

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 1. Short title. This Act may be cited as the Safe  
5 Gun Storage Act.

6 Section 5. Storage of firearms. A firearm owner shall not  
7 store or keep any firearm in any premises where the firearm  
8 owner knows or reasonably should know a minor without the  
9 lawful permission of the minor's parent, guardian, or person  
10 having charge of the minor, an at-risk person, or a prohibited  
11 person is likely to gain access to the firearm unless the  
12 firearm is secured in a locked container, properly engaged so  
13 as to render the firearm inaccessible or unusable to any  
14 person other than the owner or other lawfully authorized user.  
15 If the firearm is carried by or under the control of the owner  
16 or other lawfully authorized user, then the firearm is deemed  
17 lawfully stored or kept. This Section does not apply (i) if the  
18 minor, an at-risk person, or a prohibited person gains access  
19 to a firearm and uses it in a lawful act of self-defense or  
20 defense of another or (ii) to any firearm obtained by a minor,  
21 an at-risk person, or a prohibited person because of an  
22 unlawful entry of the premises by the minor, at-risk person,  
23 prohibited person or another person.

1 Section 10. Penalties; violations.

2 (a) In this Act:

3 "At-risk person" means a person who has made statements or  
4 exhibited behavior that indicates to a reasonable person there  
5 is a likelihood that the person is at risk of attempting  
6 suicide or causing physical harm to oneself or others.

7 "Minor" means a person under 18 years of age; however,  
8 "minor" does not include a member of the United States Armed  
9 Forces or the Illinois National Guard.

10 "Premises" includes any land, building, structure,  
11 vehicle, or place directly or indirectly under the control of  
12 the firearm owner.

13 "Prohibited person" means a person ineligible under  
14 federal or State law to possess a firearm. "Prohibited person"  
15 does not include a person who is otherwise eligible to own a  
16 firearm pursuant to the Firearm Owners Identification Card Act  
17 but does not, at the time of the violation, have a Firearm  
18 Owner's Identification Card.

19 (b) (1) Except as otherwise provided in paragraphs (2) and  
20 (3) of this subsection (b), a violation of Section 5 is subject  
21 to a civil penalty not to exceed \$500.

22 (2) If any person knows or reasonably should know that a  
23 minor, an at-risk person, or a prohibited person is likely to  
24 gain access to a firearm belonging to or under the control of  
25 that person, and a minor, an at-risk person, or a prohibited

1 person obtains the firearm, the civil penalty shall not exceed  
2 \$1,000.

3 (3) If a minor, an at-risk person, or a prohibited person  
4 obtains a firearm and uses it to injure or cause the death of a  
5 person or uses the firearm in connection with a crime, the  
6 civil penalty shall not exceed \$10,000.

7 (c) The court may order a person who is found in violation  
8 of Section 5 to perform community service or pay restitution  
9 in lieu of the civil penalties imposed under this Section if  
10 good cause is shown.

11 (d) Nothing in this Act shall be construed to preclude  
12 civil liabilities for violations of this Act.

13 (e) A violation of this Act is prima facie evidence of  
14 negligence per se in any civil proceeding if a minor, an  
15 at-risk person, or a prohibited person obtains a firearm and  
16 causes personal injury or the death of oneself or another or  
17 uses the firearm in the commission of a crime.

18 (f) An action to collect a civil penalty under this Act may  
19 be brought by the Attorney General or the State's Attorney of  
20 the county in which the violation occurred. Any money received  
21 from the collection of a civil penalty under this Act shall be  
22 deposited in the Mental Health Fund.

23 Section 85. The Gun Trafficking Information Act is  
24 amended by changing Section 10-5 as follows:

1 (5 ILCS 830/10-5)

2 Sec. 10-5. Gun trafficking information.

3 (a) The Illinois State Police shall use all reasonable  
4 efforts, as allowed by State law and regulations, federal law  
5 and regulations, and executed Memoranda of Understanding  
6 between Illinois law enforcement agencies and the U.S. Bureau  
7 of Alcohol, Tobacco, Firearms and Explosives, in making  
8 publicly available, on a regular and ongoing basis, key  
9 information related to firearms used in the commission of  
10 crimes in this State, including, but not limited to: reports  
11 on crimes committed with firearms, locations where the crimes  
12 occurred, the number of persons killed or injured in the  
13 commission of the crimes, whether or not a stolen firearm was  
14 used in the commission of the crimes, the state where the  
15 firearms used originated, the Federal Firearms Licensee that  
16 sold the firearm, the type of firearms used, if known, annual  
17 statistical information concerning Firearm Owner's  
18 Identification Card and concealed carry license applications,  
19 revocations, and compliance with Section 9.5 of the Firearm  
20 Owners Identification Card Act, the information required in  
21 the report or on the Illinois State Police's website under  
22 Section 85 of the Firearms Restraining Order Act, and firearm  
23 dealer license certification inspections. The Illinois State  
24 Police shall make the information available on its website,  
25 which may be presented in a dashboard format, in addition to  
26 electronically filing a report with the Governor and the

1 General Assembly. The report to the General Assembly shall be  
2 filed with the Clerk of the House of Representatives and the  
3 Secretary of the Senate in electronic form only, in the manner  
4 that the Clerk and the Secretary shall direct.

5 (b) The Illinois State Police shall study, on a regular  
6 and ongoing basis, and compile reports on the number of  
7 Firearm Owner's Identification Card checks to determine  
8 firearms trafficking or straw purchase patterns. The Illinois  
9 State Police shall, to the extent not inconsistent with law,  
10 share such reports and underlying data with academic centers,  
11 foundations, and law enforcement agencies studying firearms  
12 trafficking, provided that personally identifying information  
13 is protected. For purposes of this subsection (b), a Firearm  
14 Owner's Identification Card number is not personally  
15 identifying information, provided that no other personal  
16 information of the card holder is attached to the record. The  
17 Illinois State Police may create and attach an alternate  
18 unique identifying number to each Firearm Owner's  
19 Identification Card number, instead of releasing the Firearm  
20 Owner's Identification Card number itself.

21 (c) Each department, office, division, and agency of this  
22 State shall, to the extent not inconsistent with law,  
23 cooperate fully with the Illinois State Police and furnish the  
24 Illinois State Police with all relevant information and  
25 assistance on a timely basis as is necessary to accomplish the  
26 purpose of this Act. The Illinois Criminal Justice Information

1 Authority shall submit the information required in subsection  
2 (a) of this Section to the Illinois State Police, and any other  
3 information as the Illinois State Police may request, to  
4 assist the Illinois State Police in carrying out its duties  
5 under this Act.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
7 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

8 Section 90. The Firearm Owners Identification Card Act is  
9 amended by changing Sections 3, 3.1, 8, and 8.1 and by adding  
10 Section 7.10 as follows:

11 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

12 Sec. 3. (a) Except as provided in Section 3a, no person may  
13 knowingly transfer, or cause to be transferred, any firearm,  
14 firearm ammunition, stun gun, or taser to any person within  
15 this State unless the transferee with whom he deals displays  
16 either: (1) a currently valid Firearm Owner's Identification  
17 Card which has previously been issued in his or her name by the  
18 Illinois State Police under the provisions of this Act; or (2)  
19 a currently valid license to carry a concealed firearm which  
20 has previously been issued in his or her name by the Illinois  
21 State Police under the Firearm Concealed Carry Act. In  
22 addition, all firearm, stun gun, and taser transfers by  
23 federally licensed firearm dealers are subject to Section 3.1  
24 and beginning January 1, 2027, the federally licensed firearm

1 dealers shall check the Illinois State Police Internet-based  
2 system upon which the serial numbers of firearms that have  
3 been reported stolen are available for public access for  
4 individuals to ensure any firearms are not reported stolen  
5 prior to the sale or transfer of a firearm under subsection  
6 (a-25) of this Section. New firearms shipped directly from the  
7 manufacturer are exempt from this provision.

8 (a-5) Any person who is not a federally licensed firearm  
9 dealer and who desires to transfer or sell a firearm while that  
10 person is on the grounds of a gun show must, before selling or  
11 transferring the firearm, request the Illinois State Police to  
12 conduct a background check on the prospective recipient of the  
13 firearm in accordance with Section 3.1 and beginning January  
14 1, 2027, the person who is not a federally licensed firearm  
15 dealer shall check the Illinois State Police Internet-based  
16 system upon which the serial numbers of firearms that have  
17 been reported stolen are available for public access for  
18 individuals to ensure any firearms are not reported stolen  
19 prior to the sale or transfer of a firearm under subsection  
20 {a-25} of this Section. New firearms shipped directly from the  
21 manufacturer are exempt from this provision.

22 (a-10) Notwithstanding item (2) of subsection (a) of this  
23 Section, any person who is not a federally licensed firearm  
24 dealer and who desires to transfer or sell a firearm or  
25 firearms to any person who is not a federally licensed firearm  
26 dealer shall, before selling or transferring the firearms,

1 contact a federal firearm license dealer under paragraph (1)  
2 of subsection (a-15) of this Section to conduct the transfer  
3 or the Illinois State Police with the transferee's or  
4 purchaser's Firearm Owner's Identification Card number to  
5 determine the validity of the transferee's or purchaser's  
6 Firearm Owner's Identification Card under State and federal  
7 law, including the National Instant Criminal Background Check  
8 System. This subsection shall not be effective until July 1,  
9 2023. Until that date the transferor shall contact the  
10 Illinois State Police with the transferee's or purchaser's  
11 Firearm Owner's Identification Card number to determine the  
12 validity of the card. The Illinois State Police may adopt  
13 rules concerning the implementation of this subsection. The  
14 Illinois State Police shall provide the seller or transferor  
15 an approval number if the purchaser's Firearm Owner's  
16 Identification Card is valid. Approvals issued by the Illinois  
17 State Police for the purchase of a firearm pursuant to this  
18 subsection are valid for 30 days from the date of issue.

19 (a-15) The provisions of subsection (a-10) of this Section  
20 do not apply to:

21 (1) transfers that occur at the place of business of a  
22 federally licensed firearm dealer, if the federally  
23 licensed firearm dealer conducts a background check on the  
24 prospective recipient of the firearm in accordance with  
25 Section 3.1 of this Act and follows all other applicable  
26 federal, State, and local laws as if he or she were the

1 seller or transferor of the firearm, although the dealer  
2 is not required to accept the firearm into his or her  
3 inventory. The purchaser or transferee may be required by  
4 the federally licensed firearm dealer to pay a fee not to  
5 exceed \$25 per firearm, which the dealer may retain as  
6 compensation for performing the functions required under  
7 this paragraph, plus the applicable fees authorized by  
8 Section 3.1;

9 (2) transfers as a bona fide gift to the transferor's  
10 husband, wife, son, daughter, stepson, stepdaughter,  
11 father, mother, stepfather, stepmother, brother, sister,  
12 nephew, niece, uncle, aunt, grandfather, grandmother,  
13 grandson, granddaughter, father-in-law, mother-in-law,  
14 son-in-law, or daughter-in-law;

15 (3) transfers by persons acting pursuant to operation  
16 of law or a court order;

17 (4) transfers on the grounds of a gun show under  
18 subsection (a-5) of this Section;

19 (5) the delivery of a firearm by its owner to a  
20 gunsmith for service or repair, the return of the firearm  
21 to its owner by the gunsmith, or the delivery of a firearm  
22 by a gunsmith to a federally licensed firearms dealer for  
23 service or repair and the return of the firearm to the  
24 gunsmith;

25 (6) temporary transfers that occur while in the home  
26 of the unlicensed transferee, if the unlicensed transferee

1 is not otherwise prohibited from possessing firearms and  
2 the unlicensed transferee reasonably believes that  
3 possession of the firearm is necessary to prevent imminent  
4 death or great bodily harm to the unlicensed transferee;

5 (7) transfers to a law enforcement or corrections  
6 agency or a law enforcement or corrections officer acting  
7 within the course and scope of his or her official duties;

8 (8) transfers of firearms that have been rendered  
9 permanently inoperable to a nonprofit historical society,  
10 museum, or institutional collection; and

11 (9) transfers to a person who is exempt from the  
12 requirement of possessing a Firearm Owner's Identification  
13 Card under Section 2 of this Act.

14 (a-20) The Illinois State Police shall develop an  
15 Internet-based system for individuals to determine the  
16 validity of a Firearm Owner's Identification Card prior to the  
17 sale or transfer of a firearm. The Illinois State Police shall  
18 have the Internet-based system updated and available for use  
19 by January 1, 2024. The Illinois State Police shall adopt  
20 rules not inconsistent with this Section to implement this  
21 system; but no rule shall allow the Illinois State Police to  
22 retain records in contravention of State and federal law. On  
23 or before January 1, 2027, the Internet-based system shall  
24 include a written notice, in both English and Spanish, of a  
25 firearm owner's obligation to report to local law enforcement  
26 any lost or stolen firearm within 48 hours after the owner

1 first discovers the loss or theft.

2 (a-25) On or before January 1, 2022, the Illinois State  
3 Police shall develop an Internet-based system upon which the  
4 serial numbers of firearms that have been reported stolen are  
5 available for public access for individuals to ensure any  
6 firearms are not reported stolen prior to the sale or transfer  
7 of a firearm under this Section. The Illinois State Police  
8 shall have the Internet-based system completed and available  
9 for use by July 1, 2022. The Illinois State Police shall adopt  
10 rules not inconsistent with this Section to implement this  
11 system. On or before January 1, 2027, the Illinois State  
12 Police shall make the Internet-based system created under this  
13 subsection accessible to federally licensed firearms dealers  
14 to verify that the make, model, and serial numbers of firearms  
15 that are being bought, sold, or transferred by the dealers  
16 have not been reported stolen and shall also provide a receipt  
17 or approval number to a transferor or federally licensed  
18 firearms dealer as verification that the firearm being  
19 transferred did not appear on the stolen firearm database.

20 (a-30) On or before January 1, 2027, the Illinois State  
21 Police shall establish an electronic mechanism by which law  
22 enforcement shall report individuals who have failed to report  
23 the loss or theft of a firearm pursuant to Section 24-4.1 of  
24 the Criminal Code of 2012.

25 (b) Any person within this State who transfers or causes  
26 to be transferred any firearm, stun gun, or taser shall keep a

1 record of such transfer for a period of 10 years from the date  
2 of transfer. Any person within this State who receives any  
3 firearm, stun gun, or taser pursuant to subsection (a-10)  
4 shall provide a record of the transfer within 10 days of the  
5 transfer to a federally licensed firearm dealer and shall not  
6 be required to maintain a transfer record. The federally  
7 licensed firearm dealer shall maintain the transfer record for  
8 20 years from the date of receipt. A federally licensed  
9 firearm dealer may charge a fee not to exceed \$25 to retain the  
10 record. The record shall be provided and maintained in either  
11 an electronic or paper format. The federally licensed firearm  
12 dealer shall not be liable for the accuracy of any information  
13 in the transfer record submitted pursuant to this Section.  
14 Such records shall contain the date of the transfer; the  
15 description, serial number or other information identifying  
16 the firearm, stun gun, or taser if no serial number is  
17 available; and, if the transfer was completed within this  
18 State, the transferee's Firearm Owner's Identification Card  
19 number and any approval number or documentation provided by  
20 the Illinois State Police pursuant to subsection (a-10) of  
21 this Section; if the transfer was not completed within this  
22 State, the record shall contain the name and address of the  
23 transferee. On or after January 1, 2006, the record shall  
24 contain the date of application for transfer of the firearm.  
25 On demand of a peace officer such transferor shall produce for  
26 inspection such record of transfer. For any transfer pursuant

1 to subsection (a-10) of this Section, on the demand of a peace  
2 officer, such transferee shall identify the federally licensed  
3 firearm dealer maintaining the transfer record. If the  
4 transfer or sale took place at a gun show, the record shall  
5 include the unique identification number. Failure to record  
6 the unique identification number or approval number is a petty  
7 offense. For transfers of a firearm, stun gun, or taser made on  
8 or after January 18, 2019 (the effective date of Public Act  
9 100-1178), failure by the private seller to maintain the  
10 transfer records in accordance with this Section, or failure  
11 by a transferee pursuant to subsection a-10 of this Section to  
12 identify the federally licensed firearm dealer maintaining the  
13 transfer record, is a Class A misdemeanor for the first  
14 offense and a Class 4 felony for a second or subsequent offense  
15 occurring within 10 years of the first offense and the second  
16 offense was committed after conviction of the first offense.  
17 Whenever any person who has not previously been convicted of  
18 any violation of subsection (a-5), the court may grant  
19 supervision pursuant to and consistent with the limitations of  
20 Section 5-6-1 of the Unified Code of Corrections. A transferee  
21 or transferor shall not be criminally liable under this  
22 Section provided that he or she provides the Illinois State  
23 Police with the transfer records in accordance with procedures  
24 established by the Illinois State Police. The Illinois State  
25 Police shall establish, by rule, a standard form on its  
26 website.

1 (b-5) Any resident may purchase ammunition from a person  
2 within or outside of Illinois if shipment is by United States  
3 mail or by a private express carrier authorized by federal law  
4 to ship ammunition. Any resident purchasing ammunition within  
5 or outside the State of Illinois must provide the seller with a  
6 copy of his or her valid Firearm Owner's Identification Card  
7 or valid concealed carry license and either his or her  
8 Illinois driver's license or Illinois State Identification  
9 Card prior to the shipment of the ammunition. The ammunition  
10 may be shipped only to an address on either of those 2  
11 documents.

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

15 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;  
16 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

17 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

18 Sec. 3.1. Firearm Transfer Inquiry Program.

19 (a) The Illinois State Police shall provide a dial up  
20 telephone system or utilize other existing technology which  
21 shall be used by any federally licensed firearm dealer, gun  
22 show promoter, or gun show vendor who is to transfer a firearm,  
23 stun gun, or taser under the provisions of this Act. The  
24 Illinois State Police may utilize existing technology which  
25 allows the caller to be charged a fee not to exceed \$2. Fees

1 collected by the Illinois State Police shall be deposited in  
2 the State Police Firearm Services Fund and used to provide the  
3 service. Beginning January 1, 2027, a federally licensed  
4 firearm dealer, gun show promoter, and gun show vendor shall  
5 additionally check the Illinois State Police Internet-based  
6 system upon which the serial numbers of firearms that have  
7 been reported stolen are available for public access to ensure  
8 any firearms are not reported stolen prior to the sale or  
9 transfer of a firearm under subsection (a-25) of Section 3 of  
10 this Act. New firearms shipped directly from the manufacturer  
11 are exempt from this provision.

12 (b) Upon receiving a request from a federally licensed  
13 firearm dealer, gun show promoter, or gun show vendor, the  
14 Illinois State Police shall immediately approve or, within the  
15 time period established by Section 24-3 of the Criminal Code  
16 of 2012 regarding the delivery of firearms, stun guns, and  
17 tasers, notify the inquiring dealer, gun show promoter, or gun  
18 show vendor of any objection that would disqualify the  
19 transferee from acquiring or possessing a firearm, stun gun,  
20 or taser. In conducting the inquiry, the Illinois State Police  
21 shall initiate and complete an automated search of its  
22 criminal history record information files and those of the  
23 Federal Bureau of Investigation, including the National  
24 Instant Criminal Background Check System, and of the files of  
25 the Department of Human Services relating to mental health and  
26 developmental disabilities to obtain any felony conviction or

1 patient hospitalization information which would disqualify a  
2 person from obtaining or require revocation of a currently  
3 valid Firearm Owner's Identification Card.

4 (b-5) By January 1, 2023, the Illinois State Police shall  
5 by rule provide a process for the automatic renewal of the  
6 Firearm Owner's Identification Card of a person at the time of  
7 an inquiry in subsection (b). Persons eligible for this  
8 process must have a set of fingerprints on file with their  
9 applications under either subsection (a-25) of Section 4 or  
10 the Firearm Concealed Carry Act.

11 (c) If receipt of a firearm would not violate Section 24-3  
12 of the Criminal Code of 2012, federal law, or this Act, the  
13 Illinois State Police shall:

14 (1) assign a unique identification number to the  
15 transfer; and

16 (2) provide the licensee, gun show promoter, or gun  
17 show vendor with the number.

18 (d) Approvals issued by the Illinois State Police for the  
19 purchase of a firearm are valid for 30 days from the date of  
20 issue.

21 (e) (1) The Illinois State Police must act as the Illinois  
22 Point of Contact for the National Instant Criminal Background  
23 Check System.

24 (2) The Illinois State Police and the Department of Human  
25 Services shall, in accordance with State and federal law  
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the  
2 purpose of implementing the National Instant Criminal  
3 Background Check System in the State. The Illinois State  
4 Police shall report the name, date of birth, and physical  
5 description of any person prohibited from possessing a firearm  
6 pursuant to the Firearm Owners Identification Card Act or 18  
7 U.S.C. 922(g) and (n) to the National Instant Criminal  
8 Background Check System Index, Denied Persons Files.

9 (3) The Illinois State Police shall provide notice of the  
10 disqualification of a person under subsection (b) of this  
11 Section or the revocation of a person's Firearm Owner's  
12 Identification Card under Section 8 or Section 8.2 of this  
13 Act, and the reason for the disqualification or revocation, to  
14 all law enforcement agencies with jurisdiction to assist with  
15 the seizure of the person's Firearm Owner's Identification  
16 Card.

17 (f) The Illinois State Police shall adopt rules not  
18 inconsistent with this Section to implement this system.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
20 102-813, eff. 5-13-22.)

21 (430 ILCS 65/7.10 new)

22 Sec. 7.10. Notice of obligation to report lost or stolen  
23 firearm. Upon the issuance and each renewal of a Firearm  
24 Owner's Identification Card, the Illinois State Police shall  
25 advise the applicant or holder in writing, in both English and

1 Spanish, of his or her obligation to report to local law  
2 enforcement any lost or stolen firearm within 48 hours after  
3 he or she first discovers the loss or theft. A person is deemed  
4 to have discovered that a firearm was lost or stolen only when  
5 the person has received evidence indicating that a loss or  
6 theft has occurred.

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

14 (a) A person under 21 years of age who has been  
15 convicted of a misdemeanor other than a traffic offense or  
16 adjudged delinquent;

17 (b) This subsection (b) applies through the 180th day  
18 following July 12, 2019 (the effective date of Public Act  
19 101-80). A person under 21 years of age who does not have  
20 the written consent of his parent or guardian to acquire  
21 and possess firearms and firearm ammunition, or whose  
22 parent or guardian has revoked such written consent, or  
23 where such parent or guardian does not qualify to have a  
24 Firearm Owner's Identification Card;

25 (b-5) This subsection (b-5) applies on and after the

1 181st day following July 12, 2019 (the effective date of  
2 Public Act 101-80). A person under 21 years of age who is  
3 not an active duty member of the United States Armed  
4 Forces or the Illinois National Guard and does not have  
5 the written consent of his or her parent or guardian to  
6 acquire and possess firearms and firearm ammunition, or  
7 whose parent or guardian has revoked such written consent,  
8 or where such parent or guardian does not qualify to have a  
9 Firearm Owner's Identification Card;

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

12 (d) A person addicted to narcotics;

13 (e) A person who has been a patient of a mental health  
14 facility within the past 5 years or a person who has been a  
15 patient in a mental health facility more than 5 years ago  
16 who has not received the certification required under  
17 subsection (u) of this Section. An active law enforcement  
18 officer employed by a unit of government or a Department  
19 of Corrections employee authorized to possess firearms who  
20 is denied, revoked, or has his or her Firearm Owner's  
21 Identification Card seized under this subsection (e) may  
22 obtain relief as described in subsection (c-5) of Section  
23 10 of this Act if the officer or employee did not act in a  
24 manner threatening to the officer or employee, another  
25 person, or the public as determined by the treating  
26 clinical psychologist or physician, and the officer or

1 employee seeks mental health treatment;

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

5 (g) A person who has an intellectual disability;

6 (h) A person who intentionally makes a false statement  
7 in the Firearm Owner's Identification Card application or  
8 endorsement affidavit;

9 (i) A noncitizen who is unlawfully present in the  
10 United States under the laws of the United States;

11 (i-5) A noncitizen who has been admitted to the United  
12 States under a non-immigrant visa (as that term is defined  
13 in Section 101(a)(26) of the Immigration and Nationality  
14 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
15 (i-5) does not apply to any noncitizen who has been  
16 lawfully admitted to the United States under a  
17 non-immigrant visa if that noncitizen is:

18 (1) admitted to the United States for lawful  
19 hunting or sporting purposes;

20 (2) an official representative of a foreign  
21 government who is:

22 (A) accredited to the United States Government  
23 or the Government's mission to an international  
24 organization having its headquarters in the United  
25 States; or

26 (B) en route to or from another country to

1                   which that noncitizen is accredited;

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

5                   (4) a foreign law enforcement officer of a  
6 friendly foreign government entering the United States  
7 on official business; or

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

11                  (j) (Blank);

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

17                  (l) A person who has been convicted of domestic  
18 battery, aggravated domestic battery, or a substantially  
19 similar offense in another jurisdiction committed before,  
20 on or after January 1, 2012 (the effective date of Public  
21 Act 97-158). If the applicant or person who has been  
22 previously issued a Firearm Owner's Identification Card  
23 under this Act knowingly and intelligently waives the  
24 right to have an offense described in this paragraph (l)  
25 tried by a jury, and by guilty plea or otherwise, results  
26 in a conviction for an offense in which a domestic

1 relationship is not a required element of the offense but  
2 in which a determination of the applicability of 18 U.S.C.  
3 922(g)(9) is made under Section 112A-11.1 of the Code of  
4 Criminal Procedure of 1963, an entry by the court of a  
5 judgment of conviction for that offense shall be grounds  
6 for denying an application for and for revoking and  
7 seizing a Firearm Owner's Identification Card previously  
8 issued to the person under this Act;

9 (m) (Blank);

10 (n) A person who is prohibited from acquiring or  
11 possessing firearms or firearm ammunition by any Illinois  
12 State statute or by federal law;

13 (o) A minor subject to a petition filed under Section  
14 5-520 of the Juvenile Court Act of 1987 alleging that the  
15 minor is a delinquent minor for the commission of an  
16 offense that if committed by an adult would be a felony;

17 (p) An adult who had been adjudicated a delinquent  
18 minor under the Juvenile Court Act of 1987 for the  
19 commission of an offense that if committed by an adult  
20 would be a felony;

21 (q) A person who is not a resident of the State of  
22 Illinois, except as provided in subsection (a-10) of  
23 Section 4;

24 (r) A person who has been adjudicated as a person with  
25 a mental disability;

26 (s) A person who has been found to have a

1 developmental disability;

2 (t) A person involuntarily admitted into a mental  
3 health facility; ~~or~~

4 (u) A person who has had his or her Firearm Owner's  
5 Identification Card revoked or denied under subsection (e)  
6 of this Section or item (iv) of paragraph (2) of  
7 subsection (a) of Section 4 of this Act because he or she  
8 was a patient in a mental health facility as provided in  
9 subsection (e) of this Section, shall not be permitted to  
10 obtain a Firearm Owner's Identification Card, after the  
11 5-year period has lapsed, unless he or she has received a  
12 mental health evaluation by a physician, clinical  
13 psychologist, or qualified examiner as those terms are  
14 defined in the Mental Health and Developmental  
15 Disabilities Code, and has received a certification that  
16 he or she is not a clear and present danger to himself,  
17 herself, or others. The physician, clinical psychologist,  
18 or qualified examiner making the certification and his or  
19 her employer shall not be held criminally, civilly, or  
20 professionally liable for making or not making the  
21 certification required under this subsection, except for  
22 willful or wanton misconduct. This subsection does not  
23 apply to a person whose firearm possession rights have  
24 been restored through administrative or judicial action  
25 under Section 10 or 11 of this Act; or

26 (v) A person who fails 2 or more times to report a loss

1       or theft of a firearm within 48 hours of the discovery of  
2       such loss or theft to local law enforcement as required  
3       under subsection (a) of Section 24-4.1 of the Criminal  
4       Code of 2012.

5       Upon revocation of a person's Firearm Owner's  
6       Identification Card, the Illinois State Police shall provide  
7       notice to the person and the person shall comply with Section  
8       9.5 of this Act.

9       (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
10      102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
11      5-27-22; 102-1116, eff. 1-10-23.)

12           (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

13           Sec. 8.1. Notifications to the Illinois State Police.

14           (a) The Circuit Clerk shall, in the form and manner  
15       required by the Supreme Court, notify the Illinois State  
16       Police of all final dispositions of cases for which the  
17       Department has received information reported to it under  
18       Sections 2.1 and 2.2 of the Criminal Identification Act.

19           (b) Upon adjudication of any individual as a person with a  
20       mental disability as defined in Section 1.1 of this Act or a  
21       finding that a person has been involuntarily admitted, the  
22       court shall direct the circuit court clerk to immediately  
23       notify the Illinois State Police, Firearm Owner's  
24       Identification (FOID) department, and shall forward a copy of  
25       the court order to the Department.

1 (b-1) Beginning July 1, 2016, and each July 1 and December  
2 30 of every year thereafter, the circuit court clerk shall, in  
3 the form and manner prescribed by the Illinois State Police,  
4 notify the Illinois State Police, Firearm Owner's  
5 Identification (FOID) department if the court has not directed  
6 the circuit court clerk to notify the Illinois State Police,  
7 Firearm Owner's Identification (FOID) department under  
8 subsection (b) of this Section, within the preceding 6 months,  
9 because no person has been adjudicated as a person with a  
10 mental disability by the court as defined in Section 1.1 of  
11 this Act or if no person has been involuntarily admitted. The  
12 Supreme Court may adopt any orders or rules necessary to  
13 identify the persons who shall be reported to the Illinois  
14 State Police under subsection (b), or any other orders or  
15 rules necessary to implement the requirements of this Act.

16 (c) The Department of Human Services shall, in the form  
17 and manner prescribed by the Illinois State Police, report all  
18 information collected under subsection (b) of Section 12 of  
19 the Mental Health and Developmental Disabilities  
20 Confidentiality Act for the purpose of determining whether a  
21 person who may be or may have been a patient in a mental health  
22 facility is disqualified under State or federal law from  
23 receiving or retaining a Firearm Owner's Identification Card,  
24 or purchasing a weapon.

25 (d) If a person is determined to pose a clear and present  
26 danger to himself, herself, or to others:

1           (1) by a physician, clinical psychologist, or  
2 qualified examiner, or is determined to have a  
3 developmental disability by a physician, clinical  
4 psychologist, or qualified examiner, whether employed by  
5 the State or privately, then the physician, clinical  
6 psychologist, or qualified examiner shall, within 24 hours  
7 of making the determination, notify the Department of  
8 Human Services that the person poses a clear and present  
9 danger or has a developmental disability; or

10           (2) by a law enforcement official or school  
11 administrator, then the law enforcement official or school  
12 administrator shall, within 24 hours of making the  
13 determination, notify the Illinois State Police that the  
14 person poses a clear and present danger.

15           The Department of Human Services shall immediately update  
16 its records and information relating to mental health and  
17 developmental disabilities, and if appropriate, shall notify  
18 the Illinois State Police in a form and manner prescribed by  
19 the Illinois State Police. The Illinois State Police shall  
20 determine whether to revoke the person's Firearm Owner's  
21 Identification Card under Section 8 of this Act. Any  
22 information disclosed under this subsection shall remain  
23 privileged and confidential, and shall not be redisclosed,  
24 except as required under subsection (e) of Section 3.1 of this  
25 Act, nor used for any other purpose. The method of providing  
26 this information shall guarantee that the information is not

1 released beyond what is necessary for the purpose of this  
2 Section and shall be provided by rule by the Department of  
3 Human Services. The identity of the person reporting under  
4 this Section shall not be disclosed to the subject of the  
5 report. The physician, clinical psychologist, qualified  
6 examiner, law enforcement official, or school administrator  
7 making the determination and his or her employer shall not be  
8 held criminally, civilly, or professionally liable for making  
9 or not making the notification required under this subsection,  
10 except for willful or wanton misconduct.

11 (d-5) If a law enforcement official determines that a  
12 person has failed to report a lost or stolen firearm as  
13 required by Section 24-4.1 of the Criminal Code of 2012, then  
14 the law enforcement official shall, within 24 hours of making  
15 that determination, notify the Illinois State Police that the  
16 person has failed to report a lost or stolen firearm. The law  
17 enforcement official shall notify the Illinois State Police in  
18 a form and manner prescribed by the Illinois State Police. Any  
19 information disclosed under this subsection shall remain  
20 privileged and confidential, and shall not be redisclosed,  
21 except as required under subsection (e) of Section 3.1 of this  
22 Act, nor used for any other purpose.

23 (e) The Illinois State Police shall adopt rules to  
24 implement this Section.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 95. The Firearm Concealed Carry Act is amended by  
2 adding Section 56 as follows:

3 (430 ILCS 66/56 new)

4 Sec. 56. Notice of obligation to report lost or stolen  
5 firearm. Upon the issuance and each renewal of a concealed  
6 carry license, the Illinois State Police shall advise the  
7 applicant or licensee in writing, in both English and Spanish,  
8 of his or her obligation to report to local law enforcement any  
9 lost or stolen firearm within 48 hours after he or she first  
10 discovers the theft or loss.

11 Section 100. The Firearm Dealer License Certification Act  
12 is amended by changing Section 5-20 as follows:

13 (430 ILCS 68/5-20)

14 Sec. 5-20. Additional licensee requirements.

15 (a) A certified licensee shall make a photo copy of a  
16 buyer's or transferee's valid photo identification card  
17 whenever a firearm sale transaction takes place. The photo  
18 copy shall be attached to the documentation detailing the  
19 record of sale.

20 (b) A certified licensee shall post in a conspicuous  
21 position on the premises where the licensee conducts business  
22 a sign that contains the following warning in block letters  
23 not less than one inch in height:

1           "With few exceptions enumerated in the Firearm Owners  
2 Identification Card Act, it is unlawful for you to:

3           (A) store or leave an unsecured firearm in a place  
4 where a child can obtain access to it;

5           (B) sell or transfer your firearm to someone else  
6 without receiving approval for the transfer from the  
7 Illinois State Police, or

8           (C) fail to report the loss or theft of your  
9 firearm to local law enforcement within 48 ~~72~~ hours."

10 This sign shall be created by the Illinois State Police and  
11 made available for printing or downloading from the Illinois  
12 State Police's website.

13           (c) No retail location established after the effective  
14 date of this Act shall be located within 500 feet of any  
15 school, pre-school, or day care facility in existence at its  
16 location before the retail location is established as measured  
17 from the nearest corner of the building holding the retail  
18 location to the corner of the school, pre-school, or day care  
19 facility building nearest the retail location at the time the  
20 retail location seeks licensure.

21           (d) A certified dealer who sells or transfers a firearm  
22 shall notify the purchaser or the recipient, orally and in  
23 writing, in both English and Spanish, at the time of the sale  
24 or transfer, that the owner of a firearm is required to report  
25 a lost or stolen firearm to local law enforcement within 48  
26 hours after the owner first discovers the loss or theft. The

1 Illinois State Police shall create a written notice, in both  
2 English and Spanish, that certified dealers shall provide  
3 firearm purchasers or transferees in accordance with this  
4 provision and make such notice available for printing or  
5 downloading from the Illinois State Police website.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 Section 105. The Criminal Code of 2012 is amended by  
8 changing Sections 24-3B, 24-4.1, and 24-9 as follows:

9 (720 ILCS 5/24-3B)

10 Sec. 24-3B. Firearms trafficking.

11 (a) A person commits firearms trafficking when he or she  
12 has not been issued a currently valid Firearm Owner's  
13 Identification Card and knowingly:

14 (1) brings, or causes to be brought, into this State,  
15 a firearm or firearm ammunition for the purpose of sale,  
16 delivery, or transfer to any other person or with the  
17 intent to sell, deliver, or transfer the firearm or  
18 firearm ammunition to any other person; ~~or~~

19 (2) brings, or causes to be brought, into this State,  
20 a firearm and firearm ammunition for the purpose of sale,  
21 delivery, or transfer to any other person or with the  
22 intent to sell, deliver, or transfer the firearm and  
23 firearm ammunition to any other person; or.

24 (3) brings, or causes to be brought, into this State,

1 in a vehicle on an expressway in this State, more than one  
2 firearm prohibited from possession by Section 24-1.9, per  
3 occupants of the vehicle.

4 (a-5) This Section does not apply to:

5 (1) a person exempt under Section 2 of the Firearm  
6 Owners Identification Card Act from the requirement of  
7 having possession of a Firearm Owner's Identification Card  
8 previously issued in his or her name by the Illinois State  
9 Police in order to acquire or possess a firearm or firearm  
10 ammunition;

11 (2) a common carrier under subsection (i) of Section  
12 24-2 of this Code; or

13 (3) a non-resident who may lawfully possess a firearm  
14 in his or her resident state.

15 (b) Sentence.

16 (1) Firearms trafficking is a Class 1 felony for which  
17 the person, if sentenced to a term of imprisonment, shall  
18 be sentenced to not less than 4 years and not more than 20  
19 years.

20 (2) Firearms trafficking by a person who has been  
21 previously convicted of firearms trafficking, gunrunning,  
22 or a felony offense for the unlawful sale, delivery, or  
23 transfer of a firearm or firearm ammunition in this State  
24 or another jurisdiction is a Class X felony.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (720 ILCS 5/24-4.1)

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

3 (a) If a person who possesses a valid Firearm Owner's  
4 Identification Card and who possesses or acquires a firearm  
5 thereafter loses the firearm, or if the firearm is stolen from  
6 the person, the person must report the loss or theft of any  
7 such firearm to the local law enforcement agency within 48 ~~72~~  
8 hours after obtaining knowledge of the loss or theft. The  
9 report shall include:

10 (1) the date the firearm was lost or stolen;

11 (2) the exact location where the firearm was lost or  
12 stolen or, if the exact location is not known, the last  
13 known location of the firearm;

14 (3) the caliber, make, model, and serial number of the  
15 firearm;

16 (4) a description of the circumstances under which the  
17 firearm was lost or stolen; and

18 (5) the Firearm Owner's Identification Card number of  
19 the person making the report, if applicable.

20 (b) A law enforcement agency having jurisdiction shall  
21 take a written report and shall, as soon as practical, and in  
22 no event later than 48 hours after receiving the report, enter  
23 the information and the firearm's serial number as stolen into  
24 the Law Enforcement Agencies Data System (LEADS).

25 (c) A person shall not be in violation of this Section if:

26 (1) the failure to report is due to an act of God, act

1 of war, or inability of a law enforcement agency to  
2 receive the report;

3 (2) the person is hospitalized, in a coma, or is  
4 otherwise seriously physically or mentally impaired as to  
5 prevent the person from reporting; or

6 (3) the person's designee makes a report if the person  
7 is unable to make the report.

8 (d) Sentence. A person who violates this Section is guilty  
9 of a petty offense for a first violation. A second or  
10 subsequent violation of this Section is a Class A misdemeanor.

11 (e) A prosecution for an offense under this Section may be  
12 commenced within 3 years after the discovery by law  
13 enforcement or prosecution of the failure to report the theft  
14 or loss of a firearm as required under subsection (a).

15 (Source: P.A. 98-508, eff. 8-19-13.)

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 18 ~~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  
25 minor, 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 18 ~~14~~ years of age gains access  
15 to 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 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 1.1 of the Firearm Owners  
22 Identification Card Act.

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

24 Section 110. The Unified Code of Corrections is amended by  
25 changing Section 5-4-1 as follows:

1 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

2 Sec. 5-4-1. Sentencing hearing.

3 (a) After a determination of guilt, a hearing shall be  
4 held to impose the sentence. However, prior to the imposition  
5 of sentence on an individual being sentenced for an offense  
6 based upon a charge for a violation of Section 11-501 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance, the individual must undergo a professional  
9 evaluation to determine if an alcohol or other drug abuse  
10 problem exists and the extent of such a problem. Programs  
11 conducting these evaluations shall be licensed by the  
12 Department of Human Services. However, if the individual is  
13 not a resident of Illinois, the court may, in its discretion,  
14 accept an evaluation from a program in the state of such  
15 individual's residence. The court shall make a specific  
16 finding about whether the defendant is eligible for  
17 participation in a Department impact incarceration program as  
18 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an  
19 explanation as to why a sentence to impact incarceration is  
20 not an appropriate sentence. The court may in its sentencing  
21 order recommend a defendant for placement in a Department of  
22 Corrections substance abuse treatment program as provided in  
23 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
24 upon the defendant being accepted in a program by the  
25 Department of Corrections. At the hearing the court shall:

1           (1) consider the evidence, if any, received upon the  
2 trial;

3           (2) consider any presentence reports;

4           (3) consider the financial impact of incarceration  
5 based on the financial impact statement filed with the  
6 clerk of the court by the Department of Corrections;

7           (4) consider evidence and information offered by the  
8 parties in aggravation and mitigation;

9           (4.5) consider substance abuse treatment, eligibility  
10 screening, and an assessment, if any, of the defendant by  
11 an agent designated by the State of Illinois to provide  
12 assessment services for the Illinois courts;

13           (5) hear arguments as to sentencing alternatives;

14           (6) afford the defendant the opportunity to make a  
15 statement in his own behalf;

16           (7) afford the victim of a violent crime or a  
17 violation of Section 11-501 of the Illinois Vehicle Code,  
18 or a similar provision of a local ordinance, the  
19 opportunity to present an oral or written statement, as  
20 guaranteed by Article I, Section 8.1 of the Illinois  
21 Constitution and provided in Section 6 of the Rights of  
22 Crime Victims and Witnesses Act. The court shall allow a  
23 victim to make an oral statement if the victim is present  
24 in the courtroom and requests to make an oral or written  
25 statement. An oral or written statement includes the  
26 victim or a representative of the victim reading the

1 written statement. The court may allow persons impacted by  
2 the crime who are not victims under subsection (a) of  
3 Section 3 of the Rights of Crime Victims and Witnesses Act  
4 to present an oral or written statement. A victim and any  
5 person making an oral statement shall not be put under  
6 oath or subject to cross-examination. All statements  
7 offered under this paragraph (7) shall become part of the  
8 record of the court. In this paragraph (7), "victim of a  
9 violent crime" means a person who is a victim of a violent  
10 crime for which the defendant has been convicted after a  
11 bench or jury trial or a person who is the victim of a  
12 violent crime with which the defendant was charged and the  
13 defendant has been convicted under a plea agreement of a  
14 crime that is not a violent crime as defined in subsection  
15 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

16 (7.5) afford a qualified person affected by: (i) a  
17 violation of Section 405, 405.1, 405.2, or 407 of the  
18 Illinois Controlled Substances Act or a violation of  
19 Section 55 or Section 65 of the Methamphetamine Control  
20 and Community Protection Act; or (ii) a Class 4 felony  
21 violation of Section 11-14, 11-14.3 except as described in  
22 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,  
23 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, committed by the defendant the  
25 opportunity to make a statement concerning the impact on  
26 the qualified person and to offer evidence in aggravation

1 or mitigation; provided that the statement and evidence  
2 offered in aggravation or mitigation shall first be  
3 prepared in writing in conjunction with the State's  
4 Attorney before it may be presented orally at the hearing.  
5 Sworn testimony offered by the qualified person is subject  
6 to the defendant's right to cross-examine. All statements  
7 and evidence offered under this paragraph (7.5) shall  
8 become part of the record of the court. In this paragraph  
9 (7.5), "qualified person" means any person who: (i) lived  
10 or worked within the territorial jurisdiction where the  
11 offense took place when the offense took place; or (ii) is  
12 familiar with various public places within the territorial  
13 jurisdiction where the offense took place when the offense  
14 took place. "Qualified person" includes any peace officer  
15 or any member of any duly organized State, county, or  
16 municipal peace officer unit assigned to the territorial  
17 jurisdiction where the offense took place when the offense  
18 took place;

19 (8) in cases of reckless homicide afford the victim's  
20 spouse, guardians, parents or other immediate family  
21 members an opportunity to make oral statements;

22 (9) in cases involving a felony sex offense as defined  
23 under the Sex Offender Management Board Act, consider the  
24 results of the sex offender evaluation conducted pursuant  
25 to Section 5-3-2 of this Act; ~~and~~

26 (10) make a finding of whether a motor vehicle was

1 used in the commission of the offense for which the  
2 defendant is being sentenced; and ~~and~~

3 (11) make a finding of whether a firearm with a serial  
4 number reported as stolen on the Illinois State Police  
5 publicly accessible stolen firearms database was used in  
6 the commission of the offense for which the defendant is  
7 being sentenced.

8 (b) All sentences shall be imposed by the judge based upon  
9 his independent assessment of the elements specified above and  
10 any agreement as to sentence reached by the parties. The judge  
11 who presided at the trial or the judge who accepted the plea of  
12 guilty shall impose the sentence unless he is no longer  
13 sitting as a judge in that court. Where the judge does not  
14 impose sentence at the same time on all defendants who are  
15 convicted as a result of being involved in the same offense,  
16 the defendant or the State's Attorney may advise the  
17 sentencing court of the disposition of any other defendants  
18 who have been sentenced.

19 (b-1) In imposing a sentence of imprisonment or periodic  
20 imprisonment for a Class 3 or Class 4 felony for which a  
21 sentence of probation or conditional discharge is an available  
22 sentence, if the defendant has no prior sentence of probation  
23 or conditional discharge and no prior conviction for a violent  
24 crime, the defendant shall not be sentenced to imprisonment  
25 before review and consideration of a presentence report and  
26 determination and explanation of why the particular evidence,

1 information, factor in aggravation, factual finding, or other  
2 reasons support a sentencing determination that one or more of  
3 the factors under subsection (a) of Section 5-6-1 of this Code  
4 apply and that probation or conditional discharge is not an  
5 appropriate sentence.

6 (c) In imposing a sentence for a violent crime or for an  
7 offense of operating or being in physical control of a vehicle  
8 while under the influence of alcohol, any other drug or any  
9 combination thereof, or a similar provision of a local  
10 ordinance, when such offense resulted in the personal injury  
11 to someone other than the defendant, the trial judge shall  
12 specify on the record the particular evidence, information,  
13 factors in mitigation and aggravation or other reasons that  
14 led to his sentencing determination. The full verbatim record  
15 of the sentencing hearing shall be filed with the clerk of the  
16 court and shall be a public record.

17 (c-1) In imposing a sentence for the offense of aggravated  
18 kidnapping for ransom, home invasion, armed robbery,  
19 aggravated vehicular hijacking, aggravated discharge of a  
20 firearm, or armed violence with a category I weapon or  
21 category II weapon, the trial judge shall make a finding as to  
22 whether the conduct leading to conviction for the offense  
23 resulted in great bodily harm to a victim, and shall enter that  
24 finding and the basis for that finding in the record.

25 (c-1.5) Notwithstanding any other provision of law to the  
26 contrary, in imposing a sentence for an offense that requires

1 a mandatory minimum sentence of imprisonment, the court may  
2 instead sentence the offender to probation, conditional  
3 discharge, or a lesser term of imprisonment it deems  
4 appropriate if: (1) the offense involves the use or possession  
5 of drugs, retail theft, or driving on a revoked license due to  
6 unpaid financial obligations; (2) the court finds that the  
7 defendant does not pose a risk to public safety; and (3) the  
8 interest of justice requires imposing a term of probation,  
9 conditional discharge, or a lesser term of imprisonment. The  
10 court must state on the record its reasons for imposing  
11 probation, conditional discharge, or a lesser term of  
12 imprisonment.

13 (c-2) If the defendant is sentenced to prison, other than  
14 when a sentence of natural life imprisonment is imposed, at  
15 the time the sentence is imposed the judge shall state on the  
16 record in open court the approximate period of time the  
17 defendant will serve in custody according to the then current  
18 statutory rules and regulations for sentence credit found in  
19 Section 3-6-3 and other related provisions of this Code. This  
20 statement is intended solely to inform the public, has no  
21 legal effect on the defendant's actual release, and may not be  
22 relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the  
24 sentence, other than when the sentence is imposed for one of  
25 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,  
26 shall include the following:

1           "The purpose of this statement is to inform the public of  
2 the actual period of time this defendant is likely to spend in  
3 prison as a result of this sentence. The actual period of  
4 prison time served is determined by the statutes of Illinois  
5 as applied to this sentence by the Illinois Department of  
6 Corrections and the Illinois Prisoner Review Board. In this  
7 case, assuming the defendant receives all of his or her  
8 sentence credit, the period of estimated actual custody is ...  
9 years and ... months, less up to 180 days additional earned  
10 sentence credit. If the defendant, because of his or her own  
11 misconduct or failure to comply with the institutional  
12 regulations, does not receive those credits, the actual time  
13 served in prison will be longer. The defendant may also  
14 receive an additional one-half day sentence credit for each  
15 day of participation in vocational, industry, substance abuse,  
16 and educational programs as provided for by Illinois statute."

17           When the sentence is imposed for one of the offenses  
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
19 first degree murder, and the offense was committed on or after  
20 June 19, 1998, and when the sentence is imposed for reckless  
21 homicide as defined in subsection (e) of Section 9-3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 if the  
23 offense was committed on or after January 1, 1999, and when the  
24 sentence is imposed for aggravated driving under the influence  
25 of alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section  
2 11-501 of the Illinois Vehicle Code, and when the sentence is  
3 imposed for aggravated arson if the offense was committed on  
4 or after July 27, 2001 (the effective date of Public Act  
5 92-176), and when the sentence is imposed for aggravated  
6 driving under the influence of alcohol, other drug or drugs,  
7 or intoxicating compound or compounds, or any combination  
8 thereof as defined in subparagraph (C) of paragraph (1) of  
9 subsection (d) of Section 11-501 of the Illinois Vehicle Code  
10 committed on or after January 1, 2011 (the effective date of  
11 Public Act 96-1230), the judge's statement, to be given after  
12 pronouncing the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of  
14 the actual period of time this defendant is likely to spend in  
15 prison as a result of this sentence. The actual period of  
16 prison time served is determined by the statutes of Illinois  
17 as applied to this sentence by the Illinois Department of  
18 Corrections and the Illinois Prisoner Review Board. In this  
19 case, the defendant is entitled to no more than 4 1/2 days of  
20 sentence credit for each month of his or her sentence of  
21 imprisonment. Therefore, this defendant will serve at least  
22 85% of his or her sentence. Assuming the defendant receives 4  
23 1/2 days credit for each month of his or her sentence, the  
24 period of estimated actual custody is ... years and ...  
25 months. If the defendant, because of his or her own misconduct  
26 or failure to comply with the institutional regulations

1 receives lesser credit, the actual time served in prison will  
2 be longer."

3 When a sentence of imprisonment is imposed for first  
4 degree murder and the offense was committed on or after June  
5 19, 1998, the judge's statement, to be given after pronouncing  
6 the sentence, shall include the following:

7 "The purpose of this statement is to inform the public of  
8 the actual period of time this defendant is likely to spend in  
9 prison as a result of this sentence. The actual period of  
10 prison time served is determined by the statutes of Illinois  
11 as applied to this sentence by the Illinois Department of  
12 Corrections and the Illinois Prisoner Review Board. In this  
13 case, the defendant is not entitled to sentence credit.  
14 Therefore, this defendant will serve 100% of his or her  
15 sentence."

16 When the sentencing order recommends placement in a  
17 substance abuse program for any offense that results in  
18 incarceration in a Department of Corrections facility and the  
19 crime was committed on or after September 1, 2003 (the  
20 effective date of Public Act 93-354), the judge's statement,  
21 in addition to any other judge's statement required under this  
22 Section, to be given after pronouncing the sentence, shall  
23 include the following:

24 "The purpose of this statement is to inform the public of  
25 the actual period of time this defendant is likely to spend in  
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois  
2 as applied to this sentence by the Illinois Department of  
3 Corrections and the Illinois Prisoner Review Board. In this  
4 case, the defendant shall receive no earned sentence credit  
5 under clause (3) of subsection (a) of Section 3-6-3 until he or  
6 she participates in and completes a substance abuse treatment  
7 program or receives a waiver from the Director of Corrections  
8 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the  
10 presentence investigation under Section 5-3-1, the court shall  
11 inquire of the defendant whether the defendant is currently  
12 serving in or is a veteran of the Armed Forces of the United  
13 States. If the defendant is currently serving in the Armed  
14 Forces of the United States or is a veteran of the Armed Forces  
15 of the United States and has been diagnosed as having a mental  
16 illness by a qualified psychiatrist or clinical psychologist  
17 or physician, the court may:

18 (1) order that the officer preparing the presentence  
19 report consult with the United States Department of  
20 Veterans Affairs, Illinois Department of Veterans'  
21 Affairs, or another agency or person with suitable  
22 knowledge or experience for the purpose of providing the  
23 court with information regarding treatment options  
24 available to the defendant, including federal, State, and  
25 local programming; and

26 (2) consider the treatment recommendations of any

1           diagnosing or treating mental health professionals  
2           together with the treatment options available to the  
3           defendant in imposing sentence.

4           For the purposes of this subsection (c-4), "qualified  
5           psychiatrist" means a reputable physician licensed in Illinois  
6           to practice medicine in all its branches, who has specialized  
7           in the diagnosis and treatment of mental and nervous disorders  
8           for a period of not less than 5 years.

9           (c-6) In imposing a sentence, the trial judge shall  
10          specify, on the record, the particular evidence and other  
11          reasons which led to his or her determination that a motor  
12          vehicle was used in the commission of the offense.

13          (c-7) In imposing a sentence for a Class 3 or 4 felony,  
14          other than a violent crime as defined in Section 3 of the  
15          Rights of Crime Victims and Witnesses Act, the court shall  
16          determine and indicate in the sentencing order whether the  
17          defendant has 4 or more or fewer than 4 months remaining on his  
18          or her sentence accounting for time served.

19          (d) When the defendant is committed to the Department of  
20          Corrections, the State's Attorney shall and counsel for the  
21          defendant may file a statement with the clerk of the court to  
22          be transmitted to the department, agency or institution to  
23          which the defendant is committed to furnish such department,  
24          agency or institution with the facts and circumstances of the  
25          offense for which the person was committed together with all  
26          other factual information accessible to them in regard to the

1 person prior to his commitment relative to his habits,  
2 associates, disposition and reputation and any other facts and  
3 circumstances which may aid such department, agency or  
4 institution during its custody of such person. The clerk shall  
5 within 10 days after receiving any such statements transmit a  
6 copy to such department, agency or institution and a copy to  
7 the other party, provided, however, that this shall not be  
8 cause for delay in conveying the person to the department,  
9 agency or institution to which he has been committed.

10 (e) The clerk of the court shall transmit to the  
11 department, agency or institution, if any, to which the  
12 defendant is committed, the following:

13 (1) the sentence imposed;

14 (2) any statement by the court of the basis for  
15 imposing the sentence;

16 (3) any presentence reports;

17 (3.3) the person's last known complete street address  
18 prior to incarceration or legal residence, the person's  
19 race, whether the person is of Hispanic or Latino origin,  
20 and whether the person is 18 years of age or older;

21 (3.5) any sex offender evaluations;

22 (3.6) any substance abuse treatment eligibility  
23 screening and assessment of the defendant by an agent  
24 designated by the State of Illinois to provide assessment  
25 services for the Illinois courts;

26 (4) the number of days, if any, which the defendant

1 has been in custody and for which he is entitled to credit  
2 against the sentence, which information shall be provided  
3 to the clerk by the sheriff;

4 (4.1) any finding of great bodily harm made by the  
5 court with respect to an offense enumerated in subsection  
6 (c-1);

7 (5) all statements filed under subsection (d) of this  
8 Section;

9 (6) any medical or mental health records or summaries  
10 of the defendant;

11 (7) the municipality where the arrest of the offender  
12 or the commission of the offense has occurred, where such  
13 municipality has a population of more than 25,000 persons;

14 (8) all statements made and evidence offered under  
15 paragraph (7) of subsection (a) of this Section; and

16 (9) all additional matters which the court directs the  
17 clerk to transmit.

18 (f) In cases in which the court finds that a motor vehicle  
19 was used in the commission of the offense for which the  
20 defendant is being sentenced, the clerk of the court shall,  
21 within 5 days thereafter, forward a report of such conviction  
22 to the Secretary of State.

23 (g) In cases in which the court finds that a firearm with a  
24 serial number reported as stolen on the Illinois State Police  
25 publicly accessible database was used in the commission of the  
26 offense for which the defendant is being sentenced, the clerk

1 of the court shall, within 5 days thereafter, forward a report  
2 of such conviction to the Illinois State Police Division of  
3 Justice Services.

4 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;  
5 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

6 Section 997. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 999. Effective date. This Act takes effect January  
9 1, 2026.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 430 ILCS 65/3 from Ch. 38, par. 83-3

5 430 ILCS 65/3.1 from Ch. 38, par. 83-3.1

6 430 ILCS 65/7.10 new

7 430 ILCS 65/8 from Ch. 38, par. 83-8

8 430 ILCS 65/8.1 from Ch. 38, par. 83-8.1

9 430 ILCS 66/56 new

10 430 ILCS 68/5-20

11 720 ILCS 5/24-3.8

12 720 ILCS 5/24-3.9

13 720 ILCS 5/24-3B

14 720 ILCS 5/24-4.1

15 720 ILCS 5/24-9