

SB2279



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2279

Introduced 2/15/2013, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

See Index

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

LRB098 03802 RLC 33818 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

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

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

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

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

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

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

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

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

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

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

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

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

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act before the effective
21 date of this amendatory Act of the 98th General Assembly.

22 (w) Personally identifiable information which is exempted
23 from disclosure under subsection (g) of Section 19.1 of the
24 Toll Highway Act.

25 (x) Information which is exempted from disclosure under
26 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the

1 Illinois Municipal Code.

2 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
3 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
4 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
5 eff. 1-1-13.)

6 Section 10. The Department of State Police Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 2605-45 as follows:

9 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

10 Sec. 2605-45. Division of Administration. The Division of
11 Administration shall exercise the following functions:

12 (1) Exercise the rights, powers, and duties vested in
13 the Department by the Governor's Office of Management and
14 Budget Act.

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

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

19 (4) Operate an electronic data processing and computer
20 center for the storage and retrieval of data pertaining to
21 criminal activity.

22 (5) Exercise the rights, powers, and duties vested in
23 the former Division of State Troopers by Section 17 of the
24 State Police Act.

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

5 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
6 ~~vested in the Department by the Firearm Owners~~
7 ~~Identification Card Act.~~

8 (7) Exercise other duties that may be assigned by the
9 Director to fulfill the responsibilities and achieve the
10 purposes of the Department.

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

12 (20 ILCS 2605/2605-120 rep.)

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

16 Section 16. The Criminal Identification Act is amended by
17 changing Section 2.2 as follows:

18 (20 ILCS 2630/2.2)

19 Sec. 2.2. Notification to the Department. Upon judgment of
20 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
21 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
22 Code of 2012 when the defendant has been determined, pursuant
23 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,

1 to be subject to the prohibitions of 18 U.S.C. 922(g) (9), the
2 circuit court clerk shall include notification and a copy of
3 the written determination in a report of the conviction to the
4 Department of State Police ~~Firearm Owner's Identification Card~~
5 ~~Office~~ to enable the Department ~~office to perform its duties~~
6 ~~under Sections 4 and 8 of the Firearm Owners Identification~~
7 ~~Card Act and to report that determination to the Federal Bureau~~
8 ~~of Investigation~~ to assist the Federal Bureau of Investigation
9 in identifying persons prohibited from purchasing and
10 possessing a firearm pursuant to the provisions of 18 U.S.C.
11 922. The written determination described in this Section shall
12 be included in the defendant's record of arrest and conviction
13 in the manner and form prescribed by the Department of State
14 Police.

15 (Source: P.A. 97-1131, eff. 1-1-13; revised 10-10-12.)

16 Section 20. The Peace Officer Firearm Training Act is
17 amended by changing Section 1 as follows:

18 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

20 (a) "Peace officer" means (i) any person who by virtue of
21 his office or public employment is vested by law with a primary
22 duty to maintain public order or to make arrests for offenses,
23 whether that duty extends to all offenses or is limited to
24 specific offenses, and who is employed in such capacity by any

1 county or municipality or (ii) any retired law enforcement
2 officers qualified under federal law to carry a concealed
3 weapon.

4 (b) "Firearms" means any weapon or device defined as a
5 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~
6 ~~"An Act relating to the acquisition, possession and transfer of~~
7 ~~firearms and firearm ammunition, to provide a penalty for the~~
8 ~~violation thereof and to make an appropriation in connection~~
9 ~~therewith", approved August 3, 1967, as amended.~~

10 (Source: P.A. 94-103, eff. 7-1-05.)

11 Section 25. The School Code is amended by changing Sections
12 10-22.6, 10-27.1A and 34-8.05 as follows:

13 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

14 Sec. 10-22.6. Suspension or expulsion of pupils; school
15 searches.

16 (a) To expel pupils guilty of gross disobedience or
17 misconduct, including gross disobedience or misconduct
18 perpetuated by electronic means, and no action shall lie
19 against them for such expulsion. Expulsion shall take place
20 only after the parents have been requested to appear at a
21 meeting of the board, or with a hearing officer appointed by
22 it, to discuss their child's behavior. Such request shall be
23 made by registered or certified mail and shall state the time,
24 place and purpose of the meeting. The board, or a hearing

1 officer appointed by it, at such meeting shall state the
2 reasons for dismissal and the date on which the expulsion is to
3 become effective. If a hearing officer is appointed by the
4 board he shall report to the board a written summary of the
5 evidence heard at the meeting and the board may take such
6 action thereon as it finds appropriate. An expelled pupil may
7 be immediately transferred to an alternative program in the
8 manner provided in Article 13A or 13B of this Code. A pupil
9 must not be denied transfer because of the expulsion, except in
10 cases in which such transfer is deemed to cause a threat to the
11 safety of students or staff in the alternative program.

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

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

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

24 (d) The board may expel a student for a definite period of
25 time not to exceed 2 calendar years, as determined on a case by
26 case basis. A student who is determined to have brought one of

1 the following objects to school, any school-sponsored activity
2 or event, or any activity or event that bears a reasonable
3 relationship to school shall be expelled for a period of not
4 less than one year:

5 (1) A firearm. For the purposes of this Section,
6 "firearm" means any gun, rifle, shotgun, weapon as defined
7 by Section 921 of Title 18 of the United States Code,
8 ~~firearm as defined in Section 1.1 of the Firearm Owners~~
9 ~~Identification Card Act,~~ or firearm as defined in Section
10 24-1 of the Criminal Code of 2012 ~~1961~~. The expulsion
11 period under this subdivision (1) may be modified by the
12 superintendent, and the superintendent's determination may
13 be modified by the board on a case-by-case basis.

14 (2) A knife, brass knuckles or other knuckle weapon
15 regardless of its composition, a billy club, or any other
16 object if used or attempted to be used to cause bodily
17 harm, including "look alike" of any firearm as defined in
18 subdivision (1) of this subsection (d). The expulsion
19 requirement under this subdivision (2) may be modified by
20 the superintendent, and the superintendent's determination
21 may be modified by the board on a case-by-case basis.

22 Expulsion or suspension shall be construed in a manner
23 consistent with the Federal Individuals with Disabilities
24 Education Act. A student who is subject to suspension or
25 expulsion as provided in this Section may be eligible for a
26 transfer to an alternative school program in accordance with

1 Article 13A of the School Code. The provisions of this
2 subsection (d) apply in all school districts, including special
3 charter districts and districts organized under Article 34.

4 (d-5) The board may suspend or by regulation authorize the
5 superintendent of the district or the principal, assistant
6 principal, or dean of students of any school to suspend a
7 student for a period not to exceed 10 school days or may expel
8 a student for a definite period of time not to exceed 2
9 calendar years, as determined on a case by case basis, if (i)
10 that student has been determined to have made an explicit
11 threat on an Internet website against a school employee, a
12 student, or any school-related personnel, (ii) the Internet
13 website through which the threat was made is a site that was
14 accessible within the school at the time the threat was made or
15 was available to third parties who worked or studied within the
16 school grounds at the time the threat was made, and (iii) the
17 threat could be reasonably interpreted as threatening to the
18 safety and security of the threatened individual because of his
19 or her duties or employment status or status as a student
20 inside the school. The provisions of this subsection (d-5)
21 apply in all school districts, including special charter
22 districts and districts organized under Article 34 of this
23 Code.

24 (e) To maintain order and security in the schools, school
25 authorities may inspect and search places and areas such as
26 lockers, desks, parking lots, and other school property and

1 equipment owned or controlled by the school, as well as
2 personal effects left in those places and areas by students,
3 without notice to or the consent of the student, and without a
4 search warrant. As a matter of public policy, the General
5 Assembly finds that students have no reasonable expectation of
6 privacy in these places and areas or in their personal effects
7 left in these places and areas. School authorities may request
8 the assistance of law enforcement officials for the purpose of
9 conducting inspections and searches of lockers, desks, parking
10 lots, and other school property and equipment owned or
11 controlled by the school for illegal drugs, weapons, or other
12 illegal or dangerous substances or materials, including
13 searches conducted through the use of specially trained dogs.
14 If a search conducted in accordance with this Section produces
15 evidence that the student has violated or is violating either
16 the law, local ordinance, or the school's policies or rules,
17 such evidence may be seized by school authorities, and
18 disciplinary action may be taken. School authorities may also
19 turn over such evidence to law enforcement authorities. The
20 provisions of this subsection (e) apply in all school
21 districts, including special charter districts and districts
22 organized under Article 34.

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

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

1 a student is suspended or expelled for any reason from any
2 public or private school in this or any other state, the
3 student must complete the entire term of the suspension or
4 expulsion in an alternative school program under Article 13A of
5 this Code or an alternative learning opportunities program
6 under Article 13B of this Code before being admitted into the
7 school district if there is no threat to the safety of students
8 or staff in the alternative program. This subsection (g)
9 applies to all school districts, including special charter
10 districts and districts organized under Article 34 of this
11 Code.

12 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
13 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
14 7-13-12.)

15 (105 ILCS 5/10-27.1A)

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

17 (a) All school officials, including teachers, guidance
18 counselors, and support staff, shall immediately notify the
19 office of the principal in the event that they observe any
20 person in possession of a firearm on school grounds; provided
21 that taking such immediate action to notify the office of the
22 principal would not immediately endanger the health, safety, or
23 welfare of students who are under the direct supervision of the
24 school official or the school official. If the health, safety,
25 or welfare of students under the direct supervision of the

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

17 (b) Upon receiving a report from any school official
18 pursuant to this Section, or from any other person, the
19 principal or his or her designee shall immediately notify a
20 local law enforcement agency. If the person found to be in
21 possession of a firearm on school grounds is a student, the
22 principal or his or her designee shall also immediately notify
23 that student's parent or guardian. Any principal or his or her
24 designee acting in good faith who makes such reports under this
25 Section shall have immunity from any civil or criminal
26 liability that might otherwise be incurred or imposed as a

1 result of making the reports. Knowingly and willfully failing
2 to comply with this Section is a petty offense. A second or
3 subsequent offense is a Class C misdemeanor. If the person
4 found to be in possession of the firearm on school grounds is a
5 minor, the law enforcement agency shall detain that minor until
6 such time as the agency makes a determination pursuant to
7 clause (a) of subsection (1) of Section 5-401 of the Juvenile
8 Court Act of 1987, as to whether the agency reasonably believes
9 that the minor is delinquent. If the law enforcement agency
10 determines that probable cause exists to believe that the minor
11 committed a violation of item (4) of subsection (a) of Section
12 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012
13 while on school grounds, the agency shall detain the minor for
14 processing pursuant to Section 5-407 of the Juvenile Court Act
15 of 1987.

16 (c) On or after January 1, 1997, upon receipt of any
17 written, electronic, or verbal report from any school personnel
18 regarding a verified incident involving a firearm in a school
19 or on school owned or leased property, including any conveyance
20 owned, leased, or used by the school for the transport of
21 students or school personnel, the superintendent or his or her
22 designee shall report all such firearm-related incidents
23 occurring in a school or on school property to the local law
24 enforcement authorities immediately and to the Department of
25 State Police in a form, manner, and frequency as prescribed by
26 the Department of State Police.

1 The State Board of Education shall receive an annual
2 statistical compilation and related data associated with
3 incidents involving firearms in schools from the Department of
4 State Police. The State Board of Education shall compile this
5 information by school district and make it available to the
6 public.

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

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

12 As used in this Section, the term "school grounds" includes
13 the real property comprising any school, any conveyance owned,
14 leased, or contracted by a school to transport students to or
15 from school or a school-related activity, or any public way
16 within 1,000 feet of the real property comprising any school.

17 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

18 (105 ILCS 5/34-8.05)

19 Sec. 34-8.05. Reporting firearms in schools. On or after
20 January 1, 1997, upon receipt of any written, electronic, or
21 verbal report from any school personnel regarding a verified
22 incident involving a firearm in a school or on school owned or
23 leased property, including any conveyance owned, leased, or
24 used by the school for the transport of students or school
25 personnel, the general superintendent or his or her designee

1 shall report all such firearm-related incidents occurring in a
2 school or on school property to the local law enforcement
3 authorities no later than 24 hours after the occurrence of the
4 incident and to the Department of State Police in a form,
5 manner, and frequency as prescribed by the Department of State
6 Police.

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

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

15 Section 30. The Private Detective, Private Alarm, Private
16 Security, and Locksmith Act of 2004 is amended by changing
17 Section 35-35 as follows:

18 (225 ILCS 447/35-35)

19 (Section scheduled to be repealed on January 1, 2014)

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

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

1 the Department.

2 (b) No employer shall employ any person to perform the
3 duties for which employee registration is required and allow
4 that person to carry a firearm unless that person has complied
5 with all the firearm training requirements of this Section and
6 has been issued a firearm control card. This Act permits only
7 the following to carry firearms while actually engaged in the
8 performance of their duties or while commuting directly to or
9 from their places of employment: persons licensed as private
10 detectives and their registered employees; persons licensed as
11 private security contractors and their registered employees;
12 persons licensed as private alarm contractors and their
13 registered employees; and employees of a registered armed
14 proprietary security force.

15 (c) Possession of a valid firearm control card allows an
16 employee to carry a firearm not otherwise prohibited by law
17 while the employee is engaged in the performance of his or her
18 duties or while the employee is commuting directly to or from
19 the employee's place or places of employment, provided that
20 this is accomplished within one hour from departure from home
21 or place of employment.

22 (d) The Department shall issue a firearm control card to a
23 person who has passed an approved firearm training course, who
24 is currently employed by an agency licensed by this Act, and and
25 has met all the requirements of this Act, ~~and who possesses a~~
26 ~~valid firearm owner identification card.~~ Application for the

1 firearm control card shall be made by the employer to the
2 Department on forms provided by the Department. The Department
3 shall forward the card to the employer who shall be responsible
4 for its issuance to the employee. The firearm control card
5 shall be issued by the Department and shall identify the person
6 holding it and the name of the course where the employee
7 received firearm instruction and shall specify the type of
8 weapon or weapons the person is authorized by the Department to
9 carry and for which the person has been trained.

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

12 (f) The Department may, in addition to any other
13 disciplinary action permitted by this Act, refuse to issue,
14 suspend, or revoke a firearm control card if the applicant or
15 holder has been convicted of any felony or crime involving the
16 illegal use, carrying, or possession of a deadly weapon or for
17 a violation of this Act or rules promulgated under this Act.

18 ~~The Department shall refuse to issue or shall revoke a firearm~~
19 ~~control card if the applicant or holder fails to possess a~~
20 ~~valid firearm owners identification card.~~ The Director shall
21 summarily suspend a firearm control card if the Director finds
22 that its continued use would constitute an imminent danger to
23 the public. A hearing shall be held before the Board within 30
24 days if the Director summarily suspends a firearm control card.

25 (g) Notwithstanding any other provision of this Act to the
26 contrary, all requirements relating to firearms control cards

1 do not apply to a peace officer.

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

16 (i) The Department may not issue a firearm control card to
17 employees of a licensed fingerprint vendor agency.

18 (Source: P.A. 95-613, eff. 9-11-07.)

19 Section 31. The Mental Health and Developmental
20 Disabilities Code is amended by changing Section 6-103.1 as
21 follows:

22 (405 ILCS 5/6-103.1)

23 Sec. 6-103.1. Adjudication as a mental defective. When a
24 person has been adjudicated as a mental defective ~~as defined in~~

1 ~~Section 1.1 of the Firearm Owners Identification Card Act~~, the
2 court shall direct the circuit court clerk to immediately
3 notify the Department of State Police, ~~Firearm Owner's~~
4 ~~Identification (FOID) Office~~, in a form and manner prescribed
5 by the Department of State Police, and shall forward a copy of
6 the court order to the Department. For purposes of this
7 Section, "has been adjudicated as a mental defective" means the
8 person is the subject of a determination by a court, board,
9 commission or other lawful authority that a person, as a result
10 of marked subnormal intelligence, or mental illness, mental
11 impairment, incompetency, condition, or disease:

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

13 (2) lacks the mental capacity to manage his or her own
14 affairs;

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

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

18 (5) is not guilty by reason of lack of mental
19 responsibility under Articles 50a and 72b of the Uniform
20 Code of Military Justice, 10 U.S.C. 850a, 876b.

21
22 (Source: P.A. 97-1131, eff. 1-1-13.)

23 Section 35. The Lead Poisoning Prevention Act is amended by
24 changing Section 2 as follows:

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

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

3 "Abatement" means the removal or encapsulation of all
4 leadbearing substances in a residential building or dwelling
5 unit.

6 "Child care facility" means any structure used by a child
7 care provider licensed by the Department of Children and Family
8 Services or public school structure frequented by children
9 through 6 years of age.

10 "Delegate agency" means a unit of local government or
11 health department approved by the Department to carry out the
12 provisions of this Act.

13 "Department" means the Department of Public Health of the
14 State of Illinois.

15 "Dwelling" means any structure all or part of which is
16 designed or used for human habitation.

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

1 200% of federal poverty guidelines, and number of children
2 residing in the area who are 6 years of age or younger.

3 "Exposed surface" means any interior or exterior surface of
4 a dwelling or residential building.

5 "Lead abatement contractor" means any person or entity
6 licensed by the Department to perform lead abatement and
7 mitigation.

8 "Lead abatement worker" means any person employed by a lead
9 abatement contractor and licensed by the Department to perform
10 lead abatement and mitigation.

11 "Lead bearing substance" means any item containing or
12 coated with lead such that the lead content is more than
13 six-hundredths of one percent (0.06%) lead by total weight; or
14 any dust on surfaces or in furniture or other nonpermanent
15 elements of the dwelling; or any paint or other surface coating
16 material containing more than five-tenths of one percent (0.5%)
17 lead by total weight (calculated as lead metal) in the total
18 non-volatile content of liquid paint; or lead bearing
19 substances containing greater than one milligram per square
20 centimeter or any lower standard for lead content in
21 residential paint as may be established by federal law or
22 regulation; or more than 1 milligram per square centimeter in
23 the dried film of paint or previously applied substance; or
24 item or dust on item containing lead in excess of the amount
25 specified in the rules and regulations authorized by this Act
26 or a lower standard for lead content as may be established by

1 federal law or regulation. "Lead bearing substance" does not
2 include firearm ammunition or components as defined by the
3 Criminal Code of 2012 ~~Firearm Owners Identification Card Act.~~

4 "Lead hazard" means a lead bearing substance that poses an
5 immediate health hazard to humans.

6 "Lead poisoning" means the condition of having blood lead
7 levels in excess of those considered safe under State and
8 federal rules and regulations.

9 "Low risk area" means an area in the State determined by
10 the Department to be low risk for lead exposure for children
11 through 6 years of age. The Department shall consider the
12 factors named in "high risk area" to determine low risk areas.

13 "Mitigation" means the remediation, in a manner described
14 in Section 9, of a lead hazard so that the lead bearing
15 substance does not pose an immediate health hazard to humans.

16 "Owner" means any person, who alone, jointly, or severally
17 with others:

18 (a) Has legal title to any dwelling or residential
19 building, with or without accompanying actual possession
20 of the dwelling or residential building, or

21 (b) Has charge, care or control of the dwelling or
22 residential building as owner or agent of the owner, or as
23 executor, administrator, trustee, or guardian of the
24 estate of the owner.

25 "Person" means any one or more natural persons, legal
26 entities, governmental bodies, or any combination.

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

5 "Risk assessment" means a questionnaire to be developed by
6 the Department for use by physicians and other health care
7 providers to determine risk factors for children through 6
8 years of age residing in areas designated as low risk for lead
9 exposure.

10 (Source: P.A. 94-879, eff. 6-20-06.)

11 (430 ILCS 65/Act rep.)

12 Section 40. The Firearm Owners Identification Card Act is
13 repealed.

14 Section 45. The Wildlife Code is amended by changing
15 Section 3.2 as follows:

16 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

17 Sec. 3.2. Hunting license; application; instruction.
18 Before the Department or any county, city, village, township,
19 incorporated town clerk or his duly designated agent or any
20 other person authorized or designated by the Department to
21 issue hunting licenses shall issue a hunting license to any
22 person, the person shall file his application with the
23 Department or other party authorized to issue licenses on a

1 form provided by the Department and further give definite proof
2 of identity and place of legal residence. Each clerk
3 designating agents to issue licenses and stamps shall furnish
4 the Department, within 10 days following the appointment, the
5 names and mailing addresses of the agents. Each clerk or his
6 duly designated agent shall be authorized to sell licenses and
7 stamps only within the territorial area for which he was
8 elected or appointed. No duly designated agent is authorized to
9 furnish licenses or stamps for issuance by any other business
10 establishment. Each application shall be executed and sworn to
11 and shall set forth the name and description of the applicant
12 and place of residence.

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

24 The Department of Natural Resources shall authorize
25 personnel of the Department or certified volunteer instructors
26 to conduct courses, of not less than 10 hours in length, in

1 firearms and hunter safety, which may include training in bow
2 and arrow safety, at regularly specified intervals throughout
3 the State. Persons successfully completing the course shall
4 receive a certificate of competency. The Department of Natural
5 Resources may further cooperate with any reputable association
6 or organization in establishing courses if the organization has
7 as one of its objectives the promotion of safety in the
8 handling of firearms or bow and arrow.

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

25 The fee for a hunting license to hunt all species for a
26 resident of Illinois is \$12. For residents age 65 or older,

1 and, commencing with the 2012 license year, resident veterans
2 of the United States Armed Forces after returning from service
3 abroad or mobilization by the President of the United States,
4 the fee is one-half of the fee charged for a hunting license to
5 hunt all species for a resident of Illinois. Veterans must
6 provide to the Department, at one of the Department's 5
7 regional offices, verification of their service. The
8 Department shall establish what constitutes suitable
9 verification of service for the purpose of issuing resident
10 veterans hunting licenses at a reduced fee. Nonresidents shall
11 be charged \$57 for a hunting license.

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

15 A special nonresident hunting license authorizing a
16 nonresident to take game birds by hunting on a game breeding
17 and hunting preserve area only, established under Section 3.27,
18 shall be issued upon proper application being made and payment
19 of a fee equal to that for a resident hunting license. The
20 expiration date of this license shall be on the same date each
21 year that game breeding and hunting preserve area licenses
22 expire.

23 Each applicant for a State Migratory Waterfowl Stamp,
24 regardless of his residence or other condition, shall pay a fee
25 of \$15 and shall receive a stamp. Except as provided under
26 Section 20-45 of the Fish and Aquatic Life Code, the stamp

1 shall be signed by the person or affixed to his license or
2 permit in a space designated by the Department for that
3 purpose.

4 Each applicant for a State Habitat Stamp, regardless of his
5 residence or other condition, shall pay a fee of \$5 and shall
6 receive a stamp. Except as provided under Section 20-45 of the
7 Fish and Aquatic Life Code, the stamp shall be signed by the
8 person or affixed to his license or permit in a space
9 designated by the Department for that purpose.

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

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

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

20 Every person holding any license, permit, or stamp issued
21 under the provisions of this Act shall have it in his
22 possession for immediate presentation for inspection to the
23 officers and authorized employees of the Department, any
24 sheriff, deputy sheriff, or any other peace officer making a
25 demand for it. This provision shall not apply to Department
26 owned or managed sites where it is required that all hunters

1 deposit their license or ~~7~~ permit, ~~or Firearm Owner's~~
2 ~~Identification Card~~ at the check station upon entering the
3 hunting areas.

4 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12.)

5 Section 46. The Clerks of Courts Act is amended by changing
6 Section 27.3a as follows:

7 (705 ILCS 105/27.3a)

8 Sec. 27.3a. Fees for automated record keeping, probation
9 and court services operations, and State and Conservation
10 Police operations.

11 1. The expense of establishing and maintaining automated
12 record keeping systems in the offices of the clerks of the
13 circuit court shall be borne by the county. To defray such
14 expense in any county having established such an automated
15 system or which elects to establish such a system, the county
16 board may require the clerk of the circuit court in their
17 county to charge and collect a court automation fee of not less
18 than \$1 nor more than \$15 to be charged and collected by the
19 clerk of the court. Such fee shall be paid at the time of
20 filing the first pleading, paper or other appearance filed by
21 each party in all civil cases or by the defendant in any
22 felony, traffic, misdemeanor, municipal ordinance, or
23 conservation case upon a judgment of guilty or grant of
24 supervision, provided that the record keeping system which

1 processes the case category for which the fee is charged is
2 automated or has been approved for automation by the county
3 board, and provided further that no additional fee shall be
4 required if more than one party is presented in a single
5 pleading, paper or other appearance. Such fee shall be
6 collected in the manner in which all other fees or costs are
7 collected.

8 1.1. Starting on July 6, 2012 (the effective date of Public
9 Act 97-761) ~~this amendatory Act of the 97th General Assembly~~
10 and pursuant to an administrative order from the chief judge of
11 the circuit or the presiding judge of the county authorizing
12 such collection, a clerk of the circuit court in any county
13 that imposes a fee pursuant to subsection 1 of this Section
14 shall also charge and collect an additional \$10 operations fee
15 for probation and court services department operations.

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

22 1.2. With respect to the fee imposed and collected under
23 subsection 1.1 of this Section, each clerk shall transfer all
24 fees monthly to the county treasurer for deposit into the
25 probation and court services fund created under Section 15.1 of
26 the Probation and Probation Officers Act, and such monies shall

1 be disbursed from the fund only at the direction of the chief
2 judge of the circuit or another judge designated by the Chief
3 Circuit Judge in accordance with the policies and guidelines
4 approved by the Supreme Court.

5 1.5. Starting on the effective date of this amendatory Act
6 of the 96th General Assembly, a clerk of the circuit court in
7 any county that imposes a fee pursuant to subsection 1 of this
8 Section, shall charge and collect an additional fee in an
9 amount equal to the amount of the fee imposed pursuant to
10 subsection 1 of this Section. This additional fee shall be paid
11 by the defendant in any felony, traffic, misdemeanor, or local
12 ordinance case upon a judgment of guilty or grant of
13 supervision. This fee shall not be paid by the defendant for
14 any conservation violation listed in subsection 1.6 of this
15 Section.

16 1.6. Starting on July 1, 2012 (the effective date of Public
17 Act 97-46), a clerk of the circuit court in any county that
18 imposes a fee pursuant to subsection 1 of this Section shall
19 charge and collect an additional fee in an amount equal to the
20 amount of the fee imposed pursuant to subsection 1 of this
21 Section. This additional fee shall be paid by the defendant
22 upon a judgment of guilty or grant of supervision for a
23 conservation violation under the State Parks Act, the
24 Recreational Trails of Illinois Act, the Illinois Explosives
25 Act, the Timber Buyers Licensing Act, the Forest Products
26 Transportation Act, ~~the Firearm Owners Identification Card~~

1 ~~Act,~~ the Environmental Protection Act, the Fish and Aquatic
2 Life Code, the Wildlife Code, the Cave Protection Act, the
3 Illinois Exotic Weed Act, the Illinois Forestry Development
4 Act, the Ginseng Harvesting Act, the Illinois Lake Management
5 Program Act, the Illinois Natural Areas Preservation Act, the
6 Illinois Open Land Trust Act, the Open Space Lands Acquisition
7 and Development Act, the Illinois Prescribed Burning Act, the
8 State Forest Act, the Water Use Act of 1983, the Illinois
9 Veteran, Youth, and Young Adult Conservation Jobs Act, the
10 Snowmobile Registration and Safety Act, the Boat Registration
11 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
12 and Fishermen Interference Prohibition Act, the Wrongful Tree
13 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
14 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
15 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
16 Criminal Code of 2012 ~~1961~~.

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

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

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

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

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

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

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

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

12 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
13 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;
14 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

15 Section 50. The Criminal Code of 2012 is amended by
16 changing Sections 2-7.1, 2-7.5, 12-3.05, 12-4.2, 12-4.2-5,
17 17-30, 24-1.1, 24-1.6, 24-2, 24-3, 24-3.2, 24-3.4, 24-3.5, and
18 24-9 and adding Section 24-4.5 as follows:

19 (720 ILCS 5/2-7.1)

20 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".
21 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any
22 self-contained cartridge or shotgun shell, by whatever name
23 known, which is designed to be used or adaptable to use in a
24 firearm; excluding, however:

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

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

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

10 (720 ILCS 5/2-7.5)

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

16 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
17 gun which either expels a single globular projectile not
18 exceeding .18 inch in diameter and which has a maximum muzzle
19 velocity of less than 700 feet per second or breakable paint
20 balls containing washable marking colors;

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

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets, or similar industrial

1 ammunition; and

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

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

10 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

11 Sec. 12-3.05. Aggravated battery.

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

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

18 (2) Causes severe and permanent disability, great
19 bodily harm, or disfigurement by means of a caustic or
20 flammable substance, a poisonous gas, a deadly biological
21 or chemical contaminant or agent, a radioactive substance,
22 or a bomb or explosive compound.

23 (3) Causes great bodily harm or permanent disability or
24 disfigurement to an individual whom the person knows to be
25 a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution
2 employee, or Department of Human Services employee
3 supervising or controlling sexually dangerous persons or
4 sexually violent persons:

5 (i) performing his or her official duties;

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

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

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

12 (5) Strangles another individual.

13 (b) Offense based on injury to a child or intellectually
14 disabled person. A person who is at least 18 years of age
15 commits aggravated battery when, in committing a battery, he or
16 she knowingly and without legal justification by any means:

17 (1) causes great bodily harm or permanent disability or
18 disfigurement to any child under the age of 13 years, or to
19 any severely or profoundly intellectually disabled person;

20 or

21 (2) causes bodily harm or disability or disfigurement
22 to any child under the age of 13 years or to any severely
23 or profoundly intellectually disabled person.

24 (c) Offense based on location of conduct. A person commits
25 aggravated battery when, in committing a battery, other than by
26 the discharge of a firearm, he or she is or the person battered

1 is on or about a public way, public property, a public place of
2 accommodation or amusement, a sports venue, or a domestic
3 violence shelter.

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

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

9 (2) A person who is pregnant or physically handicapped.

10 (3) A teacher or school employee upon school grounds or
11 grounds adjacent to a school or in any part of a building
12 used for school purposes.

13 (4) A peace officer, community policing volunteer,
14 fireman, private security officer, correctional
15 institution employee, or Department of Human Services
16 employee supervising or controlling sexually dangerous
17 persons or sexually violent persons:

18 (i) performing his or her official duties;

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

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

23 (5) A judge, emergency management worker, emergency
24 medical technician, or utility worker:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

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

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

9 (8) A taxi driver on duty.

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

14 (10) A person authorized to serve process under Section
15 2-202 of the Code of Civil Procedure or a special process
16 server appointed by the circuit court while that individual
17 is in the performance of his or her duties as a process
18 server.

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

22 (1) Discharges a firearm, other than a machine gun or a
23 firearm equipped with a silencer, and causes any injury to
24 another person.

25 (2) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be a peace officer, community
2 policing volunteer, person summoned by a police officer,
3 fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

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

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

10 (3) Discharges a firearm, other than a machine gun or a
11 firearm equipped with a silencer, and causes any injury to
12 a person he or she knows to be an emergency medical
13 technician employed by a municipality or other
14 governmental unit:

15 (i) performing his or her official duties;

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

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

20 (4) Discharges a firearm and causes any injury to a
21 person he or she knows to be a teacher, a student in a
22 school, or a school employee, and the teacher, student, or
23 employee is upon school grounds or grounds adjacent to a
24 school or in any part of a building used for school
25 purposes.

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

1 a silencer, and causes any injury to another person.

2 (6) Discharges a machine gun or a firearm equipped with
3 a silencer, and causes any injury to a person he or she
4 knows to be a peace officer, community policing volunteer,
5 person summoned by a police officer, fireman, private
6 security officer, correctional institution employee or
7 emergency management worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (7) Discharges a machine gun or a firearm equipped with
14 a silencer, and causes any injury to a person he or she
15 knows to be an emergency medical technician employed by a
16 municipality or other governmental unit:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (8) Discharges a machine gun or a firearm equipped with
23 a silencer, and causes any injury to a person he or she
24 knows to be a teacher, or a student in a school, or a
25 school employee, and the teacher, student, or employee is
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

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

5 (1) Uses a deadly weapon other than by discharge of a
6 firearm, or uses an air rifle as defined in Section
7 24.8-0.1 of this Code ~~the Air Rifle Act.~~

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

10 (3) Knowingly and without lawful justification shines
11 or flashes a laser gunsight or other laser device attached
12 to a firearm, or used in concert with a firearm, so that
13 the laser beam strikes upon or against the person of
14 another.

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

18 (1) Violates Section 401 of the Illinois Controlled
19 Substances Act by unlawfully delivering a controlled
20 substance to another and any user experiences great bodily
21 harm or permanent disability as a result of the injection,
22 inhalation, or ingestion of any amount of the controlled
23 substance.

24 (2) Knowingly administers to an individual or causes
25 him or her to take, without his or her consent or by threat
26 or deception, and for other than medical purposes, any

1 intoxicating, poisonous, stupefying, narcotic, anesthetic,
2 or controlled substance, or gives to another person any
3 food containing any substance or object intended to cause
4 physical injury if eaten.

5 (3) Knowingly causes or attempts to cause a
6 correctional institution employee or Department of Human
7 Services employee to come into contact with blood, seminal
8 fluid, urine, or feces by throwing, tossing, or expelling
9 the fluid or material, and the person is an inmate of a
10 penal institution or is a sexually dangerous person or
11 sexually violent person in the custody of the Department of
12 Human Services.

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

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

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

19 Aggravated battery as defined in subdivision (a)(1) is a
20 Class 1 felony when the aggravated battery was intentional and
21 involved the infliction of torture, as defined in paragraph
22 (14) of subsection (b) of Section 9-1 of this Code, as the
23 infliction of or subjection to extreme physical pain, motivated
24 by an intent to increase or prolong the pain, suffering, or
25 agony of the victim.

26 Aggravated battery under subdivision (a)(5) is a Class 1

1 felony if:

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

4 (B) the person caused great bodily harm or permanent
5 disability or disfigurement to the other person while
6 committing the offense; or

7 (C) the person has been previously convicted of a
8 violation of subdivision (a)(5) under the laws of this
9 State or laws similar to subdivision (a)(5) of any other
10 state.

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

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

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

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

25 Aggravated battery as defined in subdivision (e)(6),
26 (e)(7), or (e)(8) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 20 years
2 and a maximum of 60 years.

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

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

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

11 (3) if, during the commission of the offense, the
12 person personally discharged a firearm that proximately
13 caused great bodily harm, permanent disability, permanent
14 disfigurement, or death to another person, 25 years or up
15 to a term of natural life shall be added to the term of
16 imprisonment imposed by the court.

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

18 "Building or other structure used to provide shelter" has
19 the meaning ascribed to "shelter" in Section 1 of the Domestic
20 Violence Shelters Act.

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

23 "Domestic violence shelter" means any building or other
24 structure used to provide shelter or other services to victims
25 or to the dependent children of victims of domestic violence
26 pursuant to the Illinois Domestic Violence Act of 1986 or the

1 Domestic Violence Shelters Act, or any place within 500 feet of
2 such a building or other structure in the case of a person who
3 is going to or from such a building or other structure.

4 "Firearm" has the meaning provided under Section 2-7.5 of
5 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
6 and does not include an air rifle as defined by Section
7 24.8-0.1 of this Code ~~1 of the Air Rifle Act.~~

8 "Machine gun" has the meaning ascribed to it in Section
9 24-1 of this Code.

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

12 "Strangle" means intentionally impeding the normal
13 breathing or circulation of the blood of an individual by
14 applying pressure on the throat or neck of that individual or
15 by blocking the nose or mouth of that individual.

16 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
17 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
18 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
19 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

20 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

21 Sec. 17-30. Defaced, altered, or removed manufacturer or
22 owner identification number.

23 (a) Unlawful sale of household appliances. A person commits
24 unlawful sale of household appliances when he or she knowingly,
25 with the intent to defraud or deceive another, keeps for sale,

1 within any commercial context, any household appliance with a
2 missing, defaced, obliterated, or otherwise altered
3 manufacturer's identification number.

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

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

1 dams, airports, or waterways or in material handling for such
2 projects upon which any such serial number, product
3 identification number, part number, component identification
4 number, owner-applied identification number, or other mark of
5 identification has been changed, altered, removed, or
6 obliterated.

7 (c) Defacement of manufacturer's serial number or
8 identification mark. A person commits defacement of a
9 manufacturer's serial number or identification mark when he or
10 she knowingly removes, alters, defaces, covers, or destroys the
11 manufacturer's serial number or any other manufacturer's
12 number or distinguishing identification mark upon any machine
13 or other article of merchandise, other than a motor vehicle as
14 defined in Section 1-146 of the Illinois Vehicle Code or a
15 firearm as defined in Section 2-7.5 of this Code ~~the Firearm~~
16 ~~Owners Identification Card Act~~, with the intent of concealing
17 or destroying the identity of such machine or other article of
18 merchandise.

19 (d) Sentence.

20 (1) A violation of subsection (a) of this Section is a
21 Class 4 felony if the value of the appliance or appliances
22 exceeds \$1,000 and a Class B misdemeanor if the value of
23 the appliance or appliances is \$1,000 or less.

24 (2) A violation of subsection (b) of this Section is a
25 Class A misdemeanor.

26 (3) A violation of subsection (c) of this Section is a

1 Class B misdemeanor.

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

4 (f) Definitions. In this Section:

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

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

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

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

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

25 Sec. 24-1.1. Unlawful Use or Possession of Weapons by

1 Felons or Persons in the Custody of the Department of
2 Corrections Facilities.

3 (a) It is unlawful for a person to knowingly possess on or
4 about his person or on his land or in his own abode or fixed
5 place of business any weapon prohibited under Section 24-1 of
6 this Act or any firearm or any firearm ammunition if the person
7 has been convicted of a felony under the laws of this State or
8 any other jurisdiction. This Section shall not apply if the
9 person has been granted relief by the United States Attorney
10 General under Section 925 of the federal Gun Control Act of
11 1968 (Title 18 U.S.C. Section 925), as amended ~~Director of the~~
12 ~~Department of State Police under Section 10 of the Firearm~~
13 ~~Owners Identification Card Act.~~

14 (b) It is unlawful for any person confined in a penal
15 institution, which is a facility of the Illinois Department of
16 Corrections, to possess any weapon prohibited under Section
17 24-1 of this Code or any firearm or firearm ammunition,
18 regardless of the intent with which he possesses it.

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

23 (d) The defense of necessity is not available to a person
24 who is charged with a violation of subsection (b) of this
25 Section.

26 (e) Sentence. Violation of this Section by a person not

1 confined in a penal institution shall be a Class 3 felony for
2 which the person shall be sentenced to no less than 2 years and
3 no more than 10 years and any second or subsequent violation
4 shall be a Class 2 felony for which the person shall be
5 sentenced to a term of imprisonment of not less than 3 years
6 and not more than 14 years. Violation of this Section by a
7 person not confined in a penal institution who has been
8 convicted of a forcible felony, a felony violation of Article
9 24 of this Code ~~or of the Firearm Owners Identification Card~~
10 ~~Act~~, stalking or aggravated stalking, or a Class 2 or greater
11 felony under the Illinois Controlled Substances Act, the
12 Cannabis Control Act, or the Methamphetamine Control and
13 Community Protection Act is a Class 2 felony for which the
14 person shall be sentenced to not less than 3 years and not more
15 than 14 years. Violation of this Section by a person who is on
16 parole or mandatory supervised release is a Class 2 felony for
17 which the person shall be sentenced to not less than 3 years
18 and not more than 14 years. Violation of this Section by a
19 person not confined in a penal institution is a Class X felony
20 when the firearm possessed is a machine gun. Any person who
21 violates this Section while confined in a penal institution,
22 which is a facility of the Illinois Department of Corrections,
23 is guilty of a Class 1 felony, if he possesses any weapon
24 prohibited under Section 24-1 of this Code regardless of the
25 intent with which he possesses it, a Class X felony if he
26 possesses any firearm, firearm ammunition or explosive, and a

1 Class X felony for which the offender shall be sentenced to not
2 less than 12 years and not more than 50 years when the firearm
3 possessed is a machine gun. A violation of this Section while
4 wearing or in possession of body armor as defined in Section
5 33F-1 is a Class X felony punishable by a term of imprisonment
6 of not less than 10 years and not more than 40 years. The
7 possession of each firearm or firearm ammunition in violation
8 of this Section constitutes a single and separate violation.

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

10 (720 ILCS 5/24-1.6)

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

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

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

21 (2) Carries or possesses on or about his or her person,
22 upon any public street, alley, or other public lands within
23 the corporate limits of a city, village or incorporated
24 town, except when an invitee thereon or therein, for the
25 purpose of the display of such weapon or the lawful

1 commerce in weapons, or except when on his or her own land
2 or in his or her own abode, legal dwelling, or fixed place
3 of business, or on the land or in the legal dwelling of
4 another person as an invitee with that person's permission,
5 any pistol, revolver, stun gun or taser or other firearm;
6 and

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

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

10 (B) the firearm possessed was uncased, unloaded
11 and the ammunition for the weapon was immediately
12 accessible at the time of the offense; or

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

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

20 (E) the person possessing the weapon was engaged in
21 a misdemeanor violation of the Cannabis Control Act, in
22 a misdemeanor violation of the Illinois Controlled
23 Substances Act, or in a misdemeanor violation of the
24 Methamphetamine Control and Community Protection Act;
25 or

26 (F) (blank); or

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

4 (H) the person possessing the weapon was engaged in
5 the commission or attempted commission of a
6 misdemeanor involving the use or threat of violence
7 against the person or property of another; or

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

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

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

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

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container ~~by a~~
22 ~~person who has been issued a currently valid Firearm~~
23 ~~Owner's Identification Card.~~

24 (d) Sentence.

25 (1) Aggravated unlawful use of a weapon is a Class 4
26 felony; a second or subsequent offense is a Class 2 felony

1 for which the person shall be sentenced to a term of
2 imprisonment of not less than 3 years and not more than 7
3 years.

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

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

17 (4) (Blank). ~~Aggravated unlawful use of a weapon while~~
18 ~~wearing or in possession of body armor as defined in~~
19 ~~Section 33F 1 by a person who has not been issued a valid~~
20 ~~Firearms Owner's Identification Card in accordance with~~
21 ~~Section 5 of the Firearm Owners Identification Card Act is~~
22 ~~a Class X felony.~~

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

25 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
26 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

1 (720 ILCS 5/24-2)

2 Sec. 24-2. Exemptions.

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

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

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

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

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

25 (5) Persons licensed as private security contractors,

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

1 weapon.

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

1 times when he or she is in possession of a concealable
2 weapon.

3 (7) Agents and investigators of the Illinois
4 Legislative Investigating Commission authorized by the
5 Commission to carry the weapons specified in subsections
6 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
7 any investigation for the Commission.

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

1 for those issued under the provisions of the Private
2 Detective, Private Alarm, Private Security, Fingerprint
3 Vendor, and Locksmith Act of 2004. Such firearm control
4 card shall be carried by the person so trained at all times
5 when such person is in possession of a concealable weapon.
6 For purposes of this subsection, "financial institution"
7 means a bank, savings and loan association, credit union or
8 company providing armored car services.

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

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

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

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

21 (12.5) Probation officers while in the performance of
22 their duties, or while commuting between their homes,
23 places of employment or specific locations that are part of
24 their assigned duties, with the consent of the chief judge
25 of the circuit for which they are employed.

26 (13) Court Security Officers while in the performance

1 of their official duties, or while commuting between their
2 homes and places of employment, with the consent of the
3 Sheriff.

4 (13.5) A person employed as an armed security guard at
5 a nuclear energy, storage, weapons or development site or
6 facility regulated by the Nuclear Regulatory Commission
7 who has completed the background screening and training
8 mandated by the rules and regulations of the Nuclear
9 Regulatory Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 incident to fulfilling the terms of such contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this Article, which is unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container, ~~by the~~
3 ~~possessor of a valid Firearm Owners Identification Card.~~

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

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

23 (e) Sells or gives any firearm to any person who has
24 been a patient in a mental hospital within the past 5
25 years.

1 (f) Sells or gives any firearms to any person who is
2 intellectually disabled.

3 (g) Delivers any firearm of a size which may be
4 concealed upon the person, incidental to a sale, without
5 withholding delivery of such firearm for at least 72 hours
6 after application for its purchase has been made, or
7 delivers any rifle, shotgun or other long gun, or a stun
8 gun or taser, incidental to a sale, without withholding
9 delivery of such rifle, shotgun or other long gun, or a
10 stun gun or taser for at least 24 hours after application
11 for its purchase has been made. However, this paragraph (g)
12 does not apply to: (1) the sale of a firearm to a law
13 enforcement officer if the seller of the firearm knows that
14 the person to whom he or she is selling the firearm is a
15 law enforcement officer or the sale of a firearm to a
16 person who desires to purchase a firearm for use in
17 promoting the public interest incident to his or her
18 employment as a bank guard, armed truck guard, or other
19 similar employment; (2) a mail order sale of a firearm to a
20 nonresident of Illinois under which the firearm is mailed
21 to a point outside the boundaries of Illinois; (3) the sale
22 of a firearm to a nonresident of Illinois while at a
23 firearm showing or display recognized by the Illinois
24 Department of State Police; or (4) the sale of a firearm to
25 a dealer licensed as a federal firearms dealer under
26 Section 923 of the federal Gun Control Act of 1968 (18

1 U.S.C. 923). For purposes of this paragraph (g),
2 "application" means when the buyer and seller reach an
3 agreement to purchase a firearm.

4 (h) While holding any license as a dealer, importer,
5 manufacturer or pawnbroker under the federal Gun Control
6 Act of 1968, manufactures, sells or delivers to any
7 unlicensed person a handgun having a barrel, slide, frame
8 or receiver which is a die casting of zinc alloy or any
9 other nonhomogeneous metal which will melt or deform at a
10 temperature of less than 800 degrees Fahrenheit. For
11 purposes of this paragraph, (1) "firearm" is defined as in
12 Section 2-7.5 of this Code ~~the Firearm Owners~~
13 ~~Identification Card Act~~; and (2) "handgun" is defined as a
14 firearm designed to be held and fired by the use of a
15 single hand, and includes a combination of parts from which
16 such a firearm can be assembled.

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

20 (j) Sells or gives a firearm while engaged in the
21 business of selling firearms at wholesale or retail without
22 being licensed as a federal firearms dealer under Section
23 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
24 In this paragraph (j):

25 A person "engaged in the business" means a person who
26 devotes time, attention, and labor to engaging in the

1 activity as a regular course of trade or business with the
2 principal objective of livelihood and profit, but does not
3 include a person who makes occasional repairs of firearms
4 or who occasionally fits special barrels, stocks, or
5 trigger mechanisms to firearms.

6 "With the principal objective of livelihood and
7 profit" means that the intent underlying the sale or
8 disposition of firearms is predominantly one of obtaining
9 livelihood and pecuniary gain, as opposed to other intents,
10 such as improving or liquidating a personal firearms
11 collection; however, proof of profit shall not be required
12 as to a person who engages in the regular and repetitive
13 purchase and disposition of firearms for criminal purposes
14 or terrorism.

15 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
16 ~~to a person who does not display to the seller or~~
17 ~~transferor of the firearm a currently valid Firearm Owner's~~
18 ~~Identification Card that has previously been issued in the~~
19 ~~transferee's name by the Department of State Police under~~
20 ~~the provisions of the Firearm Owners Identification Card~~
21 ~~Act. This paragraph (k) does not apply to the transfer of a~~
22 ~~firearm to a person who is exempt from the requirement of~~
23 ~~possessing a Firearm Owner's Identification Card under~~
24 ~~Section 2 of the Firearm Owners Identification Card Act.~~
25 ~~For the purposes of this Section, a currently valid Firearm~~
26 ~~Owner's Identification Card means (i) a Firearm Owner's~~

1 ~~Identification Card that has not expired or (ii) if the~~
2 ~~transferor is licensed as a federal firearms dealer under~~
3 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
4 ~~U.S.C. 923), an approval number issued in accordance with~~
5 ~~Section 3.1 of the Firearm Owners Identification Card Act~~
6 ~~shall be proof that the Firearm Owner's Identification Card~~
7 ~~was valid.~~

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

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

24 (C) Sentence.

25 (1) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (c), (e), (f), (g),

1 or (h) of subsection (A) commits a Class 4 felony.

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

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

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

1 which the offense was committed, commits a Class 1 felony
2 for which the sentence shall be a term of imprisonment of
3 no less than 5 years and no more than 15 years.

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

20 (6) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (j) of subsection (A)
22 commits a Class A misdemeanor. A second or subsequent
23 violation is a Class 4 felony.

24 (7) (Blank). ~~Any person convicted of unlawful sale or~~
25 ~~delivery of firearms in violation of paragraph (k) of~~
26 ~~subsection (A) commits a Class 4 felony. A third or~~

1 ~~subsequent conviction for a violation of paragraph (k) of~~
2 ~~subsection (A) is a Class 1 felony.~~

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

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

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

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

22 (D) For purposes of this Section:

23 "School" means a public or private elementary or secondary
24 school, community college, college, or university.

25 "School related activity" means any sporting, social,
26 academic, or other activity for which students' attendance or

1 participation is sponsored, organized, or funded in whole or in
2 part by a school or school district.

3 ~~(E) A prosecution for a violation of paragraph (k) of~~
4 ~~subsection (A) of this Section may be commenced within 6 years~~
5 ~~after the commission of the offense.~~ A prosecution for a
6 violation of this Section other than paragraph (g) of
7 subsection (A) of this Section may be commenced within 5 years
8 after the commission of the offense defined in the particular
9 paragraph.

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

12 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

18 For purposes of this Section:

19 "Armor piercing bullet" means any handgun bullet or handgun
20 ammunition with projectiles or projectile cores constructed
21 entirely (excluding the presence of traces of other substances)
22 from tungsten alloys, steel, iron, brass, bronze, beryllium
23 copper or depleted uranium, or fully jacketed bullets larger
24 than 22 caliber whose jacket has a weight of more than 25% of
25 the total weight of the projectile, and excluding those handgun

1 projectiles whose cores are composed of soft materials such as
2 lead or lead alloys, zinc or zinc alloys, frangible projectiles
3 designed primarily for sporting purposes, and any other
4 projectiles or projectile cores that the U. S. Secretary of the
5 Treasury finds to be primarily intended to be used for sporting
6 purposes or industrial purposes or that otherwise does not
7 constitute "armor piercing ammunition" as that term is defined
8 by federal law.

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

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

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

19 (b) A person commits a Class X felony when he or she,
20 knowing that a firearm, as defined in Section 2-7.5 of this
21 Code ~~1.1 of the Firearm Owners Identification Card Act~~, is
22 loaded with an armor piercing bullet, dragon's breath shotgun
23 shell, bolo shell, or flechette shell, intentionally or
24 recklessly discharges such firearm and such bullet or shell
25 strikes any other person.

26 (c) Any person who possesses, concealed on or about his or

1 her person, an armor piercing bullet, dragon's breath shotgun
2 shell, bolo shell, or flechette shell and a firearm suitable
3 for the discharge thereof is guilty of a Class 2 felony.

4 (d) This Section does not apply to or affect any of the
5 following:

6 (1) Peace officers;

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

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard while in
12 the performance of their official duties;

13 (4) Federal officials required to carry firearms,
14 while engaged in the performance of their official duties;

15 (5) United States Marshals, while engaged in the
16 performance of their official duties.

17 (Source: P.A. 92-423, eff. 1-1-02.)

18 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

19 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

20 (a) It shall be unlawful for any person who holds a license
21 to sell at retail any alcoholic liquor issued by the Illinois
22 Liquor Control Commission or local liquor control commissioner
23 under the Liquor Control Act of 1934 or an agent or employee of
24 the licensee to sell or deliver to any other person a firearm
25 in or on the real property of the establishment where the

1 licensee is licensed to sell alcoholic liquors unless the sale
2 or delivery of the firearm is otherwise lawful under this
3 Article ~~and under the Firearm Owners Identification Card Act.~~

4 (b) Sentence. A violation of subsection (a) of this Section
5 is a Class 4 felony.

6 (Source: P.A. 87-591.)

7 (720 ILCS 5/24-3.5)

8 Sec. 24-3.5. Unlawful purchase of a firearm.

9 (a) For purposes of this Section, "firearms transaction
10 record form" means a form:

11 (1) executed by a transferee of a firearm stating: (i)
12 the transferee's name and address (including county or
13 similar political subdivision); (ii) whether the
14 transferee is a citizen of the United States; (iii) the
15 transferee's State of residence; and (iv) the date and
16 place of birth, height, weight, and race of the transferee;
17 and

18 (2) on which the transferee certifies that he or she is
19 not prohibited by federal law from transporting or shipping
20 a firearm in interstate or foreign commerce or receiving a
21 firearm that has been shipped or transported in interstate
22 or foreign commerce or possessing a firearm in or affecting
23 commerce.

24 (b) A person commits the offense of unlawful purchase of a
25 firearm who knowingly purchases or attempts to purchase a

1 firearm with the intent to deliver that firearm to another
2 person who is prohibited by federal or State law from
3 possessing a firearm.

4 (c) A person commits the offense of unlawful purchase of a
5 firearm when he or she, in purchasing or attempting to purchase
6 a firearm, intentionally provides false or misleading
7 information on a United States Department of the Treasury,
8 Bureau of Alcohol, Tobacco and Firearms firearms transaction
9 record form.

10 (d) Exemption. It is not a violation of subsection (b) of
11 this Section for a person to make a gift or loan of a firearm to
12 a person who is not prohibited by federal or State law from
13 possessing a firearm ~~if the transfer of the firearm is made in~~
14 ~~accordance with Section 3 of the Firearm Owners Identification~~
15 ~~Card Act.~~

16 (e) Sentence.

17 (1) A person who commits the offense of unlawful
18 purchase of a firearm:

19 (A) is guilty of a Class 2 felony for purchasing or
20 attempting to purchase one firearm;

21 (B) is guilty of a Class 1 felony for purchasing or
22 attempting to purchase not less than 2 firearms and not
23 more than 5 firearms at the same time or within a one
24 year period;

25 (C) is guilty of a Class X felony for which the
26 offender shall be sentenced to a term of imprisonment

1 of not less than 9 years and not more than 40 years for
2 purchasing or attempting to purchase not less than 6
3 firearms at the same time or within a 2 year period.

4 (2) In addition to any other penalty that may be
5 imposed for a violation of this Section, the court may
6 sentence a person convicted of a violation of subsection
7 (c) of this Section to a fine not to exceed \$250,000 for
8 each violation.

9 (f) A prosecution for unlawful purchase of a firearm may be
10 commenced within 6 years after the commission of the offense.

11 (Source: P.A. 95-882, eff. 1-1-09.)

12 (720 ILCS 5/24-4.5 new)

13 Sec. 24-4.5. Dial up system.

14 (a) The Department of State Police shall provide a dial up
15 telephone system or utilize other existing technology which
16 shall be used by any federally licensed firearm dealer, gun
17 show promoter, or gun show vendor who is to transfer a firearm,
18 stun gun, or taser under the provisions of this Code. The
19 Department of State Police may utilize existing technology
20 which allows the caller to be charged a fee not to exceed \$2.
21 Fees collected by the Department of State Police shall be
22 deposited in the State Police Services Fund and used to provide
23 the service.

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the

1 Department of State Police shall immediately approve, or within
2 the time period established by Section 24-3 of this Code
3 regarding the delivery of firearms, stun guns, and tasers
4 notify the inquiring dealer, gun show promoter, or gun show
5 vendor of any objection that would disqualify the transferee
6 from acquiring or possessing a firearm, stun gun, or taser. In
7 conducting the inquiry, the Department of State Police shall
8 initiate and complete an automated search of its criminal
9 history record information files and those of the Federal
10 Bureau of Investigation, including the National Instant
11 Criminal Background Check System, and of the files of the
12 Department of Human Services relating to mental health and
13 developmental disabilities to obtain any felony conviction or
14 patient hospitalization information which would disqualify a
15 person from obtaining a firearm.

16 (c) If receipt of a firearm would not violate Section 24-3
17 of this Code or federal law, the Department of State Police
18 shall:

19 (1) assign a unique identification number to the
20 transfer; and

21 (2) provide the licensee, gun show promoter, or gun
22 show vendor with the number.

23 (d) Approvals issued by the Department of State Police for
24 the purchase of a firearm are valid for 30 days from the date
25 of issue.

26 (e)(1) The Department of State Police must act as the

1 Illinois Point of Contact for the National Instant Criminal
2 Background Check System.

3 (2) The Department of State Police and the Department of
4 Human Services shall, in accordance with State and federal law
5 regarding confidentiality, enter into a memorandum of
6 understanding with the Federal Bureau of Investigation for the
7 purpose of implementing the National Instant Criminal
8 Background Check System in the State. The Department of State
9 Police shall report the name, date of birth, and physical
10 description of any person prohibited from possessing a firearm
11 under this Code or 18 U.S.C. 922(g) and (n) to the National
12 Instant Criminal Background Check System Index, Denied Persons
13 Files.

14 (f) The Department of State Police shall promulgate rules
15 not inconsistent with this Section to implement this system.

16 (720 ILCS 5/24-9)

17 Sec. 24-9. Firearms; Child Protection.

18 (a) Except as provided in subsection (c), it is unlawful
19 for any person to store or leave, within premises under his or
20 her control, a firearm if the person knows or has reason to
21 believe that a minor under the age of 14 years ~~who does not~~
22 ~~have a Firearm Owners Identification Card~~ is likely to gain
23 access to the firearm without the lawful permission of the
24 minor's parent, guardian, or person having charge of the minor,
25 and the minor causes death or great bodily harm with the

1 firearm, 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; or

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 minor under the
8 age of 14 years.

9 (b) Sentence. A person who violates this Section is guilty
10 of a Class C misdemeanor and shall be fined not less than
11 \$1,000. A second or subsequent violation of this Section is a
12 Class A misdemeanor.

13 (c) Subsection (a) does not apply:

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

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

20 (d) For the purposes of this Section, "firearm" has the
21 meaning ascribed to it in Section 2-7.5 of this Code ~~1.1 of the~~
22 ~~Firearm Owners Identification Card Act.~~

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

24 Section 60. The Methamphetamine Control and Community
25 Protection Act is amended by changing Section 10 as follows:

1 (720 ILCS 646/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Anhydrous ammonia" has the meaning provided in subsection
4 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

5 "Anhydrous ammonia equipment" means all items used to
6 store, hold, contain, handle, transfer, transport, or apply
7 anhydrous ammonia for lawful purposes.

8 "Booby trap" means any device designed to cause physical
9 injury when triggered by an act of a person approaching,
10 entering, or moving through a structure, a vehicle, or any
11 location where methamphetamine has been manufactured, is being
12 manufactured, or is intended to be manufactured.

13 "Deliver" or "delivery" has the meaning provided in
14 subsection (h) of Section 102 of the Illinois Controlled
15 Substances Act.

16 "Director" means the Director of State Police or the
17 Director's designated agents.

18 "Dispose" or "disposal" means to abandon, discharge,
19 release, deposit, inject, dump, spill, leak, or place
20 methamphetamine waste onto or into any land, water, or well of
21 any type so that the waste has the potential to enter the
22 environment, be emitted into the air, or be discharged into the
23 soil or any waters, including groundwater.

24 "Emergency response" means the act of collecting evidence
25 from or securing a methamphetamine laboratory site,

1 methamphetamine waste site or other methamphetamine-related
2 site and cleaning up the site, whether these actions are
3 performed by public entities or private contractors paid by
4 public entities.

5 "Emergency service provider" means a local, State, or
6 federal peace officer, firefighter, emergency medical
7 technician-ambulance, emergency medical
8 technician-intermediate, emergency medical
9 technician-paramedic, ambulance driver, or other medical or
10 first aid personnel rendering aid, or any agent or designee of
11 the foregoing.

12 "Finished methamphetamine" means methamphetamine in a form
13 commonly used for personal consumption.

14 "Firearm" has the meaning provided in Section 2-7.5 of the
15 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
16 ~~Card Act.~~

17 "Manufacture" means to produce, prepare, compound,
18 convert, process, synthesize, concentrate, purify, separate,
19 extract, or package any methamphetamine, methamphetamine
20 precursor, methamphetamine manufacturing catalyst,
21 methamphetamine manufacturing reagent, methamphetamine
22 manufacturing solvent, or any substance containing any of the
23 foregoing.

24 "Methamphetamine" means the chemical methamphetamine (a
25 Schedule II controlled substance under the Illinois Controlled
26 Substances Act) or any salt, optical isomer, salt of optical

1 isomer, or analog thereof, with the exception of
2 3,4-Methylenedioxymethamphetamine (MDMA) or any other
3 scheduled substance with a separate listing under the Illinois
4 Controlled Substances Act.

5 "Methamphetamine manufacturing catalyst" means any
6 substance that has been used, is being used, or is intended to
7 be used to activate, accelerate, extend, or improve a chemical
8 reaction involved in the manufacture of methamphetamine.

9 "Methamphetamine manufacturing environment" means a
10 structure or vehicle in which:

- 11 (1) methamphetamine is being or has been manufactured;
- 12 (2) chemicals that are being used, have been used, or
13 are intended to be used to manufacture methamphetamine are
14 stored;
- 15 (3) methamphetamine manufacturing materials that have
16 been used to manufacture methamphetamine are stored; or
- 17 (4) methamphetamine manufacturing waste is stored.

18 "Methamphetamine manufacturing material" means any
19 methamphetamine precursor, substance containing any
20 methamphetamine precursor, methamphetamine manufacturing
21 catalyst, substance containing any methamphetamine
22 manufacturing catalyst, methamphetamine manufacturing reagent,
23 substance containing any methamphetamine manufacturing
24 reagent, methamphetamine manufacturing solvent, substance
25 containing any methamphetamine manufacturing solvent, or any
26 other chemical, substance, ingredient, equipment, apparatus,

1 or item that is being used, has been used, or is intended to be
2 used in the manufacture of methamphetamine.

3 "Methamphetamine manufacturing reagent" means any
4 substance other than a methamphetamine manufacturing catalyst
5 that has been used, is being used, or is intended to be used to
6 react with and chemically alter any methamphetamine precursor.

7 "Methamphetamine manufacturing solvent" means any
8 substance that has been used, is being used, or is intended to
9 be used as a medium in which any methamphetamine precursor,
10 methamphetamine manufacturing catalyst, methamphetamine
11 manufacturing reagent, or any substance containing any of the
12 foregoing is dissolved, diluted, or washed during any part of
13 the methamphetamine manufacturing process.

14 "Methamphetamine manufacturing waste" means any chemical,
15 substance, ingredient, equipment, apparatus, or item that is
16 left over from, results from, or is produced by the process of
17 manufacturing methamphetamine, other than finished
18 methamphetamine.

19 "Methamphetamine precursor" means ephedrine,
20 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
21 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
22 isomer, or salt of an optical isomer of any of these chemicals.

23 "Multi-unit dwelling" means a unified structure used or
24 intended for use as a habitation, home, or residence that
25 contains 2 or more condominiums, apartments, hotel rooms, motel
26 rooms, or other living units.

1 "Package" means an item marked for retail sale that is not
2 designed to be further broken down or subdivided for the
3 purpose of retail sale.

4 "Participate" or "participation" in the manufacture of
5 methamphetamine means to produce, prepare, compound, convert,
6 process, synthesize, concentrate, purify, separate, extract,
7 or package any methamphetamine, methamphetamine precursor,
8 methamphetamine manufacturing catalyst, methamphetamine
9 manufacturing reagent, methamphetamine manufacturing solvent,
10 or any substance containing any of the foregoing, or to assist
11 in any of these actions, or to attempt to take any of these
12 actions, regardless of whether this action or these actions
13 result in the production of finished methamphetamine.

14 "Person with a disability" means a person who suffers from
15 a permanent physical or mental impairment resulting from
16 disease, injury, functional disorder, or congenital condition
17 which renders the person incapable of adequately providing for
18 his or her own health and personal care.

19 "Procure" means to purchase, steal, gather, or otherwise
20 obtain, by legal or illegal means, or to cause another to take
21 such action.

22 "Second or subsequent offense" means an offense under this
23 Act committed by an offender who previously committed an
24 offense under this Act, the Illinois Controlled Substances Act,
25 the Cannabis Control Act, or another Act of this State, another
26 state, or the United States relating to methamphetamine,

1 cannabis, or any other controlled substance.

2 "Standard dosage form", as used in relation to any
3 methamphetamine precursor, means that the methamphetamine
4 precursor is contained in a pill, tablet, capsule, caplet, gel
5 cap, or liquid cap that has been manufactured by a lawful
6 entity and contains a standard quantity of methamphetamine
7 precursor.

8 "Unauthorized container", as used in relation to anhydrous
9 ammonia, means any container that is not designed for the
10 specific and sole purpose of holding, storing, transporting, or
11 applying anhydrous ammonia. "Unauthorized container" includes,
12 but is not limited to, any propane tank, fire extinguisher,
13 oxygen cylinder, gasoline can, food or beverage cooler, or
14 compressed gas cylinder used in dispensing fountain drinks.
15 "Unauthorized container" does not encompass anhydrous ammonia
16 manufacturing plants, refrigeration systems where anhydrous
17 ammonia is used solely as a refrigerant, anhydrous ammonia
18 transportation pipelines, anhydrous ammonia tankers, or
19 anhydrous ammonia barges.

20 (Source: P.A. 97-434, eff. 1-1-12.)

21 Section 65. The Unified Code of Corrections is amended by
22 changing Sections 5-5-3 and 5-5-3.2 as follows:

23 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

24 Sec. 5-5-3. Disposition.

1 (a) (Blank).

2 (b) (Blank).

3 (c) (1) (Blank).

4 (2) A period of probation, a term of periodic
5 imprisonment or conditional discharge shall not be imposed
6 for the following offenses. The court shall sentence the
7 offender to not less than the minimum term of imprisonment
8 set forth in this Code for the following offenses, and may
9 order a fine or restitution or both in conjunction with
10 such term of imprisonment:

11 (A) First degree murder where the death penalty is
12 not imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the
16 Illinois Controlled Substances Act, or a violation of
17 subdivision (c)(1.5) or (c)(2) of Section 401 of that
18 Act which relates to more than 5 grams of a substance
19 containing cocaine, fentanyl, or an analog thereof.

20 (D-5) A violation of subdivision (c)(1) of Section
21 401 of the Illinois Controlled Substances Act which
22 relates to 3 or more grams of a substance containing
23 heroin or an analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis
25 Control Act.

26 (F) A Class 2 or greater felony if the offender had

1 been convicted of a Class 2 or greater felony,
2 including any state or federal conviction for an
3 offense that contained, at the time it was committed,
4 the same elements as an offense now (the date of the
5 offense committed after the prior Class 2 or greater
6 felony) classified as a Class 2 or greater felony,
7 within 10 years of the date on which the offender
8 committed the offense for which he or she is being
9 sentenced, except as otherwise provided in Section
10 40-10 of the Alcoholism and Other Drug Abuse and
11 Dependency Act.

12 (F-5) A violation of Section 24-1, 24-1.1, or
13 24-1.6 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 for which imprisonment is prescribed in
15 those Sections.

16 (G) Residential burglary, except as otherwise
17 provided in Section 40-10 of the Alcoholism and Other
18 Drug Abuse and Dependency Act.

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as
21 described in Section 12-4.6 or subdivision (a)(4) of
22 Section 12-3.05 of the Criminal Code of 1961 or the
23 Criminal Code of 2012.

24 (J) A forcible felony if the offense was related to
25 the activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5
2 or more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate
4 crimes or provides support to the members of the
5 association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the
12 offense of hate crime when the underlying offense upon
13 which the hate crime is based is felony aggravated
14 assault or felony mob action.

15 (M) A second or subsequent conviction for the
16 offense of institutional vandalism if the damage to the
17 property exceeds \$300.

18 (N) (Blank). ~~A Class 3 felony violation of~~
19 ~~paragraph (1) of subsection (a) of Section 2 of the~~
20 ~~Firearm Owners Identification Card Act.~~

21 (O) A violation of Section 12-6.1 or 12-6.5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4),
24 (5), or (7) of subsection (a) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of

1 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal
4 Code of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

6 (T) A second or subsequent violation of the
7 Methamphetamine Control and Community Protection Act.

8 (U) A second or subsequent violation of Section
9 6-303 of the Illinois Vehicle Code committed while his
10 or her driver's license, permit, or privilege was
11 revoked because of a violation of Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or a
14 similar provision of a law of another state.

15 (V) A violation of paragraph (4) of subsection (c)
16 of Section 11-20.1B or paragraph (4) of subsection (c)
17 of Section 11-20.3 of the Criminal Code of 1961, or
18 paragraph (6) of subsection (a) of Section 11-20.1 of
19 the Criminal Code of 2012 when the victim is under 13
20 years of age and the defendant has previously been
21 convicted under the laws of this State or any other
22 state of the offense of child pornography, aggravated
23 child pornography, aggravated criminal sexual abuse,
24 aggravated criminal sexual assault, predatory criminal
25 sexual assault of a child, or any of the offenses
26 formerly known as rape, deviate sexual assault,

1 indecent liberties with a child, or aggravated
2 indecent liberties with a child where the victim was
3 under the age of 18 years or an offense that is
4 substantially equivalent to those offenses.

5 (W) A violation of Section 24-3.5 of the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 (X) A violation of subsection (a) of Section 31-1a
8 of the Criminal Code of 1961 or the Criminal Code of
9 2012.

10 (Y) A conviction for unlawful possession of a
11 firearm by a street gang member when the firearm was
12 loaded or contained firearm ammunition.

13 (Z) A Class 1 felony committed while he or she was
14 serving a term of probation or conditional discharge
15 for a felony.

16 (AA) Theft of property exceeding \$500,000 and not
17 exceeding \$1,000,000 in value.

18 (BB) Laundering of criminally derived property of
19 a value exceeding \$500,000.

20 (CC) Knowingly selling, offering for sale, holding
21 for sale, or using 2,000 or more counterfeit items or
22 counterfeit items having a retail value in the
23 aggregate of \$500,000 or more.

24 (DD) A conviction for aggravated assault under
25 paragraph (6) of subsection (c) of Section 12-2 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 if

1 the firearm is aimed toward the person against whom the
2 firearm is being used.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303
7 of the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8)
10 of this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court,
15 shall be imposed for a second violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6),
18 and (4.9) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community service,
20 as determined by the court, shall be imposed for a third or
21 subsequent violation of Section 6-303 of the Illinois
22 Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle
4 Code.

5 (4.7) A minimum term of imprisonment of not less than
6 30 consecutive days, or 300 hours of community service,
7 shall be imposed for a violation of subsection (a-5) of
8 Section 6-303 of the Illinois Vehicle Code, as provided in
9 subsection (b-5) of that Section.

10 (4.8) A mandatory prison sentence shall be imposed for
11 a second violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (c-5)
13 of that Section. The person's driving privileges shall be
14 revoked for a period of not less than 5 years from the date
15 of his or her release from prison.

16 (4.9) A mandatory prison sentence of not less than 4
17 and not more than 15 years shall be imposed for a third
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-2.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

22 (4.10) A mandatory prison sentence for a Class 1 felony
23 shall be imposed, and the person shall be eligible for an
24 extended term sentence, for a fourth or subsequent
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (5) The court may sentence a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.2) or (5.3), a person
11 convicted of violating subsection (c) of Section 11-907 of
12 the Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 90
14 days but not more than one year, if the violation resulted
15 in damage to the property of another person.

16 (5.2) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 180
21 days but not more than 2 years, if the violation resulted
22 in injury to another person.

23 (5.3) In addition to any other penalties imposed, a
24 person convicted of violating subsection (c) of Section
25 11-907 of the Illinois Vehicle Code shall have his or her
26 driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another
2 person.

3 (5.4) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 3 months and until he
7 or she has paid a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a
9 person convicted of violating Section 3-707 of the Illinois
10 Vehicle Code during a period in which his or her driver's
11 license, permit, or privileges were suspended for a
12 previous violation of that Section shall have his or her
13 driver's license, permit, or privileges suspended for an
14 additional 6 months after the expiration of the original
15 3-month suspension and until he or she has paid a
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

20 (9) A defendant convicted of a second or subsequent
21 offense of ritualized abuse of a child may be sentenced to
22 a term of natural life imprisonment.

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports
2 official or coach at any level of competition and the act
3 causing harm to the sports official or coach occurred
4 within an athletic facility or within the immediate
5 vicinity of the athletic facility at which the sports
6 official or coach was an active participant of the athletic
7 contest held at the athletic facility. For the purposes of
8 this paragraph (11), "sports official" means a person at an
9 athletic contest who enforces the rules of the contest,
10 such as an umpire or referee; "athletic facility" means an
11 indoor or outdoor playing field or recreational area where
12 sports activities are conducted; and "coach" means a person
13 recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation
19 of that Section.

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 results in conviction
25 of a defendant who was a family member of the victim at the
26 time of the commission of the offense, the court shall consider

1 the safety and welfare of the victim and may impose a sentence
2 of probation only where:

3 (1) the court finds (A) or (B) or both are appropriate:

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of 2
6 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan including but not limited to the
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of paying
22 for such services, if the victim was under 18 years of age
23 at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 11-0.1 of the Criminal Code of 2012 ~~1961~~.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
12 11-14.3, 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the defendant shall undergo medical
17 testing to determine whether the defendant has any sexually
18 transmissible disease, including a test for infection with
19 human immunodeficiency virus (HIV) or any other identified
20 causative agent of acquired immunodeficiency syndrome (AIDS).
21 Any such medical test shall be performed only by appropriately
22 licensed medical practitioners and may include an analysis of
23 any bodily fluids as well as an examination of the defendant's
24 person. Except as otherwise provided by law, the results of
25 such test shall be kept strictly confidential by all medical
26 personnel involved in the testing and must be personally

1 delivered in a sealed envelope to the judge of the court in
2 which the conviction was entered for the judge's inspection in
3 camera. Acting in accordance with the best interests of the
4 victim and the public, the judge shall have the discretion to
5 determine to whom, if anyone, the results of the testing may be
6 revealed. The court shall notify the defendant of the test
7 results. The court shall also notify the victim if requested by
8 the victim, and if the victim is under the age of 15 and if
9 requested by the victim's parents or legal guardian, the court
10 shall notify the victim's parents or legal guardian of the test
11 results. The court shall provide information on the
12 availability of HIV testing and counseling at Department of
13 Public Health facilities to all parties to whom the results of
14 the testing are revealed and shall direct the State's Attorney
15 to provide the information to the victim when possible. A
16 State's Attorney may petition the court to obtain the results
17 of any HIV test administered under this Section, and the court
18 shall grant the disclosure if the State's Attorney shows it is
19 relevant in order to prosecute a charge of criminal
20 transmission of HIV under Section 12-5.01 or 12-16.2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 against the
22 defendant. The court shall order that the cost of any such test
23 shall be paid by the county and may be taxed as costs against
24 the convicted defendant.

25 (g-5) When an inmate is tested for an airborne communicable
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results
2 of the test shall be personally delivered by the warden or his
3 or her designee in a sealed envelope to the judge of the court
4 in which the inmate must appear for the judge's inspection in
5 camera if requested by the judge. Acting in accordance with the
6 best interests of those in the courtroom, the judge shall have
7 the discretion to determine what if any precautions need to be
8 taken to prevent transmission of the disease in the courtroom.

9 (h) Whenever a defendant is convicted of an offense under
10 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
11 defendant shall undergo medical testing to determine whether
12 the defendant has been exposed to human immunodeficiency virus
13 (HIV) or any other identified causative agent of acquired
14 immunodeficiency syndrome (AIDS). Except as otherwise provided
15 by law, the results of such test shall be kept strictly
16 confidential by all medical personnel involved in the testing
17 and must be personally delivered in a sealed envelope to the
18 judge of the court in which the conviction was entered for the
19 judge's inspection in camera. Acting in accordance with the
20 best interests of the public, the judge shall have the
21 discretion to determine to whom, if anyone, the results of the
22 testing may be revealed. The court shall notify the defendant
23 of a positive test showing an infection with the human
24 immunodeficiency virus (HIV). The court shall provide
25 information on the availability of HIV testing and counseling
26 at Department of Public Health facilities to all parties to

1 whom the results of the testing are revealed and shall direct
2 the State's Attorney to provide the information to the victim
3 when possible. A State's Attorney may petition the court to
4 obtain the results of any HIV test administered under this
5 Section, and the court shall grant the disclosure if the
6 State's Attorney shows it is relevant in order to prosecute a
7 charge of criminal transmission of HIV under Section 12-5.01 or
8 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
9 2012 against the defendant. The court shall order that the cost
10 of any such test shall be paid by the county and may be taxed as
11 costs against the convicted defendant.

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

19 (j) In cases when prosecution for any violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, any violation of the Illinois Controlled
26 Substances Act, any violation of the Cannabis Control Act, or

1 any violation of the Methamphetamine Control and Community
2 Protection Act results in conviction, a disposition of court
3 supervision, or an order of probation granted under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substance Act, or Section 70 of the Methamphetamine
6 Control and Community Protection Act of a defendant, the court
7 shall determine whether the defendant is employed by a facility
8 or center as defined under the Child Care Act of 1969, a public
9 or private elementary or secondary school, or otherwise works
10 with children under 18 years of age on a daily basis. When a
11 defendant is so employed, the court shall order the Clerk of
12 the Court to send a copy of the judgment of conviction or order
13 of supervision or probation to the defendant's employer by
14 certified mail. If the employer of the defendant is a school,
15 the Clerk of the Court shall direct the mailing of a copy of
16 the judgment of conviction or order of supervision or probation
17 to the appropriate regional superintendent of schools. The
18 regional superintendent of schools shall notify the State Board
19 of Education of any notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall as
24 a condition of his or her sentence be required by the court to
25 attend educational courses designed to prepare the defendant
26 for a high school diploma and to work toward a high school

1 diploma or to work toward passing the high school level Test of
2 General Educational Development (GED) or to work toward
3 completing a vocational training program offered by the
4 Department of Corrections. If a defendant fails to complete the
5 educational training required by his or her sentence during the
6 term of incarceration, the Prisoner Review Board shall, as a
7 condition of mandatory supervised release, require the
8 defendant, at his or her own expense, to pursue a course of
9 study toward a high school diploma or passage of the GED test.
10 The Prisoner Review Board shall revoke the mandatory supervised
11 release of a defendant who wilfully fails to comply with this
12 subsection (j-5) upon his or her release from confinement in a
13 penal institution while serving a mandatory supervised release
14 term; however, the inability of the defendant after making a
15 good faith effort to obtain financial aid or pay for the
16 educational training shall not be deemed a wilful failure to
17 comply. The Prisoner Review Board shall recommit the defendant
18 whose mandatory supervised release term has been revoked under
19 this subsection (j-5) as provided in Section 3-3-9. This
20 subsection (j-5) does not apply to a defendant who has a high
21 school diploma or has successfully passed the GED test. This
22 subsection (j-5) does not apply to a defendant who is
23 determined by the court to be developmentally disabled or
24 otherwise mentally incapable of completing the educational or
25 vocational program.

26 (k) (Blank).

1 (1) (A) Except as provided in paragraph (C) of subsection
2 (1), whenever a defendant, who is an alien as defined by
3 the Immigration and Nationality Act, is convicted of any
4 felony or misdemeanor offense, the court after sentencing
5 the defendant may, upon motion of the State's Attorney,
6 hold sentence in abeyance and remand the defendant to the
7 custody of the Attorney General of the United States or his
8 or her designated agent to be deported when:

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under
11 the Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not
13 deprecate the seriousness of the defendant's conduct
14 and would not be inconsistent with the ends of justice.

15 Otherwise, the defendant shall be sentenced as
16 provided in this Chapter V.

17 (B) If the defendant has already been sentenced for a
18 felony or misdemeanor offense, or has been placed on
19 probation under Section 10 of the Cannabis Control Act,
20 Section 410 of the Illinois Controlled Substances Act, or
21 Section 70 of the Methamphetamine Control and Community
22 Protection Act, the court may, upon motion of the State's
23 Attorney to suspend the sentence imposed, commit the
24 defendant to the custody of the Attorney General of the
25 United States or his or her designated agent when:

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under
2 the Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct
5 and would not be inconsistent with the ends of justice.

6 (C) This subsection (1) does not apply to offenders who
7 are subject to the provisions of paragraph (2) of
8 subsection (a) of Section 3-6-3.

9 (D) Upon motion of the State's Attorney, if a defendant
10 sentenced under this Section returns to the jurisdiction of
11 the United States, the defendant shall be recommitted to
12 the custody of the county from which he or she was
13 sentenced. Thereafter, the defendant shall be brought
14 before the sentencing court, which may impose any sentence
15 that was available under Section 5-5-3 at the time of
16 initial sentencing. In addition, the defendant shall not be
17 eligible for additional sentence credit for good conduct as
18 provided under Section 3-6-3.

19 (m) A person convicted of criminal defacement of property
20 under Section 21-1.3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, in which the property damage exceeds
22 \$300 and the property damaged is a school building, shall be
23 ordered to perform community service that may include cleanup,
24 removal, or painting over the defacement.

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
2 of 1961 or the Criminal Code of 2012 (i) to an impact
3 incarceration program if the person is otherwise eligible for
4 that program under Section 5-8-1.1, (ii) to community service,
5 or (iii) if the person is an addict or alcoholic, as defined in
6 the Alcoholism and Other Drug Abuse and Dependency Act, to a
7 substance or alcohol abuse program licensed under that Act.

8 (o) Whenever a person is convicted of a sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, the
10 defendant's driver's license or permit shall be subject to
11 renewal on an annual basis in accordance with the provisions of
12 license renewal established by the Secretary of State.

13 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
14 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
15 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
16 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
17 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
18 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
19 9-20-12.)

20 (730 ILCS 5/5-5-3.2)

21 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
22 Sentencing.

23 (a) The following factors shall be accorded weight in favor
24 of imposing a term of imprisonment or may be considered by the
25 court as reasons to impose a more severe sentence under Section

1 5-8-1 or Article 4.5 of Chapter V:

2 (1) the defendant's conduct caused or threatened
3 serious harm;

4 (2) the defendant received compensation for committing
5 the offense;

6 (3) the defendant has a history of prior delinquency or
7 criminal activity;

8 (4) the defendant, by the duties of his office or by
9 his position, was obliged to prevent the particular offense
10 committed or to bring the offenders committing it to
11 justice;

12 (5) the defendant held public office at the time of the
13 offense, and the offense related to the conduct of that
14 office;

15 (6) the defendant utilized his professional reputation
16 or position in the community to commit the offense, or to
17 afford him an easier means of committing it;

18 (7) the sentence is necessary to deter others from
19 committing the same crime;

20 (8) the defendant committed the offense against a
21 person 60 years of age or older or such person's property;

22 (9) the defendant committed the offense against a
23 person who is physically handicapped or such person's
24 property;

25 (10) by reason of another individual's actual or
26 perceived race, color, creed, religion, ancestry, gender,

1 sexual orientation, physical or mental disability, or
2 national origin, the defendant committed the offense
3 against (i) the person or property of that individual; (ii)
4 the person or property of a person who has an association
5 with, is married to, or has a friendship with the other
6 individual; or (iii) the person or property of a relative
7 (by blood or marriage) of a person described in clause (i)
8 or (ii). For the purposes of this Section, "sexual
9 orientation" means heterosexuality, homosexuality, or
10 bisexuality;

11 (11) the offense took place in a place of worship or on
12 the grounds of a place of worship, immediately prior to,
13 during or immediately following worship services. For
14 purposes of this subparagraph, "place of worship" shall
15 mean any church, synagogue or other building, structure or
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed
18 while he was released on bail or his own recognizance
19 pending trial for a prior felony and was convicted of such
20 prior felony, or the defendant was convicted of a felony
21 committed while he was serving a period of probation,
22 conditional discharge, or mandatory supervised release
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a
25 felony while he was wearing a bulletproof vest. For the
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or
4 supervision such as, but not limited to, family member as
5 defined in Section 11-0.1 of the Criminal Code of 2012
6 ~~1961~~, teacher, scout leader, baby sitter, or day care
7 worker, in relation to a victim under 18 years of age, and
8 the defendant committed an offense in violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
10 11-14.4 except for an offense that involves keeping a place
11 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 against that victim;

15 (15) the defendant committed an offense related to the
16 activities of an organized gang. For the purposes of this
17 factor, "organized gang" has the meaning ascribed to it in
18 Section 10 of the Streetgang Terrorism Omnibus Prevention
19 Act;

20 (16) the defendant committed an offense in violation of
21 one of the following Sections while in a school, regardless
22 of the time of day or time of year; on any conveyance
23 owned, leased, or contracted by a school to transport
24 students to or from school or a school related activity; on
25 the real property of a school; or on a public way within
26 1,000 feet of the real property comprising any school:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision
6 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
7 Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation
9 of one of the following Sections while in a day care
10 center, regardless of the time of day or time of year; on
11 the real property of a day care center, regardless of the
12 time of day or time of year; or on a public way within
13 1,000 feet of the real property comprising any day care
14 center, regardless of the time of day or time of year:
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of
23 any person's activity as a community policing volunteer or
24 to prevent any person from engaging in activity as a
25 community policing volunteer. For the purpose of this
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of
2 2012 ~~1961~~;

3 (18) the defendant committed the offense in a nursing
4 home or on the real property comprising a nursing home. For
5 the purposes of this paragraph (18), "nursing home" means a
6 skilled nursing or intermediate long term care facility
7 that is subject to license by the Illinois Department of
8 Public Health under the Nursing Home Care Act, the
9 Specialized Mental Health Rehabilitation Act, or the ID/DD
10 Community Care Act;

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act before its repeal by this
15 amendatory Act of the 98th General Assembly and has now
16 committed ~~either a felony violation of the Firearm Owners~~
17 ~~Identification Card Act or~~ an act of armed violence while
18 armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code of
21 1961 or the Criminal Code of 2012 or the offense of driving
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds or any combination
24 thereof under Section 11-501 of the Illinois Vehicle Code
25 or a similar provision of a local ordinance and (ii) was
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of
2 Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed Forces
14 of the United States, including a member of any reserve
15 component thereof or National Guard unit called to active
16 duty;

17 (23) the defendant committed the offense against a
18 person who was elderly, disabled, or infirm by taking
19 advantage of a family or fiduciary relationship with the
20 elderly, disabled, or infirm person;

21 (24) the defendant committed any offense under Section
22 11-20.1 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 and possessed 100 or more images;

24 (25) the defendant committed the offense while the
25 defendant or the victim was in a train, bus, or other
26 vehicle used for public transportation;

1 (26) the defendant committed the offense of child
2 pornography or aggravated child pornography, specifically
3 including paragraph (1), (2), (3), (4), (5), or (7) of
4 subsection (a) of Section 11-20.1 of the Criminal Code of
5 1961 or the Criminal Code of 2012 where a child engaged in,
6 solicited for, depicted in, or posed in any act of sexual
7 penetration or bound, fettered, or subject to sadistic,
8 masochistic, or sadomasochistic abuse in a sexual context
9 and specifically including paragraph (1), (2), (3), (4),
10 (5), or (7) of subsection (a) of Section 11-20.1B or
11 11-20.3 of the Criminal Code of 1961 where a child engaged
12 in, solicited for, depicted in, or posed in any act of
13 sexual penetration or bound, fettered, or subject to
14 sadistic, masochistic, or sadomasochistic abuse in a
15 sexual context;

16 (27) the defendant committed the offense of first
17 degree murder, assault, aggravated assault, battery,
18 aggravated battery, robbery, armed robbery, or aggravated
19 robbery against a person who was a veteran and the
20 defendant knew, or reasonably should have known, that the
21 person was a veteran performing duties as a representative
22 of a veterans' organization. For the purposes of this
23 paragraph (27), "veteran" means an Illinois resident who
24 has served as a member of the United States Armed Forces, a
25 member of the Illinois National Guard, or a member of the
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which
2 substantially all are individuals who are veterans or
3 spouses, widows, or widowers of veterans, the primary
4 purpose of which is to promote the welfare of its members
5 and to provide assistance to the general public in such a
6 way as to confer a public benefit; or

7 (28) the defendant committed the offense of assault,
8 aggravated assault, battery, aggravated battery, robbery,
9 armed robbery, or aggravated robbery against a person that
10 the defendant knew or reasonably should have known was a
11 letter carrier or postal worker while that person was
12 performing his or her duties delivering mail for the United
13 States Postal Service.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State certified
18 and licensed day care center as defined in Section 2.09 of the
19 Child Care Act of 1969 that displays a sign in plain view
20 stating that the property is a day care center.

21 "Public transportation" means the transportation or
22 conveyance of persons by means available to the general public,
23 and includes paratransit services.

24 (b) The following factors, related to all felonies, may be
25 considered by the court as reasons to impose an extended term
26 sentence under Section 5-8-2 upon any offender:

1 (1) When a defendant is convicted of any felony, after
2 having been previously convicted in Illinois or any other
3 jurisdiction of the same or similar class felony or greater
4 class felony, when such conviction has occurred within 10
5 years after the previous conviction, excluding time spent
6 in custody, and such charges are separately brought and
7 tried and arise out of different series of acts; or

8 (2) When a defendant is convicted of any felony and the
9 court finds that the offense was accompanied by
10 exceptionally brutal or heinous behavior indicative of
11 wanton cruelty; or

12 (3) When a defendant is convicted of any felony
13 committed against:

14 (i) a person under 12 years of age at the time of
15 the offense or such person's property;

16 (ii) a person 60 years of age or older at the time
17 of the offense or such person's property; or

18 (iii) a person physically handicapped at the time
19 of the offense or such person's property; or

20 (4) When a defendant is convicted of any felony and the
21 offense involved any of the following types of specific
22 misconduct committed as part of a ceremony, rite,
23 initiation, observance, performance, practice or activity
24 of any actual or ostensible religious, fraternal, or social
25 group:

26 (i) the brutalizing or torturing of humans or

1 animals;

2 (ii) the theft of human corpses;

3 (iii) the kidnapping of humans;

4 (iv) the desecration of any cemetery, religious,
5 fraternal, business, governmental, educational, or
6 other building or property; or

7 (v) ritualized abuse of a child; or

8 (5) When a defendant is convicted of a felony other
9 than conspiracy and the court finds that the felony was
10 committed under an agreement with 2 or more other persons
11 to commit that offense and the defendant, with respect to
12 the other individuals, occupied a position of organizer,
13 supervisor, financier, or any other position of management
14 or leadership, and the court further finds that the felony
15 committed was related to or in furtherance of the criminal
16 activities of an organized gang or was motivated by the
17 defendant's leadership in an organized gang; or

18 (6) When a defendant is convicted of an offense
19 committed while using a firearm with a laser sight attached
20 to it. For purposes of this paragraph, "laser sight" has
21 the meaning ascribed to it in Section 26-7 of the Criminal
22 Code of 2012 ~~1961~~; or

23 (7) When a defendant who was at least 17 years of age
24 at the time of the commission of the offense is convicted
25 of a felony and has been previously adjudicated a
26 delinquent minor under the Juvenile Court Act of 1987 for

1 an act that if committed by an adult would be a Class X or
2 Class 1 felony when the conviction has occurred within 10
3 years after the previous adjudication, excluding time
4 spent in custody; or

5 (8) When a defendant commits any felony and the
6 defendant used, possessed, exercised control over, or
7 otherwise directed an animal to assault a law enforcement
8 officer engaged in the execution of his or her official
9 duties or in furtherance of the criminal activities of an
10 organized gang in which the defendant is engaged.

11 (c) The following factors may be considered by the court as
12 reasons to impose an extended term sentence under Section 5-8-2
13 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

14 (1) When a defendant is convicted of first degree
15 murder, after having been previously convicted in Illinois
16 of any offense listed under paragraph (c)(2) of Section
17 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
18 within 10 years after the previous conviction, excluding
19 time spent in custody, and the charges are separately
20 brought and tried and arise out of different series of
21 acts.

22 (1.5) When a defendant is convicted of first degree
23 murder, after having been previously convicted of domestic
24 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
25 (720 ILCS 5/12-3.3) committed on the same victim or after
26 having been previously convicted of violation of an order

1 of protection (720 ILCS 5/12-30) in which the same victim
2 was the protected person.

3 (2) When a defendant is convicted of voluntary
4 manslaughter, second degree murder, involuntary
5 manslaughter, or reckless homicide in which the defendant
6 has been convicted of causing the death of more than one
7 individual.

8 (3) When a defendant is convicted of aggravated
9 criminal sexual assault or criminal sexual assault, when
10 there is a finding that aggravated criminal sexual assault
11 or criminal sexual assault was also committed on the same
12 victim by one or more other individuals, and the defendant
13 voluntarily participated in the crime with the knowledge of
14 the participation of the others in the crime, and the
15 commission of the crime was part of a single course of
16 conduct during which there was no substantial change in the
17 nature of the criminal objective.

18 (4) If the victim was under 18 years of age at the time
19 of the commission of the offense, when a defendant is
20 convicted of aggravated criminal sexual assault or
21 predatory criminal sexual assault of a child under
22 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
23 of Section 12-14.1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation
26 of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
2 finding that the defendant is a member of an organized
3 gang.

4 (6) When a defendant was convicted of unlawful use of
5 weapons under Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
7 a weapon that is not readily distinguishable as one of the
8 weapons enumerated in Section 24-1 of the Criminal Code of
9 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

10 (7) When a defendant is convicted of an offense
11 involving the illegal manufacture of a controlled
12 substance under Section 401 of the Illinois Controlled
13 Substances Act (720 ILCS 570/401), the illegal manufacture
14 of methamphetamine under Section 25 of the Methamphetamine
15 Control and Community Protection Act (720 ILCS 646/25), or
16 the illegal possession of explosives and an emergency
17 response officer in the performance of his or her duties is
18 killed or injured at the scene of the offense while
19 responding to the emergency caused by the commission of the
20 offense. In this paragraph, "emergency" means a situation
21 in which a person's life, health, or safety is in jeopardy;
22 and "emergency response officer" means a peace officer,
23 community policing volunteer, fireman, emergency medical
24 technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency
2 room personnel.

3 (d) For the purposes of this Section, "organized gang" has
4 the meaning ascribed to it in Section 10 of the Illinois
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) The court may impose an extended term sentence under
7 Article 4.5 of Chapter V upon an offender who has been
8 convicted of a felony violation of Section 11-1.20, 11-1.30,
9 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
10 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
11 when the victim of the offense is under 18 years of age at the
12 time of the commission of the offense and, during the
13 commission of the offense, the victim was under the influence
14 of alcohol, regardless of whether or not the alcohol was
15 supplied by the offender; and the offender, at the time of the
16 commission of the offense, knew or should have known that the
17 victim had consumed alcohol.

18 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
19 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
20 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
21 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
22 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
23 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
24 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised 9-20-12.)

25 Section 70. The Stalking No Contact Order Act is amended by

1 changing Section 80 as follows:

2 (740 ILCS 21/80)

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

4 (a) If the court finds that the petitioner has been a
5 victim of stalking, a stalking no contact order shall issue;
6 provided that the petitioner must also satisfy the requirements
7 of Section 95 on emergency orders or Section 100 on plenary
8 orders. The petitioner shall not be denied a stalking no
9 contact order because the petitioner or the respondent is a
10 minor. The court, when determining whether or not to issue a
11 stalking no contact order, may not require physical injury on
12 the person of the petitioner. Modification and extension of
13 prior stalking no contact orders shall be in accordance with
14 this Act.

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

17 (1) prohibit the respondent from threatening to commit
18 or committing stalking;

19 (2) order the respondent not to have any contact with
20 the petitioner or a third person specifically named by the
21 court;

22 (3) prohibit the respondent from knowingly coming
23 within, or knowingly remaining within a specified distance
24 of the petitioner or the petitioner's residence, school,
25 daycare, or place of employment, or any specified place

1 frequented by the petitioner; however, the court may order
2 the respondent to stay away from the respondent's own
3 residence, school, or place of employment only if the
4 respondent has been provided actual notice of the
5 opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from ~~possessing a Firearm~~
7 ~~Owners Identification Card,~~ or possessing or buying
8 firearms; and

9 (5) order other injunctive relief the court determines
10 to be necessary to protect the petitioner or third party
11 specifically named by the court.

12 (b-5) When the petitioner and the respondent attend the
13 same public, private, or non-public elementary, middle, or high
14 school, the court when issuing a stalking no contact order and
15 providing relief shall consider the severity of the act, any
16 continuing physical danger or emotional distress to the
17 petitioner, the educational rights guaranteed to the
18 petitioner and respondent under federal and State law, the
19 availability of a transfer of the respondent to another school,
20 a change of placement or a change of program of the respondent,
21 the expense, difficulty, and educational disruption that would
22 be caused by a transfer of the respondent to another school,
23 and any other relevant facts of the case. The court may order
24 that the respondent not attend the public, private, or
25 non-public elementary, middle, or high school attended by the
26 petitioner, order that the respondent accept a change of

1 placement or program, as determined by the school district or
2 private or non-public school, or place restrictions on the
3 respondent's movements within the school attended by the
4 petitioner. The respondent bears the burden of proving by a
5 preponderance of the evidence that a transfer, change of
6 placement, or change of program of the respondent is not
7 available. The respondent also bears the burden of production
8 with respect to the expense, difficulty, and educational
9 disruption that would be caused by a transfer of the respondent
10 to another school. A transfer, change of placement, or change
11 of program is not unavailable to the respondent solely on the
12 ground that the respondent does not agree with the school
13 district's or private or non-public school's transfer, change
14 of placement, or change of program or solely on the ground that
15 the respondent fails or refuses to consent to or otherwise does
16 not take an action required to effectuate a transfer, change of
17 placement, or change of program. When a court orders a
18 respondent to stay away from the public, private, or non-public
19 school attended by the petitioner and the respondent requests a
20 transfer to another attendance center within the respondent's
21 school district or private or non-public school, the school
22 district or private or non-public school shall have sole
23 discretion to determine the attendance center to which the
24 respondent is transferred. In the event the court order results
25 in a transfer of the minor respondent to another attendance
26 center, a change in the respondent's placement, or a change of

1 the respondent's program, the parents, guardian, or legal
2 custodian of the respondent is responsible for transportation
3 and other costs associated with the transfer or change.

4 (b-6) The court may order the parents, guardian, or legal
5 custodian of a minor respondent to take certain actions or to
6 refrain from taking certain actions to ensure that the
7 respondent complies with the order. In the event the court
8 orders a transfer of the respondent to another school, the
9 parents, guardian, or legal custodian of the respondent are
10 responsible for transportation and other costs associated with
11 the change of school by the respondent.

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

16 (b-8) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Act for conduct of the minor respondent in violation of
20 this Act if the parents, guardian, or legal custodian directed,
21 encouraged, or assisted the respondent minor in such conduct.

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

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

25 (e) If the stalking no contact order prohibits the
26 respondent from possessing a Firearm Owner's Identification

1 Card, or possessing or buying firearms; the court shall
2 confiscate the respondent's Firearm Owner's Identification
3 Card and immediately return the card to the Department of State
4 Police Firearm Owner's Identification Card Office.

5 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
6 97-1131, eff. 1-1-13.)

7 Section 75. The Mental Health and Developmental
8 Disabilities Confidentiality Act is amended by changing
9 Section 12 as follows:

10 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

11 Sec. 12. (a) If the United States Secret Service or the
12 Department of State Police requests information from a mental
13 health or developmental disability facility, as defined in
14 Section 1-107 and 1-114 of the Mental Health and Developmental
15 Disabilities Code, relating to a specific recipient and the
16 facility director determines that disclosure of such
17 information may be necessary to protect the life of, or to
18 prevent the infliction of great bodily harm to, a public
19 official, or a person under the protection of the United States
20 Secret Service, only the following information may be
21 disclosed: the recipient's name, address, and age and the date
22 of any admission to or discharge from a facility; and any
23 information which would indicate whether or not the recipient
24 has a history of violence or presents a danger of violence to

1 the person under protection. Any information so disclosed shall
2 be used for investigative purposes only and shall not be
3 publicly disseminated. Any person participating in good faith
4 in the disclosure of such information in accordance with this
5 provision shall have immunity from any liability, civil,
6 criminal or otherwise, if such information is disclosed relying
7 upon the representation of an officer of the United States
8 Secret Service or the Department of State Police that a person
9 is under the protection of the United States Secret Service or
10 is a public official.

11 For the purpose of this subsection (a), the term "public
12 official" means the Governor, Lieutenant Governor, Attorney
13 General, Secretary of State, State Comptroller, State
14 Treasurer, member of the General Assembly, member of the United
15 States Congress, Judge of the United States as defined in 28
16 U.S.C. 451, Justice of the United States as defined in 28
17 U.S.C. 451, United States Magistrate Judge as defined in 28
18 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
19 Supreme, Appellate, Circuit, or Associate Judge of the State of
20 Illinois. The term shall also include the spouse, child or
21 children of a public official.

22 (b) The Department of Human Services (acting as successor
23 to the Department of Mental Health and Developmental
24 Disabilities) and all public or private hospitals and mental
25 health facilities are required, as hereafter described in this
26 subsection, to furnish the Department of State Police only such

1 information as may be required for the sole purpose of
2 determining whether an individual who may be or may have been a
3 patient is disqualified because of that status from receiving
4 or retaining a firearm under paragraph (4) of subsection (a) of
5 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
6 ~~Identification Card under subsection (e) or (f) of Section 8 of~~
7 ~~the Firearm Owners Identification Card Act~~ or 18 U.S.C. 922(g)
8 and (n). All public or private hospitals and mental health
9 facilities shall, in the form and manner required by the
10 Department, provide such information as shall be necessary for
11 the Department to comply with the reporting requirements to the
12 Department of State Police. Such information shall be furnished
13 within 7 days after admission to a public or private hospital
14 or mental health facility or the provision of services to a
15 patient described in clause (2) of this subsection (b). Any
16 such information disclosed under this subsection shall remain
17 privileged and confidential, and shall not be redisclosed,
18 except as required by clause (e)(2) of Section 24-4.5 of the
19 Criminal Code of 2012 ~~3.1 of the Firearm Owners Identification~~
20 ~~Card Act~~, nor utilized for any other purpose. The method of
21 requiring the providing of such information shall guarantee
22 that no information is released beyond what is necessary for
23 this purpose. In addition, the information disclosed shall be
24 provided by the Department within the time period established
25 by Section 24-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012 regarding the delivery of firearms. The method

1 used shall be sufficient to provide the necessary information
2 within the prescribed time period, which may include
3 periodically providing lists to the Department of Human
4 Services or any public or private hospital or mental health
5 facility of ~~Firearm Owner's Identification Card~~ applicants for
6 firearm purchases on which the Department or hospital shall
7 indicate the identities of those individuals who are to its
8 knowledge disqualified from having a firearm ~~Firearm Owner's~~
9 ~~Identification Card~~ for reasons described herein. The
10 Department may provide for a centralized source of information
11 for the State on this subject under its jurisdiction.

12 Any person, institution, or agency, under this Act,
13 participating in good faith in the reporting or disclosure of
14 records and communications otherwise in accordance with this
15 provision or with rules, regulations or guidelines issued by
16 the Department shall have immunity from any liability, civil,
17 criminal or otherwise, that might result by reason of the
18 action. For the purpose of any proceeding, civil or criminal,
19 arising out of a report or disclosure in accordance with this
20 provision, the good faith of any person, institution, or agency
21 so reporting or disclosing shall be presumed. The full extent
22 of the immunity provided in this subsection (b) shall apply to
23 any person, institution or agency that fails to make a report
24 or disclosure in the good faith belief that the report or
25 disclosure would violate federal regulations governing the
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following
3 terms shall have the meaning prescribed:

4 (1) "Hospital" means only that type of institution
5 which is providing full-time residential facilities and
6 treatment.

7 (2) "Patient" shall include only: (i) a person who is
8 an in-patient or resident of any public or private hospital
9 or mental health facility or (ii) a person who is an
10 out-patient or provided services by a public or private
11 hospital or mental health facility whose mental condition
12 is of such a nature that it is manifested by violent,
13 suicidal, threatening, or assaultive behavior or reported
14 behavior, for which there is a reasonable belief by a
15 physician, clinical psychologist, or qualified examiner
16 that the condition poses a clear and present or imminent
17 danger to the patient, any other person or the community
18 ~~meaning the patient's condition poses a clear and present~~
19 ~~danger in accordance with subsection (f) of Section 8 of~~
20 ~~the Firearm Owners Identification Card Act.~~ The terms
21 physician, clinical psychologist, and qualified examiner
22 are defined in Sections 1-120, 1-103, and 1-122 of the
23 Mental Health and Developmental Disabilities Code.

24 (3) "Mental health facility" is defined by Section
25 1-114 of the Mental Health and Developmental Disabilities
26 Code.

1 (c) Upon the request of a peace officer who takes a person
2 into custody and transports such person to a mental health or
3 developmental disability facility pursuant to Section 3-606 or
4 4-404 of the Mental Health and Developmental Disabilities Code
5 or who transports a person from such facility, a facility
6 director shall furnish said peace officer the name, address,
7 age and name of the nearest relative of the person transported
8 to or from the mental health or developmental disability
9 facility. In no case shall the facility director disclose to
10 the peace officer any information relating to the diagnosis,
11 treatment or evaluation of the person's mental or physical
12 health.

13 For the purposes of this subsection (c), the terms "mental
14 health or developmental disability facility", "peace officer"
15 and "facility director" shall have the meanings ascribed to
16 them in the Mental Health and Developmental Disabilities Code.

17 (d) Upon the request of a peace officer or prosecuting
18 authority who is conducting a bona fide investigation of a
19 criminal offense, or attempting to apprehend a fugitive from
20 justice, a facility director may disclose whether a person is
21 present at the facility. Upon request of a peace officer or
22 prosecuting authority who has a valid forcible felony warrant
23 issued, a facility director shall disclose: (1) whether the
24 person who is the subject of the warrant is present at the
25 facility and (2) the date of that person's discharge or future
26 discharge from the facility. The requesting peace officer or

1 prosecuting authority must furnish a case number and the
2 purpose of the investigation or an outstanding arrest warrant
3 at the time of the request. Any person, institution, or agency
4 participating in good faith in disclosing such information in
5 accordance with this subsection (d) is immune from any
6 liability, civil, criminal or otherwise, that might result by
7 reason of the action.

8 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

9 Section 80. The Uniform Disposition of Unclaimed Property
10 Act is amended by changing Section 1 as follows:

11 (765 ILCS 1025/1) (from Ch. 141, par. 101)

12 Sec. 1. As used in this Act, unless the context otherwise
13 requires:

14 (a) "Banking organization" means any bank, trust company,
15 savings bank, industrial bank, land bank, safe deposit company,
16 or a private banker.

17 (b) "Business association" means any corporation, joint
18 stock company, business trust, partnership, or any
19 association, limited liability company, or other business
20 entity consisting of one or more persons, whether or not for
21 profit.

22 (c) "Financial organization" means any savings and loan
23 association, building and loan association, credit union,
24 currency exchange, co-operative bank, mutual funds, or

1 investment company.

2 (d) "Holder" means any person in possession of property
3 subject to this Act belonging to another, or who is trustee in
4 case of a trust, or is indebted to another on an obligation
5 subject to this Act.

6 (e) "Life insurance corporation" means any association or
7 corporation transacting the business of insurance on the lives
8 of persons or insurance appertaining thereto, including, but
9 not by way of limitation, endowments and annuities.

10 (f) "Owner" means a depositor in case of a deposit, a
11 beneficiary in case of a trust, a creditor, claimant, or payee
12 in case of other property, or any person having a legal or
13 equitable interest in property subject to this Act, or his
14 legal representative.

15 (g) "Person" means any individual, business association,
16 financial organization, government or political subdivision or
17 agency, public authority, estate, trust, or any other legal or
18 commercial entity.

19 (h) "Utility" means any person who owns or operates, for
20 public use, any plant, equipment, property, franchise, or
21 license for the transmission of communications or the
22 production, storage, transmission, sale, delivery, or
23 furnishing of electricity, water, steam, oil or gas.

24 (i) (Blank).

25 (j) "Insurance company" means any person transacting the
26 kinds of business enumerated in Section 4 of the Illinois

1 Insurance Code other than life insurance.

2 (k) "Economic loss", as used in Sections 2a and 9 of this
3 Act includes, but is not limited to, delivery charges,
4 mark-downs and write-offs, carrying costs, restocking charges,
5 lay-aways, special orders, issuance of credit memos, and the
6 costs of special services or goods provided that reduce the
7 property value or that result in lost sales opportunity.

8 (l) "Reportable property" means property, tangible or
9 intangible, presumed abandoned under this Act that must be
10 appropriately and timely reported and remitted to the Office of
11 the State Treasurer under this Act. Interest, dividends, stock
12 splits, warrants, or other rights that become reportable
13 property under this Act include the underlying security or
14 commodity giving rise to the interest, dividend, split,
15 warrant, or other right to which the owner would be entitled.

16 (m) "Firearm" has the meaning ascribed to that term in
17 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
18 ~~Identification Card Act.~~

19 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
20 eff. 6-2-00.)

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 20 ILCS 2605/2605-45 was 20 ILCS 2605/55a-5

5 20 ILCS 2605/2605-120 rep.

6 20 ILCS 2630/2.2

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

8 105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6

9 105 ILCS 5/10-27.1A

10 105 ILCS 5/34-8.05

11 225 ILCS 447/35-35

12 405 ILCS 5/6-103.1

13 410 ILCS 45/2 from Ch. 111 1/2, par. 1302

14 430 ILCS 65/Act rep.

15 520 ILCS 5/3.2 from Ch. 61, par. 3.2

16 705 ILCS 105/27.3a

17 720 ILCS 5/2-7.1

18 720 ILCS 5/2-7.5

19 720 ILCS 5/12-3.05 was 720 ILCS 5/12-4

20 720 ILCS 5/17-30 was 720 ILCS 5/16C-2

21 720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1

22 720 ILCS 5/24-1.6

23 720 ILCS 5/24-2

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

25 720 ILCS 5/24-3.2 from Ch. 38, par. 24-3.2

- 1 720 ILCS 5/24-3.4 from Ch. 38, par. 24-3.4
- 2 720 ILCS 5/24-3.5
- 3 720 ILCS 5/24-4.5 new
- 4 720 ILCS 5/24-9
- 5 720 ILCS 646/10
- 6 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3
- 7 730 ILCS 5/5-5-3.2
- 8 740 ILCS 21/80
- 9 740 ILCS 110/12 from Ch. 91 1/2, par. 812
- 10 765 ILCS 1025/1 from Ch. 141, par. 101