodily harm.

18 (c) The court may as a condition of probation or of
19 conditional discharge require that a person under 18 years of
20 age found guilty of any alcohol, cannabis or controlled
21 substance violation, refrain from acquiring a driver's license
22 during the period of probation or conditional discharge. If
23 such person is in possession of a permit or license, the court
24 may require that the minor refrain from driving or operating
25 any motor vehicle during the period of probation or conditional
26 discharge, except as may be necessary in the course of the

1 minor's lawful employment.

2 (d) An offender sentenced to probation or to conditional
3 discharge shall be given a certificate setting forth the
4 conditions thereof.

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

13 Persons committed to imprisonment as a condition of
14 probation or conditional discharge shall not be committed to
15 the Department of Corrections.

16 (f) The court may combine a sentence of periodic
17 imprisonment under Article 7 or a sentence to a county impact
18 incarceration program under Article 8 with a sentence of
19 probation or conditional discharge.

20 (g) An offender sentenced to probation or to conditional
21 discharge and who during the term of either undergoes mandatory
22 drug or alcohol testing, or both, or is assigned to be placed
23 on an approved electronic monitoring device, shall be ordered
24 to pay all costs incidental to such mandatory drug or alcohol
25 testing, or both, and all costs incidental to such approved
26 electronic monitoring in accordance with the defendant's

1 ability to pay those costs. The county board with the
2 concurrence of the Chief Judge of the judicial circuit in which
3 the county is located shall establish reasonable fees for the
4 cost of maintenance, testing, and incidental expenses related
5 to the mandatory drug or alcohol testing, or both, and all
6 costs incidental to approved electronic monitoring, involved
7 in a successful probation program for the county. The
8 concurrence of the Chief Judge shall be in the form of an
9 administrative order. The fees shall be collected by the clerk
10 of the circuit court. The clerk of the circuit court shall pay
11 all moneys collected from these fees to the county treasurer
12 who shall use the moneys collected to defray the costs of drug
13 testing, alcohol testing, and electronic monitoring. The
14 county treasurer shall deposit the fees collected in the county
15 working cash fund under Section 6-27001 or Section 6-29002 of
16 the Counties Code, as the case may be.

17 (h) Jurisdiction over an offender may be transferred from
18 the sentencing court to the court of another circuit with the
19 concurrence of both courts. Further transfers or retransfers of
20 jurisdiction are also authorized in the same manner. The court
21 to which jurisdiction has been transferred shall have the same
22 powers as the sentencing court. The probation department within
23 the circuit to which jurisdiction has been transferred may
24 impose probation fees upon receiving the transferred offender,
25 as provided in subsection (i). The probation department from
26 the original sentencing court shall retain all probation fees

1 collected prior to the transfer.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992 or to community service under the
5 supervision of a probation or court services department after
6 January 1, 2004, as a condition of such probation or
7 conditional discharge or supervised community service, a fee of
8 \$50 for each month of probation or conditional discharge
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 sentenced to probation or conditional discharge or supervised
12 community service to pay the fee, the court assesses a lesser
13 fee. The court may not impose the fee on a minor who is made a
14 ward of the State under the Juvenile Court Act of 1987 while
15 the minor is in placement. The fee shall be imposed only upon
16 an offender who is actively supervised by the probation and
17 court services department. The fee shall be collected by the
18 clerk of the circuit court. The clerk of the circuit court
19 shall pay all monies collected from this fee to the county
20 treasurer for deposit in the probation and court services fund
21 under Section 15.1 of the Probation and Probation Officers Act.

22 A circuit court may not impose a probation fee under this
23 subsection (i) in excess of \$25 per month unless the circuit
24 court has adopted, by administrative order issued by the chief
25 judge, a standard probation fee guide determining an offender's
26 ability to pay Of the amount collected as a probation fee, up

1 to \$5 of that fee collected per month may be used to provide
2 services to crime victims and their families.

3 The Court may only waive probation fees based on an
4 offender's ability to pay. The probation department may
5 re-evaluate an offender's ability to pay every 6 months, and,
6 with the approval of the Director of Court Services or the
7 Chief Probation Officer, adjust the monthly fee amount. An
8 offender may elect to pay probation fees due in a lump sum. Any
9 offender that has been assigned to the supervision of a
10 probation department, or has been transferred either under
11 subsection (h) of this Section or under any interstate compact,
12 shall be required to pay probation fees to the department
13 supervising the offender, based on the offender's ability to
14 pay.

15 This amendatory Act of the 93rd General Assembly deletes
16 the \$10 increase in the fee under this subsection that was
17 imposed by Public Act 93-616. This deletion is intended to
18 control over any other Act of the 93rd General Assembly that
19 retains or incorporates that fee increase.

20 (i-5) In addition to the fees imposed under subsection (i)
21 of this Section, in the case of an offender convicted of a
22 felony sex offense (as defined in the Sex Offender Management
23 Board Act) or an offense that the court or probation department
24 has determined to be sexually motivated (as defined in the Sex
25 Offender Management Board Act), the court or the probation
26 department shall assess additional fees to pay for all costs of

1 treatment, assessment, evaluation for risk and treatment, and
2 monitoring the offender, based on that offender's ability to
3 pay those costs either as they occur or under a payment plan.

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

11 (k) Any offender who is sentenced to probation or
12 conditional discharge for a felony sex offense as defined in
13 the Sex Offender Management Board Act or any offense that the
14 court or probation department has determined to be sexually
15 motivated as defined in the Sex Offender Management Board Act
16 shall be required to refrain from any contact, directly or
17 indirectly, with any persons specified by the court and shall
18 be available for all evaluations and treatment programs
19 required by the court or the probation department.

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

24 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
25 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
26 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,

1 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
2 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
3 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.
4 1-25-13.)

5 Section 120. The Stalking No Contact Order Act is amended
6 by changing Section 80 as follows:

7 (740 ILCS 21/80)

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

9 (a) If the court finds that the petitioner has been a
10 victim of stalking, a stalking no contact order shall issue;
11 provided that the petitioner must also satisfy the requirements
12 of Section 95 on emergency orders or Section 100 on plenary
13 orders. The petitioner shall not be denied a stalking no
14 contact order because the petitioner or the respondent is a
15 minor. The court, when determining whether or not to issue a
16 stalking no contact order, may not require physical injury on
17 the person of the petitioner. Modification and extension of
18 prior stalking no contact orders shall be in accordance with
19 this Act.

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

22 (1) prohibit the respondent from threatening to commit
23 or committing stalking;

24 (2) order the respondent not to have any contact with

1 the petitioner or a third person specifically named by the
2 court;

3 (3) prohibit the respondent from knowingly coming
4 within, or knowingly remaining within a specified distance
5 of the petitioner or the petitioner's residence, school,
6 daycare, or place of employment, or any specified place
7 frequented by the petitioner; however, the court may order
8 the respondent to stay away from the respondent's own
9 residence, school, or place of employment only if the
10 respondent has been provided actual notice of the
11 opportunity to appear and be heard on the petition;

12 (4) prohibit the respondent from possessing a Firearm
13 Owners Identification Card, or possessing or buying
14 firearms; and

15 (5) order other injunctive relief the court determines
16 to be necessary to protect the petitioner or third party
17 specifically named by the court.

18 (b-5) When the petitioner and the respondent attend the
19 same public, private, or non-public elementary, middle, or high
20 school, the court when issuing a stalking no contact order and
21 providing relief shall consider the severity of the act, any
22 continuing physical danger or emotional distress to the
23 petitioner, the educational rights guaranteed to the
24 petitioner and respondent under federal and State law, the
25 availability of a transfer of the respondent to another school,
26 a change of placement or a change of program of the respondent,

1 the expense, difficulty, and educational disruption that would
2 be caused by a transfer of the respondent to another school,
3 and any other relevant facts of the case. The court may order
4 that the respondent not attend the public, private, or
5 non-public elementary, middle, or high school attended by the
6 petitioner, order that the respondent accept a change of
7 placement or program, as determined by the school district or
8 private or non-public school, or place restrictions on the
9 respondent's movements within the school attended by the
10 petitioner. The respondent bears the burden of proving by a
11 preponderance of the evidence that a transfer, change of
12 placement, or change of program of the respondent is not
13 available. The respondent also bears the burden of production
14 with respect to the expense, difficulty, and educational
15 disruption that would be caused by a transfer of the respondent
16 to another school. A transfer, change of placement, or change
17 of program is not unavailable to the respondent solely on the
18 ground that the respondent does not agree with the school
19 district's or private or non-public school's transfer, change
20 of placement, or change of program or solely on the ground that
21 the respondent fails or refuses to consent to or otherwise does
22 not take an action required to effectuate a transfer, change of
23 placement, or change of program. When a court orders a
24 respondent to stay away from the public, private, or non-public
25 school attended by the petitioner and the respondent requests a
26 transfer to another attendance center within the respondent's

1 school district or private or non-public school, the school
2 district or private or non-public school shall have sole
3 discretion to determine the attendance center to which the
4 respondent is transferred. In the event the court order results
5 in a transfer of the minor respondent to another attendance
6 center, a change in the respondent's placement, or a change of
7 the respondent's program, the parents, guardian, or legal
8 custodian of the respondent is responsible for transportation
9 and other costs associated with the transfer or change.

10 (b-6) The court may order the parents, guardian, or legal
11 custodian of a minor respondent to take certain actions or to
12 refrain from taking certain actions to ensure that the
13 respondent complies with the order. In the event the court
14 orders a transfer of the respondent to another school, the
15 parents, guardian, or legal custodian of the respondent are
16 responsible for transportation and other costs associated with
17 the change of school by the respondent.

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

22 (b-8) The court may hold the parents, guardian, or legal
23 custodian of a minor respondent in civil or criminal contempt
24 for a violation of any provision of any order entered under
25 this Act for conduct of the minor respondent in violation of
26 this Act if the parents, guardian, or legal custodian directed,

1 encouraged, or assisted the respondent minor in such conduct.

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

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

5 (e) If the stalking no contact order prohibits the
6 respondent from possessing a Firearm Owner's Identification
7 Card, or possessing or buying firearms; the court shall
8 confiscate the respondent's Firearm Owner's Identification
9 Card and, if applicable, a concealed carry license issued under
10 the Gun Safety and Responsibility Act and immediately return
11 the card, license, or both to the Department of State Police
12 Firearm Owner's Identification Card Office. Any firearms in the
13 possession of the respondent, except as authorized in
14 subsection (f) shall be ordered by the court to be turned over
15 to the local law enforcement agency for safekeeping. The local
16 law enforcement agency shall conduct a query with the
17 Department of State Police concerning registered assault
18 weapons under this amendatory Act of the 98th General Assembly.

19 (f) If the respondent is a peace officer as defined in
20 Section 2-13 of the Criminal Code of 2012, the court shall
21 order that any firearms used by the respondent in the
22 performance of his or her duties as a peace officer be
23 surrendered to the chief law enforcement executive of the
24 agency in which the respondent is employed, who shall retain
25 the firearms for safekeeping for the duration of the stalking
26 no contact order.

1 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
2 97-1131, eff. 1-1-13.)

3 Section 125. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Section 214 as follows:

5 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

6 Sec. 214. Order of protection; remedies.

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

22 (b) Remedies and standards. The remedies to be included in
23 an order of protection shall be determined in accordance with
24 this Section and one of the following Sections, as appropriate:

1 Section 217 on emergency orders, Section 218 on interim orders,
2 and Section 219 on plenary orders. The remedies listed in this
3 subsection shall be in addition to other civil or criminal
4 remedies available to petitioner.

5 (1) Prohibition of abuse, neglect, or exploitation.
6 Prohibit respondent's harassment, interference with
7 personal liberty, intimidation of a dependent, physical
8 abuse, or willful deprivation, neglect or exploitation, as
9 defined in this Act, or stalking of the petitioner, as
10 defined in Section 12-7.3 of the Criminal Code of 2012, if
11 such abuse, neglect, exploitation, or stalking has
12 occurred or otherwise appears likely to occur if not
13 prohibited.

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

23 (A) Right to occupancy. A party has a right to
24 occupancy of a residence or household if it is solely
25 or jointly owned or leased by that party, that party's
26 spouse, a person with a legal duty to support that

1 party or a minor child in that party's care, or by any
2 person or entity other than the opposing party that
3 authorizes that party's occupancy (e.g., a domestic
4 violence shelter). Standards set forth in subparagraph
5 (B) shall not preclude equitable relief.

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

22 The balance of hardships is presumed to favor
23 possession by petitioner unless the presumption is
24 rebutted by a preponderance of the evidence, showing
25 that the hardships to respondent substantially
26 outweigh the hardships to petitioner and any minor

1 child or dependent adult in petitioner's care. The
2 court, on the request of petitioner or on its own
3 motion, may order respondent to provide suitable,
4 accessible, alternate housing for petitioner instead
5 of excluding respondent from a mutual residence or
6 household.

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

17 (A) If an order of protection grants petitioner
18 exclusive possession of the residence, or prohibits
19 respondent from entering the residence, or orders
20 respondent to stay away from petitioner or other
21 protected persons, then the court may allow respondent
22 access to the residence to remove items of clothing and
23 personal adornment used exclusively by respondent,
24 medications, and other items as the court directs. The
25 right to access shall be exercised on only one occasion
26 as the court directs and in the presence of an

1 agreed-upon adult third party or law enforcement
2 officer.

3 (B) When the petitioner and the respondent attend
4 the same public, private, or non-public elementary,
5 middle, or high school, the court when issuing an order
6 of protection and providing relief shall consider the
7 severity of the act, any continuing physical danger or
8 emotional distress to the petitioner, the educational
9 rights guaranteed to the petitioner and respondent
10 under federal and State law, the availability of a
11 transfer of the respondent to another school, a change
12 of placement or a change of program of the respondent,
13 the expense, difficulty, and educational disruption
14 that would be caused by a transfer of the respondent to
15 another school, and any other relevant facts of the
16 case. The court may order that the respondent not
17 attend the public, private, or non-public elementary,
18 middle, or high school attended by the petitioner,
19 order that the respondent accept a change of placement
20 or change of program, as determined by the school
21 district or private or non-public school, or place
22 restrictions on the respondent's movements within the
23 school attended by the petitioner. The respondent
24 bears the burden of proving by a preponderance of the
25 evidence that a transfer, change of placement, or
26 change of program of the respondent is not available.

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

1 transfer or change.

2 (C) The court may order the parents, guardian, or
3 legal custodian of a minor respondent to take certain
4 actions or to refrain from taking certain actions to
5 ensure that the respondent complies with the order. In
6 the event the court orders a transfer of the respondent
7 to another school, the parents, guardian, or legal
8 custodian of the respondent is responsible for
9 transportation and other costs associated with the
10 change of school by the respondent.

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

23 (5) Physical care and possession of the minor child. In
24 order to protect the minor child from abuse, neglect, or
25 unwarranted separation from the person who has been the
26 minor child's primary caretaker, or to otherwise protect

1 the well-being of the minor child, the court may do either
2 or both of the following: (i) grant petitioner physical
3 care or possession of the minor child, or both, or (ii)
4 order respondent to return a minor child to, or not remove
5 a minor child from, the physical care of a parent or person
6 in loco parentis.

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

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

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

22 (7) Visitation. Determine the visitation rights, if
23 any, of respondent in any case in which the court awards
24 physical care or temporary legal custody of a minor child
25 to petitioner. The court shall restrict or deny
26 respondent's visitation with a minor child if the court

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

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

21 If necessary to protect any member of petitioner's
22 family or household from future abuse, respondent shall be
23 prohibited from coming to petitioner's residence to meet
24 the minor child for visitation, and the parties shall
25 submit to the court their recommendations for reasonable
26 alternative arrangements for visitation. A person may be

1 approved to supervise visitation only after filing an
2 affidavit accepting that responsibility and acknowledging
3 accountability to the court.

4 (8) Removal or concealment of minor child. Prohibit
5 respondent from removing a minor child from the State or
6 concealing the child within the State.

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

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

17 (i) petitioner, but not respondent, owns the
18 property; or

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

23 If petitioner's sole claim to ownership of the property
24 is that it is marital property, the court may award
25 petitioner temporary possession thereof under the
26 standards of subparagraph (ii) of this paragraph only if a

1 proper proceeding has been filed under the Illinois
2 Marriage and Dissolution of Marriage Act, as now or
3 hereafter amended.

4 No order under this provision shall affect title to
5 property.

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

10 (i) petitioner, but not respondent, owns the
11 property; or

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

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

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

24 (11.5) Protection of animals. Grant the petitioner the
25 exclusive care, custody, or control of any animal owned,
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the
2 residence or household of either the petitioner or the
3 respondent and order the respondent to stay away from the
4 animal and forbid the respondent from taking,
5 transferring, encumbering, concealing, harming, or
6 otherwise disposing of the animal.

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

21 (13) Order for payment of losses. Order respondent to
22 pay petitioner for losses suffered as a direct result of
23 the abuse, neglect, or exploitation. Such losses shall
24 include, but not be limited to, medical expenses, lost
25 earnings or other support, repair or replacement of
26 property damaged or taken, reasonable attorney's fees,

1 court costs and moving or other travel expenses, including
2 additional reasonable expenses for temporary shelter and
3 restaurant meals.

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

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

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

25 (14.5) Prohibition of firearm possession.

26 (a) Prohibit a respondent against whom an order of

1 protection was issued from possessing any firearms
2 during the duration of the order if the order:

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

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

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

19 Any Firearm Owner's Identification Card and, if
20 applicable, a concealed carry license issued under the
21 Gun Safety and Responsibility Act in the possession of
22 the respondent, except as provided in subsection (b),
23 shall be ordered by the court to be turned over to the
24 local law enforcement agency. The local law
25 enforcement agency shall immediately mail the card,
26 license, or both to the Department of State Police

1 Firearm Owner's Identification Card Office for
2 safekeeping. The court shall issue a warrant for
3 seizure of any firearm in the possession of the
4 respondent, to be kept by the local law enforcement
5 agency for safekeeping, except as provided in
6 subsection (b). The local law enforcement agency shall
7 conduct a query with the Department of State Police
8 concerning registered assault weapons under this
9 amendatory Act of the 98th General Assembly. The period
10 of safekeeping shall be for the duration of the order
11 of protection. The firearm or firearms and Firearm
12 Owner's Identification Card, if unexpired, shall at
13 the respondent's request, be returned to the
14 respondent at the end of the order of protection. It is
15 the respondent's responsibility to notify the
16 Department of State Police Firearm Owner's
17 Identification Card Office.

18 (b) If the respondent is a peace officer as defined
19 in Section 2-13 of the Criminal Code of 2012, the court
20 shall order that any firearms used by the respondent in
21 the performance of his or her duties as a peace officer
22 be surrendered to the chief law enforcement executive
23 of the agency in which the respondent is employed, who
24 shall retain the firearms for safekeeping for the
25 duration of the order of protection.

26 (c) Upon expiration of the period of safekeeping,

1 if the firearms or Firearm Owner's Identification Card
2 cannot be returned to respondent because respondent
3 cannot be located, fails to respond to requests to
4 retrieve the firearms, or is not lawfully eligible to
5 possess a firearm, upon petition from the local law
6 enforcement agency, the court may order the local law
7 enforcement agency to destroy the firearms, use the
8 firearms for training purposes, or for any other
9 application as deemed appropriate by the local law
10 enforcement agency; or that the firearms be turned over
11 to a third party who is lawfully eligible to possess
12 firearms, and who does not reside with respondent.

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

23 (16) Order for payment of shelter services. Order
24 respondent to reimburse a shelter providing temporary
25 housing and counseling services to the petitioner for the
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

2 (17) Order for injunctive relief. Enter injunctive
3 relief necessary or appropriate to prevent further abuse of
4 a family or household member or further abuse, neglect, or
5 exploitation of a high-risk adult with disabilities or to
6 effectuate one of the granted remedies, if supported by the
7 balance of hardships. If the harm to be prevented by the
8 injunction is abuse or any other harm that one of the
9 remedies listed in paragraphs (1) through (16) of this
10 subsection is designed to prevent, no further evidence is
11 necessary that the harm is an irreparable injury.

12 (c) Relevant factors; findings.

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

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

25 (ii) the danger that any minor child will be abused
26 or neglected or improperly removed from the

1 jurisdiction, improperly concealed within the State or
2 improperly separated from the child's primary
3 caretaker.

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

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

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

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

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

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

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

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

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

8 When a verified petition for an emergency order of
9 protection in accordance with the requirements of Sections
10 203 and 217 is presented to the court, the court shall
11 examine petitioner on oath or affirmation. An emergency
12 order of protection shall be issued by the court if it
13 appears from the contents of the petition and the
14 examination of petitioner that the averments are
15 sufficient to indicate abuse by respondent and to support
16 the granting of relief under the issuance of the emergency
17 order of protection.

18 (5) Never married parties. No rights or
19 responsibilities for a minor child born outside of marriage
20 attach to a putative father until a father and child
21 relationship has been established under the Illinois
22 Parentage Act of 1984, the Illinois Public Aid Code,
23 Section 12 of the Vital Records Act, the Juvenile Court Act
24 of 1987, the Probate Act of 1985, the Revised Uniform
25 Reciprocal Enforcement of Support Act, the Uniform
26 Interstate Family Support Act, the Expedited Child Support

1 Act of 1990, any judicial, administrative, or other act of
2 another state or territory, any other Illinois statute, or
3 by any foreign nation establishing the father and child
4 relationship, any other proceeding substantially in
5 conformity with the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
7 or where both parties appeared in open court or at an
8 administrative hearing acknowledging under oath or
9 admitting by affirmation the existence of a father and
10 child relationship. Absent such an adjudication, finding,
11 or acknowledgement, no putative father shall be granted
12 temporary custody of the minor child, visitation with the
13 minor child, or physical care and possession of the minor
14 child, nor shall an order of payment for support of the
15 minor child be entered.

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

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

1 (1) Respondent has cause for any use of force, unless
2 that cause satisfies the standards for justifiable use of
3 force provided by Article 7 of the Criminal Code of 2012;

4 (2) Respondent was voluntarily intoxicated;

5 (3) Petitioner acted in self-defense or defense of
6 another, provided that, if petitioner utilized force, such
7 force was justifiable under Article 7 of the Criminal Code
8 of 2012;

9 (4) Petitioner did not act in self-defense or defense
10 of another;

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

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

16 (7) Conduct by any family or household member excused
17 the abuse, neglect, or exploitation by respondent, unless
18 that same conduct would have excused such abuse, neglect,
19 or exploitation if the parties had not been family or
20 household members.

21 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
22 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
23 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24 Section 999. Effective date. This Act takes effect upon
25 becoming law.

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2	Statutes amended in order of appearance	
3	New Act	
4	5 ILCS 140/7.5	
5	20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
6	20 ILCS 2605/2605-595 new	
7	20 ILCS 2610/25 new	
8	30 ILCS 105/5.826 new	
9	30 ILCS 105/5.206 rep.	
10	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
11	430 ILCS 65/2	from Ch. 38, par. 83-2
12	430 ILCS 65/3	from Ch. 38, par. 83-3
13	430 ILCS 65/5	from Ch. 38, par. 83-5
14	430 ILCS 65/5.1 new	
15	430 ILCS 65/9	from Ch. 38, par. 83-9
16	430 ILCS 65/12	from Ch. 38, par. 83-12
17	430 ILCS 65/13.2	from Ch. 38, par. 83-13.2
18	720 ILCS 5/21-6	from Ch. 38, par. 21-6
19	720 ILCS 5/24-1	from Ch. 38, par. 24-1
20	720 ILCS 5/24-1.6	
21	720 ILCS 5/24-1.9 new	
22	720 ILCS 5/24-1.10 new	
23	720 ILCS 5/24-2	
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25	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1

- 1 720 ILCS 5/24-3A
- 2 720 ILCS 5/24-4.1 new
- 3 720 ILCS 5/24-9
- 4 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14
- 5 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3
- 6 740 ILCS 21/80
- 7 750 ILCS 60/214 from Ch. 40, par. 2312-14