

HB3818



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3818

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes. Effective January 1, 2020.

LRB101 11428 SLF 57060 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
11 under Section 4002 of the Technology Advancement and
12 Development Act.

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

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

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

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

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

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

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

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

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

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record ~~Records~~ Review Act.

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

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

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

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act before the
3 effective date of this amendatory Act of the 101st General
4 Assembly or applied for or received a concealed carry
5 license under the Firearm Concealed Carry Act, unless
6 otherwise authorized by the Firearm Concealed Carry Act;
7 and databases under the Firearm Concealed Carry Act,
8 records of the Concealed Carry Licensing Review Board under
9 the Firearm Concealed Carry Act, and law enforcement agency
10 objections under the Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be
26 submitted to the Department of Labor by registering day and

1 temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted
7 and exempted under Section 5-30.8 of the Illinois Public
8 Aid Code.

9 (mm) ~~(ll)~~ Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) ~~(ll)~~ Information that is exempt from disclosure
12 under Section 70 of the Higher Education Student Assistance
13 Act.

14 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
15 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
16 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
17 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
18 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
19 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
20 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
21 10-12-18.)

22 Section 10. The Department of State Police Law of the Civil
23 Administrative Code of Illinois is amended by changing Sections
24 2605-45, 2605-300, and 2605-595 as follows:

1 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)
2 Sec. 2605-45. Division of Administration. The Division of
3 Administration shall exercise the following functions:

4 (1) Exercise the rights, powers, and duties vested in
5 the Department by the Governor's Office of Management and
6 Budget Act.

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

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

11 (4) Operate an electronic data processing and computer
12 center for the storage and retrieval of data pertaining to
13 criminal activity.

14 (5) Exercise the rights, powers, and duties vested in
15 the former Division of State Troopers by Section 17 of the
16 State Police Act.

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

21 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
22 ~~vested in the Department by the Firearm Owners~~
23 ~~Identification Card Act.~~

24 (7) Exercise other duties that may be assigned by the
25 Director to fulfill the responsibilities and achieve the
26 purposes of the Department.

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

2 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-300. Records; crime laboratories; personnel. To
4 do the following:

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

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

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

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

14 (5) Establish general and field crime laboratories.

15 (6) Register and file for record information that may
16 be required by law for the issuance of ~~firearm owner's~~
17 ~~identification cards under the Firearm Owners~~
18 ~~Identification Card Act~~ and concealed carry licenses under
19 the Firearm Concealed Carry Act.

20 (7) Employ laboratory technicians and other specially
21 qualified persons to aid in the identification of criminal
22 activity, and may employ polygraph operators.

23 (8) Undertake other identification, information,
24 laboratory, statistical, or registration activities that
25 may be required by law.

1 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

2 (20 ILCS 2605/2605-595)

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

4 (a) There is created in the State treasury a special fund
5 known as the State Police Firearm Services Fund. The Fund shall
6 receive revenue under the Firearm Concealed Carry Act ~~and~~
7 ~~Section 5 of the Firearm Owners Identification Card Act~~. The
8 Fund may also receive revenue from grants, pass-through grants,
9 donations, appropriations, and any other legal source.

10 (b) The Department of State Police may use moneys in the
11 Fund to finance any of its lawful purposes, mandates,
12 functions, and duties under ~~the Firearm Owners Identification~~
13 ~~Card Act and~~ the Firearm Concealed Carry Act, including the
14 cost of sending notices of expiration of ~~Firearm Owner's~~
15 ~~Identification Cards,~~ concealed carry licenses, the prompt and
16 efficient processing of applications under ~~the Firearm Owners~~
17 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,
18 the improved efficiency and reporting of the LEADS and federal
19 NICS law enforcement data systems, and support for
20 investigations required under that Act ~~these Acts~~ and law. Any
21 surplus funds beyond what is needed to comply with the
22 aforementioned purposes shall be used by the Department to
23 improve the Law Enforcement Agencies Data System (LEADS) and
24 criminal history background check system.

25 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

4 (20 ILCS 2605/2605-120 rep.)

5 Section 15. The Department of State Police Law of the Civil
6 Administrative Code of Illinois is amended by repealing Section
7 2605-120.

8 Section 20. The Criminal Identification Act is amended by
9 changing Section 2.2 as follows:

10 (20 ILCS 2630/2.2)

11 Sec. 2.2. Notification to the Department. Upon judgment of
12 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
13 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 when the defendant has been determined, pursuant
15 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
16 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
17 circuit court clerk shall include notification and a copy of
18 the written determination in a report of the conviction to the
19 Department of State Police ~~Firearm Owner's Identification Card~~
20 ~~Office~~ to enable the Department ~~office~~ to perform its duties
21 under the Firearm Concealed Carry Act and Sections 4 and 8 of
22 ~~the Firearm Owners Identification Card Act and to report that~~
23 ~~determination to the Federal Bureau of Investigation to assist~~

1 the Federal Bureau of Investigation in identifying persons
2 prohibited from purchasing and possessing a firearm pursuant to
3 the provisions of 18 U.S.C. 922. The written determination
4 described in this Section shall be included in the defendant's
5 record of arrest and conviction in the manner and form
6 prescribed by the Department of State Police.

7 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 Section 25. The State Finance Act is amended by changing
9 Section 6z-99 as follows:

10 (30 ILCS 105/6z-99)

11 Sec. 6z-99. The Mental Health Reporting Fund.

12 (a) There is created in the State treasury a special fund
13 known as the Mental Health Reporting Fund. The Fund shall
14 receive revenue under the Firearm Concealed Carry Act. The Fund
15 may also receive revenue from grants, pass-through grants,
16 donations, appropriations, and any other legal source.

17 (b) The Department of State Police and Department of Human
18 Services shall coordinate to use moneys in the Fund to finance
19 their respective duties of collecting and reporting data on
20 mental health records and ensuring that mental health firearm
21 possession prohibitors are enforced as set forth under the
22 Firearm Concealed Carry Act ~~and the Firearm Owners~~
23 ~~Identification Card Act~~. Any surplus in the Fund beyond what is
24 necessary to ensure compliance with mental health reporting

1 under that Act ~~these Acts~~ shall be used by the Department of
2 Human Services for mental health treatment programs.

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

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 Section 30. The Peace Officer Firearm Training Act is
8 amended by changing Section 1 as follows:

9 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

11 (a) "Peace officer" means (i) any person who by virtue of
12 his office or public employment is vested by law with a primary
13 duty to maintain public order or to make arrests for offenses,
14 whether that duty extends to all offenses or is limited to
15 specific offenses, and who is employed in such capacity by any
16 county or municipality or (ii) any retired law enforcement
17 officers qualified under federal law to carry a concealed
18 weapon.

19 (a-5) "Probation officer" means a county probation officer
20 authorized by the Chief Judge of the Circuit Court to carry a
21 firearm as part of his or her duties under Section 12 of the
22 Probation and Probation Officers Act and Section 24-2 of the
23 Criminal Code of 2012.

24 (b) "Firearms" means any weapon or device defined as a

1 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~
2 ~~"An Act relating to the acquisition, possession and transfer of~~
3 ~~firearms and firearm ammunition, to provide a penalty for the~~
4 ~~violation thereof and to make an appropriation in connection~~
5 ~~therewith", approved August 3, 1967, as amended.~~

6 (Source: P.A. 98-725, eff. 1-1-15.)

7 Section 35. The School Code is amended by changing Sections
8 10-22.6, 10-27.1A and 34-8.05 as follows:

9 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

12 (a) To expel pupils guilty of gross disobedience or
13 misconduct, including gross disobedience or misconduct
14 perpetuated by electronic means, pursuant to subsection (b-20)
15 of this Section, and no action shall lie against them for such
16 expulsion. Expulsion shall take place only after the parents
17 have been requested to appear at a meeting of the board, or
18 with a hearing officer appointed by it, to discuss their
19 child's behavior. Such request shall be made by registered or
20 certified mail and shall state the time, place and purpose of
21 the meeting. The board, or a hearing officer appointed by it,
22 at such meeting shall state the reasons for dismissal and the
23 date on which the expulsion is to become effective. If a
24 hearing officer is appointed by the board, he shall report to

1 the board a written summary of the evidence heard at the
2 meeting and the board may take such action thereon as it finds
3 appropriate. If the board acts to expel a pupil, the written
4 expulsion decision shall detail the specific reasons why
5 removing the pupil from the learning environment is in the best
6 interest of the school. The expulsion decision shall also
7 include a rationale as to the specific duration of the
8 expulsion. An expelled pupil may be immediately transferred to
9 an alternative program in the manner provided in Article 13A or
10 13B of this Code. A pupil must not be denied transfer because
11 of the expulsion, except in cases in which such transfer is
12 deemed to cause a threat to the safety of students or staff in
13 the alternative program.

14 (b) To suspend or by policy to authorize the superintendent
15 of the district or the principal, assistant principal, or dean
16 of students of any school to suspend pupils guilty of gross
17 disobedience or misconduct, or to suspend pupils guilty of
18 gross disobedience or misconduct on the school bus from riding
19 the school bus, pursuant to subsections (b-15) and (b-20) of
20 this Section, and no action shall lie against them for such
21 suspension. The board may by policy authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of such acts for a period not to exceed 10 school days.
25 If a pupil is suspended due to gross disobedience or misconduct
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons.

2 Any suspension shall be reported immediately to the parents
3 or guardian of a pupil along with a full statement of the
4 reasons for such suspension and a notice of their right to a
5 review. The school board must be given a summary of the notice,
6 including the reason for the suspension and the suspension
7 length. Upon request of the parents or guardian, the school
8 board or a hearing officer appointed by it shall review such
9 action of the superintendent or principal, assistant
10 principal, or dean of students. At such review, the parents or
11 guardian of the pupil may appear and discuss the suspension
12 with the board or its hearing officer. If a hearing officer is
13 appointed by the board, he shall report to the board a written
14 summary of the evidence heard at the meeting. After its hearing
15 or upon receipt of the written report of its hearing officer,
16 the board may take such action as it finds appropriate. If a
17 student is suspended pursuant to this subsection (b), the board
18 shall, in the written suspension decision, detail the specific
19 act of gross disobedience or misconduct resulting in the
20 decision to suspend. The suspension decision shall also include
21 a rationale as to the specific duration of the suspension. A
22 pupil who is suspended in excess of 20 school days may be
23 immediately transferred to an alternative program in the manner
24 provided in Article 13A or 13B of this Code. A pupil must not
25 be denied transfer because of the suspension, except in cases
26 in which such transfer is deemed to cause a threat to the

1 safety of students or staff in the alternative program.

2 (b-5) Among the many possible disciplinary interventions
3 and consequences available to school officials, school
4 exclusions, such as out-of-school suspensions and expulsions,
5 are the most serious. School officials shall limit the number
6 and duration of expulsions and suspensions to the greatest
7 extent practicable, and it is recommended that they use them
8 only for legitimate educational purposes. To ensure that
9 students are not excluded from school unnecessarily, it is
10 recommended that school officials consider forms of
11 non-exclusionary discipline prior to using out-of-school
12 suspensions or expulsions.

13 (b-10) Unless otherwise required by federal law or this
14 Code, school boards may not institute zero-tolerance policies
15 by which school administrators are required to suspend or expel
16 students for particular behaviors.

17 (b-15) Out-of-school suspensions of 3 days or less may be
18 used only if the student's continuing presence in school would
19 pose a threat to school safety or a disruption to other
20 students' learning opportunities. For purposes of this
21 subsection (b-15), "threat to school safety or a disruption to
22 other students' learning opportunities" shall be determined on
23 a case-by-case basis by the school board or its designee.
24 School officials shall make all reasonable efforts to resolve
25 such threats, address such disruptions, and minimize the length
26 of suspensions to the greatest extent practicable.

1 (b-20) Unless otherwise required by this Code,
2 out-of-school suspensions of longer than 3 days, expulsions,
3 and disciplinary removals to alternative schools may be used
4 only if other appropriate and available behavioral and
5 disciplinary interventions have been exhausted and the
6 student's continuing presence in school would either (i) pose a
7 threat to the safety of other students, staff, or members of
8 the school community or (ii) substantially disrupt, impede, or
9 interfere with the operation of the school. For purposes of
10 this subsection (b-20), "threat to the safety of other
11 students, staff, or members of the school community" and
12 "substantially disrupt, impede, or interfere with the
13 operation of the school" shall be determined on a case-by-case
14 basis by school officials. For purposes of this subsection
15 (b-20), the determination of whether "appropriate and
16 available behavioral and disciplinary interventions have been
17 exhausted" shall be made by school officials. School officials
18 shall make all reasonable efforts to resolve such threats,
19 address such disruptions, and minimize the length of student
20 exclusions to the greatest extent practicable. Within the
21 suspension decision described in subsection (b) of this Section
22 or the expulsion decision described in subsection (a) of this
23 Section, it shall be documented whether other interventions
24 were attempted or whether it was determined that there were no
25 other appropriate and available interventions.

26 (b-25) Students who are suspended out-of-school for longer

1 than 4 school days shall be provided appropriate and available
2 support services during the period of their suspension. For
3 purposes of this subsection (b-25), "appropriate and available
4 support services" shall be determined by school authorities.
5 Within the suspension decision described in subsection (b) of
6 this Section, it shall be documented whether such services are
7 to be provided or whether it was determined that there are no
8 such appropriate and available services.

9 A school district may refer students who are expelled to
10 appropriate and available support services.

11 A school district shall create a policy to facilitate the
12 re-engagement of students who are suspended out-of-school,
13 expelled, or returning from an alternative school setting.

14 (b-30) A school district shall create a policy by which
15 suspended pupils, including those pupils suspended from the
16 school bus who do not have alternate transportation to school,
17 shall have the opportunity to make up work for equivalent
18 academic credit. It shall be the responsibility of a pupil's
19 parent or guardian to notify school officials that a pupil
20 suspended from the school bus does not have alternate
21 transportation to school.

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

26 (c-5) School districts shall make reasonable efforts to

1 provide ongoing professional development to teachers,
2 administrators, school board members, school resource
3 officers, and staff on the adverse consequences of school
4 exclusion and justice-system involvement, effective classroom
5 management strategies, culturally responsive discipline, the
6 appropriate and available supportive services for the
7 promotion of student attendance and engagement, and
8 developmentally appropriate disciplinary methods that promote
9 positive and healthy school climates.

10 (d) The board may expel a student for a definite period of
11 time not to exceed 2 calendar years, as determined on a
12 case-by-case basis. A student who is determined to have brought
13 one of the following objects to school, any school-sponsored
14 activity or event, or any activity or event that bears a
15 reasonable relationship to school shall be expelled for a
16 period of not less than one year:

17 (1) A firearm. For the purposes of this Section,
18 "firearm" means any gun, rifle, shotgun, weapon as defined
19 by Section 921 of Title 18 of the United States Code,
20 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
21 ~~Owners Identification Card Act, or firearm as defined in~~
22 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
23 period under this subdivision (1) may be modified by the
24 superintendent, and the superintendent's determination may
25 be modified by the board on a case-by-case basis.

26 (2) A knife, brass knuckles or other knuckle weapon

1 regardless of its composition, a billy club, or any other
2 object if used or attempted to be used to cause bodily
3 harm, including "look alike" of any firearm as defined in
4 subdivision (1) of this subsection (d). The expulsion
5 requirement under this subdivision (2) may be modified by
6 the superintendent, and the superintendent's determination
7 may be modified by the board on a case-by-case basis.

8 Expulsion or suspension shall be construed in a manner
9 consistent with the federal ~~Federal~~ Individuals with
10 Disabilities Education Act. A student who is subject to
11 suspension or expulsion as provided in this Section may be
12 eligible for a transfer to an alternative school program in
13 accordance with Article 13A of the School Code.

14 (d-5) The board may suspend or by regulation authorize the
15 superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend a
17 student for a period not to exceed 10 school days or may expel
18 a student for a definite period of time not to exceed 2
19 calendar years, as determined on a case-by-case basis, if (i)
20 that student has been determined to have made an explicit
21 threat on an Internet website against a school employee, a
22 student, or any school-related personnel, (ii) the Internet
23 website through which the threat was made is a site that was
24 accessible within the school at the time the threat was made or
25 was available to third parties who worked or studied within the
26 school grounds at the time the threat was made, and (iii) the

1 threat could be reasonably interpreted as threatening to the
2 safety and security of the threatened individual because of his
3 or her duties or employment status or status as a student
4 inside the school.

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

1 (f) Suspension or expulsion may include suspension or
2 expulsion from school and all school activities and a
3 prohibition from being present on school grounds.

4 (g) A school district may adopt a policy providing that if
5 a student is suspended or expelled for any reason from any
6 public or private school in this or any other state, the
7 student must complete the entire term of the suspension or
8 expulsion in an alternative school program under Article 13A of
9 this Code or an alternative learning opportunities program
10 under Article 13B of this Code before being admitted into the
11 school district if there is no threat to the safety of students
12 or staff in the alternative program.

13 (h) School officials shall not advise or encourage students
14 to drop out voluntarily due to behavioral or academic
15 difficulties.

16 (i) A student may not be issued a monetary fine or fee as a
17 disciplinary consequence, though this shall not preclude
18 requiring a student to provide restitution for lost, stolen, or
19 damaged property.

20 (j) Subsections (a) through (i) of this Section shall apply
21 to elementary and secondary schools, charter schools, special
22 charter districts, and school districts organized under
23 Article 34 of this Code.

24 (k) The expulsion of children enrolled in programs funded
25 under Section 1C-2 of this Code is subject to the requirements
26 under paragraph (7) of subsection (a) of Section 2-3.71 of this

1 Code.

2 (1) Beginning with the 2018-2019 school year, an in-school
3 suspension program provided by a school district for any
4 students in kindergarten through grade 12 may focus on
5 promoting non-violent conflict resolution and positive
6 interaction with other students and school personnel. A school
7 district may employ a school social worker or a licensed mental
8 health professional to oversee an in-school suspension program
9 in kindergarten through grade 12.

10 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
11 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.
12 8-22-18; revised 10-1-18.)

13 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

24 The State Board of Education shall receive an annual
25 statistical compilation and related data associated with
26 incidents involving firearms in schools from the Department of

1 State Police. The State Board of Education shall compile this
2 information by school district and make it available to the
3 public.

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

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

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

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (105 ILCS 5/34-8.05)

16 Sec. 34-8.05. Reporting firearms in schools. On or after
17 January 1, 1997, upon receipt of any written, electronic, or
18 verbal report from any school personnel regarding a verified
19 incident involving a firearm in a school or on school owned or
20 leased property, including any conveyance owned, leased, or
21 used by the school for the transport of students or school
22 personnel, the general superintendent or his or her designee
23 shall report all such firearm-related incidents occurring in a
24 school or on school property to the local law enforcement
25 authorities no later than 24 hours after the occurrence of the

1 incident and to the Department of State Police in a form,
2 manner, and frequency as prescribed by the Department of State
3 Police.

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

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

12 Section 40. The Illinois Explosives Act is amended by
13 changing Section 2005 as follows:

14 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

15 Sec. 2005. Qualifications for licensure.

16 (a) No person shall qualify to hold a license who:

17 (1) is under 21 years of age;

18 (2) has been convicted in any court of a crime
19 punishable by imprisonment for a term exceeding one year;

20 (3) is under indictment for a crime punishable by
21 imprisonment for a term exceeding one year;

22 (4) is a fugitive from justice;

23 (5) is an unlawful user of or addicted to any
24 controlled substance as defined in Section 102 of the

1 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
2 seq.);

3 (6) has been adjudicated a person with a mental
4 disability as defined in Section 6-103.1 of the Mental
5 Health and Developmental Disabilities Code ~~1.1 of the~~
6 ~~Firearm Owners Identification Card Act~~; or

7 (7) is not a legal citizen of the United States.

8 (b) A person who has been granted a "relief from
9 disabilities" regarding criminal convictions and indictments,
10 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
11 845) may receive a license provided all other qualifications
12 under this Act are met.

13 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

14 Section 45. The Private Detective, Private Alarm, Private
15 Security, and Locksmith Act of 2004 is amended by changing
16 Sections 35-30 and 35-35 as follows:

17 (225 ILCS 447/35-30)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 35-30. Employee requirements. All employees of a
20 licensed agency, other than those exempted, shall apply for a
21 permanent employee registration card. The holder of an agency
22 license issued under this Act, known in this Section as
23 "employer", may employ in the conduct of his or her business
24 employees under the following provisions:

1 (a) No person shall be issued a permanent employee
2 registration card who:

3 (1) Is younger than 18 years of age.

4 (2) Is younger than 21 years of age if the services
5 will include being armed.

6 (3) Has been determined by the Department to be unfit
7 by reason of conviction of an offense in this or another
8 state, including registration as a sex offender, but not
9 including a traffic offense. Persons convicted of felonies
10 involving bodily harm, weapons, violence, or theft within
11 the previous 10 years shall be presumed to be unfit for
12 registration. The Department shall adopt rules for making
13 those determinations that shall afford the applicant due
14 process of law.

15 (4) Has had a license or permanent employee
16 registration card denied, suspended, or revoked under this
17 Act (i) within one year before the date the person's
18 application for permanent employee registration card is
19 received by the Department; and (ii) that refusal, denial,
20 suspension, or revocation was based on any provision of
21 this Act other than Section 40-50, item (6) or (8) of
22 subsection (a) of Section 15-10, subsection (b) of Section
23 15-10, item (6) or (8) of subsection (a) of Section 20-10,
24 subsection (b) of Section 20-10, item (6) or (8) of
25 subsection (a) of Section 25-10, subsection (b) of Section
26 25-10, item (7) of subsection (a) of Section 30-10,

1 subsection (b) of Section 30-10, or Section 10-40.

2 (5) Has been declared incompetent by any court of
3 competent jurisdiction by reason of mental disease or
4 defect and has not been restored.

5 (6) Has been dishonorably discharged from the armed
6 services of the United States.

7 (b) No person may be employed by a private detective
8 agency, private security contractor agency, private alarm
9 contractor agency, fingerprint vendor agency, or locksmith
10 agency under this Section until he or she has executed and
11 furnished to the employer, on forms furnished by the
12 Department, a verified statement to be known as "Employee's
13 Statement" setting forth:

14 (1) The person's full name, age, and residence address.

15 (2) The business or occupation engaged in for the 5
16 years immediately before the date of the execution of the
17 statement, the place where the business or occupation was
18 engaged in, and the names of employers, if any.

19 (3) That the person has not had a license or employee
20 registration denied, revoked, or suspended under this Act
21 (i) within one year before the date the person's
22 application for permanent employee registration card is
23 received by the Department; and (ii) that refusal, denial,
24 suspension, or revocation was based on any provision of
25 this Act other than Section 40-50, item (6) or (8) of
26 subsection (a) of Section 15-10, subsection (b) of Section

1 15-10, item (6) or (8) of subsection (a) of Section 20-10,
2 subsection (b) of Section 20-10, item (6) or (8) of
3 subsection (a) of Section 25-10, subsection (b) of Section
4 25-10, item (7) of subsection (a) of Section 30-10,
5 subsection (b) of Section 30-10, or Section 10-40.

6 (4) Any conviction of a felony or misdemeanor.

7 (5) Any declaration of incompetence by a court of
8 competent jurisdiction that has not been restored.

9 (6) Any dishonorable discharge from the armed services
10 of the United States.

11 (7) Any other information as may be required by any
12 rule of the Department to show the good character,
13 competency, and integrity of the person executing the
14 statement.

15 (c) Each applicant for a permanent employee registration
16 card shall have his or her fingerprints submitted to the
17 Department of State Police in an electronic format that
18 complies with the form and manner for requesting and furnishing
19 criminal history record information as prescribed by the
20 Department of State Police. These fingerprints shall be checked
21 against the Department of State Police and Federal Bureau of
22 Investigation criminal history record databases now and
23 hereafter filed. The Department of State Police shall charge
24 applicants a fee for conducting the criminal history records
25 check, which shall be deposited in the State Police Services
26 Fund and shall not exceed the actual cost of the records check.

1 The Department of State Police shall furnish, pursuant to
2 positive identification, records of Illinois convictions to
3 the Department. The Department may require applicants to pay a
4 separate fingerprinting fee, either to the Department or
5 directly to the vendor. The Department, in its discretion, may
6 allow an applicant who does not have reasonable access to a
7 designated vendor to provide his or her fingerprints in an
8 alternative manner. The Department, in its discretion, may also
9 use other procedures in performing or obtaining criminal
10 background checks of applicants. Instead of submitting his or
11 her fingerprints, an individual may submit proof that is
12 satisfactory to the Department that an equivalent security
13 clearance has been conducted. Also, an individual who has
14 retired as a peace officer within 12 months of application may
15 submit verification, on forms provided by the Department and
16 signed by his or her employer, of his or her previous full-time
17 employment as a peace officer.

18 (d) The Department shall issue a permanent employee
19 registration card, in a form the Department prescribes, to all
20 qualified applicants. The holder of a permanent employee
21 registration card shall carry the card at all times while
22 actually engaged in the performance of the duties of his or her
23 employment. Expiration and requirements for renewal of
24 permanent employee registration cards shall be established by
25 rule of the Department. Possession of a permanent employee
26 registration card does not in any way imply that the holder of

1 the card is employed by an agency unless the permanent employee
2 registration card is accompanied by the employee
3 identification card required by subsection (f) of this Section.

4 (e) Each employer shall maintain a record of each employee
5 that is accessible to the duly authorized representatives of
6 the Department. The record shall contain the following
7 information:

8 (1) A photograph taken within 10 days of the date that
9 the employee begins employment with the employer. The
10 photograph shall be replaced with a current photograph
11 every 3 calendar years.

12 (2) The Employee's Statement specified in subsection
13 (b) of this Section.

14 (3) All correspondence or documents relating to the
15 character and integrity of the employee received by the
16 employer from any official source or law enforcement
17 agency.

18 (4) In the case of former employees, the employee
19 identification card of that person issued under subsection
20 (f) of this Section. Each employee record shall duly note
21 if the employee is employed in an armed capacity. Armed
22 employee files shall contain ~~a copy of an active firearm~~
23 ~~owner's identification card and~~ a copy of an active firearm
24 control card. Each employer shall maintain a record for
25 each armed employee of each instance in which the
26 employee's weapon was discharged during the course of his

1 or her professional duties or activities. The record shall
2 be maintained on forms provided by the Department, a copy
3 of which must be filed with the Department within 15 days
4 of an instance. The record shall include the date and time
5 of the occurrence, the circumstances involved in the
6 occurrence, and any other information as the Department may
7 require. Failure to provide this information to the
8 Department or failure to maintain the record as a part of
9 each armed employee's permanent file is grounds for
10 disciplinary action. The Department, upon receipt of a
11 report, shall have the authority to make any investigation
12 it considers appropriate into any occurrence in which an
13 employee's weapon was discharged and to take disciplinary
14 action as may be appropriate.

15 (5) A copy of the employee's permanent employee
16 registration card or a copy of the Department's "License
17 Lookup" Webpage showing that the employee has been issued a
18 valid permanent employee registration card by the
19 Department.

20 The Department may, by rule, prescribe further record
21 requirements.

22 (f) Every employer shall furnish an employee
23 identification card to each of his or her employees. This
24 employee identification card shall contain a recent photograph
25 of the employee, the employee's name, the name and agency
26 license number of the employer, the employee's personal

1 description, the signature of the employer, the signature of
2 that employee, the date of issuance, and an employee
3 identification card number.

4 (g) No employer may issue an employee identification card
5 to any person who is not employed by the employer in accordance
6 with this Section or falsely state or represent that a person
7 is or has been in his or her employ. It is unlawful for an
8 applicant for registered employment to file with the Department
9 the fingerprints of a person other than himself or herself.

10 (h) Every employer shall obtain the identification card of
11 every employee who terminates employment with him or her.

12 (i) Every employer shall maintain a separate roster of the
13 names of all employees currently working in an armed capacity
14 and submit the roster to the Department on request.

15 (j) No agency may employ any person to perform a licensed
16 activity under this Act unless the person possesses a valid
17 permanent employee registration card or a valid license under
18 this Act, or is exempt pursuant to subsection (n).

19 (k) Notwithstanding the provisions of subsection (j), an
20 agency may employ a person in a temporary capacity if all of
21 the following conditions are met:

22 (1) The agency completes in its entirety and submits to
23 the Department an application for a permanent employee
24 registration card, including the required fingerprint
25 receipt and fees.

26 (2) The agency has verification from the Department

1 that the applicant has no record of any criminal conviction
2 pursuant to the criminal history check conducted by the
3 Department of State Police. The agency shall maintain the
4 verification of the results of the Department of State
5 Police criminal history check as part of the employee
6 record as required under subsection (e) of this Section.

7 (3) The agency exercises due diligence to ensure that
8 the person is qualified under the requirements of the Act
9 to be issued a permanent employee registration card.

10 (4) The agency maintains a separate roster of the names
11 of all employees whose applications are currently pending
12 with the Department and submits the roster to the
13 Department on a monthly basis. Rosters are to be maintained
14 by the agency for a period of at least 24 months.

15 An agency may employ only a permanent employee applicant
16 for which it either submitted a permanent employee application
17 and all required forms and fees or it confirms with the
18 Department that a permanent employee application and all
19 required forms and fees have been submitted by another agency,
20 licensee or the permanent employee and all other requirements
21 of this Section are met.

22 The Department shall have the authority to revoke, without
23 a hearing, the temporary authority of an individual to work
24 upon receipt of Federal Bureau of Investigation fingerprint
25 data or a report of another official authority indicating a
26 criminal conviction. If the Department has not received a

1 temporary employee's Federal Bureau of Investigation
2 fingerprint data within 120 days of the date the Department
3 received the Department of State Police fingerprint data, the
4 Department may, at its discretion, revoke the employee's
5 temporary authority to work with 15 days written notice to the
6 individual and the employing agency.

7 An agency may not employ a person in a temporary capacity
8 if it knows or reasonably should have known that the person has
9 been convicted of a crime under the laws of this State, has
10 been convicted in another state of any crime that is a crime
11 under the laws of this State, has been convicted of any crime
12 in a federal court, or has been posted as an unapproved
13 applicant by the Department. Notice by the Department to the
14 agency, via certified mail, personal delivery, electronic
15 mail, or posting on the Department's Internet site accessible
16 to the agency that the person has been convicted of a crime
17 shall be deemed constructive knowledge of the conviction on the
18 part of the agency. The Department may adopt rules to implement
19 this subsection (k).

20 (1) No person may be employed under this Section in any
21 capacity if:

22 (1) the person, while so employed, is being paid by the
23 United States or any political subdivision for the time so
24 employed in addition to any payments he or she may receive
25 from the employer; or

26 (2) the person wears any portion of his or her official

1 uniform, emblem of authority, or equipment while so
2 employed.

3 (m) If information is discovered affecting the
4 registration of a person whose fingerprints were submitted
5 under this Section, the Department shall so notify the agency
6 that submitted the fingerprints on behalf of that person.

7 (n) Peace officers shall be exempt from the requirements of
8 this Section relating to permanent employee registration
9 cards. The agency shall remain responsible for any peace
10 officer employed under this exemption, regardless of whether
11 the peace officer is compensated as an employee or as an
12 independent contractor and as further defined by rule.

13 (o) Persons who have no access to confidential or security
14 information, who do not go to a client's or prospective
15 client's residence or place of business, and who otherwise do
16 not provide traditional security services are exempt from
17 employee registration. Examples of exempt employees include,
18 but are not limited to, employees working in the capacity of
19 ushers, directors, ticket takers, cashiers, drivers, and
20 reception personnel. Confidential or security information is
21 that which pertains to employee files, scheduling, client
22 contracts, or technical security and alarm data.

23 (p) An applicant who is 21 years of age or older seeking a
24 religious exemption to the photograph requirement of this
25 Section shall furnish with the application an approved copy of
26 United States Department of the Treasury Internal Revenue

1 Service Form 4029. Regardless of age, an applicant seeking a
2 religious exemption to this photograph requirement shall
3 submit fingerprints in a form and manner prescribed by the
4 Department with his or her application in lieu of a photograph.
5 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

6 (225 ILCS 447/35-35)

7 (Section scheduled to be repealed on January 1, 2024)

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

9 (a) No person shall perform duties that include the use,
10 carrying, or possession of a firearm in the performance of
11 those duties without complying with the provisions of this
12 Section and having been issued a valid firearm control card by
13 the Department.

14 (b) No employer shall employ any person to perform the
15 duties for which licensure or employee registration is required
16 and allow that person to carry a firearm unless that person has
17 complied with all the firearm training requirements of this
18 Section and has been issued a firearm control card. This Act
19 permits only the following to carry firearms while actually
20 engaged in the performance of their duties or while commuting
21 directly to or from their places of employment: persons
22 licensed as private detectives and their registered employees;
23 persons licensed as private security contractors and their
24 registered employees; persons licensed as private alarm
25 contractors and their registered employees; and employees of a

1 registered armed proprietary security force.

2 (c) Possession of a valid firearm control card allows a
3 licensee or employee to carry a firearm not otherwise
4 prohibited by law while the licensee or employee is engaged in
5 the performance of his or her duties or while the licensee or
6 employee is commuting directly to or from the licensee's or
7 employee's place or places of employment.

8 (d) The Department shall issue a firearm control card to a
9 person who has passed an approved firearm training course, who
10 is currently licensed or employed by an agency licensed by this
11 Act and has met all the requirements of this Act, and who is
12 not prohibited under State or federal law from possessing a
13 firearm ~~possesses a valid firearm owner identification card.~~
14 Application for the firearm control card shall be made by the
15 employer to the Department on forms provided by the Department.
16 The Department shall forward the card to the employer who shall
17 be responsible for its issuance to the licensee or employee.
18 The firearm control card shall be issued by the Department and
19 shall identify the person holding it and the name of the course
20 where the licensee or employee received firearm instruction and
21 shall specify the type of weapon or weapons the person is
22 authorized by the Department to carry and for which the person
23 has been trained.

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

26 (f) The Department may, in addition to any other

1 disciplinary action permitted by this Act, refuse to issue,
2 suspend, or revoke a firearm control card if the applicant or
3 holder has been convicted of any felony or crime involving the
4 illegal use, carrying, or possession of a deadly weapon or for
5 a violation of this Act or rules adopted ~~promulgated~~ under this
6 Act. The Department shall refuse to issue or shall revoke a
7 firearm control card if the applicant or holder is prohibited
8 under State or federal law from possessing a firearm ~~fails to~~
9 ~~possess a valid firearm owners identification card without~~
10 ~~hearing~~. The Secretary shall summarily suspend a firearm
11 control card if the Secretary finds that its continued use
12 would constitute an imminent danger to the public. A hearing
13 shall be held before the Board within 30 days if the Secretary
14 summarily suspends a firearm control card.

15 (g) Notwithstanding any other provision of this Act to the
16 contrary, all requirements relating to firearms control cards
17 do not apply to a peace officer. If an individual ceases to be
18 employed as a peace officer and continues to perform services
19 in an armed capacity under this Act that are licensed
20 activities, then the individual is required to obtain a
21 permanent employee registration card pursuant to Section 35-30
22 of this Act and must possess a valid Firearm Owner's
23 Identification Card, but is not required to obtain a firearm
24 control card if the individual is otherwise in continuing
25 compliance with the federal Law Enforcement Officers Safety Act
26 of 2004. If an individual elects to carry a firearm pursuant to

1 the federal Law Enforcement Officers Safety Act of 2004, then
2 the agency employing the officer is required to submit a notice
3 of that election to the Department along with a fee specified
4 by rule.

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

19 (i) The Department shall not issue a firearm control card
20 to a licensed fingerprint vendor or a licensed locksmith or
21 employees of a licensed fingerprint vendor agency or a licensed
22 locksmith agency.

23 (Source: P.A. 100-712, eff. 8-3-18.)

24 Section 50. The Mental Health and Developmental
25 Disabilities Code is amended by changing Sections 6-103.1,

1 6-103.2, and 6-103.3 as follows:

2 (405 ILCS 5/6-103.1)

3 Sec. 6-103.1. Adjudication as a person with a mental
4 disability. When a person has been adjudicated as a person with
5 a mental disability ~~as defined in Section 1.1 of the Firearm~~
6 ~~Owners Identification Card Act~~, including, but not limited to,
7 an adjudication as a person with a disability as defined in
8 Section 11a-2 of the Probate Act of 1975, the court shall
9 direct the circuit court clerk to notify the Department of
10 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in
11 a form and manner prescribed by the Department of State Police,
12 and shall forward a copy of the court order to the Department
13 no later than 7 days after the entry of the order. Upon receipt
14 of the order, the Department of State Police shall provide
15 notification to the National Instant Criminal Background Check
16 System. In this Section, "has been adjudicated as a mentally
17 disabled person" means the person is the subject of a
18 determination by a court, board, commission, or other lawful
19 authority that the person, as a result of marked subnormal
20 intelligence, or mental illness, mental impairment,
21 incompetency, condition, or disease:

22 (1) presents a clear and present danger to himself,
23 herself, or to others;

24 (2) lacks the mental capacity to manage his or her own
25 affairs or is adjudicated a disabled person as defined in

1 Section 11a-2 of the Probate Act of 1975;

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

4 (3.5) is guilty but mentally ill, as provided in
5 Section 5-2-6 of the Unified Code of Corrections;

6 (4) is unfit to stand trial in a criminal case;

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

10 (6) is a sexually violent person under subsection (f)
11 of Section 5 of the Sexually Violent Persons Commitment
12 Act;

13 (7) is a sexually dangerous person under the Sexually
14 Dangerous Persons Act;

15 (8) is unfit to stand trial under the Juvenile Court
16 Act of 1987;

17 (9) is not guilty by reason of insanity under the
18 Juvenile Court Act of 1987;

19 (10) is a person subject to involuntary admission on an
20 inpatient basis as defined in Section 1-119 of the Mental
21 Health and Developmental Disabilities Code;

22 (11) is a person subject to involuntary admission on an
23 outpatient basis as defined in Section 1-119.1 of the
24 Mental Health and Developmental Disabilities Code;

25 (12) is subject to judicial admission as set forth in
26 Section 4-500 of the Mental Health and Developmental

1 Disabilities Code; or
2 (13) is subject to the provisions of the Interstate
3 Agreements on Sexually Dangerous Persons Act.
4 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

5 (405 ILCS 5/6-103.2)

6 Sec. 6-103.2. Developmental disability; notice. If a
7 person 14 years old or older is determined to be a person with
8 a developmental disability by a physician, clinical
9 psychologist, or qualified examiner, the physician, clinical
10 psychologist, or qualified examiner shall notify the
11 Department of Human Services within 7 days of making the
12 determination that the person has a developmental disability.
13 The Department of Human Services shall immediately update its
14 records and information relating to mental health and
15 developmental disabilities, and if appropriate, shall notify
16 the Department of State Police in a form and manner prescribed
17 by the Department of State Police. Information disclosed under
18 this Section shall remain privileged and confidential, and
19 shall not be redisclosed, except as required under clause
20 (e) (2) of Section 24-4.5 of the Criminal Code of 2012
21 ~~subsection (e) of Section 3.1 of the Firearm Owners~~
22 ~~Identification Card Act~~, nor used for any other purpose. The
23 method of providing this information shall guarantee that the
24 information is not released beyond that which is necessary for
25 the purpose of this Section and shall be provided by rule by

1 the Department of Human Services. The identity of the person
2 reporting under this Section shall not be disclosed to the
3 subject of the report.

4 The physician, clinical psychologist, or qualified
5 examiner making the determination and his or her employer may
6 not be held criminally, civilly, or professionally liable for
7 making or not making the notification required under this
8 Section, except for willful or wanton misconduct.

9 In this Section, "developmentally disabled" has the
10 meaning ascribed to it in Section 12 of the Mental Health and
11 Developmental Disabilities Confidentiality Act.

12 In ~~For purposes of~~ this Section, "developmental
13 disability" means a disability which is attributable to any
14 other condition which results in impairment similar to that
15 caused by an intellectual disability and which requires
16 services similar to those required by intellectually disabled
17 persons. The disability must originate before the age of 18
18 years, be expected to continue indefinitely, and constitute a
19 substantial disability. This disability results, in the
20 professional opinion of a physician, clinical psychologist, or
21 qualified examiner, in significant functional limitations in 3
22 or more of the following areas of major life activity:

- 23 (i) self-care;
24 (ii) receptive and expressive language;
25 (iii) learning;
26 (iv) mobility; or

1 (v) self-direction.

2 "Determined to be a person with a developmental disability
3 by a physician, clinical psychologist, or qualified examiner"
4 means in the professional opinion of the physician, clinical
5 psychologist, or qualified examiner, a person is diagnosed,
6 assessed, or evaluated as having a developmental disability.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
8 eff. 7-27-15; 99-642, eff. 7-28-16.)

9 (405 ILCS 5/6-103.3)

10 Sec. 6-103.3. Clear and present danger; notice. If a person
11 is determined to pose a clear and present danger to himself,
12 herself, or to others by a physician, clinical psychologist, or
13 qualified examiner, whether employed by the State, by any
14 public or private mental health facility or part thereof, or by
15 a law enforcement official or a school administrator, then the
16 physician, clinical psychologist, qualified examiner shall
17 notify the Department of Human Services and a law enforcement
18 official or school administrator shall notify the Department of
19 State Police, within 24 hours of making the determination that
20 the person poses a clear and present danger. The Department of
21 Human Services shall immediately update its records and
22 information relating to mental health and developmental
23 disabilities, and if appropriate, shall notify the Department
24 of State Police in a form and manner prescribed by the
25 Department of State Police. Information disclosed under this

1 Section shall remain privileged and confidential, and shall not
2 be redisclosed, except as required under clause (e)(2) of
3 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~
4 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor
5 used for any other purpose. The method of providing this
6 information shall guarantee that the information is not
7 released beyond that which is necessary for the purpose of this
8 Section and shall be provided by rule by the Department of
9 Human Services. The identity of the person reporting under this
10 Section shall not be disclosed to the subject of the report.
11 The physician, clinical psychologist, qualified examiner, law
12 enforcement official, or school administrator making the
13 determination and his or her employer shall not be held
14 criminally, civilly, or professionally liable for making or not
15 making the notification required under this Section, except for
16 willful or wanton misconduct. This Section does not apply to a
17 law enforcement official, if making the notification under this
18 Section will interfere with an ongoing or pending criminal
19 investigation.

20 In ~~For the purposes of~~ this Section:

21 "Clear and present danger" means a person who:

22 (1) communicates a serious threat of physical
23 violence against a reasonably identifiable victim or
24 poses a clear and imminent risk of serious physical
25 injury to himself, herself, or another person as
26 determined by a physician, clinical psychologist, or

1 qualified examiner; or
2 (2) demonstrates threatening physical or verbal
3 behavior, such as violent, suicidal, or assaultive
4 threats, actions, or other behavior, as determined by a
5 physician, clinical psychologist, qualified examiner,
6 school administrator, or law enforcement official.

7 "Physician", "clinical psychologist", and "qualified
8 examiner" have the meanings ascribed to them in the Mental
9 Health and Developmental Disabilities Code ~~has the meaning~~
10 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
11 ~~Identification Card Act.~~

12 "Determined to pose a clear and present danger to
13 himself, herself, or to others by a physician, clinical
14 psychologist, or qualified examiner" means in the
15 professional opinion of the physician, clinical
16 psychologist, or qualified examiner, a person poses a clear
17 and present danger.

18 "School administrator" means the person required to
19 report under the School Administrator Reporting of Mental
20 Health Clear and Present Danger Determinations Law.

21 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

22 Section 55. The Lead Poisoning Prevention Act is amended by
23 changing Section 2 as follows:

24 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

2 "Child care facility" means any structure used by a child
3 care provider licensed by the Department of Children and Family
4 Services or public or private school structure frequented by
5 children 6 years of age or younger.

6 "Childhood Lead Risk Questionnaire" means the
7 questionnaire developed by the Department for use by physicians
8 and other health care providers to determine risk factors for
9 children 6 years of age or younger residing in areas designated
10 as low risk for lead exposure.

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

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

16 "Dwelling unit" means an individual unit within a
17 residential building used as living quarters for one household.

18 "Elevated blood lead level" means a blood lead level in
19 excess of the limits established under State rules.

20 "Exposed surface" means any interior or exterior surface of
21 a regulated facility.

22 "High risk area" means an area in the State determined by
23 the Department to be high risk for lead exposure for children 6
24 years of age or younger. The Department may consider, but is
25 not limited to, the following factors to determine a high risk
26 area: age and condition (using Department of Housing and Urban

1 Development definitions of "slum" and "blighted") of housing,
2 proximity to highway traffic or heavy local traffic or both,
3 percentage of housing determined as rental or vacant, proximity
4 to industry using lead, established incidence of elevated blood
5 lead levels in children, percentage of population living below
6 200% of federal poverty guidelines, and number of children
7 residing in the area who are 6 years of age or younger.

8 "Lead abatement" means any approved work practices that
9 will permanently eliminate lead exposure or remove the
10 lead-bearing substances in a regulated facility. The
11 Department shall establish by rule which work practices are
12 approved or prohibited for lead abatement.

13 "Lead abatement contractor" means any person or entity
14 licensed by the Department to perform lead abatement and
15 mitigation.

16 "Lead abatement supervisor" means any person employed by a
17 lead abatement contractor and licensed by the Department to
18 perform lead abatement and lead mitigation and to supervise
19 lead workers who perform lead abatement and lead mitigation.

20 "Lead abatement worker" means any person employed by a lead
21 abatement contractor and licensed by the Department to perform
22 lead abatement and mitigation.

23 "Lead activities" means the conduct of any lead services,
24 including, lead inspection, lead risk assessment, lead
25 mitigation, or lead abatement work or supervision in a
26 regulated facility.

1 "Lead-bearing substance" means any item containing or
2 coated with lead such that the lead content is more than
3 six-hundredths of one percent (0.06%) lead by total weight; or
4 any dust on surfaces or in furniture or other nonpermanent
5 elements of the regulated facility; or any paint or other
6 surface coating material containing more than five-tenths of
7 one percent (0.5%) lead by total weight (calculated as lead
8 metal) in the total non-volatile content of liquid paint; or
9 lead-bearing substances containing greater than one milligram
10 per square centimeter or any lower standard for lead content in
11 residential paint as may be established by federal law or rule;
12 or more than 1 milligram per square centimeter in the dried
13 film of paint or previously applied substance; or item or dust
14 on item containing lead in excess of the amount specified in
15 the rules authorized by this Act or a lower standard for lead
16 content as may be established by federal law or rule.
17 "Lead-bearing substance" does not include firearm ammunition
18 or components as defined by Section 2-7.1 of the Criminal Code
19 of 2012 ~~the Firearm Owners Identification Card Act.~~

20 "Lead hazard" means a lead-bearing substance that poses an
21 immediate health hazard to humans.

22 "Lead hazard screen" means a lead risk assessment that
23 involves limited dust and paint sampling for lead-bearing
24 substances and lead hazards. This service is used as a
25 screening tool designed to determine if further lead
26 investigative services are required for the regulated

1 facility.

2 "Lead inspection" means a surface-by-surface investigation
3 to determine the presence of lead-based paint.

4 "Lead inspector" means an individual who has been trained
5 by a Department-approved training program and is licensed by
6 the Department to conduct lead inspections; to sample for the
7 presence of lead in paint, dust, soil, and water; and to
8 conduct compliance investigations.

9 "Lead mitigation" means the remediation, in a manner
10 described in Section 9, of a lead hazard so that the
11 lead-bearing substance does not pose an immediate health hazard
12 to humans.

13 "Lead poisoning" means having an elevated blood lead level.

14 "Lead risk assessment" means an on-site investigation to
15 determine the existence, nature, severity, and location of lead
16 hazards. "Lead risk assessment" includes any lead sampling and
17 visual assessment associated with conducting a lead risk
18 assessment and lead hazard screen and all lead sampling
19 associated with compliance investigations.

20 "Lead risk assessor" means an individual who has been
21 trained by a Department-approved training program and is
22 licensed by the Department to conduct lead risk assessments,
23 lead inspections, and lead hazard screens; to sample for the
24 presence of lead in paint, dust, soil, water, and sources for
25 lead-bearing substances; and to conduct compliance
26 investigations.

1 "Lead training program provider" means any person
2 providing Department-approved lead training in Illinois to
3 individuals seeking licensure in accordance with the Act.

4 "Low risk area" means an area in the State determined by
5 the Department to be low risk for lead exposure for children 6
6 years of age or younger. The Department may consider the
7 factors named in "high risk area" to determine low risk areas.

8 "Owner" means any person, who alone, jointly, or severally
9 with others:

10 (a) Has legal title to any regulated facility, with or
11 without actual possession of the regulated facility, or

12 (b) Has charge, care, or control of the regulated
13 facility as owner or agent of the owner, or as executor,
14 administrator, trustee, or guardian of the estate of the
15 owner.

16 "Person" means any individual, partnership, firm, company,
17 limited liability company, corporation, association, joint
18 stock company, trust, estate, political subdivision, State
19 agency, or any other legal entity, or their legal
20 representative, agent, or assign.

21 "Regulated facility" means a residential building or child
22 care facility.

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

1 (Source: P.A. 100-723, eff. 1-1-19.)

2 (430 ILCS 65/Act rep.)

3 Section 60. The Firearm Owners Identification Card Act is
4 repealed.

5 Section 65. The Firearm Concealed Carry Act is amended by
6 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

7 (430 ILCS 66/25)

8 Sec. 25. Qualifications for a license.

9 The Department shall issue a license to an applicant
10 completing an application in accordance with Section 30 of this
11 Act if the person:

12 (1) is at least 21 years of age;

13 (2) ~~has a currently valid Firearm Owner's~~
14 ~~Identification Card and at the time of application meets~~
15 ~~the requirements for the issuance of a Firearm Owner's~~
16 ~~Identification Card and is not prohibited under State or~~
17 ~~the Firearm Owners Identification Card Act or federal law~~
18 from possessing or receiving a firearm;

19 (3) has not been convicted or found guilty in this
20 State or in any other state of:

21 (A) a misdemeanor involving the use or threat of
22 physical force or violence to any person within the 5
23 years preceding the date of the license application; or

1 (B) 2 or more violations related to driving while
2 under the influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds, or any combination
4 thereof, within the 5 years preceding the date of the
5 license application;

6 (4) is not the subject of a pending arrest warrant,
7 prosecution, or proceeding for an offense or action that
8 could lead to disqualification to own or possess a firearm;

9 (5) has not been in residential or court-ordered
10 treatment for alcoholism, alcohol detoxification, or drug
11 treatment within the 5 years immediately preceding the date
12 of the license application; and

13 (6) has completed firearms training and any education
14 component required under Section 75 of this Act.

15 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

16 (430 ILCS 66/30)

17 Sec. 30. Contents of license application.

18 (a) The license application shall be in writing, under
19 penalty of perjury, on a standard form adopted by the
20 Department and shall be accompanied by the documentation
21 required in this Section and the applicable fee. Each
22 application form shall include the following statement printed
23 in bold type: "Warning: Entering false information on this form
24 is punishable as perjury under Section 32-2 of the Criminal
25 Code of 2012."

1 (b) The application shall contain the following:

2 (1) the applicant's name, current address, date and
3 year of birth, place of birth, height, weight, hair color,
4 eye color, maiden name or any other name the applicant has
5 used or identified with, and any address where the
6 applicant resided for more than 30 days within the 10 years
7 preceding the date of the license application;

8 (2) the applicant's valid driver's license number or
9 valid state identification card number;

10 (3) a waiver of the applicant's privacy and
11 confidentiality rights and privileges under all federal
12 and state laws, including those limiting access to juvenile
13 court, criminal justice, psychological, or psychiatric
14 records or records relating to any institutionalization of
15 the applicant, and an affirmative request that a person
16 having custody of any of these records provide it or
17 information concerning it to the Department. The waiver
18 only applies to records sought in connection with
19 determining whether the applicant qualifies for a license
20 to carry a concealed firearm under this Act, ~~or whether the~~
21 ~~applicant remains in compliance with the Firearm Owners~~
22 ~~Identification Card Act;~~

23 (4) an affirmation that the applicant is not prohibited
24 under State or federal law from possessing or receiving a
25 firearm ~~possesses a currently valid Firearm Owner's~~
26 ~~Identification Card and card number if possessed or notice~~

1 ~~the applicant is applying for a Firearm Owner's~~
2 ~~Identification Card in conjunction with the license~~
3 ~~application;~~

4 (5) an affirmation that the applicant has not been
5 convicted or found guilty of:

6 (A) a felony;

7 (B) a misdemeanor involving the use or threat of
8 physical force or violence to any person within the 5
9 years preceding the date of the application; or

10 (C) 2 or more violations related to driving while
11 under the influence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or any combination
13 thereof, within the 5 years preceding the date of the
14 license application; and

15 (6) whether the applicant has failed a drug test for a
16 drug for which the applicant did not have a prescription,
17 within the previous year, and if so, the provider of the
18 test, the specific substance involved, and the date of the
19 test;

20 (7) written consent for the Department to review and
21 use the applicant's Illinois digital driver's license or
22 Illinois identification card photograph and signature;

23 (8) a full set of fingerprints submitted to the
24 Department in electronic format, provided the Department
25 may accept an application submitted without a set of
26 fingerprints in which case the Department shall be granted

1 30 days in addition to the 90 days provided under
2 subsection (e) of Section 10 of this Act to issue or deny a
3 license;

4 (9) a head and shoulder color photograph in a size
5 specified by the Department taken within the 30 days
6 preceding the date of the license application; and

7 (10) a photocopy of any certificates or other evidence
8 of compliance with the training requirements under this
9 Act.

10 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

11 (430 ILCS 66/40)

12 Sec. 40. Non-resident license applications.

13 (a) For the purposes of this Section, "non-resident" means
14 a person who has not resided within this State for more than 30
15 days and resides in another state or territory.

16 (b) The Department shall by rule allow for non-resident
17 license applications from any state or territory of the United
18 States with laws related to firearm ownership, possession, and
19 carrying, that are substantially similar to the requirements to
20 obtain a license under this Act.

21 (c) A resident of a state or territory approved by the
22 Department under subsection (b) of this Section may apply for a
23 non-resident license. The applicant shall apply to the
24 Department and must meet all of the qualifications established
25 in Section 25 of this Act, ~~except for the Illinois residency~~

1 ~~requirement in item (xiv) of paragraph (2) of subsection (a) of~~
2 ~~Section 4 of the Firearm Owners Identification Card Act.~~ The
3 applicant shall submit:

4 (1) the application and documentation required under
5 Section 30 of this Act and the applicable fee;

6 (2) a notarized document stating that the applicant:

7 (A) is eligible under federal law and the laws of
8 his or her state or territory of residence to own or
9 possess a firearm;

10 (B) if applicable, has a license or permit to carry
11 a firearm or concealed firearm issued by his or her
12 state or territory of residence and attach a copy of
13 the license or permit to the application;

14 (C) understands Illinois laws pertaining to the
15 possession and transport of firearms; and

16 (D) acknowledges that the applicant is subject to
17 the jurisdiction of the Department and Illinois courts
18 for any violation of this Act;

19 (3) a photocopy of any certificates or other evidence
20 of compliance with the training requirements under Section
21 75 of this Act; and

22 (4) a head and shoulder color photograph in a size
23 specified by the Department taken within the 30 days
24 preceding the date of the application.

25 (d) In lieu of an Illinois driver's license or Illinois
26 identification card, a non-resident applicant shall provide

1 similar documentation from his or her state or territory of
2 residence. The applicant shall submit ~~In lieu of a valid~~
3 ~~Firearm Owner's Identification Card, the applicant shall~~
4 ~~submit documentation and information required by the~~
5 ~~Department to obtain a Firearm Owner's Identification Card,~~
6 ~~including~~ an affidavit that the non-resident meets the mental
7 health standards to obtain a firearm under Illinois law, and
8 the Department shall ensure that the applicant would meet the
9 eligibility criteria under State law to possess a firearm ~~to~~
10 ~~obtain a Firearm Owner's Identification card~~ if he or she was a
11 resident of this State.

12 (e) Nothing in this Act shall prohibit a non-resident from
13 transporting a concealed firearm within his or her vehicle in
14 Illinois, if the concealed firearm remains within his or her
15 vehicle and the non-resident:

16 (1) is not prohibited from owning or possessing a
17 firearm under federal law;

18 (2) is eligible to carry a firearm in public under the
19 laws of his or her state or territory of residence, as
20 evidenced by the possession of a concealed carry license or
21 permit issued by his or her state of residence, if
22 applicable; and

23 (3) is not in possession of a license under this Act.

24 If the non-resident leaves his or her vehicle unattended,
25 he or she shall store the firearm within a locked vehicle or
26 locked container within the vehicle in accordance with

1 subsection (b) of Section 65 of this Act.

2 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,
3 eff. 7-20-15.)

4 (430 ILCS 66/70)

5 Sec. 70. Violations.

6 (a) A license issued or renewed under this Act shall be
7 revoked if, at any time, the licensee is found to be ineligible
8 for a license under this Act or the licensee is prohibited from
9 possessing a firearm under State or federal law ~~no longer meets~~
10 ~~the eligibility requirements of the Firearm Owners~~
11 ~~Identification Card Act.~~

12 (b) A license shall be suspended if an order of protection,
13 including an emergency order of protection, plenary order of
14 protection, or interim order of protection under Article 112A
15 of the Code of Criminal Procedure of 1963 or under the Illinois
16 Domestic Violence Act of 1986, or if a firearms restraining
17 order, including an emergency firearms restraining order,
18 under the Firearms Restraining Order Act, is issued against a
19 licensee for the duration of the order, or if the Department is
20 made aware of a similar order issued against the licensee in
21 any other jurisdiction. If an order of protection is issued
22 against a licensee, the licensee shall surrender the license,
23 as applicable, to the court at the time the order is entered or
24 to the law enforcement agency or entity serving process at the
25 time the licensee is served the order. The court, law

1 enforcement agency, or entity responsible for serving the order
2 of protection shall notify the Department within 7 days and
3 transmit the license to the Department.

4 (c) A license is invalid upon expiration of the license,
5 unless the licensee has submitted an application to renew the
6 license, and the applicant is otherwise eligible to possess a
7 license under this Act.

8 (d) A licensee shall not carry a concealed firearm while
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or combination of compounds, or any
11 combination thereof, under the standards set forth in
12 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

13 A licensee in violation of this subsection (d) shall be
14 guilty of a Class A misdemeanor for a first or second violation
15 and a Class 4 felony for a third violation. The Department may
16 suspend a license for up to 6 months for a second violation and
17 shall permanently revoke a license for a third violation.

18 (e) Except as otherwise provided, a licensee in violation
19 of this Act shall be guilty of a Class B misdemeanor. A second
20 or subsequent violation is a Class A misdemeanor. The
21 Department may suspend a license for up to 6 months for a
22 second violation and shall permanently revoke a license for 3
23 or more violations of Section 65 of this Act. Any person
24 convicted of a violation under this Section shall pay a \$150
25 fee to be deposited into the Mental Health Reporting Fund, plus
26 any applicable court costs or fees.

1 (f) A licensee convicted or found guilty of a violation of
2 this Act who has a valid license and is otherwise eligible to
3 carry a concealed firearm shall only be subject to the
4 penalties under this Section and shall not be subject to the
5 penalties under Section 21-6, paragraph (4), (8), or (10) of
6 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
7 of paragraph (3) of subsection (a) of Section 24-1.6 of the
8 Criminal Code of 2012. Except as otherwise provided in this
9 subsection, nothing in this subsection prohibits the licensee
10 from being subjected to penalties for violations other than
11 those specified in this Act.

12 (g) A licensee whose license is revoked, suspended, or
13 denied shall, within 48 hours of receiving notice of the
14 revocation, suspension, or denial, surrender his or her
15 concealed carry license to the local law enforcement agency
16 where the person resides. The local law enforcement agency
17 shall provide the licensee a receipt and transmit the concealed
18 carry license to the Department of State Police. If the
19 licensee whose concealed carry license has been revoked,
20 suspended, or denied fails to comply with the requirements of
21 this subsection, the law enforcement agency where the person
22 resides may petition the circuit court to issue a warrant to
23 search for and seize the concealed carry license in the
24 possession and under the custody or control of the licensee
25 whose concealed carry license has been revoked, suspended, or
26 denied. The observation of a concealed carry license in the

1 possession of a person whose license has been revoked,
2 suspended, or denied constitutes a sufficient basis for the
3 arrest of that person for violation of this subsection. A
4 violation of this subsection is a Class A misdemeanor.

5 (h) (Blank). ~~A license issued or renewed under this Act~~
6 ~~shall be revoked if, at any time, the licensee is found~~
7 ~~ineligible for a Firearm Owner's Identification Card, or the~~
8 ~~licensee no longer possesses a valid Firearm Owner's~~
9 ~~Identification Card. A licensee whose license is revoked under~~
10 ~~this subsection (h) shall surrender his or her concealed carry~~
11 ~~license as provided for in subsection (g) of this Section.~~

12 ~~This subsection shall not apply to a person who has filed~~
13 ~~an application with the State Police for renewal of a Firearm~~
14 ~~Owner's Identification Card and who is not otherwise ineligible~~
15 ~~to obtain a Firearm Owner's Identification Card.~~

16 (i) A certified firearms instructor who knowingly provides
17 or offers to provide a false certification that an applicant
18 has completed firearms training as required under this Act is
19 guilty of a Class A misdemeanor. A person guilty of a violation
20 of this subsection (i) is not eligible for court supervision.
21 The Department shall permanently revoke the firearms
22 instructor certification of a person convicted under this
23 subsection (i).

24 (Source: P.A. 100-607, eff. 1-1-19.)

1 Sec. 80. Certified firearms instructors.

2 (a) Within 60 days of the effective date of this Act, the
3 Department shall begin approval of certified firearms
4 instructors and enter certified firearms instructors into an
5 online registry on the Department's website.

6 (b) A person who is not a certified firearms instructor
7 shall not teach applicant training courses or advertise or
8 otherwise represent courses they teach as qualifying their
9 students to meet the requirements to receive a license under
10 this Act. Each violation of this subsection is a business
11 offense with a fine of at least \$1,000 per violation.

12 (c) A person seeking to become a certified firearms
13 instructor shall:

14 (1) be at least 21 years of age;

15 (2) be a legal resident of the United States; and

16 (3) meet the requirements of Section 25 of this Act,
17 ~~except for the Illinois residency requirement in item (xiv)~~
18 ~~of paragraph (2) of subsection (a) of Section 4 of the~~
19 ~~Firearm Owners Identification Card Act;~~ and any additional
20 uniformly applied requirements established by the
21 Department.

22 (d) A person seeking to become a certified firearms
23 instructor, in addition to the requirements of subsection (c)
24 of this Section, shall:

25 (1) possess a high school diploma or high school
26 equivalency certificate; and

1 (2) have at least one of the following valid firearms
2 instructor certifications:

3 (A) certification from a law enforcement agency;

4 (B) certification from a firearm instructor course
5 offered by a State or federal governmental agency;

6 (C) certification from a firearm instructor
7 qualification course offered by the Illinois Law
8 Enforcement Training Standards Board; or

9 (D) certification from an entity approved by the
10 Department that offers firearm instructor education
11 and training in the use and safety of firearms.

12 (e) A person may have his or her firearms instructor
13 certification denied or revoked if he or she does not meet the
14 requirements to obtain a license under this Act, provides false
15 or misleading information to the Department, or has had a prior
16 instructor certification revoked or denied by the Department.

17 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,
18 eff. 1-1-15.)

19 (430 ILCS 66/105)

20 Sec. 105. Duty of school administrator. It is the duty of
21 the principal of a public elementary or secondary school, or
22 his or her designee, and the chief administrative officer of a
23 private elementary or secondary school or a public or private
24 community college, college, or university, or his or her
25 designee, to report to the Department of State Police when a

1 student is determined to pose a clear and present danger to
2 himself, herself, or to others, within 24 hours of the
3 determination as provided in Section 6-103.3 of the Mental
4 Health and Developmental Disabilities Code. "Clear and present
5 danger" has the meaning as provided in paragraph (2) of the
6 definition of "clear and present danger" in Section 6-103.3 of
7 the Mental Health and Developmental Disabilities Code ~~1.1 of~~
8 ~~the Firearm Owners Identification Card Act.~~

9 (Source: P.A. 98-63, eff. 7-9-13.)

10 Section 70. The Wildlife Code is amended by changing
11 Sections 3.2 and 3.2a as follows:

12 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

13 Sec. 3.2. Hunting license; application; instruction.
14 Before the Department or any county, city, village, township,
15 incorporated town clerk or his duly designated agent or any
16 other person authorized or designated by the Department to
17 issue hunting licenses shall issue a hunting license to any
18 person, the person shall file his application with the
19 Department or other party authorized to issue licenses on a
20 form provided by the Department and further give definite proof
21 of identity and place of legal residence. Each clerk
22 designating agents to issue licenses and stamps shall furnish
23 the Department, within 10 days following the appointment, the
24 names and mailing addresses of the agents. Each clerk or his

1 duly designated agent shall be authorized to sell licenses and
2 stamps only within the territorial area for which he was
3 elected or appointed. No duly designated agent is authorized to
4 furnish licenses or stamps for issuance by any other business
5 establishment. Each application shall be executed and sworn to
6 and shall set forth the name and description of the applicant
7 and place of residence.

8 No hunting license shall be issued to any person born on or
9 after January 1, 1980 unless he presents the person authorized
10 to issue the license evidence that he has held a hunting
11 license issued by the State of Illinois or another state in a
12 prior year, or a certificate of competency as provided in this
13 Section. Persons under 18 years of age may be issued a Lifetime
14 Hunting or Sportsmen's Combination License as provided under
15 Section 20-45 of the Fish and Aquatic Life Code but shall not
16 be entitled to hunt alone, without the supervision of an adult
17 age 21 or older ~~order~~, unless they have a certificate of
18 competency as provided in this Section and the certificate is
19 in their possession while hunting.

20 The Department of Natural Resources shall authorize
21 personnel of the Department or certified volunteer instructors
22 to conduct courses, of not less than 10 hours in length, in
23 firearms and hunter safety, which may include training in bow
24 and arrow safety, at regularly specified intervals throughout
25 the State. Persons successfully completing the course shall
26 receive a certificate of competency. The Department of Natural

1 Resources may further cooperate with any reputable association
2 or organization in establishing courses if the organization has
3 as one of its objectives the promotion of safety in the
4 handling of firearms or bow and arrow.

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

20 The fee for a hunting license to hunt all species for a
21 resident of Illinois is \$12. For residents age 65 or older,
22 and, commencing with the 2012 license year, resident veterans
23 of the United States Armed Forces after returning from service
24 abroad or mobilization by the President of the United States,
25 the fee is one-half of the fee charged for a hunting license to
26 hunt all species for a resident of Illinois. Veterans must

1 provide to the Department, at one of the Department's 5
2 regional offices, verification of their service. The
3 Department shall establish what constitutes suitable
4 verification of service for the purpose of issuing resident
5 veterans hunting licenses at a reduced fee. The fee for a
6 hunting license to hunt all species shall be \$1 for residents
7 over 75 years of age. Nonresidents shall be charged \$57 for a
8 hunting license.

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

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

20 Each applicant for a State Migratory Waterfowl Stamp,
21 regardless of his residence or other condition, shall pay a fee
22 of \$15 and shall receive a stamp. The fee for a State Migratory
23 Waterfowl Stamp shall be waived for residents over 75 years of
24 age. Except as provided under Section 20-45 of the Fish and
25 Aquatic Life Code, the stamp shall be signed by the person or
26 affixed to his license or permit in a space designated by the

1 Department for that purpose.

2 Each applicant for a State Habitat Stamp, regardless of his
3 residence or other condition, shall pay a fee of \$5 and shall
4 receive a stamp. The fee for a State Habitat Stamp shall be
5 waived for residents over 75 years of age. Except as provided
6 under Section 20-45 of the Fish and Aquatic Life Code, the
7 stamp shall be signed by the person or affixed to his license
8 or permit in a space designated by the Department for that
9 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 fees for State Pheasant Stamps and State Furbearer
14 Stamps shall be waived for residents over 75 years of age.

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

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

22 Every person holding any license, permit, or stamp issued
23 under the provisions of this Act shall have it in his
24 possession for immediate presentation for inspection to the
25 officers and authorized employees of the Department, any
26 sheriff, deputy sheriff, or any other peace officer making a

1 demand for it. This provision shall not apply to Department
2 owned or managed sites where it is required that all hunters
3 deposit their license or permit ~~, or Firearm Owner's~~
4 ~~Identification Card~~ at the check station upon entering the
5 hunting areas.

6 (Source: P.A. 100-638, eff. 1-1-19; revised 10-3-18.)

7 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

8 Sec. 3.2a. Every person holding any license, permit or
9 stamp issued under the provisions hereof shall have it in his
10 possession for immediate presentation for inspection to the
11 officers and authorized employees of the Department, any
12 sheriff, deputy sheriff or any other peace officer making a
13 demand for it. This provision shall not apply to Department
14 owned or managed sites where it is required that all hunters
15 deposit their license or ~~permit~~ ~~or Firearm Owner's~~
16 ~~Identification Card~~ at the check station upon entering the
17 hunting areas.

18 (Source: P.A. 85-152.)

19 Section 75. The Clerks of Courts Act is amended by changing
20 Section 27.3a as follows:

21 (705 ILCS 105/27.3a)

22 (Section scheduled to be repealed on July 1, 2019)

23 Sec. 27.3a. Fees for automated record keeping, probation

1 and court services operations, State and Conservation Police
2 operations, and e-business programs.

3 1. The expense of establishing and maintaining automated
4 record keeping systems in the offices of the clerks of the
5 circuit court shall be borne by the county. To defray such
6 expense in any county having established such an automated
7 system or which elects to establish such a system, the county
8 board may require the clerk of the circuit court in their
9 county to charge and collect a court automation fee of not less
10 than \$1 nor more than \$25 to be charged and collected by the
11 clerk of the court. Such fee shall be paid at the time of
12 filing the first pleading, paper or other appearance filed by
13 each party in all civil cases or by the defendant in any
14 felony, traffic, misdemeanor, municipal ordinance, or
15 conservation case upon a judgment of guilty or grant of
16 supervision, provided that the record keeping system which
17 processes the case category for which the fee is charged is
18 automated or has been approved for automation by the county
19 board, and provided further that no additional fee shall be
20 required if more than one party is presented in a single
21 pleading, paper or other appearance. Such fee shall be
22 collected in the manner in which all other fees or costs are
23 collected.

24 1.1. Starting on July 6, 2012 (the effective date of Public
25 Act 97-761) and pursuant to an administrative order from the
26 chief judge of the circuit or the presiding judge of the county

1 authorizing such collection, a clerk of the circuit court in
2 any county that imposes a fee pursuant to subsection 1 of this
3 Section shall also charge and collect an additional \$10
4 operations fee for probation and court services department
5 operations.

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

12 1.2. With respect to the fee imposed and collected under
13 subsection 1.1 of this Section, each clerk shall transfer all
14 fees monthly to the county treasurer for deposit into the
15 probation and court services fund created under Section 15.1 of
16 the Probation and Probation Officers Act, and such monies shall
17 be disbursed from the fund only at the direction of the chief
18 judge of the circuit or another judge designated by the Chief
19 Circuit Judge in accordance with the policies and guidelines
20 approved by the Supreme Court.

21 1.5. Starting on June 1, 2014, a clerk of the circuit court
22 in any county that imposes a fee pursuant to subsection 1 of
23 this Section, shall charge and collect an additional fee in an
24 amount equal to the amount of the fee imposed pursuant to
25 subsection 1 of this Section, except the fee imposed under this
26 subsection may not be more than \$15. This additional fee shall

1 be paid by the defendant in any felony, traffic, misdemeanor,
2 or local ordinance case upon a judgment of guilty or grant of
3 supervision. This fee shall not be paid by the defendant for
4 any violation listed in subsection 1.6 of this Section.

5 1.6. Starting on June 1, 2014, a clerk of the circuit court
6 in any county that imposes a fee pursuant to subsection 1 of
7 this Section shall charge and collect an additional fee in an
8 amount equal to the amount of the fee imposed pursuant to
9 subsection 1 of this Section, except the fee imposed under this
10 subsection may not be more than \$15. This additional fee shall
11 be paid by the defendant upon a judgment of guilty or grant of
12 supervision for a violation under the State Parks Act, the
13 Recreational Trails of Illinois Act, the Illinois Explosives
14 Act, the Timber Buyers Licensing Act, the Forest Products
15 Transportation Act, ~~the Firearm Owners Identification Card~~
16 ~~Act,~~ the Environmental Protection Act, the Fish and Aquatic
17 Life Code, the Wildlife Code, the Cave Protection Act, the
18 Illinois Exotic Weed Act, the Illinois Forestry Development
19 Act, the Ginseng Harvesting Act, the Illinois Lake Management
20 Program Act, the Illinois Natural Areas Preservation Act, the
21 Illinois Open Land Trust Act, the Open Space Lands Acquisition
22 and Development Act, the Illinois Prescribed Burning Act, the
23 State Forest Act, the Water Use Act of 1983, the Illinois
24 Veteran, Youth, and Young Adult Conservation Jobs Act, the
25 Snowmobile Registration and Safety Act, the Boat Registration
26 and Safety Act, the Illinois Dangerous Animals Act, the Hunter

1 and Fishermen Interference Prohibition Act, the Wrongful Tree
2 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
3 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
4 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
5 Criminal Code of 2012.

6 1.7. Starting on the 30th day after the effective date of
7 this amendatory Act of the 99th General Assembly, a clerk of
8 the circuit court in any county that imposes a fee pursuant to
9 subsection 1 of this Section shall also charge and collect an
10 additional \$9 e-business fee. The fee shall be paid at the time
11 of filing the first pleading, paper, or other appearance filed
12 by each party in all civil cases, except no additional fee
13 shall be required if more than one party is presented in a
14 single pleading, paper, or other appearance. The fee shall be
15 collected in the manner in which all other fees or costs are
16 collected. The fee shall be in addition to all other fees and
17 charges of the clerk, and assessable as costs, and may be
18 waived only if the judge specifically provides for the waiver
19 of the e-business fee. The fee shall not be charged in any
20 matter coming to the clerk on a change of venue, nor in any
21 proceeding to review the decision of any administrative
22 officer, agency, or body.

23 2. With respect to the fee imposed under subsection 1 of
24 this Section, each clerk shall commence such charges and
25 collections upon receipt of written notice from the chairman of
26 the county board together with a certified copy of the board's

1 resolution, which the clerk shall file of record in his office.

2 3. With respect to the fee imposed under subsection 1 of
3 this Section, such fees shall be in addition to all other fees
4 and charges of such clerks, and assessable as costs, and may be
5 waived only if the judge specifically provides for the waiver
6 of the court automation fee. The fees shall be remitted monthly
7 by such clerk to the county treasurer, to be retained by him in
8 a special fund designated as the court automation fund. The
9 fund shall be audited by the county auditor, and the board
10 shall make expenditure from the fund in payment of any cost
11 related to the automation of court records, including hardware,
12 software, research and development costs and personnel related
13 thereto, provided that the expenditure is approved by the clerk
14 of the court and by the chief judge of the circuit court or his
15 designate.

16 4. With respect to the fee imposed under subsection 1 of
17 this Section, such fees shall not be charged in any matter
18 coming to any such clerk on change of venue, nor in any
19 proceeding to review the decision of any administrative
20 officer, agency or body.

21 5. With respect to the additional fee imposed under
22 subsection 1.5 of this Section, the fee shall be remitted by
23 the circuit clerk to the State Treasurer within one month after
24 receipt for deposit into the State Police Operations Assistance
25 Fund.

26 6. With respect to the additional fees imposed under

1 subsection 1.5 of this Section, the Director of State Police
2 may direct the use of these fees for homeland security purposes
3 by transferring these fees on a quarterly basis from the State
4 Police Operations Assistance Fund into the Illinois Law
5 Enforcement Alarm Systems (ILEAS) Fund for homeland security
6 initiatives programs. The transferred fees shall be allocated,
7 subject to the approval of the ILEAS Executive Board, as
8 follows: (i) 66.6% shall be used for homeland security
9 initiatives and (ii) 33.3% shall be used for airborne
10 operations. The ILEAS Executive Board shall annually supply the
11 Director of State Police with a report of the use of these
12 fees.

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

18 8. With respect to the fee imposed under subsection 1.7 of
19 this Section, the clerk shall remit the fee to the State
20 Treasurer within one month after receipt for deposit into the
21 Supreme Court Special Purposes Fund. Unless otherwise
22 authorized by this Act, the moneys deposited into the Supreme
23 Court Special Purposes Fund under this subsection are not
24 subject to administrative charges or chargebacks under Section
25 20 of the State Treasurer Act.

26 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;

1 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16. Repealed by P.A.
2 100-987, eff. 7-1-19.)

3 Section 80. The Criminal Code of 2012 is amended by
4 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
5 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,
6 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as follows:

7 (720 ILCS 5/2-7.1)

8 Sec. 2-7.1. Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".
9 "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition" means any
10 self-contained cartridge or shotgun shell, by whatever name
11 known, which is designed to be used or adaptable to use in a
12 firearm; excluding, however:

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

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

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

22 (720 ILCS 5/2-7.5)

23 Sec. 2-7.5. "Firearm". Except as otherwise provided in a

1 specific Section, "firearm" means any device, by whatever name
2 known, which is designed to expel a projectile or projectiles
3 by the action of an explosion, expansion of gas or escape of
4 gas; excluding, however:

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

9 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B
10 gun which expels breakable paint balls containing washable
11 marking colors;

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

15 (3) any device used exclusively for the firing of stud
16 cartridges, explosive rivets, or similar industrial
17 ammunition; and

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

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

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

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

7 (1) Causes great bodily harm or permanent disability or
8 disfigurement.

9 (2) Causes severe and permanent disability, great
10 bodily harm, or disfigurement by means of a caustic or
11 flammable substance, a poisonous gas, a deadly biological
12 or chemical contaminant or agent, a radioactive substance,
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability or
15 disfigurement to an individual whom the person knows to be
16 a peace officer, community policing volunteer, fireman,
17 private security officer, correctional institution
18 employee, or Department of Human Services employee
19 supervising or controlling sexually dangerous persons or
20 sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (4) Causes great bodily harm or permanent disability or

1 disfigurement to an individual 60 years of age or older.

2 (5) Strangles another individual.

3 (b) Offense based on injury to a child or person with an
4 intellectual disability. A person who is at least 18 years of
5 age commits aggravated battery when, in committing a battery,
6 he or she knowingly and without legal justification by any
7 means:

8 (1) causes great bodily harm or permanent disability or
9 disfigurement to any child under the age of 13 years, or to
10 any person with a severe or profound intellectual
11 disability; or

12 (2) causes bodily harm or disability or disfigurement
13 to any child under the age of 13 years or to any person
14 with a severe or profound intellectual disability.

15 (c) Offense based on location of conduct. A person commits
16 aggravated battery when, in committing a battery, other than by
17 the discharge of a firearm, he or she is or the person battered
18 is on or about a public way, public property, a public place of
19 accommodation or amusement, a sports venue, or a domestic
20 violence shelter.

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

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

26 (2) A person who is pregnant or has a physical

1 disability.

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

5 (4) A peace officer, community policing volunteer,
6 fireman, private security officer, correctional
7 institution employee, or Department of Human Services
8 employee supervising or controlling sexually dangerous
9 persons or sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (5) A judge, emergency management worker, emergency
16 medical services personnel, or utility worker:

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

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

1 (8) A taxi driver on duty.

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

6 (10) A person authorized to serve process under Section
7 2-202 of the Code of Civil Procedure or a special process
8 server appointed by the circuit court while that individual
9 is in the performance of his or her duties as a process
10 server.

11 (11) A nurse while in the performance of his or her
12 duties as a nurse.

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

16 (1) Discharges a firearm, other than a machine gun or a
17 firearm equipped with a silencer, and causes any injury to
18 another person.

19 (2) Discharges a firearm, other than a machine gun or a
20 firearm equipped with a silencer, and causes any injury to
21 a person he or she knows to be a peace officer, community
22 policing volunteer, person summoned by a police officer,
23 fireman, private security officer, correctional
24 institution employee, or emergency management 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 (3) Discharges a firearm, other than a machine gun or a
5 firearm equipped with a silencer, and causes any injury to
6 a person he or she knows to be emergency medical services
7 personnel:

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 (4) Discharges a firearm and causes any injury to a
14 person he or she knows to be a teacher, a student in a
15 school, or a school employee, and the teacher, student, or
16 employee is upon school grounds or grounds adjacent to a
17 school or in any part of a building used for school
18 purposes.

19 (5) Discharges a machine gun or a firearm equipped with
20 a silencer, and causes any injury to another person.

21 (6) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to a person he or she
23 knows to be a peace officer, community policing volunteer,
24 person summoned by a police officer, fireman, private
25 security officer, correctional institution employee or
26 emergency management worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (7) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to a person he or she
8 knows to be emergency medical services personnel:

- 9 (i) performing his or her official duties;
10 (ii) battered to prevent performance of his or her
11 official duties; or
12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (8) Discharges a machine gun or a firearm equipped with
15 a silencer, and causes any injury to a person he or she
16 knows to be a teacher, or a student in a school, or a
17 school employee, and the teacher, student, or employee is
18 upon school grounds or grounds adjacent to a school or in
19 any part of a building used for school purposes.

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

23 (1) Uses a deadly weapon other than by discharge of a
24 firearm, or uses an air rifle as defined in Section
25 24.8-0.1 of this Code.

26 (2) Wears a hood, robe, or mask to conceal his or her

1 identity.

2 (3) Knowingly and without lawful justification shines
3 or flashes a laser gunsight or other laser device attached
4 to a firearm, or used in concert with a firearm, so that
5 the laser beam strikes upon or against the person of
6 another.

7 (4) Knowingly video or audio records the offense with
8 the intent to disseminate the recording.

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

12 (1) Violates Section 401 of the Illinois Controlled
13 Substances Act by unlawfully delivering a controlled
14 substance to another and any user experiences great bodily
15 harm or permanent disability as a result of the injection,
16 inhalation, or ingestion of any amount of the controlled
17 substance.

18 (2) Knowingly administers to an individual or causes
19 him or her to take, without his or her consent or by threat
20 or deception, and for other than medical purposes, any
21 intoxicating, poisonous, stupefying, narcotic, anesthetic,
22 or controlled substance, or gives to another person any
23 food containing any substance or object intended to cause
24 physical injury if eaten.

25 (3) Knowingly causes or attempts to cause a
26 correctional institution employee or Department of Human

1 Services employee to come into contact with blood, seminal
2 fluid, urine, or feces by throwing, tossing, or expelling
3 the fluid or material, and the person is an inmate of a
4 penal institution or is a sexually dangerous person or
5 sexually violent person in the custody of the Department of
6 Human Services.

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

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

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

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

20 Aggravated battery under subdivision (a)(5) is a Class 1
21 felony if:

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

24 (B) the person caused great bodily harm or permanent
25 disability or disfigurement to the other person while
26 committing the offense; or

1 (C) the person has been previously convicted of a
2 violation of subdivision (a)(5) under the laws of this
3 State or laws similar to subdivision (a)(5) of any other
4 state.

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

7 Aggravated battery as defined in subdivision (a)(2) is a
8 Class X felony for which a person shall be sentenced to a term
9 of imprisonment of a minimum of 6 years and a maximum of 45
10 years.

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

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

19 Aggravated battery as defined in subdivision (e)(6),
20 (e)(7), or (e)(8) is a Class X felony for which a person shall
21 be sentenced to a term of imprisonment of a minimum of 20 years
22 and a maximum of 60 years.

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

25 (1) if the person committed the offense while armed
26 with a firearm, 15 years shall be added to the term of

1 imprisonment imposed by the court;

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

5 (3) if, during the commission of the offense, the
6 person personally discharged a firearm that proximately
7 caused great bodily harm, permanent disability, permanent
8 disfigurement, or death to another person, 25 years or up
9 to a term of natural life shall be added to the term of
10 imprisonment imposed by the court.

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

12 "Building or other structure used to provide shelter" has
13 the meaning ascribed to "shelter" in Section 1 of the Domestic
14 Violence Shelters Act.

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

17 "Domestic violence shelter" means any building or other
18 structure used to provide shelter or other services to victims
19 or to the dependent children of victims of domestic violence
20 pursuant to the Illinois Domestic Violence Act of 1986 or the
21 Domestic Violence Shelters Act, or any place within 500 feet of
22 such a building or other structure in the case of a person who
23 is going to or from such a building or other structure.

24 "Firearm" has the meaning provided under Section 2-7.5 of
25 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
26 and does not include an air rifle as defined by Section

1 24.8-0.1 of this Code.

2 "Machine gun" has the meaning ascribed to it in Section
3 24-1 of this Code.

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

6 "Strangle" means intentionally impeding the normal
7 breathing or circulation of the blood of an individual by
8 applying pressure on the throat or neck of that individual or
9 by blocking the nose or mouth of that individual.

10 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
11 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

12 (720 ILCS 5/16-0.1)

13 Sec. 16-0.1. Definitions. In this Article, unless the
14 context clearly requires otherwise, the following terms are
15 defined as indicated:

16 "Access" means to use, instruct, communicate with, store
17 data in, retrieve or intercept data from, or otherwise utilize
18 any services of a computer.

19 "Coin-operated machine" includes any automatic vending
20 machine or any part thereof, parking meter, coin telephone,
21 coin-operated transit turnstile, transit fare box, coin
22 laundry machine, coin dry cleaning machine, amusement machine,
23 music machine, vending machine dispensing goods or services, or
24 money changer.

25 "Communication device" means any type of instrument,

1 device, machine, or equipment which is capable of transmitting,
2 acquiring, decrypting, or receiving any telephonic,
3 electronic, data, Internet access, audio, video, microwave, or
4 radio transmissions, signals, communications, or services,
5 including the receipt, acquisition, transmission, or
6 decryption of all such communications, transmissions, signals,
7 or services provided by or through any cable television, fiber
8 optic, telephone, satellite, microwave, radio, Internet-based,
9 data transmission, or wireless distribution network, system or
10 facility; or any part, accessory, or component thereof,
11 including any computer circuit, security module, smart card,
12 software, computer chip, electronic mechanism or other
13 component, accessory or part of any communication device which
14 is capable of facilitating the transmission, decryption,
15 acquisition or reception of all such communications,
16 transmissions, signals, or services.

17 "Communication service" means any service lawfully
18 provided for a charge or compensation to facilitate the lawful
19 origination, transmission, emission, or reception of signs,
20 signals, data, writings, images, and sounds or intelligence of
21 any nature by telephone, including cellular telephones or a
22 wire, wireless, radio, electromagnetic, photo-electronic or
23 photo-optical system; and also any service lawfully provided by
24 any radio, telephone, cable television, fiber optic,
25 satellite, microwave, Internet-based or wireless distribution
26 network, system, facility or technology, including, but not

1 limited to, any and all electronic, data, video, audio,
2 Internet access, telephonic, microwave and radio
3 communications, transmissions, signals and services, and any
4 such communications, transmissions, signals and services
5 lawfully provided directly or indirectly by or through any of
6 those networks, systems, facilities or technologies.

7 "Communication service provider" means: (1) any person or
8 entity providing any communication service, whether directly
9 or indirectly, as a reseller, including, but not limited to, a
10 cellular, paging or other wireless communications company or
11 other person or entity which, for a fee, supplies the facility,
12 cell site, mobile telephone switching office or other equipment
13 or communication service; (2) any person or entity owning or
14 operating any cable television, fiber optic, satellite,
15 telephone, wireless, microwave, radio, data transmission or
16 Internet-based distribution network, system or facility; and
17 (3) any person or entity providing any communication service
18 directly or indirectly by or through any such distribution
19 system, network or facility.

20 "Computer" means a device that accepts, processes, stores,
21 retrieves or outputs data, and includes but is not limited to
22 auxiliary storage and telecommunications devices connected to
23 computers.

24 "Continuing course of conduct" means a series of acts, and
25 the accompanying mental state necessary for the crime in
26 question, irrespective of whether the series of acts are

1 continuous or intermittent.

2 "Delivery container" means any bakery basket of wire or
3 plastic used to transport or store bread or bakery products,
4 any dairy case of wire or plastic used to transport or store
5 dairy products, and any dolly or cart of 2 or 4 wheels used to
6 transport or store any bakery or dairy product.

7 "Document-making implement" means any implement,
8 impression, template, computer file, computer disc, electronic
9 device, computer hardware, computer software, instrument, or
10 device that is used to make a real or fictitious or fraudulent
11 personal identification document.

12 "Financial transaction device" means any of the following:

13 (1) An electronic funds transfer card.

14 (2) A credit card.

15 (3) A debit card.

16 (4) A point-of-sale card.

17 (5) Any instrument, device, card, plate, code, account
18 number, personal identification number, or a record or copy
19 of a code, account number, or personal identification
20 number or other means of access to a credit account or
21 deposit account, or a driver's license or State
22 identification card used to access a proprietary account,
23 other than access originated solely by a paper instrument,
24 that can be used alone or in conjunction with another
25 access device, for any of the following purposes:

26 (A) Obtaining money, cash refund or credit

1 account, credit, goods, services, or any other thing of
2 value.

3 (B) Certifying or guaranteeing to a person or
4 business the availability to the device holder of funds
5 on deposit to honor a draft or check payable to the
6 order of that person or business.

7 (C) Providing the device holder access to a deposit
8 account for the purpose of making deposits,
9 withdrawing funds, transferring funds between deposit
10 accounts, obtaining information pertaining to a
11 deposit account, or making an electronic funds
12 transfer.

13 "Full retail value" means the merchant's stated or
14 advertised price of the merchandise. "Full retail value"
15 includes the aggregate value of property obtained from retail
16 thefts committed by the same person as part of a continuing
17 course of conduct from one or more mercantile establishments in
18 a single transaction or in separate transactions over a period
19 of one year.

20 "Internet" means an interactive computer service or system
21 or an information service, system, or access software provider
22 that provides or enables computer access by multiple users to a
23 computer server, and includes, but is not limited to, an
24 information service, system, or access software provider that
25 provides access to a network system commonly known as the
26 Internet, or any comparable system or service and also

1 includes, but is not limited to, a World Wide Web page,
2 newsgroup, message board, mailing list, or chat area on any
3 interactive computer service or system or other online service.

4 "Library card" means a card or plate issued by a library
5 facility for purposes of identifying the person to whom the
6 library card was issued as authorized to borrow library
7 material, subject to all limitations and conditions imposed on
8 the borrowing by the library facility issuing such card.

9 "Library facility" includes any public library or museum,
10 or any library or museum of an educational, historical or
11 eleemosynary institution, organization or society.

12 "Library material" includes any book, plate, picture,
13 photograph, engraving, painting, sculpture, statue, artifact,
14 drawing, map, newspaper, pamphlet, broadside, magazine,
15 manuscript, document, letter, microfilm, sound recording,
16 audiovisual material, magnetic or other tape, electronic data
17 processing record or other documentary, written or printed
18 material regardless of physical form or characteristics, or any
19 part thereof, belonging to, or on loan to or otherwise in the
20 custody of a library facility.

21 "Manufacture or assembly of an unlawful access device"
22 means to make, produce or assemble an unlawful access device or
23 to modify, alter, program or re-program any instrument, device,
24 machine, equipment or software so that it is capable of
25 defeating or circumventing any technology, device or software
26 used by the provider, owner or licensee of a communication

1 service or of any data, audio or video programs or
2 transmissions to protect any such communication, data, audio or
3 video services, programs or transmissions from unauthorized
4 access, acquisition, disclosure, receipt, decryption,
5 communication, transmission or re-transmission.

6 "Manufacture or assembly of an unlawful communication
7 device" means to make, produce or assemble an unlawful
8 communication or wireless device or to modify, alter, program
9 or reprogram a communication or wireless device to be capable
10 of acquiring, disrupting, receiving, transmitting, decrypting,
11 or facilitating the acquisition, disruption, receipt,
12 transmission or decryption of, a communication service without
13 the express consent or express authorization of the
14 communication service provider, or to knowingly assist others
15 in those activities.

16 "Master sound recording" means the original physical
17 object on which a given set of sounds were first recorded and
18 which the original object from which all subsequent sound
19 recordings embodying the same set of sounds are directly or
20 indirectly derived.

21 "Merchandise" means any item of tangible personal
22 property, including motor fuel.

23 "Merchant" means an owner or operator of any retail
24 mercantile establishment or any agent, employee, lessee,
25 consignee, officer, director, franchisee, or independent
26 contractor of the owner or operator. "Merchant" also means a

1 person who receives from an authorized user of a payment card,
2 or someone the person believes to be an authorized user, a
3 payment card or information from a payment card, or what the
4 person believes to be a payment card or information from a
5 payment card, as the instrument for obtaining, purchasing or
6 receiving goods, services, money, or anything else of value
7 from the person.

8 "Motor fuel" means a liquid, regardless of its properties,
9 used to propel a vehicle, including gasoline and diesel.

10 "Online" means the use of any electronic or wireless device
11 to access the Internet.

12 "Payment card" means a credit card, charge card, debit
13 card, or any other card that is issued to an authorized card
14 user and that allows the user to obtain, purchase, or receive
15 goods, services, money, or anything else of value from a
16 merchant.

17 "Person with a disability" means a person who suffers from
18 a physical or mental impairment resulting from disease, injury,
19 functional disorder or congenital condition that impairs the
20 individual's mental or physical ability to independently
21 manage his or her property or financial resources, or both.

22 "Personal identification document" means a birth
23 certificate, a driver's license, a State identification card, a
24 public, government, or private employment identification card,
25 a social security card, a license issued under the Firearm
26 Concealed Carry Act ~~firearm owner's identification card, a~~

1 credit card, a debit card, or a passport issued to or on behalf
2 of a person other than the offender, or any document made or
3 issued, or falsely purported to have been made or issued, by or
4 under the authority of the United States Government, the State
5 of Illinois, or any other state political subdivision of any
6 state, or any other governmental or quasi-governmental
7 organization that is of a type intended for the purpose of
8 identification of an individual, or any such document made or
9 altered in a manner that it falsely purports to have been made
10 on behalf of or issued to another person or by the authority of
11 one who did not give that authority.

12 "Personal identifying information" means any of the
13 following information:

14 (1) A person's name.

15 (2) A person's address.

16 (3) A person's date of birth.

17 (4) A person's telephone number.

18 (5) A person's driver's license number or State of
19 Illinois identification card as assigned by the Secretary
20 of State of the State of Illinois or a similar agency of
21 another state.

22 (6) A person's social security number.

23 (7) A person's public, private, or government
24 employer, place of employment, or employment
25 identification number.

26 (8) The maiden name of a person's mother.

1 (9) The number assigned to a person's depository
2 account, savings account, or brokerage account.

3 (10) The number assigned to a person's credit or debit
4 card, commonly known as a "Visa Card", "MasterCard",
5 "American Express Card", "Discover Card", or other similar
6 cards whether issued by a financial institution,
7 corporation, or business entity.

8 (11) Personal identification numbers.

9 (12) Electronic identification numbers.

10 (13) Digital signals.

11 (14) User names, passwords, and any other word, number,
12 character or combination of the same usable in whole or
13 part to access information relating to a specific
14 individual, or to the actions taken, communications made or
15 received, or other activities or transactions of a specific
16 individual.

17 (15) Any other numbers or information which can be used
18 to access a person's financial resources, or to identify a
19 specific individual, or the actions taken, communications
20 made or received, or other activities or transactions of a
21 specific individual.

22 "Premises of a retail mercantile establishment" includes,
23 but is not limited to, the retail mercantile establishment; any
24 common use areas in shopping centers; and all parking areas set
25 aside by a merchant or on behalf of a merchant for the parking
26 of vehicles for the convenience of the patrons of such retail

1 mercantile establishment.

2 "Public water, gas, or power supply, or other public
3 services" mean any service subject to regulation by the
4 Illinois Commerce Commission; any service furnished by a public
5 utility that is owned and operated by any political
6 subdivision, public institution of higher education or
7 municipal corporation of this State; any service furnished by
8 any public utility that is owned by such political subdivision,
9 public institution of higher education, or municipal
10 corporation and operated by any of its lessees or operating
11 agents; any service furnished by an electric cooperative as
12 defined in Section 3.4 of the Electric Supplier Act; or
13 wireless service or other service regulated by the Federal
14 Communications Commission.

15 "Publish" means to communicate or disseminate information
16 to any one or more persons, either orally, in person, or by
17 telephone, radio or television or in writing of any kind,
18 including, without limitation, a letter or memorandum,
19 circular or handbill, newspaper or magazine article or book.

20 "Radio frequency identification device" means any
21 implement, computer file, computer disc, electronic device,
22 computer hardware, computer software, or instrument that is
23 used to activate, read, receive, or decode information stored
24 on a RFID tag or transponder attached to a personal
25 identification document.

26 "RFID tag or transponder" means a chip or device that

1 contains personal identifying information from which the
2 personal identifying information can be read or decoded by
3 another device emitting a radio frequency that activates or
4 powers a radio frequency emission response from the chip or
5 transponder.

6 "Reencoder" means an electronic device that places encoded
7 information from the magnetic strip or stripe of a payment card
8 onto the magnetic strip or stripe of a different payment card.

9 "Retail mercantile establishment" means any place where
10 merchandise is displayed, held, stored or offered for sale to
11 the public.

12 "Scanning device" means a scanner, reader, or any other
13 electronic device that is used to access, read, scan, obtain,
14 memorize, or store, temporarily or permanently, information
15 encoded on the magnetic strip or stripe of a payment card.

16 "Shopping cart" means those push carts of the type or types
17 which are commonly provided by grocery stores, drug stores or
18 other retail mercantile establishments for the use of the
19 public in transporting commodities in stores and markets and,
20 incidentally, from the stores to a place outside the store.

21 "Sound or audio visual recording" means any sound or audio
22 visual phonograph record, disc, pre-recorded tape, film, wire,
23 magnetic tape or other object, device or medium, now known or
24 hereafter invented, by which sounds or images may be reproduced
25 with or without the use of any additional machine, equipment or
26 device.

1 "Theft detection device remover" means any tool or device
2 specifically designed and intended to be used to remove any
3 theft detection device from any merchandise.

4 "Under-ring" means to cause the cash register or other
5 sales recording device to reflect less than the full retail
6 value of the merchandise.

7 "Unidentified sound or audio visual recording" means a
8 sound or audio visual recording without the actual name and
9 full and correct street address of the manufacturer, and the
10 name of the actual performers or groups prominently and legibly
11 printed on the outside cover or jacket and on the label of such
12 sound or audio visual recording.

13 "Unlawful access device" means any type of instrument,
14 device, machine, equipment, technology, or software which is
15 primarily possessed, used, designed, assembled, manufactured,
16 sold, distributed or offered, promoted or advertised for the
17 purpose of defeating or circumventing any technology, device or
18 software, or any component or part thereof, used by the
19 provider, owner or licensee of any communication service or of
20 any data, audio or video programs or transmissions to protect
21 any such communication, audio or video services, programs or
22 transmissions from unauthorized access, acquisition, receipt,
23 decryption, disclosure, communication, transmission or
24 re-transmission.

25 "Unlawful communication device" means any electronic
26 serial number, mobile identification number, personal

1 identification number or any communication or wireless device
2 that is capable of acquiring or facilitating the acquisition of
3 a communication service without the express consent or express
4 authorization of the communication service provider, or that
5 has been altered, modified, programmed or reprogrammed, alone
6 or in conjunction with another communication or wireless device
7 or other equipment, to so acquire or facilitate the
8 unauthorized acquisition of a communication service. "Unlawful
9 communication device" also means:

10 (1) any phone altered to obtain service without the
11 express consent or express authorization of the
12 communication service provider, tumbler phone, counterfeit
13 or clone phone, tumbler microchip, counterfeit or clone
14 microchip, scanning receiver of wireless communication
15 service or other instrument capable of disguising its
16 identity or location or of gaining unauthorized access to a
17 communications or wireless system operated by a
18 communication service provider; and

19 (2) any communication or wireless device which is
20 capable of, or has been altered, designed, modified,
21 programmed or reprogrammed, alone or in conjunction with
22 another communication or wireless device or devices, so as
23 to be capable of, facilitating the disruption,
24 acquisition, receipt, transmission or decryption of a
25 communication service without the express consent or
26 express authorization of the communication service

1 provider, including, but not limited to, any device,
2 technology, product, service, equipment, computer software
3 or component or part thereof, primarily distributed, sold,
4 designed, assembled, manufactured, modified, programmed,
5 reprogrammed or used for the purpose of providing the
6 unauthorized receipt of, transmission of, disruption of,
7 decryption of, access to or acquisition of any
8 communication service provided by any communication
9 service provider.

10 "Vehicle" means a motor vehicle, motorcycle, or farm
11 implement that is self-propelled and that uses motor fuel for
12 propulsion.

13 "Wireless device" includes any type of instrument, device,
14 machine, or equipment that is capable of transmitting or
15 receiving telephonic, electronic or radio communications, or
16 any part of such instrument, device, machine, or equipment, or
17 any computer circuit, computer chip, electronic mechanism, or
18 other component that is capable of facilitating the
19 transmission or reception of telephonic, electronic, or radio
20 communications.

21 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
22 1-1-12; 97-1109, eff. 1-1-13.)

23 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

24 Sec. 17-30. Defaced, altered, or removed manufacturer or
25 owner identification number.

1 (a) Unlawful sale of household appliances. A person commits
2 unlawful sale of household appliances when he or she knowingly,
3 with the intent to defraud or deceive another, keeps for sale,
4 within any commercial context, any household appliance with a
5 missing, defaced, obliterated, or otherwise altered
6 manufacturer's identification number.

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

21 The trier of fact may infer that the defendant has
22 knowingly changed, altered, removed, or obliterated the serial
23 number, product identification number, part number, component
24 identification number, owner-applied identification number, or
25 other mark of identification, if the defendant was in
26 possession of any machine or other equipment or a part of such

1 machine or equipment used in the construction, maintenance, or
2 demolition of buildings, structures, bridges, tunnels, sewers,
3 utility pipes or lines, ditches or open cuts, roads, highways,
4 dams, airports, or waterways or in material handling for such
5 projects upon which any such serial number, product
6 identification number, part number, component identification
7 number, owner-applied identification number, or other mark of
8 identification has been changed, altered, removed, or
9 obliterated.

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

21 (d) Sentence.

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

26 (2) A violation of subsection (b) of this Section is a

1 Class A misdemeanor.

2 (3) A violation of subsection (c) of this Section is a
3 Class B misdemeanor.

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

6 (f) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

20 (3) Carries on or about his person or in any vehicle, a
21 tear gas gun projector or bomb or any object containing
22 noxious liquid gas or substance, other than an object
23 containing a non-lethal noxious liquid gas or substance
24 designed solely for personal defense carried by a person 18
25 years of age or older; or

26 (4) Carries or possesses in any vehicle or concealed on

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

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

10 (ii) are not immediately accessible; or

11 (iii) are unloaded and enclosed in a case, firearm
12 carrying box, shipping box, or other container by a
13 person eligible under State and federal law to possess
14 a firearm ~~who has been issued a currently valid Firearm~~
15 ~~Owner's Identification Card~~; or

16 (iv) are carried or possessed in accordance with
17 the Firearm Concealed Carry Act by a person who has
18 been issued a currently valid license under the Firearm
19 Concealed Carry Act; or

20 (5) Sets a spring gun; or

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

24 (7) Sells, manufactures, purchases, possesses or
25 carries:

26 (i) a machine gun, which shall be defined for the

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

12 (ii) any rifle having one or more barrels less than
13 16 inches in length or a shotgun having one or more
14 barrels less than 18 inches in length or any weapon
15 made from a rifle or shotgun, whether by alteration,
16 modification, or otherwise, if such a weapon as
17 modified has an overall length of less than 26 inches;
18 or

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

24 (8) Carries or possesses any firearm, stun gun or taser
25 or other deadly weapon in any place which is licensed to
26 sell intoxicating beverages, or at any public gathering

1 held pursuant to a license issued by any governmental body
2 or any public gathering at which an admission is charged,
3 excluding a place where a showing, demonstration or lecture
4 involving the exhibition of unloaded firearms is
5 conducted.

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

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

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

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

- 1 (ii) are not immediately accessible; or
- 2 (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person eligible under State and federal law to possess
- 5 a firearm ~~who has been issued a currently valid Firearm~~
- 6 ~~Owner's Identification Card~~; or
- 7 (iv) are carried or possessed in accordance with
- 8 the Firearm Concealed Carry Act by a person who has
- 9 been issued a currently valid license under the Firearm
- 10 Concealed Carry Act.

11 A "stun gun or taser", as used in this paragraph (a)

12 means (i) any device which is powered by electrical

13 charging units, such as, batteries, and which fires one or

14 several barbs attached to a length of wire and which, upon

15 hitting a human, can send out a current capable of

16 disrupting the person's nervous system in such a manner as

17 to render him incapable of normal functioning or (ii) any

18 device which is powered by electrical charging units, such

19 as batteries, and which, upon contact with a human or

20 clothing worn by a human, can send out current capable of

21 disrupting the person's nervous system in such a manner as

22 to render him incapable of normal functioning; or

23 (11) Sells, manufactures or purchases any explosive

24 bullet. For purposes of this paragraph (a) "explosive

25 bullet" means the projectile portion of an ammunition

26 cartridge which contains or carries an explosive charge

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

7 (12) (Blank); or

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

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

1 vehicle as defined in Section 1-146 of the Illinois Vehicle
2 Code, or on the person, while the weapon is loaded, in which
3 case it shall be a Class X felony. A person convicted of a
4 second or subsequent violation of subsection 24-1(a)(4),
5 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
6 felony. The possession of each weapon in violation of this
7 Section constitutes a single and separate violation.

8 (c) Violations in specific places.

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

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

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

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 3 felony.

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

1 that is used by the Circuit, Appellate, or Supreme Court of
2 this State for the conduct of official business.

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

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

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

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

1 such automobile at the time such weapon, instrument or
2 substance is found, except under the following circumstances:

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

9 (e) Exemptions.

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

14 (2) The provision of paragraph (1) of subsection (a) of
15 this Section prohibiting the sale, manufacture, purchase,
16 possession, or carrying of any knife, commonly referred to
17 as a switchblade knife, which has a blade that opens
18 automatically by hand pressure applied to a button, spring
19 or other device in the handle of the knife, does not apply
20 to a person eligible under State and federal law to possess
21 a firearm ~~who possesses a currently valid Firearm Owner's~~
22 ~~Identification Card previously issued in his or her name by~~
23 ~~the Department of State Police~~ or to a person or an entity
24 engaged in the business of selling or manufacturing
25 switchblade knives.

26 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful use or possession of weapons by
3 felons or persons in the custody of the Department of
4 Corrections facilities.

5 (a) It is unlawful for a person to knowingly possess on or
6 about his person or on his land or in his own abode or fixed
7 place of business any weapon prohibited under Section 24-1 of
8 this Act or any firearm or any firearm ammunition if the person
9 has been convicted of a felony under the laws of this State or
10 any other jurisdiction. This Section shall not apply if the
11 person has been granted relief under this subsection ~~by the~~
12 ~~Director of the Department of State Police under Section 10 of~~
13 ~~the Firearm Owners Identification Card Act.~~ A person prohibited
14 from possessing a firearm under this subsection (a) may
15 petition the Director of State Police for a hearing and relief
16 from the prohibition, unless the prohibition was based upon a
17 forcible felony, stalking, aggravated stalking, domestic
18 battery, any violation of the Illinois Controlled Substances
19 Act, the Methamphetamine Control and Community Protection Act,
20 or the Cannabis Control Act that is classified as a Class 2 or
21 greater felony, any felony violation of Article 24 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, or any
23 adjudication as a delinquent minor for the commission of an
24 offense that if committed by an adult would be a felony, in
25 which case the person may petition the circuit court in writing

1 in the county of his or her residence for a hearing and relief
2 from the prohibition. The Director or court may grant the
3 relief if it is established by the petitioner to the court's or
4 Director's satisfaction that:

5 (1) when in the circuit court, the State's Attorney has
6 been served with a written copy of the petition at least 30
7 days before any hearing in the circuit court and at the
8 hearing the State's Attorney was afforded an opportunity to
9 present evidence and object to the petition;

10 (2) the petitioner has not been convicted of a forcible
11 felony under the laws of this State or any other
12 jurisdiction within 20 years of the filing of the petition,
13 or at least 20 years have passed since the end of any
14 period of imprisonment imposed in relation to that
15 conviction;

16 (3) the circumstances regarding a criminal conviction,
17 where applicable, the petitioner's criminal history and
18 his or her reputation are such that the petitioner will not
19 be likely to act in a manner dangerous to public safety;

20 (4) granting relief would not be contrary to the public
21 interest; and

22 (5) granting relief would not be contrary to federal
23 law.

24 (b) It is unlawful for any person confined in a penal
25 institution, which is a facility of the Illinois Department of
26 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,
2 regardless of the intent with which he possesses it.

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

7 (d) The defense of necessity is not available to a person
8 who is charged with a violation of subsection (b) of this
9 Section.

10 (e) Sentence. Violation of this Section by a person not
11 confined in a penal institution shall be a Class 3 felony for
12 which the person shall be sentenced to no less than 2 years and
13 no more than 10 years. A second or subsequent violation of this
14 Section shall be a Class 2 felony for which the person shall be
15 sentenced to a term of imprisonment of not less than 3 years
16 and not more than 14 years, except as provided for in Section
17 5-4.5-110 of the Unified Code of Corrections. Violation of this
18 Section by a person not confined in a penal institution who has
19 been convicted of a forcible felony, a felony violation of
20 Article 24 of this Code ~~or of the Firearm Owners Identification~~
21 ~~Card Act~~, stalking or aggravated stalking, or a Class 2 or
22 greater felony under the Illinois Controlled Substances Act,
23 the Cannabis Control Act, or the Methamphetamine Control and
24 Community Protection Act is a Class 2 felony for which the
25 person shall be sentenced to not less than 3 years and not more
26 than 14 years, except as provided for in Section 5-4.5-110 of

1 the Unified Code of Corrections. Violation of this Section by a
2 person who is on parole or mandatory supervised release is a
3 Class 2 felony for which the person shall be sentenced to not
4 less than 3 years and not more than 14 years, except as
5 provided for in Section 5-4.5-110 of the Unified Code of
6 Corrections. Violation of this Section by a person not confined
7 in a penal institution is a Class X felony when the firearm
8 possessed is a machine gun. Any person who violates this
9 Section while confined in a penal institution, which is a
10 facility of the Illinois Department of Corrections, is guilty
11 of a Class 1 felony, if he possesses any weapon prohibited
12 under Section 24-1 of this Code regardless of the intent with
13 which he possesses it, a Class X felony if he possesses any
14 firearm, firearm ammunition or explosive, and a Class X felony
15 for which the offender shall be sentenced to not less than 12
16 years and not more than 50 years when the firearm possessed is
17 a machine gun. A violation of this Section while wearing or in
18 possession of body armor as defined in Section 33F-1 is a Class
19 X felony punishable by a term of imprisonment of not less than
20 10 years and not more than 40 years. The possession of each
21 firearm or firearm ammunition in violation of this Section
22 constitutes a single and separate violation.

23 (Source: P.A. 100-3, eff. 1-1-18.)

24 (720 ILCS 5/24-1.6)

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

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

3 (1) Carries on or about his or her person or in any
4 vehicle or concealed on or about his or her person except
5 when on his or her land or in his or her abode, legal
6 dwelling, or fixed place of business, or on the land or in
7 the legal dwelling of another person as an invitee with
8 that person's permission, any pistol, revolver, stun gun or
9 taser or other firearm; or

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

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

22 (A) the firearm, other than a pistol, revolver, or
23 handgun, possessed was uncased, loaded, and
24 immediately accessible at the time of the offense; or

25 (A-5) the pistol, revolver, or handgun possessed
26 was uncased, loaded, and immediately accessible at the

1 time of the offense and the person possessing the
2 pistol, revolver, or handgun has not been issued a
3 currently valid license under the Firearm Concealed
4 Carry Act; or

5 (B) the firearm, other than a pistol, revolver, or
6 handgun, possessed was uncased, unloaded, and the
7 ammunition for the weapon was immediately accessible
8 at the time of the offense; or

9 (B-5) the pistol, revolver, or handgun possessed
10 was uncased, unloaded, and the ammunition for the
11 weapon was immediately accessible at the time of the
12 offense and the person possessing the pistol,
13 revolver, or handgun has not been issued a currently
14 valid license under the Firearm Concealed Carry Act; or

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

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

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

1 or

2 (F) (blank); or

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

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

10 (I) the person possessing the weapon was under 21
11 years of age and in possession of a handgun, unless the
12 person under 21 is engaged in lawful activities under
13 the Wildlife Code or described in subsection
14 24-2(b)(1), (b)(3), or 24-2(f).

15 (a-5) "Handgun" as used in this Section has the meaning
16 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm
24 carrying box, shipping box, or other container by a person
25 is eligible under State and federal law to possess a
26 firearm ~~who has been issued a currently valid Firearm~~

1 ~~Owner's Identification Card.~~

2 (d) Sentence.

3 (1) Aggravated unlawful use of a weapon is a Class 4
4 felony; a second or subsequent offense is a Class 2 felony
5 for which the person shall be sentenced to a term of
6 imprisonment of not less than 3 years and not more than 7
7 years, except as provided for in Section 5-4.5-110 of the
8 Unified Code of Corrections.

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

18 (3) Aggravated unlawful use of a weapon by a person who
19 has been previously convicted of a felony in this State or
20 another jurisdiction is a Class 2 felony for which the
21 person shall be sentenced to a term of imprisonment of not
22 less than 3 years and not more than 7 years, except as
23 provided for in Section 5-4.5-110 of the Unified Code of
24 Corrections.

25 (4) Aggravated unlawful use of a weapon while wearing
26 or in possession of body armor as defined in Section 33F-1

1 by a person who is prohibited under State or federal law
2 from possessing a firearm ~~has not been issued a valid~~
3 ~~Firearms Owner's Identification Card in accordance with~~
4 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
5 a Class X felony.

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

8 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

9 (720 ILCS 5/24-1.8)

10 Sec. 24-1.8. Unlawful possession of a firearm by a street
11 gang member.

12 (a) A person commits unlawful possession of a firearm by a
13 street gang member when he or she knowingly:

14 (1) possesses, carries, or conceals on or about his or
15 her person a firearm and firearm ammunition while on any
16 street, road, alley, gangway, sidewalk, or any other lands,
17 except when inside his or her own abode or inside his or
18 her fixed place of business, ~~and has not been issued a~~
19 ~~currently valid Firearm Owner's Identification Card~~ and is
20 a member of a street gang; or

21 (2) possesses or carries in any vehicle a firearm and
22 firearm ammunition which are both immediately accessible
23 at the time of the offense while on any street, road,
24 alley, or any other lands, except when inside his or her
25 own abode or garage, ~~and has not been issued a currently~~

1 ~~valid Firearm Owner's Identification Card~~ and is a member
2 of a street gang.

3 (b) Unlawful possession of a firearm by a street gang
4 member is a Class 2 felony for which the person, if sentenced
5 to a term of imprisonment, shall be sentenced to no less than 3
6 years and no more than 10 years. A period of probation, a term
7 of periodic imprisonment or conditional discharge shall not be
8 imposed for the offense of unlawful possession of a firearm by
9 a street gang member when the firearm was loaded or contained
10 firearm ammunition and the court shall sentence the offender to
11 not less than the minimum term of imprisonment authorized for
12 the Class 2 felony.

13 (c) For purposes of this Section:

14 "Street gang" or "gang" has the meaning ascribed to it
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 "Street gang member" or "gang member" has the meaning
18 ascribed to it in Section 10 of the Illinois Streetgang
19 Terrorism Omnibus Prevention Act.

20 (Source: P.A. 96-829, eff. 12-3-09.)

21 (720 ILCS 5/24-2)

22 Sec. 24-2. Exemptions.

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

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

4 (2) Wardens, superintendents and keepers of prisons,
5 penitentiaries, jails and other institutions for the
6 detention of persons accused or convicted of an offense,
7 while in the performance of their official duty, or while
8 commuting between their homes and places of employment.

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

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

20 (5) Persons licensed as private security contractors,
21 private detectives, or private alarm contractors, or
22 employed by a private security contractor, private
23 detective, or private alarm contractor agency licensed by
24 the Department of Financial and Professional Regulation,
25 if their duties include the carrying of a weapon under the
26 provisions of the Private Detective, Private Alarm,

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

24 (6) Any person regularly employed in a commercial or
25 industrial operation as a security guard for the protection
26 of persons employed and private property related to such

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

25 (7) Agents and investigators of the Illinois
26 Legislative Investigating Commission authorized by the

1 Commission to carry the weapons specified in subsections
2 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
3 any investigation for the Commission.

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

1 Vendor, and Locksmith Act of 2004. The firearm control card
2 shall be carried by the security guard at all times when he
3 or she is in possession of a concealable weapon permitted
4 by his or her firearm control card. For purposes of this
5 subsection, "financial institution" means a bank, savings
6 and loan association, credit union or company providing
7 armored car services.

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

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

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

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

20 (12.5) Probation officers while in the performance of
21 their duties, or while commuting between their homes,
22 places of employment or specific locations that are part of
23 their assigned duties, with the consent of the chief judge
24 of the circuit for which they are employed, if they have
25 received weapons training according to requirements of the
26 Peace Officer and Probation Officer Firearm Training Act.

1 (13) Court Security Officers while in the performance
2 of their official duties, or while commuting between their
3 homes and places of employment, with the consent of the
4 Sheriff.

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

11 (14) Manufacture, transportation, or sale of weapons
12 to persons authorized under subdivisions (1) through
13 (13.5) of this subsection to possess those weapons.

14 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
15 to or affect any person carrying a concealed pistol, revolver,
16 or handgun and the person has been issued a currently valid
17 license under the Firearm Concealed Carry Act at the time of
18 the commission of the offense.

19 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect any of the following:

21 (1) Members of any club or organization organized for
22 the purpose of practicing shooting at targets upon
23 established target ranges, whether public or private, and
24 patrons of such ranges, while such members or patrons are
25 using their firearms on those target ranges.

26 (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the
2 Governor.

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

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

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

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

13 (1) Peace officers while in performance of their
14 official duties.

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

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

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

26 (5) Persons licensed under federal law to manufacture

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

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

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

1 and incident to fulfilling the terms of such contract.

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

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

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 ordnance.

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

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 a person
3 eligible under State and federal law to possess a firearm ~~the~~
4 ~~possessor of a valid Firearm Owners Identification Card.~~

5 (Source: P.A. 99-174, eff. 7-29-15; 100-201, eff. 8-18-17.)

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

21 (e) Sells or gives any firearm to any person who has
22 been a patient in a mental institution within the past 5
23 years. In this subsection (e):

24 "Mental institution" means any hospital,
25 institution, clinic, evaluation facility, mental

1 health center, or part thereof, which is used primarily
2 for the care or treatment of persons with mental
3 illness.

4 "Patient in a mental institution" means the person
5 was admitted, either voluntarily or involuntarily, to
6 a mental institution for mental health treatment,
7 unless the treatment was voluntary and solely for an
8 alcohol abuse disorder and no other secondary
9 substance abuse disorder or mental illness.

10 (f) Sells or gives any firearms to any person who is a
11 person with an intellectual disability.

12 (g) Delivers any firearm, incidental to a sale, without
13 withholding delivery of the firearm for at least 72 hours
14 after application for its purchase has been made, or
15 delivers a stun gun or taser, incidental to a sale, without
16 withholding delivery of the stun gun or taser for at least
17 24 hours after application for its purchase has been made.
18 However, this paragraph (g) does not apply to: (1) the sale
19 of a firearm to a law enforcement officer if the seller of
20 the firearm knows that the person to whom he or she is
21 selling the firearm is a law enforcement officer or the
22 sale of a firearm to a person who desires to purchase a
23 firearm for use in promoting the public interest incident
24 to his or her employment as a bank guard, armed truck
25 guard, or other similar employment; (2) a mail order sale
26 of a firearm from a federally licensed firearms dealer to a

1 nonresident of Illinois under which the firearm is mailed
2 to a federally licensed firearms dealer outside the
3 boundaries of Illinois; (3) (blank); (4) the sale of a
4 firearm to a dealer licensed as a federal firearms dealer
5 under Section 923 of the federal Gun Control Act of 1968
6 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
7 shotgun, or other long gun to a resident registered
8 competitor or attendee or non-resident registered
9 competitor or attendee by any dealer licensed as a federal
10 firearms dealer under Section 923 of the federal Gun
11 Control Act of 1968 at competitive shooting events held at
12 the World Shooting Complex sanctioned by a national
13 governing body. For purposes of transfers or sales under
14 subparagraph (5) of this paragraph (g), the Department of
15 Natural Resources shall give notice to the Department of
16 State Police at least 30 calendar days prior to any
17 competitive shooting events at the World Shooting Complex
18 sanctioned by a national governing body. The notification
19 shall be made on a form prescribed by the Department of
20 State Police. The sanctioning body shall provide a list of
21 all registered competitors and attendees at least 24 hours
22 before the events to the Department of State Police. Any
23 changes to the list of registered competitors and attendees
24 shall be forwarded to the Department of State Police as
25 soon as practicable. The Department of State Police must
26 destroy the list of registered competitors and attendees no

1 later than 30 days after the date of the event. Nothing in
2 this paragraph (g) relieves a federally licensed firearm
3 dealer from the requirements of conducting a NICS
4 background check through the Illinois Point of Contact
5 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
6 "application" means when the buyer and seller reach an
7 agreement to purchase a firearm. For purposes of this
8 paragraph (g), "national governing body" means a group of
9 persons who adopt rules and formulate policy on behalf of a
10 national firearm sporting organization.

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

24 (i) Sells or gives a firearm of any size to any person
25 under 18 years of age who is not eligible under State or
26 federal law to possess a firearm ~~does not possess a valid~~

1 ~~Firearm Owner's Identification Card.~~

2 (j) Sells or gives a firearm while engaged in the
3 business of selling firearms at wholesale or retail without
4 being licensed as a federal firearms dealer under Section
5 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
6 In this paragraph (j):

7 A person "engaged in the business" means a person who
8 devotes time, attention, and labor to engaging in the
9 activity as a regular course of trade or business with the
10 principal objective of livelihood and profit, but does not
11 include a person who makes occasional repairs of firearms
12 or who occasionally fits special barrels, stocks, or
13 trigger mechanisms to firearms.

14 "With the principal objective of livelihood and
15 profit" means that the intent underlying the sale or
16 disposition of firearms is predominantly one of obtaining
17 livelihood and pecuniary gain, as opposed to other intents,
18 such as improving or liquidating a personal firearms
19 collection; however, proof of profit shall not be required
20 as to a person who engages in the regular and repetitive
21 purchase and disposition of firearms for criminal purposes
22 or terrorism.

23 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
24 ~~to a person who does not display to the seller or~~
25 ~~transferor of the firearm either: (1) a currently valid~~
26 ~~Firearm Owner's Identification Card that has previously~~

1 ~~been issued in the transferee's name by the Department of~~
2 ~~State Police under the provisions of the Firearm Owners~~
3 ~~Identification Card Act; or (2) a currently valid license~~
4 ~~to carry a concealed firearm that has previously been~~
5 ~~issued in the transferee's name by the Department of State~~
6 ~~Police under the Firearm Concealed Carry Act. This~~
7 ~~paragraph (k) does not apply to the transfer of a firearm~~
8 ~~to a person who is exempt from the requirement of~~
9 ~~possessing a Firearm Owner's Identification Card under~~
10 ~~Section 2 of the Firearm Owners Identification Card Act.~~
11 ~~For the purposes of this Section, a currently valid Firearm~~
12 ~~Owner's Identification Card means (i) a Firearm Owner's~~
13 ~~Identification Card that has not expired or (ii) an~~
14 ~~approval number issued in accordance with subsection~~
15 ~~(a-10) of subsection 3 or Section 3.1 of the Firearm Owners~~
16 ~~Identification Card Act shall be proof that the Firearm~~
17 ~~Owner's Identification Card was valid.~~

18 (1) (Blank). ~~In addition to the other requirements~~
19 ~~of this paragraph (k), all persons who are not~~
20 ~~federally licensed firearms dealers must also have~~
21 ~~complied with subsection (a-10) of Section 3 of the~~
22 ~~Firearm Owners Identification Card Act by determining~~
23 ~~the validity of a purchaser's Firearm Owner's~~
24 ~~Identification Card.~~

25 (2) (Blank). ~~All sellers or transferors who have~~
26 ~~complied with the requirements of subparagraph (1) of~~

1 ~~this paragraph (k) shall not be liable for damages in~~
2 ~~any civil action arising from the use or misuse by the~~
3 ~~transferee of the firearm transferred, except for~~
4 ~~willful or wanton misconduct on the part of the seller~~
5 ~~or transferor.~~

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

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

22 (C) Sentence.

23 (1) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (c), (e), (f), (g),
25 or (h) of subsection (A) commits a Class 4 felony.

26 (2) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (b) or (i) of
2 subsection (A) commits a Class 3 felony.

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

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

1 than 5 years and no more than 15 years.

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

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

22 (7) (Blank). ~~Any person convicted of unlawful sale or~~
23 ~~delivery of firearms in violation of paragraph (k) of~~
24 ~~subsection (A) commits a Class 4 felony, except that a~~
25 ~~violation of subparagraph (1) of paragraph (k) of~~
26 ~~subsection (A) shall not be punishable as a crime or petty~~

1 ~~offense. A third or subsequent conviction for a violation~~
2 ~~of paragraph (k) of 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. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
11 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

12 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

13 Sec. 24-3.1. Unlawful possession of firearms and firearm
14 ammunition.

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

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

20 (2) He is under 21 years of age, has been convicted of
21 a misdemeanor other than a traffic offense or adjudged
22 delinquent and has any firearms or firearm ammunition in
23 his possession; or

24 (3) He is a narcotic addict and has any firearms or
25 firearm ammunition in his possession; or

1 (4) He has been a patient in a mental institution
2 within the past 5 years and has any firearms or firearm
3 ammunition in his possession. For purposes of this
4 paragraph (4):

5 "Mental institution" means any hospital,
6 institution, clinic, evaluation facility, mental
7 health center, or part thereof, which is used primarily
8 for the care or treatment of persons with mental
9 illness.

10 "Patient in a mental institution" means the person
11 was admitted, either voluntarily or involuntarily, to
12 a mental institution for mental health treatment,
13 unless the treatment was voluntary and solely for an
14 alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness; or

16 (5) He is a person with an intellectual disability and
17 has any firearms or firearm ammunition in his possession;
18 or

19 (6) He has in his possession any explosive bullet.

20 For purposes of this paragraph "explosive bullet" means the
21 projectile portion of an ammunition cartridge which contains or
22 carries an explosive charge which will explode upon contact
23 with the flesh of a human or an animal. "Cartridge" means a
24 tubular metal case having a projectile affixed at the front
25 thereof and a cap or primer at the rear end thereof, with the
26 propellant contained in such tube between the projectile and

1 the cap.

2 (a-5) A person prohibited from possessing a firearm under
3 this Section may petition the Director of State Police for a
4 hearing and relief from the prohibition, unless the prohibition
5 was based upon a forcible felony, stalking, aggravated
6 stalking, domestic battery, any violation of the Illinois
7 Controlled Substances Act, the Methamphetamine Control and
8 Community Protection Act, or the Cannabis Control Act that is
9 classified as a Class 2 or greater felony, any felony violation
10 of Article 24 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, or any adjudication as a delinquent minor for the
12 commission of an offense that if committed by an adult would be
13 a felony, in which case the person may petition the circuit
14 court in writing in the county of his or her residence for a
15 hearing and relief from the prohibition. The Director or court
16 may grant the relief if it is established by the petitioner to
17 the court's or Director's satisfaction that:

18 (1) when in the circuit court, the State's Attorney has
19 been served with a written copy of the petition at least 30
20 days before any hearing in the circuit court and at the
21 hearing the State's Attorney was afforded an opportunity to
22 present evidence and object to the petition;

23 (2) the petitioner has not been convicted of a forcible
24 felony under the laws of this State or any other
25 jurisdiction within 20 years of the filing of the petition,
26 or at least 20 years have passed since the end of any

1 period of imprisonment imposed in relation to that
2 conviction;

3 (3) the circumstances regarding a criminal conviction,
4 where applicable, the petitioner's criminal history and
5 his reputation are such that the petitioner will not be
6 likely to act in a manner dangerous to public safety;

7 (4) granting relief would not be contrary to the public
8 interest; and

9 (5) granting relief would not be contrary to federal
10 law.

11 (b) Sentence.

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

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

24 (Source: P.A. 99-143, eff. 7-27-15.)

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

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

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

6 For purposes of this Section:

7 "Armor piercing bullet" means any handgun bullet or handgun
8 ammunition with projectiles or projectile cores constructed
9 entirely (excluding the presence of traces of other substances)
10 from tungsten alloys, steel, iron, brass, bronze, beryllium
11 copper or depleted uranium, or fully jacketed bullets larger
12 than 22 caliber whose jacket has a weight of more than 25% of
13 the total weight of the projectile, and excluding those handgun
14 projectiles whose cores are composed of soft materials such as
15 lead or lead alloys, zinc or zinc alloys, frangible projectiles
16 designed primarily for sporting purposes, and any other
17 projectiles or projectile cores that the U. S. Secretary of the
18 Treasury finds to be primarily intended to be used for sporting
19 purposes or industrial purposes or that otherwise does not
20 constitute "armor piercing ammunition" as that term is defined
21 by federal law.

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

26 "Bolo shell" means any shell that can be fired in a firearm

1 and expels as projectiles 2 or more metal balls connected by
2 solid metal wire.

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

6 (b) A person commits a Class X felony when he or she,
7 knowing that a firearm, ~~as defined in Section 1.1 of the~~
8 ~~Firearm Owners Identification Card Act,~~ is loaded with an armor
9 piercing bullet, dragon's breath shotgun shell, bolo shell, or
10 flechette shell, intentionally or recklessly discharges such
11 firearm and such bullet or shell strikes any other person.

12 (c) Any person who possesses, concealed on or about his or
13 her person, an armor piercing bullet, dragon's breath shotgun
14 shell, bolo shell, or flechette shell and a firearm suitable
15 for the discharge thereof is guilty of a Class 2 felony.

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

18 (1) Peace officers;

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

22 (3) Members of the Armed Services or Reserve Forces of
23 the United States or the Illinois National Guard while in
24 the performance of their official duties;

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

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

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

4 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

6 (a) It shall be unlawful for any person who holds a license
7 to sell at retail any alcoholic liquor issued by the Illinois
8 Liquor Control Commission or local liquor control commissioner
9 under the Liquor Control Act of 1934 or an agent or employee of
10 the licensee to sell or deliver to any other person a firearm
11 in or on the real property of the establishment where the
12 licensee is licensed to sell alcoholic liquors unless the sale
13 or delivery of the firearm is otherwise lawful under this
14 Article ~~and under the Firearm Owners Identification Card Act.~~

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

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

18 (720 ILCS 5/24-3.5)

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

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

22 (1) executed by a transferee of a firearm stating: (i)
23 the transferee's name and address (including county or
24 similar political subdivision); (ii) whether the

1 transferee is a citizen of the United States; (iii) the
2 transferee's State of residence; and (iv) the date and
3 place of birth, height, weight, and race of the transferee;
4 and

5 (2) on which the transferee certifies that he or she is
6 not prohibited by federal law from transporting or shipping
7 a firearm in interstate or foreign commerce or receiving a
8 firearm that has been shipped or transported in interstate
9 or foreign commerce or possessing a firearm in or affecting
10 commerce.

11 (b) A person commits the offense of unlawful purchase of a
12 firearm who knowingly purchases or attempts to purchase a
13 firearm with the intent to deliver that firearm to another
14 person who is prohibited by federal or State law from
15 possessing a firearm.

16 (c) A person commits the offense of unlawful purchase of a
17 firearm when he or she, in purchasing or attempting to purchase
18 a firearm, intentionally provides false or misleading
19 information on a United States Department of the Treasury,
20 Bureau of Alcohol, Tobacco and Firearms firearms transaction
21 record form.

22 (d) Exemption. It is not a violation of subsection (b) of
23 this Section for a person to make a gift or loan of a firearm to
24 a person who is not prohibited by federal or State law from
25 possessing a firearm ~~if the transfer of the firearm is made in~~
26 ~~accordance with Section 3 of the Firearm Owners Identification~~

1 ~~Card Act.~~

2 (e) Sentence.

3 (1) A person who commits the offense of unlawful
4 purchase of a firearm:

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

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

11 (C) is guilty of a Class X felony for which the
12 offender shall be sentenced to a term of imprisonment
13 of not less than 9 years and not more than 40 years for
14 purchasing or attempting to purchase not less than 6
15 firearms at the same time or within a 2 year period.

16 (2) In addition to any other penalty that may be
17 imposed for a violation of this Section, the court may
18 sentence a person convicted of a violation of subsection
19 (c) of this Section to a fine not to exceed \$250,000 for
20 each violation.

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

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

24 (720 ILCS 5/24-4.1)

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

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

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

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

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

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

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

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

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

24 (720 ILCS 5/24-4.5 new)

25 Sec. 24-4.5. Dial up system.

1 (a) The Department of State Police shall provide a dial up
2 telephone system or utilize other existing technology which
3 shall be used by any federally licensed firearm dealer, gun
4 show promoter, or gun show vendor who is to transfer a firearm,
5 stun gun, or taser under the provisions of this Code. The
6 Department of State Police may utilize existing technology
7 which allows the caller to be charged a fee not to exceed \$2.
8 Fees collected by the Department of State Police shall be
9 deposited in the State Police Services Fund and used to provide
10 the service.

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

1 person from obtaining a firearm.

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

5 (1) assign a unique identification number to the
6 transfer; and

7 (2) provide the licensee, gun show promoter, or gun
8 show vendor with the number.

9 (d) Approvals issued by the Department of State Police for
10 the purchase of a firearm are valid for 30 days from the date
11 of issue.

12 (e) (1) The Department of State Police must act as the
13 Illinois Point of Contact for the National Instant Criminal
14 Background Check System.

15 (2) The Department of State Police and the Department of
16 Human Services shall, in accordance with State and federal law
17 regarding confidentiality, enter into a memorandum of
18 understanding with the Federal Bureau of Investigation for the
19 purpose of implementing the National Instant Criminal
20 Background Check System in the State. The Department of State
21 Police shall report the name, date of birth, and physical
22 description of any person prohibited from possessing a firearm
23 under this Code or 18 U.S.C. 922(g) and (n) to the National
24 Instant Criminal Background Check System Index, Denied Persons
25 Files.

26 (f) The Department of State Police shall adopt rules not

1 inconsistent with this Section to implement this system.

2 (720 ILCS 5/24-9)

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

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

13 (1) secured by a device or mechanism, other than the
14 firearm safety, designed to render a firearm temporarily
15 inoperable; or

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

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

20 (b) Sentence. A person who violates this Section is guilty
21 of a Class C misdemeanor and shall be fined not less than
22 \$1,000. A second or subsequent violation of this Section is a
23 Class A misdemeanor.

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

25 (1) if the minor under 14 years of age gains access to

1 a firearm and uses it in a lawful act of self-defense or
2 defense of another; or

3 (2) to any firearm obtained by a minor under the age of
4 14 because of an unlawful entry of the premises by the
5 minor or another person.

6 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
7 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
8 ~~Owners Identification Card Act.~~

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

10 Section 85. The Methamphetamine Control and Community
11 Protection Act is amended by changing Section 10 as follows:

12 (720 ILCS 646/10)

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

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

16 "Anhydrous ammonia equipment" means all items used to
17 store, hold, contain, handle, transfer, transport, or apply
18 anhydrous ammonia for lawful purposes.

19 "Booby trap" means any device designed to cause physical
20 injury when triggered by an act of a person approaching,
21 entering, or moving through a structure, a vehicle, or any
22 location where methamphetamine has been manufactured, is being
23 manufactured, or is intended to be manufactured.

24 "Deliver" or "delivery" has the meaning provided in

1 subsection (h) of Section 102 of the Illinois Controlled
2 Substances Act.

3 "Director" means the Director of State Police or the
4 Director's designated agents.

5 "Dispose" or "disposal" means to abandon, discharge,
6 release, deposit, inject, dump, spill, leak, or place
7 methamphetamine waste onto or into any land, water, or well of
8 any type so that the waste has the potential to enter the
9 environment, be emitted into the air, or be discharged into the
10 soil or any waters, including groundwater.

11 "Emergency response" means the act of collecting evidence
12 from or securing a methamphetamine laboratory site,
13 methamphetamine waste site or other methamphetamine-related
14 site and cleaning up the site, whether these actions are
15 performed by public entities or private contractors paid by
16 public entities.

17 "Emergency service provider" means a local, State, or
18 federal peace officer, firefighter, emergency medical
19 technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, or other medical or
22 first aid personnel rendering aid, or any agent or designee of
23 the foregoing.

24 "Finished methamphetamine" means methamphetamine in a form
25 commonly used for personal consumption.

26 "Firearm" has the meaning provided in Section 2-7.5 of the

1 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
2 ~~Card Act.~~

3 "Manufacture" means to produce, prepare, compound,
4 convert, process, synthesize, concentrate, purify, separate,
5 extract, or package any methamphetamine, methamphetamine
6 precursor, methamphetamine manufacturing catalyst,
7 methamphetamine manufacturing reagent, methamphetamine
8 manufacturing solvent, or any substance containing any of the
9 foregoing.

10 "Methamphetamine" means the chemical methamphetamine (a
11 Schedule II controlled substance under the Illinois Controlled
12 Substances Act) or any salt, optical isomer, salt of optical
13 isomer, or analog thereof, with the exception of
14 3,4-Methylenedioxymethamphetamine (MDMA) or any other
15 scheduled substance with a separate listing under the Illinois
16 Controlled Substances Act.

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

21 "Methamphetamine manufacturing environment" means a
22 structure or vehicle in which:

- 23 (1) methamphetamine is being or has been manufactured;
24 (2) chemicals that are being used, have been used, or
25 are intended to be used to manufacture methamphetamine are
26 stored;

1 (3) methamphetamine manufacturing materials that have
2 been used to manufacture methamphetamine are stored; or

3 (4) methamphetamine manufacturing waste is stored.

4 "Methamphetamine manufacturing material" means any
5 methamphetamine precursor, substance containing any
6 methamphetamine precursor, methamphetamine manufacturing
7 catalyst, substance containing any methamphetamine
8 manufacturing catalyst, methamphetamine manufacturing reagent,
9 substance containing any methamphetamine manufacturing
10 reagent, methamphetamine manufacturing solvent, substance
11 containing any methamphetamine manufacturing solvent, or any
12 other chemical, substance, ingredient, equipment, apparatus,
13 or item that is being used, has been used, or is intended to be
14 used in the manufacture of methamphetamine.

15 "Methamphetamine manufacturing reagent" means any
16 substance other than a methamphetamine manufacturing catalyst
17 that has been used, is being used, or is intended to be used to
18 react with and chemically alter any methamphetamine precursor.

19 "Methamphetamine manufacturing solvent" means any
20 substance that has been used, is being used, or is intended to
21 be used as a medium in which any methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, or any substance containing any of the
24 foregoing is dissolved, diluted, or washed during any part of
25 the methamphetamine manufacturing process.

26 "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is
2 left over from, results from, or is produced by the process of
3 manufacturing methamphetamine, other than finished
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
8 isomer, or salt of an optical isomer of any of these chemicals.

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

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

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from
2 disease, injury, functional disorder, or congenital condition
3 which renders the person incapable of adequately providing for
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise
6 obtain, by legal or illegal means, or to cause another to take
7 such action.

8 "Second or subsequent offense" means an offense under this
9 Act committed by an offender who previously committed an
10 offense under this Act, the Illinois Controlled Substances Act,
11 the Cannabis Control Act, or another Act of this State, another
12 state, or the United States relating to methamphetamine,
13 cannabis, or any other controlled substance.

14 "Standard dosage form", as used in relation to any
15 methamphetamine precursor, means that the methamphetamine
16 precursor is contained in a pill, tablet, capsule, caplet, gel
17 cap, or liquid cap that has been manufactured by a lawful
18 entity and contains a standard quantity of methamphetamine
19 precursor.

20 "Unauthorized container", as used in relation to anhydrous
21 ammonia, means any container that is not designed for the
22 specific and sole purpose of holding, storing, transporting, or
23 applying anhydrous ammonia. "Unauthorized container" includes,
24 but is not limited to, any propane tank, fire extinguisher,
25 oxygen cylinder, gasoline can, food or beverage cooler, or
26 compressed gas cylinder used in dispensing fountain drinks.

1 "Unauthorized container" does not encompass anhydrous ammonia
2 manufacturing plants, refrigeration systems where anhydrous
3 ammonia is used solely as a refrigerant, anhydrous ammonia
4 transportation pipelines, anhydrous ammonia tankers, or
5 anhydrous ammonia barges.

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

7 Section 90. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 102-7.1, 110-10, 112A-11.1,
9 112A-11.2, and 112A-14 as follows:

10 (725 ILCS 5/102-7.1)

11 Sec. 102-7.1. "Category A offense". "Category A offense"
12 means a Class 1 felony, Class 2 felony, Class X felony, first
13 degree murder, a violation of Section 11-204 of the Illinois
14 Vehicle Code, a second or subsequent violation of Section
15 11-501 of the Illinois Vehicle Code, a violation of subsection
16 (d) of Section 11-501 of the Illinois Vehicle Code, a violation
17 of Section 11-401 of the Illinois Vehicle Code if the accident
18 results in injury and the person failed to report the accident
19 within 30 minutes, a violation of Section 9-3, 9-3.4, 10-3,
20 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25, 12-2,
21 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6, 12-7.1,
22 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3, 25-1,
23 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
24 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code

1 of 2012, a violation of paragraph (5) or (6) of subsection (b)
2 of Section 10-9 of the Criminal Code of 2012, a violation of
3 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
4 of Section 11-1.50 of the Criminal Code of 2012, a violation of
5 Section 12-7 of the Criminal Code of 2012 if the defendant
6 inflicts bodily harm on the victim to obtain a confession,
7 statement, or information, a violation of Section 12-7.5 of the
8 Criminal Code of 2012 if the action results in bodily harm, a
9 violation of paragraph (3) of subsection (b) of Section 17-2 of
10 the Criminal Code of 2012, a violation of subdivision
11 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
12 violation of paragraph (6) of subsection (a) of Section 24-1 of
13 the Criminal Code of 2012, a first violation of Section 24-1.6
14 of the Criminal Code of 2012 by a person 18 years of age or
15 older where the factors listed in both items (A) and (C) or
16 both items (A-5) and (C) of paragraph (3) of subsection (a) of
17 Section 24-1.6 of the Criminal Code of 2012 are present, a
18 Class 3 felony violation of paragraph (1) of subsection (a) of
19 Section 2 of the Firearm Owners Identification Card Act
20 committed before the effective date of this amendatory Act of
21 the 101st General Assembly, or a violation of Section 10 of the
22 Sex Offender Registration Act.

23 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

25 Sec. 110-10. Conditions of bail bond.

1 (a) If a person is released prior to conviction, either
2 upon payment of bail security or on his or her own
3 recognizance, the conditions of the bail bond shall be that he
4 or she will:

5 (1) Appear to answer the charge in the court having
6 jurisdiction on a day certain and thereafter as ordered by
7 the court until discharged or final order of the court;

8 (2) Submit himself or herself to the orders and process
9 of the court;

10 (3) Not depart this State without leave of the court;

11 (4) Not violate any criminal statute of any
12 jurisdiction;

13 (5) At a time and place designated by the court,
14 surrender all firearms in his or her possession to a law
15 enforcement officer designated by the court to take custody
16 of and impound the firearms ~~and physically surrender his or~~
17 ~~her Firearm Owner's Identification Card to the clerk of the~~
18 ~~circuit court~~ when the offense the person has been charged
19 with is a forcible felony, stalking, aggravated stalking,
20 domestic battery, any violation of the Illinois Controlled
21 Substances Act, the Methamphetamine Control and Community
22 Protection Act, or the Cannabis Control Act that is
23 classified as a Class 2 or greater felony, or any felony
24 violation of Article 24 of the Criminal Code of 1961 or the
25 Criminal Code of 2012; the court may, however, forgo the
26 imposition of this condition when the circumstances of the

1 case clearly do not warrant it or when its imposition would
2 be impractical; ~~if the Firearm Owner's Identification Card~~
3 ~~is confiscated, the clerk of the circuit court shall mail~~
4 ~~the confiscated card to the Illinois State Police;~~ all
5 legally possessed firearms shall be returned to the person
6 upon the charges being dismissed, or if the person is found
7 not guilty, unless the finding of not guilty is by reason
8 of insanity; and

9 (6) At a time and place designated by the court, submit
10 to a psychological evaluation when the person has been
11 charged with a violation of item (4) of subsection (a) of
12 Section 24-1 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 and that violation occurred in a school or in
14 any conveyance owned, leased, or contracted by a school to
15 transport students to or from school or a school-related
16 activity, or on any public way within 1,000 feet of real
17 property comprising any school.

18 Psychological evaluations ordered pursuant to this Section
19 shall be completed promptly and made available to the State,
20 the defendant, and the court. As a further condition of bail
21 under these circumstances, the court shall order the defendant
22 to refrain from entering upon the property of the school,
23 including any conveyance owned, leased, or contracted by a
24 school to transport students to or from school or a
25 school-related activity, or on any public way within 1,000 feet
26 of real property comprising any school. Upon receipt of the

1 psychological evaluation, either the State or the defendant may
2 request a change in the conditions of bail, pursuant to Section
3 110-6 of this Code. The court may change the conditions of bail
4 to include a requirement that the defendant follow the
5 recommendations of the psychological evaluation, including
6 undergoing psychiatric treatment. The conclusions of the
7 psychological evaluation and any statements elicited from the
8 defendant during its administration are not admissible as
9 evidence of guilt during the course of any trial on the charged
10 offense, unless the defendant places his or her mental
11 competency in issue.

12 (b) The court may impose other conditions, such as the
13 following, if the court finds that such conditions are
14 reasonably necessary to assure the defendant's appearance in
15 court, protect the public from the defendant, or prevent the
16 defendant's unlawful interference with the orderly
17 administration of justice:

18 (1) Report to or appear in person before such person or
19 agency as the court may direct;

20 (2) Refrain from possessing a firearm or other
21 dangerous weapon;

22 (3) Refrain from approaching or communicating with
23 particular persons or classes of persons;

24 (4) Refrain from going to certain described
25 geographical areas or premises;

26 (5) Refrain from engaging in certain activities or

- 1 indulging in intoxicating liquors or in certain drugs;
- 2 (6) Undergo treatment for drug addiction or
3 alcoholism;
- 4 (7) Undergo medical or psychiatric treatment;
- 5 (8) Work or pursue a course of study or vocational
6 training;
- 7 (9) Attend or reside in a facility designated by the
8 court;
- 9 (10) Support his or her dependents;
- 10 (11) If a minor resides with his or her parents or in a
11 foster home, attend school, attend a non-residential
12 program for youths, and contribute to his or her own
13 support at home or in a foster home;
- 14 (12) Observe any curfew ordered by the court;
- 15 (13) Remain in the custody of such designated person or
16 organization agreeing to supervise his release. Such third
17 party custodian shall be responsible for notifying the
18 court if the defendant fails to observe the conditions of
19 release which the custodian has agreed to monitor, and
20 shall be subject to contempt of court for failure so to
21 notify the court;
- 22 (14) Be placed under direct supervision of the Pretrial
23 Services Agency, Probation Department or Court Services
24 Department in a pretrial bond home supervision capacity
25 with or without the use of an approved electronic
26 monitoring device subject to Article 8A of Chapter V of the

1 Unified Code of Corrections;

2 (14.1) The court shall impose upon a defendant who is
3 charged with any alcohol, cannabis, methamphetamine, or
4 controlled substance violation and is placed under direct
5 supervision of the Pretrial Services Agency, Probation
6 Department or Court Services Department in a pretrial bond
7 home supervision capacity with the use of an approved
8 monitoring device, as a condition of such bail bond, a fee
9 that represents costs incidental to the electronic
10 monitoring for each day of such bail supervision ordered by
11 the court, unless after determining the inability of the
12 defendant to pay the fee, the court assesses a lesser fee
13 or no fee as the case may be. The fee shall be collected by
14 the clerk of the circuit court, except as provided in an
15 administrative order of the Chief Judge of the circuit
16 court. The clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for deposit
18 in the substance abuse services fund under Section 5-1086.1
19 of the Counties Code, except as provided in an
20 administrative order of the Chief Judge of the circuit
21 court.

22 The Chief Judge of the circuit court of the county may
23 by administrative order establish a program for electronic
24 monitoring of offenders with regard to drug-related and
25 alcohol-related offenses, in which a vendor supplies and
26 monitors the operation of the electronic monitoring

1 device, and collects the fees on behalf of the county. The
2 program shall include provisions for indigent offenders
3 and the collection of unpaid fees. The program shall not
4 unduly burden the offender and shall be subject to review
5 by the Chief Judge.

6 The Chief Judge of the circuit court may suspend any
7 additional charges or fees for late payment, interest, or
8 damage to any device;

9 (14.2) The court shall impose upon all defendants,
10 including those defendants subject to paragraph (14.1)
11 above, placed under direct supervision of the Pretrial
12 Services Agency, Probation Department or Court Services
13 Department in a pretrial bond home supervision capacity
14 with the use of an approved monitoring device, as a
15 condition of such bail bond, a fee which shall represent
16 costs incidental to such electronic monitoring for each day
17 of such bail supervision ordered by the court, unless after
18 determining the inability of the defendant to pay the fee,
19 the court assesses a lesser fee or no fee as the case may
20 be. The fee shall be collected by the clerk of the circuit
21 court, except as provided in an administrative order of the
22 Chief Judge of the circuit court. The clerk of the circuit
23 court shall pay all monies collected from this fee to the
24 county treasurer who shall use the monies collected to
25 defray the costs of corrections. The county treasurer shall
26 deposit the fee collected in the county working cash fund

1 under Section 6-27001 or Section 6-29002 of the Counties
2 Code, as the case may be, except as provided in an
3 administrative order of the Chief Judge of the circuit
4 court.

5 The Chief Judge of the circuit court of the county may
6 by administrative order establish a program for electronic
7 monitoring of offenders with regard to drug-related and
8 alcohol-related offenses, in which a vendor supplies and
9 monitors the operation of the electronic monitoring
10 device, and collects the fees on behalf of the county. The
11 program shall include provisions for indigent offenders
12 and the collection of unpaid fees. The program shall not
13 unduly burden the offender and shall be subject to review
14 by the Chief Judge.

15 The Chief Judge of the circuit court may suspend any
16 additional charges or fees for late payment, interest, or
17 damage to any device;

18 (14.3) The Chief Judge of the Judicial Circuit may
19 establish reasonable fees to be paid by a person receiving
20 pretrial services while under supervision of a pretrial
21 services agency, probation department, or court services
22 department. Reasonable fees may be charged for pretrial
23 services including, but not limited to, pretrial
24 supervision, diversion programs, electronic monitoring,
25 victim impact services, drug and alcohol testing, DNA
26 testing, GPS electronic monitoring, assessments and

1 evaluations related to domestic violence and other
2 victims, and victim mediation services. The person
3 receiving pretrial services may be ordered to pay all costs
4 incidental to pretrial services in accordance with his or
5 her ability to pay those costs;

6 (14.4) For persons charged with violating Section
7 11-501 of the Illinois Vehicle Code, refrain from operating
8 a motor vehicle not equipped with an ignition interlock
9 device, as defined in Section 1-129.1 of the Illinois
10 Vehicle Code, pursuant to the rules promulgated by the
11 Secretary of State for the installation of ignition
12 interlock devices. Under this condition the court may allow
13 a defendant who is not self-employed to operate a vehicle
14 owned by the defendant's employer that is not equipped with
15 an ignition interlock device in the course and scope of the
16 defendant's employment;

17 (15) Comply with the terms and conditions of an order
18 of protection issued by the court under the Illinois
19 Domestic Violence Act of 1986 or an order of protection
20 issued by the court of another state, tribe, or United
21 States territory;

22 (16) Under Section 110-6.5 comply with the conditions
23 of the drug testing program; and

24 (17) Such other reasonable conditions as the court may
25 impose.

26 (c) When a person is charged with an offense under Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, involving a victim who is a minor under
4 18 years of age living in the same household with the defendant
5 at the time of the offense, in granting bail or releasing the
6 defendant on his own recognizance, the judge shall impose
7 conditions to restrict the defendant's access to the victim
8 which may include, but are not limited to conditions that he
9 will:

10 1. Vacate the household.

11 2. Make payment of temporary support to his dependents.

12 3. Refrain from contact or communication with the child
13 victim, except as ordered by the court.

14 (d) When a person is charged with a criminal offense and
15 the victim is a family or household member as defined in
16 Article 112A, conditions shall be imposed at the time of the
17 defendant's release on bond that restrict the defendant's
18 access to the victim. Unless provided otherwise by the court,
19 the restrictions shall include requirements that the defendant
20 do the following:

21 (1) refrain from contact or communication with the
22 victim for a minimum period of 72 hours following the
23 defendant's release; and

24 (2) refrain from entering or remaining at the victim's
25 residence for a minimum period of 72 hours following the
26 defendant's release.

1 (e) Local law enforcement agencies shall develop
2 standardized bond forms for use in cases involving family or
3 household members as defined in Article 112A, including
4 specific conditions of bond as provided in subsection (d).
5 Failure of any law enforcement department to develop or use
6 those forms shall in no way limit the applicability and
7 enforcement of subsections (d) and (f).

8 (f) If the defendant is admitted to bail after conviction
9 the conditions of the bail bond shall be that he will, in
10 addition to the conditions set forth in subsections (a) and (b)
11 hereof:

12 (1) Duly prosecute his appeal;

13 (2) Appear at such time and place as the court may
14 direct;

15 (3) Not depart this State without leave of the court;

16 (4) Comply with such other reasonable conditions as the
17 court may impose; and

18 (5) If the judgment is affirmed or the cause reversed
19 and remanded for a new trial, forthwith surrender to the
20 officer from whose custody he was bailed.

21 (g) Upon a finding of guilty for any felony offense, the
22 defendant shall physically surrender, at a time and place
23 designated by the court, any and all firearms in his or her
24 possession ~~and his or her Firearm Owner's Identification Card~~
25 as a condition of remaining on bond pending sentencing.

26 (Source: P.A. 99-797, eff. 8-12-16.)

1 (725 ILCS 5/112A-11.1)

2 Sec. 112A-11.1. Procedure for determining whether certain
3 misdemeanor crimes are crimes of domestic violence for purposes
4 of federal law.

5 (a) When a defendant has been charged with a violation of
6 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, the State
8 may, at arraignment or no later than 45 days after arraignment,
9 for the purpose of notification to the Department of State
10 Police ~~Firearm Owner's Identification Card Office~~, serve on the
11 defendant and file with the court a notice alleging that
12 conviction of the offense would subject the defendant to the
13 prohibitions of 18 U.S.C. 922(g) (9) because of the relationship
14 between the defendant and the alleged victim and the nature of
15 the alleged offense.

16 (b) The notice shall include the name of the person alleged
17 to be the victim of the crime and shall specify the nature of
18 the alleged relationship as set forth in 18 U.S.C.
19 921(a) (33) (A) (ii). It shall also specify the element of the
20 charged offense which requires the use or attempted use of
21 physical force, or the threatened use of a deadly weapon, as
22 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include
23 notice that the defendant is entitled to a hearing on the
24 allegation contained in the notice and that if the allegation
25 is sustained, that determination and conviction shall be

1 reported to the Department of State Police ~~Firearm Owner's~~
2 ~~Identification Card Office~~.

3 (c) After having been notified as provided in subsection
4 (b) of this Section, the defendant may stipulate or admit,
5 orally on the record or in writing, that conviction of the
6 offense would subject the defendant to the prohibitions of 18
7 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
8 922(g)(9) shall be deemed established for purposes of Section
9 112A-11.2. If the defendant denies the applicability of 18
10 U.S.C. 922(g)(9) as alleged in the notice served by the State,
11 or stands mute with respect to that allegation, then the State
12 shall bear the burden to prove beyond a reasonable doubt that
13 the offense is one to which the prohibitions of 18 U.S.C.
14 922(g)(9) apply. The court may consider reliable hearsay
15 evidence submitted by either party provided that it is relevant
16 to the determination of the allegation. Facts previously proven
17 at trial or elicited at the time of entry of a plea of guilty
18 shall be deemed established beyond a reasonable doubt and shall
19 not be relitigated. At the conclusion of the hearing, or upon a
20 stipulation or admission, as applicable, the court shall make a
21 specific written determination with respect to the allegation.
22 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

23 (725 ILCS 5/112A-11.2)

24 Sec. 112A-11.2. Notification to the Department of State
25 Police ~~Firearm Owner's Identification Card Office~~ of

1 determinations in certain misdemeanor cases. Upon judgment of
2 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
3 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 when the defendant has been determined, under
5 Section 112A-11.1, to be subject to the prohibitions of 18
6 U.S.C. 922(g)(9), the circuit court clerk shall include
7 notification and a copy of the written determination in a
8 report of the conviction to the Department of State Police
9 ~~Firearm Owner's Identification Card Office~~ to enable the office
10 to report that determination to the Federal Bureau of
11 Investigation and assist the Bureau in identifying persons
12 prohibited from purchasing and possessing a firearm pursuant to
13 the provisions of 18 U.S.C. 922.

14 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

15 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

16 Sec. 112A-14. Domestic violence order of protection;
17 remedies.

18 (a) (Blank).

19 (b) The court may order any of the remedies listed in this
20 subsection (b). The remedies listed in this subsection (b)
21 shall be in addition to other civil or criminal remedies
22 available to petitioner.

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

1 deprivation, as defined in this Article, if such abuse has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in subsection (c-2) of
12 Section 501 of the Illinois Marriage and Dissolution of
13 Marriage Act.

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

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

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

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

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

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

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

20 (B) When the petitioner and the respondent attend
21 the same public, private, or non-public elementary,
22 middle, or high school, the court when issuing a
23 domestic violence order of protection and providing
24 relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to
26 the petitioner, the educational rights guaranteed to

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

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

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

1 change of school by the respondent.

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

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

24 If the respondent is charged with abuse (as defined in
25 Section 112A-3 of this Code) of a minor child, there shall
26 be a rebuttable presumption that awarding physical care to

1 respondent would not be in the minor child's best interest.

2 (6) Temporary allocation of parental responsibilities
3 and significant decision-making responsibilities. Award
4 temporary significant decision-making responsibility to
5 petitioner in accordance with this Section, the Illinois
6 Marriage and Dissolution of Marriage Act, the Illinois
7 Parentage Act of 2015, and this State's Uniform
8 Child-Custody Jurisdiction and Enforcement Act.

9 If the respondent is charged with abuse (as defined in
10 Section 112A-3 of this Code) of a minor child, there shall
11 be a rebuttable presumption that awarding temporary
12 significant decision-making responsibility to respondent
13 would not be in the child's best interest.

14 (7) Parenting time. Determine the parenting time, if
15 any, of respondent in any case in which the court awards
16 physical care or temporary significant decision-making
17 responsibility of a minor child to petitioner. The court
18 shall restrict or deny respondent's parenting time with a
19 minor child if the court finds that respondent has done or
20 is likely to do any of the following:

21 (i) abuse or endanger the minor child during
22 parenting time;

23 (ii) use the parenting time as an opportunity to
24 abuse or harass petitioner or petitioner's family or
25 household members;

26 (iii) improperly conceal or detain the minor

1 child; or

2 (iv) otherwise act in a manner that is not in the
3 best interests of the minor child.

4 The court shall not be limited by the standards set
5 forth in Section 603.10 of the Illinois Marriage and
6 Dissolution of Marriage Act. If the court grants parenting
7 time, the order shall specify dates and times for the
8 parenting time to take place or other specific parameters
9 or conditions that are appropriate. No order for parenting
10 time shall refer merely to the term "reasonable parenting
11 time". Petitioner may deny respondent access to the minor
12 child if, when respondent arrives for parenting time,
13 respondent is under the influence of drugs or alcohol and
14 constitutes a threat to the safety and well-being of
15 petitioner or petitioner's minor children or is behaving in
16 a violent or abusive manner. If necessary to protect any
17 member of petitioner's family or household from future
18 abuse, respondent shall be prohibited from coming to
19 petitioner's residence to meet the minor child for
20 parenting time, and the petitioner and respondent shall
21 submit to the court their recommendations for reasonable
22 alternative arrangements for parenting time. A person may
23 be approved to supervise parenting time only after filing
24 an affidavit accepting that responsibility and
25 acknowledging accountability to the court.

26 (8) Removal or concealment of minor child. Prohibit

1 respondent from removing a minor child from the State or
2 concealing the child within the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (12) Order for payment of support. Order respondent to
6 pay temporary support for the petitioner or any child in
7 the petitioner's care or over whom the petitioner has been
8 allocated parental responsibility, when the respondent has
9 a legal obligation to support that person, in accordance
10 with the Illinois Marriage and Dissolution of Marriage Act,
11 which shall govern, among other matters, the amount of
12 support, payment through the clerk and withholding of
13 income to secure payment. An order for child support may be
14 granted to a petitioner with lawful physical care of a
15 child, or an order or agreement for physical care of a
16 child, prior to entry of an order allocating significant
17 decision-making responsibility. Such a support order shall
18 expire upon entry of a valid order allocating parental
19 responsibility differently and vacating petitioner's
20 significant decision-making responsibility unless
21 otherwise provided in the order.

22 (13) Order for payment of losses. Order respondent to
23 pay petitioner for losses suffered as a direct result of
24 the abuse. Such losses shall include, but not be limited
25 to, medical expenses, lost earnings or other support,
26 repair or replacement of property damaged or taken,

1 reasonable attorney's fees, court costs, and moving or
2 other travel expenses, including additional reasonable
3 expenses for temporary shelter and restaurant meals.

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

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

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

25 (14.5) Prohibition of firearm possession.

26 (A) A person who is subject to an existing domestic

1 violence order of protection issued under this Code may
2 not lawfully possess firearms, stun guns, or tasers
3 ~~weapons under Section 8.2 of the Firearm Owners~~
4 ~~Identification Card Act.~~

5 (B) Any firearms in the possession of the
6 respondent, except as provided in subparagraph (C) of
7 this paragraph (14.5), shall be ordered by the court to
8 be turned over to a person who is not prohibited under
9 State or federal law from possessing firearms ~~with a~~
10 ~~valid Firearm Owner's Identification Card for~~
11 ~~safekeeping. The court shall issue an order that the~~
12 ~~respondent's Firearm Owner's Identification Card be~~
13 ~~turned over to the local law enforcement agency, which~~
14 ~~in turn shall immediately mail the card to the~~
15 ~~Department of State Police Firearm Owner's~~
16 ~~Identification Card Office for safekeeping.~~ The period
17 of safekeeping shall be for the duration of the
18 domestic violence order of protection. The firearm ~~or~~
19 ~~firearms and Firearm Owner's Identification Card, if~~
20 ~~unexpired,~~ shall at the respondent's request be
21 returned to the respondent at expiration of the
22 domestic violence order of protection.

23 (C) If the respondent is a peace officer as defined
24 in Section 2-13 of the Criminal Code of 2012, the court
25 shall order that any firearms used by the respondent in
26 the performance of his or her duties as a peace officer

1 be surrendered to the chief law enforcement executive
2 of the agency in which the respondent is employed, who
3 shall retain the firearms for safekeeping for the
4 duration of the domestic violence order of protection.

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

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

1 the care of petitioner.

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

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

16 (18) Telephone services.

17 (A) Unless a condition described in subparagraph
18 (B) of this paragraph exists, the court may, upon
19 request by the petitioner, order a wireless telephone
20 service provider to transfer to the petitioner the
21 right to continue to use a telephone number or numbers
22 indicated by the petitioner and the financial
23 responsibility associated with the number or numbers,
24 as set forth in subparagraph (C) of this paragraph. In
25 this paragraph (18), the term "wireless telephone
26 service provider" means a provider of commercial

1 mobile service as defined in 47 U.S.C. 332. The
2 petitioner may request the transfer of each telephone
3 number that the petitioner, or a minor child in his or
4 her custody, uses. The clerk of the court shall serve
5 the order on the wireless telephone service provider's
6 agent for service of process provided to the Illinois
7 Commerce Commission. The order shall contain all of the
8 following:

9 (i) The name and billing telephone number of
10 the account holder including the name of the
11 wireless telephone service provider that serves
12 the account.

13 (ii) Each telephone number that will be
14 transferred.

15 (iii) A statement that the provider transfers
16 to the petitioner all financial responsibility for
17 and right to the use of any telephone number
18 transferred under this paragraph.

19 (B) A wireless telephone service provider shall
20 terminate the respondent's use of, and shall transfer
21 to the petitioner use of, the telephone number or
22 numbers indicated in subparagraph (A) of this
23 paragraph unless it notifies the petitioner, within 72
24 hours after it receives the order, that one of the
25 following applies:

26 (i) The account holder named in the order has

1 terminated the account.

2 (ii) A difference in network technology would
3 prevent or impair the functionality of a device on
4 a network if the transfer occurs.

5 (iii) The transfer would cause a geographic or
6 other limitation on network or service provision
7 to the petitioner.

8 (iv) Another technological or operational
9 issue would prevent or impair the use of the
10 telephone number if the transfer occurs.

11 (C) The petitioner assumes all financial
12 responsibility for and right to the use of any
13 telephone number transferred under this paragraph. In
14 this paragraph, "financial responsibility" includes
15 monthly service costs and costs associated with any
16 mobile device associated with the number.

17 (D) A wireless telephone service provider may
18 apply to the petitioner its routine and customary
19 requirements for establishing an account or
20 transferring a number, including requiring the
21 petitioner to provide proof of identification,
22 financial information, and customer preferences.

23 (E) Except for willful or wanton misconduct, a
24 wireless telephone service provider is immune from
25 civil liability for its actions taken in compliance
26 with a court order issued under this paragraph.

1 (F) All wireless service providers that provide
2 services to residential customers shall provide to the
3 Illinois Commerce Commission the name and address of an
4 agent for service of orders entered under this
5 paragraph (18). Any change in status of the registered
6 agent must be reported to the Illinois Commerce
7 Commission within 30 days of such change.

8 (G) The Illinois Commerce Commission shall
9 maintain the list of registered agents for service for
10 each wireless telephone service provider on the
11 Commission's website. The Commission may consult with
12 wireless telephone service providers and the Circuit
13 Court Clerks on the manner in which this information is
14 provided and displayed.

15 (c) Relevant factors; findings.

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

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

1 household; and

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

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

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

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

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

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

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

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

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

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

6 (4) (Blank).

7 (5) Never married parties. No rights or
8 responsibilities for a minor child born outside of marriage
9 attach to a putative father until a father and child
10 relationship has been established under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,
12 the Illinois Public Aid Code, Section 12 of the Vital
13 Records Act, the Juvenile Court Act of 1987, the Probate
14 Act of 1975, the Uniform Interstate Family Support Act, the
15 Expedited Child Support Act of 1990, any judicial,
16 administrative, or other act of another state or territory,
17 any other statute of this State, or by any foreign nation
18 establishing the father and child relationship, any other
19 proceeding substantially in conformity with the federal
20 Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996, or when both parties appeared
22 in open court or at an administrative hearing acknowledging
23 under oath or admitting by affirmation the existence of a
24 father and child relationship. Absent such an
25 adjudication, no putative father shall be granted
26 temporary allocation of parental responsibilities,

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

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

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

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

18 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

7 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
8 100-388, eff. 1-1-18; 100-597, eff. 6-29-18; 100-863, eff.
9 8-14-18; 100-923, eff. 1-1-19; revised 10-18-18.)

10 Section 95. The Unified Code of Corrections is amended by
11 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as
12 follows:

13 (730 ILCS 5/5-4.5-110)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
16 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

17 (a) DEFINITIONS. For the purposes of this Section:

18 "Firearm" has the meaning ascribed to it in Section
19 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
20 ~~Firearm Owners Identification Card Act.~~

21 "Qualifying predicate offense" means the following
22 offenses under the Criminal Code of 2012:

23 (A) aggravated unlawful use of a weapon under
24 Section 24-1.6 or similar offense under the Criminal

1 Code of 1961, when the weapon is a firearm;

2 (B) unlawful use or possession of a weapon by a
3 felon under Section 24-1.1 or similar offense under the
4 Criminal Code of 1961, when the weapon is a firearm;

5 (C) first degree murder under Section 9-1 or
6 similar offense under the Criminal Code of 1961;

7 (D) attempted first degree murder with a firearm or
8 similar offense under the Criminal Code of 1961;

9 (E) aggravated kidnapping with a firearm under
10 paragraph (6) or (7) of subsection (a) of Section 10-2
11 or similar offense under the Criminal Code of 1961;

12 (F) aggravated battery with a firearm under
13 subsection (e) of Section 12-3.05 or similar offense
14 under the Criminal Code of 1961;

15 (G) aggravated criminal sexual assault under
16 Section 11-1.30 or similar offense under the Criminal
17 Code of 1961;

18 (H) predatory criminal sexual assault of a child
19 under Section 11-1.40 or similar offense under the
20 Criminal Code of 1961;

21 (I) armed robbery under Section 18-2 or similar
22 offense under the Criminal Code of 1961;

23 (J) vehicular hijacking under Section 18-3 or
24 similar offense under the Criminal Code of 1961;

25 (K) aggravated vehicular hijacking under Section
26 18-4 or similar offense under the Criminal Code of

1 1961;

2 (L) home invasion with a firearm under paragraph
3 (3), (4), or (5) of subsection (a) of Section 19-6 or
4 similar offense under the Criminal Code of 1961;

5 (M) aggravated discharge of a firearm under
6 Section 24-1.2 or similar offense under the Criminal
7 Code of 1961;

8 (N) aggravated discharge of a machine gun or a
9 firearm equipped with a device designed or used for
10 silencing the report of a firearm under Section
11 24-1.2-5 or similar offense under the Criminal Code of
12 1961;

13 (O) unlawful use of firearm projectiles under
14 Section 24-2.1 or similar offense under the Criminal
15 Code of 1961;

16 (P) manufacture, sale, or transfer of bullets or
17 shells represented to be armor piercing bullets,
18 dragon's breath shotgun shells, bolo shells, or
19 flechette shells under Section 24-2.2 or similar
20 offense under the Criminal Code of 1961;

21 (Q) unlawful sale or delivery of firearms under
22 Section 24-3 or similar offense under the Criminal Code
23 of 1961;

24 (R) unlawful discharge of firearm projectiles
25 under Section 24-3.2 or similar offense under the
26 Criminal Code of 1961;

1 (S) unlawful sale or delivery of firearms on school
2 premises of any school under Section 24-3.3 or similar
3 offense under the Criminal Code of 1961;

4 (T) unlawful purchase of a firearm under Section
5 24-3.5 or similar offense under the Criminal Code of
6 1961;

7 (U) use of a stolen firearm in the commission of an
8 offense under Section 24-3.7 or similar offense under
9 the Criminal Code of 1961;

10 (V) possession of a stolen firearm under Section
11 24-3.8 or similar offense under the Criminal Code of
12 1961;

13 (W) aggravated possession of a stolen firearm
14 under Section 24-3.9 or similar offense under the
15 Criminal Code of 1961;

16 (X) gunrunning under Section 24-3A or similar
17 offense under the Criminal Code of 1961;

18 (Y) defacing identification marks of firearms
19 under Section 24-5 or similar offense under the
20 Criminal Code of 1961; and

21 (Z) armed violence under Section 33A-2 or similar
22 offense under the Criminal Code of 1961.

23 (b) APPLICABILITY. For an offense committed on or after the
24 effective date of this amendatory Act of the 100th General
25 Assembly and before January 1, 2023, when a person is convicted
26 of unlawful use or possession of a weapon by a felon, when the

1 weapon is a firearm, or aggravated unlawful use of a weapon,
2 when the weapon is a firearm, after being previously convicted
3 of a qualifying predicate offense the person shall be subject
4 to the sentencing guidelines under this Section.

5 (c) SENTENCING GUIDELINES.

6 (1) When a person is convicted of unlawful use or
7 possession of a weapon by a felon, when the weapon is a
8 firearm, and that person has been previously convicted of a
9 qualifying predicate offense, the person shall be
10 sentenced to a term of imprisonment within the sentencing
11 range of not less than 7 years and not more than 14 years,
12 unless the court finds that a departure from the sentencing
13 guidelines under this paragraph is warranted under
14 subsection (d) of this Section.

15 (2) When a person is convicted of aggravated unlawful
16 use of a weapon, when the weapon is a firearm, and that
17 person has been previously convicted of a qualifying
18 predicate offense, the person shall be sentenced to a term
19 of imprisonment within the sentencing range of not less
20 than 6 years and not more than 7 years, unless the court
21 finds that a departure from the sentencing guidelines under
22 this paragraph is warranted under subsection (d) of this
23 Section.

24 (3) The sentencing guidelines in paragraphs (1) and (2)
25 of this subsection (c) apply only to offenses committed on
26 and after the effective date of this amendatory Act of the

1 100th General Assembly and before January 1, 2023.

2 (d) DEPARTURE FROM SENTENCING GUIDELINES.

3 (1) At the sentencing hearing conducted under Section
4 5-4-1 of this Code, the court may depart from the
5 sentencing guidelines provided in subsection (c) of this
6 Section and impose a sentence otherwise authorized by law
7 for the offense if the court, after considering any factor
8 under paragraph (2) of this subsection (d) relevant to the
9 nature and circumstances of the crime and to the history
10 and character of the defendant, finds on the record
11 substantial and compelling justification that the sentence
12 within the sentencing guidelines would be unduly harsh and
13 that a sentence otherwise authorized by law would be
14 consistent with public safety and does not deprecate the
15 seriousness of the offense.

16 (2) In deciding whether to depart from the sentencing
17 guidelines under this paragraph, the court shall consider:

18 (A) the age, immaturity, or limited mental
19 capacity of the defendant at the time of commission of
20 the qualifying predicate or current offense, including
21 whether the defendant was suffering from a mental or
22 physical condition insufficient to constitute a
23 defense but significantly reduced the defendant's
24 culpability;

25 (B) the nature and circumstances of the qualifying
26 predicate offense;

1 (C) the time elapsed since the qualifying
2 predicate offense;

3 (D) the nature and circumstances of the current
4 offense;

5 (E) the defendant's prior criminal history;

6 (F) whether the defendant committed the qualifying
7 predicate or current offense under specific and
8 credible duress, coercion, threat, or compulsion;

9 (G) whether the defendant aided in the
10 apprehension of another felon or testified truthfully
11 on behalf of another prosecution of a felony; and

12 (H) whether departure is in the interest of the
13 person's rehabilitation, including employment or
14 educational or vocational training, after taking into
15 account any past rehabilitation efforts or
16 dispositions of probation or supervision, and the
17 defendant's cooperation or response to rehabilitation.

18 (3) When departing from the sentencing guidelines
19 under this Section, the court shall specify on the record,
20 the particular evidence, information, factor or factors,
21 or other reasons which led to the departure from the
22 sentencing guidelines. When departing from the sentencing
23 range in accordance with this subsection (d), the court
24 shall indicate on the sentencing order which departure
25 factor or factors outlined in paragraph (2) of this
26 subsection (d) led to the sentence imposed. The sentencing

1 order shall be filed with the clerk of the court and shall
2 be a public record.

3 (e) This Section is repealed on January 1, 2023.

4 (Source: P.A. 100-3, eff. 1-1-18.)

5 (730 ILCS 5/5-5-3)

6 (Text of Section after amendment by P.A. 100-987)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

11 (2) A period of probation, a term of periodic imprisonment
12 or conditional discharge shall not be imposed for the following
13 offenses. The court shall sentence the offender to not less
14 than the minimum term of imprisonment set forth in this Code
15 for the following offenses, and may order a fine or restitution
16 or both in conjunction with such term of imprisonment:

17 (A) First degree murder where the death penalty is not
18 imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the Illinois
22 Controlled Substances Act, or a violation of subdivision
23 (c)(1.5) of Section 401 of that Act which relates to more
24 than 5 grams of a substance containing fentanyl or an
25 analog thereof.

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

5 (E) (Blank).

6 (F) A Class 1 or greater felony if the offender had
7 been convicted of a Class 1 or greater felony, including
8 any state or federal conviction for an offense that
9 contained, at the time it was committed, the same elements
10 as an offense now (the date of the offense committed after
11 the prior Class 1 or greater felony) classified as a Class
12 1 or greater felony, within 10 years of the date on which
13 the offender committed the offense for which he or she is
14 being sentenced, except as otherwise provided in Section
15 40-10 of the Substance Use Disorder Act.

16 (F-3) A Class 2 or greater felony sex offense or felony
17 firearm offense if the offender had been convicted of a
18 Class 2 or greater felony, including any state or federal
19 conviction for an offense that contained, at the time it
20 was committed, the same elements as an offense now (the
21 date of the offense committed after the prior Class 2 or
22 greater felony) classified as a Class 2 or greater felony,
23 within 10 years of the date on which the offender committed
24 the offense for which he or she is being sentenced, except
25 as otherwise provided in Section 40-10 of the Substance Use
26 Disorder Act.

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

4 (G) Residential burglary, except as otherwise provided
5 in Section 40-10 of the Substance Use Disorder Act.

6 (H) Criminal sexual assault.

7 (I) Aggravated battery of a senior citizen as described
8 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05
9 of the Criminal Code of 1961 or the Criminal Code of 2012.

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

12 Before July 1, 1994, for the purposes of this
13 paragraph, "organized gang" means an association of 5 or
14 more persons, with an established hierarchy, that
15 encourages members of the association to perpetrate crimes
16 or provides support to the members of the association who
17 do commit crimes.

18 Beginning July 1, 1994, for the purposes of this
19 paragraph, "organized gang" has the meaning ascribed to it
20 in Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 (K) Vehicular hijacking.

23 (L) A second or subsequent conviction for the offense
24 of hate crime when the underlying offense upon which the
25 hate crime is based is felony aggravated assault or felony
26 mob action.

1 (M) A second or subsequent conviction for the offense
2 of institutional vandalism if the damage to the property
3 exceeds \$300.

4 (N) A Class 3 felony violation of paragraph (1) of
5 subsection (a) of Section 2 of the Firearm Owners
6 Identification Card Act committed before the effective
7 date of this amendatory Act of the 101st General Assembly.

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

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

13 (Q) A violation of subsection (b) or (b-5) of Section
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

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

18 (S) (Blank).

19 (T) (Blank).

20 (U) A second or subsequent violation of Section 6-303
21 of the Illinois Vehicle Code committed while his or her
22 driver's license, permit, or privilege was revoked because
23 of a violation of Section 9-3 of the Criminal Code of 1961
24 or the Criminal Code of 2012, relating to the offense of
25 reckless homicide, or a similar provision of a law of
26 another state.

1 (V) A violation of paragraph (4) of subsection (c) of
2 Section 11-20.1B or paragraph (4) of subsection (c) of
3 Section 11-20.3 of the Criminal Code of 1961, or paragraph
4 (6) of subsection (a) of Section 11-20.1 of the Criminal
5 Code of 2012 when the victim is under 13 years of age and
6 the defendant has previously been convicted under the laws
7 of this State or any other state of the offense of child
8 pornography, aggravated child pornography, aggravated
9 criminal sexual abuse, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, or any of the
11 offenses formerly known as rape, deviate sexual assault,
12 indecent liberties with a child, or aggravated indecent
13 liberties with a child where the victim was under the age
14 of 18 years or an offense that is substantially equivalent
15 to those offenses.

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

18 (X) A violation of subsection (a) of Section 31-1a of
19 the Criminal Code of 1961 or the Criminal Code of 2012.

20 (Y) A conviction for unlawful possession of a firearm
21 by a street gang member when the firearm was loaded or
22 contained firearm ammunition.

23 (Z) A Class 1 felony committed while he or she was
24 serving a term of probation or conditional discharge for a
25 felony.

26 (AA) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value.

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

4 (CC) Knowingly selling, offering for sale, holding for
5 sale, or using 2,000 or more counterfeit items or
6 counterfeit items having a retail value in the aggregate of
7 \$500,000 or more.

8 (DD) A conviction for aggravated assault under
9 paragraph (6) of subsection (c) of Section 12-2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 if the
11 firearm is aimed toward the person against whom the firearm
12 is being used.

13 (EE) A conviction for a violation of paragraph (2) of
14 subsection (a) of Section 24-3B of the Criminal Code of
15 2012.

16 (3) (Blank).

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

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
23 this subsection (c), a minimum of 100 hours of community
24 service shall be imposed for a second violation of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300

1 hours of community service, as determined by the court, shall
2 be imposed for a second violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.4) Except as provided in paragraphs (4.5), (4.6), and
5 (4.9) of this subsection (c), a minimum term of imprisonment of
6 30 days or 300 hours of community service, as determined by the
7 court, shall be imposed for a third or subsequent violation of
8 Section 6-303 of the Illinois Vehicle Code. The court may give
9 credit toward the fulfillment of community service hours for
10 participation in activities and treatment as determined by
11 court services.

12 (4.5) A minimum term of imprisonment of 30 days shall be
13 imposed for a third violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this
16 subsection (c), a minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

19 (4.7) A minimum term of imprisonment of not less than 30
20 consecutive days, or 300 hours of community service, shall be
21 imposed for a violation of subsection (a-5) of Section 6-303 of
22 the Illinois Vehicle Code, as provided in subsection (b-5) of
23 that Section.

24 (4.8) A mandatory prison sentence shall be imposed for a
25 second violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (c-5) of that

1 Section. The person's driving privileges shall be revoked for a
2 period of not less than 5 years from the date of his or her
3 release from prison.

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

10 (4.10) A mandatory prison sentence for a Class 1 felony
11 shall be imposed, and the person shall be eligible for an
12 extended term sentence, for a fourth or subsequent violation of
13 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
14 as provided in subsection (d-3.5) of that Section. The person's
15 driving privileges shall be revoked for the remainder of his or
16 her life.

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

19 (A) a period of conditional discharge;

20 (B) a fine;

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

23 (5.1) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.2) or (5.3), a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for at least 90 days but not
2 more than one year, if the violation resulted in damage to the
3 property of another person.

4 (5.2) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.3), a person convicted of
6 violating subsection (c) of Section 11-907 of the Illinois
7 Vehicle Code shall have his or her driver's license, permit, or
8 privileges suspended for at least 180 days but not more than 2
9 years, if the violation resulted in injury to another person.

10 (5.3) In addition to any other penalties imposed, a person
11 convicted of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 2 years, if the violation
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person
16 convicted of violating Section 3-707 of the Illinois Vehicle
17 Code shall have his or her driver's license, permit, or
18 privileges suspended for 3 months and until he or she has paid
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code during a period in which his or her driver's license,
23 permit, or privileges were suspended for a previous violation
24 of that Section shall have his or her driver's license, permit,
25 or privileges suspended for an additional 6 months after the
26 expiration of the original 3-month suspension and until he or

1 she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

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

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000 for a
10 first offense and \$2,000 for a second or subsequent offense
11 upon a person convicted of or placed on supervision for battery
12 when the individual harmed was a sports official or coach at
13 any level of competition and the act causing harm to the sports
14 official or coach occurred within an athletic facility or
15 within the immediate vicinity of the athletic facility at which
16 the sports official or coach was an active participant of the
17 athletic contest held at the athletic facility. For the
18 purposes of this paragraph (11), "sports official" means a
19 person at an athletic contest who enforces the rules of the
20 contest, such as an umpire or referee; "athletic facility"
21 means an indoor or outdoor playing field or recreational area
22 where sports activities are conducted; and "coach" means a
23 person recognized as a coach by the sanctioning authority that
24 conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation of
3 that Section.

4 (13) A person convicted of or placed on court supervision
5 for an assault or aggravated assault when the victim and the
6 offender are family or household members as defined in Section
7 103 of the Illinois Domestic Violence Act of 1986 or convicted
8 of domestic battery or aggravated domestic battery may be
9 required to attend a Partner Abuse Intervention Program under
10 protocols set forth by the Illinois Department of Human
11 Services under such terms and conditions imposed by the court.
12 The costs of such classes shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is
14 vacated, the case shall be remanded to the trial court. The
15 trial court shall hold a hearing under Section 5-4-1 of this
16 ~~the Unified Code of Corrections~~ which may include evidence of
17 the defendant's life, moral character and occupation during the
18 time since the original sentence was passed. The trial court
19 shall then impose sentence upon the defendant. The trial court
20 may impose any sentence which could have been imposed at the
21 original trial subject to Section 5-5-4 of this ~~the Unified~~
22 ~~Code of Corrections~~. If a sentence is vacated on appeal or on
23 collateral attack due to the failure of the trier of fact at
24 trial to determine beyond a reasonable doubt the existence of a
25 fact (other than a prior conviction) necessary to increase the
26 punishment for the offense beyond the statutory maximum

1 otherwise applicable, either the defendant may be re-sentenced
2 to a term within the range otherwise provided or, if the State
3 files notice of its intention to again seek the extended
4 sentence, the defendant shall be afforded a new trial.

5 (e) In cases where prosecution for aggravated criminal
6 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 results in conviction
8 of a defendant who was a family member of the victim at the
9 time of the commission of the offense, the court shall consider
10 the safety and welfare of the victim and may impose a sentence
11 of probation only where:

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

13 (A) the defendant is willing to undergo a court
14 approved counseling program for a minimum duration of 2
15 years; or

16 (B) the defendant is willing to participate in a
17 court approved plan including but not limited to the
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the
22 family;

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

24 and

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

1 (2) the court orders the defendant to pay for the
2 victim's counseling services, to the extent that the court
3 finds, after considering the defendant's income and
4 assets, that the defendant is financially capable of paying
5 for such services, if the victim was under 18 years of age
6 at the time the offense was committed and requires
7 counseling as a result of the offense.

8 Probation may be revoked or modified pursuant to Section
9 5-6-4; except where the court determines at the hearing that
10 the defendant violated a condition of his or her probation
11 restricting contact with the victim or other family members or
12 commits another offense with the victim or other family
13 members, the court shall revoke the defendant's probation and
14 impose a term of imprisonment.

15 For the purposes of this Section, "family member" and
16 "victim" shall have the meanings ascribed to them in Section
17 11-0.1 of the Criminal Code of 2012.

18 (f) (Blank).

19 (g) Whenever a defendant is convicted of an offense under
20 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
21 11-14.3, 11-14.4 except for an offense that involves keeping a
22 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the defendant shall undergo medical
26 testing to determine whether the defendant has any sexually

1 transmissible disease, including a test for infection with
2 human immunodeficiency virus (HIV) or any other identified
3 causative agent of acquired immunodeficiency syndrome (AIDS).
4 Any such medical test shall be performed only by appropriately
5 licensed medical practitioners and may include an analysis of
6 any bodily fluids as well as an examination of the defendant's
7 person. Except as otherwise provided by law, the results of
8 such test shall be kept strictly confidential by all medical
9 personnel involved in the testing and must be personally
10 delivered in a sealed envelope to the judge of the court in
11 which the conviction was entered for the judge's inspection in
12 camera. Acting in accordance with the best interests of the
13 victim and the public, the judge shall have the discretion to
14 determine to whom, if anyone, the results of the testing may be
15 revealed. The court shall notify the defendant of the test
16 results. The court shall also notify the victim if requested by
17 the victim, and if the victim is under the age of 15 and if
18 requested by the victim's parents or legal guardian, the court
19 shall notify the victim's parents or legal guardian of the test
20 results. The court shall provide information on the
21 availability of HIV testing and counseling at Department of
22 Public Health facilities to all parties to whom the results of
23 the testing are revealed and shall direct the State's Attorney
24 to provide the information to the victim when possible. A
25 State's Attorney may petition the court to obtain the results
26 of any HIV test administered under this Section, and the court

1 shall grant the disclosure if the State's Attorney shows it is
2 relevant in order to prosecute a charge of criminal
3 transmission of HIV under Section 12-5.01 or 12-16.2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 against the
5 defendant. The court shall order that the cost of any such test
6 shall be paid by the county and may be taxed as costs against
7 the convicted defendant.

8 (g-5) When an inmate is tested for an airborne communicable
9 disease, as determined by the Illinois Department of Public
10 Health including but not limited to tuberculosis, the results
11 of the test shall be personally delivered by the warden or his
12 or her designee in a sealed envelope to the judge of the court
13 in which the inmate must appear for the judge's inspection in
14 camera if requested by the judge. Acting in accordance with the
15 best interests of those in the courtroom, the judge shall have
16 the discretion to determine what if any precautions need to be
17 taken to prevent transmission of the disease in the courtroom.

18 (h) Whenever a defendant is convicted of an offense under
19 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
20 defendant shall undergo medical testing to determine whether
21 the defendant has been exposed to human immunodeficiency virus
22 (HIV) or any other identified causative agent of acquired
23 immunodeficiency syndrome (AIDS). Except as otherwise provided
24 by law, the results of such test shall be kept strictly
25 confidential by all medical personnel involved in the testing
26 and must be personally delivered in a sealed envelope to the

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

21 (i) All fines and penalties imposed under this Section for
22 any violation of Chapters 3, 4, 6, and 11 of the Illinois
23 Vehicle Code, or a similar provision of a local ordinance, and
24 any violation of the Child Passenger Protection Act, or a
25 similar provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under the Criminal

1 and Traffic Assessment Act.

2 (j) In cases when prosecution for any violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
4 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
7 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, any violation of the Illinois Controlled
9 Substances Act, any violation of the Cannabis Control Act, or
10 any violation of the Methamphetamine Control and Community
11 Protection Act results in conviction, a disposition of court
12 supervision, or an order of probation granted under Section 10
13 of the Cannabis Control Act, Section 410 of the Illinois
14 Controlled Substances Act, or Section 70 of the Methamphetamine
15 Control and Community Protection Act of a defendant, the court
16 shall determine whether the defendant is employed by a facility
17 or center as defined under the Child Care Act of 1969, a public
18 or private elementary or secondary school, or otherwise works
19 with children under 18 years of age on a daily basis. When a
20 defendant is so employed, the court shall order the Clerk of
21 the Court to send a copy of the judgment of conviction or order
22 of supervision or probation to the defendant's employer by
23 certified mail. If the employer of the defendant is a school,
24 the Clerk of the Court shall direct the mailing of a copy of
25 the judgment of conviction or order of supervision or probation
26 to the appropriate regional superintendent of schools. The

1 regional superintendent of schools shall notify the State Board
2 of Education of any notification under this subsection.

3 (j-5) A defendant at least 17 years of age who is convicted
4 of a felony and who has not been previously convicted of a
5 misdemeanor or felony and who is sentenced to a term of
6 imprisonment in the Illinois Department of Corrections shall as
7 a condition of his or her sentence be required by the court to
8 attend educational courses designed to prepare the defendant
9 for a high school diploma and to work toward a high school
10 diploma or to work toward passing high school equivalency
11 testing or to work toward completing a vocational training
12 program offered by the Department of Corrections. If a
13 defendant fails to complete the educational training required
14 by his or her sentence during the term of incarceration, the
15 Prisoner Review Board shall, as a condition of mandatory
16 supervised release, require the defendant, at his or her own
17 expense, to pursue a course of study toward a high school
18 diploma or passage of high school equivalency testing. The
19 Prisoner Review Board shall revoke the mandatory supervised
20 release of a defendant who wilfully fails to comply with this
21 subsection (j-5) upon his or her release from confinement in a
22 penal institution while serving a mandatory supervised release
23 term; however, the inability of the defendant after making a
24 good faith effort to obtain financial aid or pay for the
25 educational training shall not be deemed a wilful failure to
26 comply. The Prisoner Review Board shall recommit the defendant

1 whose mandatory supervised release term has been revoked under
2 this subsection (j-5) as provided in Section 3-3-9. This
3 subsection (j-5) does not apply to a defendant who has a high
4 school diploma or has successfully passed high school
5 equivalency testing. This subsection (j-5) does not apply to a
6 defendant who is determined by the court to be a person with a
7 developmental disability or otherwise mentally incapable of
8 completing the educational or vocational program.

9 (k) (Blank).

10 (l) (A) Except as provided in paragraph (C) of subsection
11 (l), whenever a defendant, who is an alien as defined by the
12 Immigration and Nationality Act, is convicted of any felony or
13 misdemeanor offense, the court after sentencing the defendant
14 may, upon motion of the State's Attorney, hold sentence in
15 abeyance and remand the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent to be deported when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

24 Otherwise, the defendant shall be sentenced as provided in
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation
2 under Section 10 of the Cannabis Control Act, Section 410 of
3 the Illinois Controlled Substances Act, or Section 70 of the
4 Methamphetamine Control and Community Protection Act, the
5 court may, upon motion of the State's Attorney to suspend the
6 sentence imposed, commit the defendant to the custody of the
7 Attorney General of the United States or his or her designated
8 agent when:

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

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

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

18 (D) Upon motion of the State's Attorney, if a defendant
19 sentenced under this Section returns to the jurisdiction of the
20 United States, the defendant shall be recommitted to the
21 custody of the county from which he or she was sentenced.
22 Thereafter, the defendant shall be brought before the
23 sentencing court, which may impose any sentence that was
24 available under Section 5-5-3 at the time of initial
25 sentencing. In addition, the defendant shall not be eligible
26 for additional earned sentence credit as provided under Section

1 3-6-3.

2 (m) A person convicted of criminal defacement of property
3 under Section 21-1.3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, in which the property damage exceeds
5 \$300 and the property damaged is a school building, shall be
6 ordered to perform community service that may include cleanup,
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
11 of 1961 or the Criminal Code of 2012 (i) to an impact
12 incarceration program if the person is otherwise eligible for
13 that program under Section 5-8-1.1, (ii) to community service,
14 or (iii) if the person has a substance use disorder, as defined
15 in the Substance Use Disorder Act, to a treatment program
16 licensed under that Act.

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

22 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
23 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
24 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

25 (730 ILCS 5/5-5-3.2)

1 Sec. 5-5-3.2. Factors in aggravation and extended-term
2 sentencing.

3 (a) The following factors shall be accorded weight in favor
4 of imposing a term of imprisonment or may be considered by the
5 court as reasons to impose a more severe sentence under Section
6 5-8-1 or Article 4.5 of Chapter V:

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency or
12 criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular offense
15 committed or to bring the offenders committing it to
16 justice;

17 (5) the defendant held public office at the time of the
18 offense, and the offense related to the conduct of that
19 office;

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

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

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

1 (9) the defendant committed the offense against a
2 person who has a physical disability or such person's
3 property;

4 (10) by reason of another individual's actual or
5 perceived race, color, creed, religion, ancestry, gender,
6 sexual orientation, physical or mental disability, or
7 national origin, the defendant committed the offense
8 against (i) the person or property of that individual; (ii)
9 the person or property of a person who has an association
10 with, is married to, or has a friendship with the other
11 individual; or (iii) the person or property of a relative
12 (by blood or marriage) of a person described in clause (i)
13 or (ii). For the purposes of this Section, "sexual
14 orientation" has the meaning ascribed to it in paragraph
15 (O-1) of Section 1-103 of the Illinois Human Rights Act;

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

22 (12) the defendant was convicted of a felony committed
23 while he was released on bail or his own recognizance
24 pending trial for a prior felony and was convicted of such
25 prior felony, or the defendant was convicted of a felony
26 committed while he was serving a period of probation,

1 conditional discharge, or mandatory supervised release
2 under subsection (d) of Section 5-8-1 for a prior felony;

3 (13) the defendant committed or attempted to commit a
4 felony while he was wearing a bulletproof vest. For the
5 purposes of this paragraph (13), a bulletproof vest is any
6 device which is designed for the purpose of protecting the
7 wearer from bullets, shot or other lethal projectiles;

8 (14) the defendant held a position of trust or
9 supervision such as, but not limited to, family member as
10 defined in Section 11-0.1 of the Criminal Code of 2012,
11 teacher, scout leader, baby sitter, or day care worker, in
12 relation to a victim under 18 years of age, and the
13 defendant committed an offense in violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
15 11-14.4 except for an offense that involves keeping a place
16 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
17 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
18 or 12-16 of the Criminal Code of 1961 or the Criminal Code
19 of 2012 against that victim;

20 (15) the defendant committed an offense related to the
21 activities of an organized gang. For the purposes of this
22 factor, "organized gang" has the meaning ascribed to it in
23 Section 10 of the Streetgang Terrorism Omnibus Prevention
24 Act;

25 (16) the defendant committed an offense in violation of
26 one of the following Sections while in a school, regardless

1 of the time of day or time of year; on any conveyance
2 owned, leased, or contracted by a school to transport
3 students to or from school or a school related activity; on
4 the real property of a school; or on a public way within
5 1,000 feet of the real property comprising any school:
6 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
7 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
8 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
9 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
10 18-2, or 33A-2, or Section 12-3.05 except for subdivision
11 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
12 Criminal Code of 2012;

13 (16.5) the defendant committed an offense in violation
14 of one of the following Sections while in a day care
15 center, regardless of the time of day or time of year; on
16 the real property of a day care center, regardless of the
17 time of day or time of year; or on a public way within
18 1,000 feet of the real property comprising any day care
19 center, regardless of the time of day or time of year:
20 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
22 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
23 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
24 18-2, or 33A-2, or Section 12-3.05 except for subdivision
25 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
26 Criminal Code of 2012;

1 (17) the defendant committed the offense by reason of
2 any person's activity as a community policing volunteer or
3 to prevent any person from engaging in activity as a
4 community policing volunteer. For the purpose of this
5 Section, "community policing volunteer" has the meaning
6 ascribed to it in Section 2-3.5 of the Criminal Code of
7 2012;

8 (18) the defendant committed the offense in a nursing
9 home or on the real property comprising a nursing home. For
10 the purposes of this paragraph (18), "nursing home" means a
11 skilled nursing or intermediate long term care facility
12 that is subject to license by the Illinois Department of
13 Public Health under the Nursing Home Care Act, the
14 Specialized Mental Health Rehabilitation Act of 2013, the
15 ID/DD Community Care Act, or the MC/DD Act;

16 (19) the defendant was a federally licensed firearm
17 dealer and was previously convicted of a violation of
18 subsection (a) of Section 3 of the Firearm Owners
19 Identification Card Act before its repeal by this
20 amendatory Act of the 101st General Assembly and has now
21 committed ~~either a felony violation of the Firearm Owners~~
22 ~~Identification Card Act or~~ an act of armed violence while
23 armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code of
26 1961 or the Criminal Code of 2012 or the offense of driving

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds or any combination
3 thereof under Section 11-501 of the Illinois Vehicle Code
4 or a similar provision of a local ordinance and (ii) was
5 operating a motor vehicle in excess of 20 miles per hour
6 over the posted speed limit as provided in Article VI of
7 Chapter 11 of the Illinois Vehicle Code;

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

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

22 (23) the defendant committed the offense against a
23 person who was elderly or infirm or who was a person with a
24 disability by taking advantage of a family or fiduciary
25 relationship with the elderly or infirm person or person
26 with a disability;

1 (24) the defendant committed any offense under Section
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 and possessed 100 or more images;

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

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

22 (27) the defendant committed the offense of first
23 degree murder, assault, aggravated assault, battery,
24 aggravated battery, robbery, armed robbery, or aggravated
25 robbery against a person who was a veteran and the
26 defendant knew, or reasonably should have known, that the

1 person was a veteran performing duties as a representative
2 of a veterans' organization. For the purposes of this
3 paragraph (27), "veteran" means an Illinois resident who
4 has served as a member of the United States Armed Forces, a
5 member of the Illinois National Guard, or a member of the
6 United States Reserve Forces; and "veterans' organization"
7 means an organization comprised of members of which
8 substantially all are individuals who are veterans or
9 spouses, widows, or widowers of veterans, the primary
10 purpose of which is to promote the welfare of its members
11 and to provide assistance to the general public in such a
12 way as to confer a public benefit;

13 (28) the defendant committed the offense of assault,
14 aggravated assault, battery, aggravated battery, robbery,
15 armed robbery, or aggravated robbery against a person that
16 the defendant knew or reasonably should have known was a
17 letter carrier or postal worker while that person was
18 performing his or her duties delivering mail for the United
19 States Postal Service;

20 (29) the defendant committed the offense of criminal
21 sexual assault, aggravated criminal sexual assault,
22 criminal sexual abuse, or aggravated criminal sexual abuse
23 against a victim with an intellectual disability, and the
24 defendant holds a position of trust, authority, or
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 juvenile prostitution, patronizing a prostitute, or
2 patronizing a minor engaged in prostitution and at the time
3 of the commission of the offense knew that the prostitute
4 or minor engaged in prostitution was in the custody or
5 guardianship of the Department of Children and Family
6 Services; or

7 (31) the defendant (i) committed the offense of driving
8 while under the influence of alcohol, other drug or drugs,
9 intoxicating compound or compounds or any combination
10 thereof in violation of Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance
12 and (ii) the defendant during the commission of the offense
13 was driving his or her vehicle upon a roadway designated
14 for one-way traffic in the opposite direction of the
15 direction indicated by official traffic control devices.

16 For the purposes of this Section:

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

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

23 "Intellectual disability" means significantly subaverage
24 intellectual functioning which exists concurrently with
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,
2 and includes paratransit services.

3 "Traffic control devices" means all signs, signals,
4 markings, and devices that conform to the Illinois Manual on
5 Uniform Traffic Control Devices, placed or erected by authority
6 of a public body or official having jurisdiction, for the
7 purpose of regulating, warning, or guiding traffic.

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

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or greater
14 class felony, when such conviction has occurred within 10
15 years after the previous conviction, excluding time spent
16 in custody, and such charges are separately brought and
17 tried and arise out of different series of acts; or

18 (2) When a defendant is convicted of any felony and the
19 court finds that the offense was accompanied by
20 exceptionally brutal or heinous behavior indicative of
21 wanton cruelty; or

22 (3) When a defendant is convicted of any felony
23 committed against:

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

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person who had a physical disability at the
3 time of the offense or such person's property; or

4 (4) When a defendant is convicted of any felony and the
5 offense involved any of the following types of specific
6 misconduct committed as part of a ceremony, rite,
7 initiation, observance, performance, practice or activity
8 of any actual or ostensible religious, fraternal, or social
9 group:

10 (i) the brutalizing or torturing of humans or
11 animals;

12 (ii) the theft of human corpses;

13 (iii) the kidnapping of humans;

14 (iv) the desecration of any cemetery, religious,
15 fraternal, business, governmental, educational, or
16 other building or property; or

17 (v) ritualized abuse of a child; or

18 (5) When a defendant is convicted of a felony other
19 than conspiracy and the court finds that the felony was
20 committed under an agreement with 2 or more other persons
21 to commit that offense and the defendant, with respect to
22 the other individuals, occupied a position of organizer,
23 supervisor, financier, or any other position of management
24 or leadership, and the court further finds that the felony
25 committed was related to or in furtherance of the criminal
26 activities of an organized gang or was motivated by the

1 defendant's leadership in an organized gang; or

2 (6) When a defendant is convicted of an offense
3 committed while using a firearm with a laser sight attached
4 to it. For purposes of this paragraph, "laser sight" has
5 the meaning ascribed to it in Section 26-7 of the Criminal
6 Code of 2012; or

7 (7) When a defendant who was at least 17 years of age
8 at the time of the commission of the offense is convicted
9 of a felony and has been previously adjudicated a
10 delinquent minor under the Juvenile Court Act of 1987 for
11 an act that if committed by an adult would be a Class X or
12 Class 1 felony when the conviction has occurred within 10
13 years after the previous adjudication, excluding time
14 spent in custody; or

15 (8) When a defendant commits any felony and the
16 defendant used, possessed, exercised control over, or
17 otherwise directed an animal to assault a law enforcement
18 officer engaged in the execution of his or her official
19 duties or in furtherance of the criminal activities of an
20 organized gang in which the defendant is engaged; or

21 (9) When a defendant commits any felony and the
22 defendant knowingly video or audio records the offense with
23 the intent to disseminate the recording.

24 (c) The following factors may be considered by the court as
25 reasons to impose an extended term sentence under Section 5-8-2
26 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

1 (1) When a defendant is convicted of first degree
2 murder, after having been previously convicted in Illinois
3 of any offense listed under paragraph (c)(2) of Section
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
5 within 10 years after the previous conviction, excluding
6 time spent in custody, and the charges are separately
7 brought and tried and arise out of different series of
8 acts.

9 (1.5) When a defendant is convicted of first degree
10 murder, after having been previously convicted of domestic
11 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
12 (720 ILCS 5/12-3.3) committed on the same victim or after
13 having been previously convicted of violation of an order
14 of protection (720 ILCS 5/12-30) in which the same victim
15 was the protected person.

16 (2) When a defendant is convicted of voluntary
17 manslaughter, second degree murder, involuntary
18 manslaughter, or reckless homicide in which the defendant
19 has been convicted of causing the death of more than one
20 individual.

21 (3) When a defendant is convicted of aggravated
22 criminal sexual assault or criminal sexual assault, when
23 there is a finding that aggravated criminal sexual assault
24 or criminal sexual assault was also committed on the same
25 victim by one or more other individuals, and the defendant
26 voluntarily participated in the crime with the knowledge of

1 the participation of the others in the crime, and the
2 commission of the crime was part of a single course of
3 conduct during which there was no substantial change in the
4 nature of the criminal objective.

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

12 (5) When a defendant is convicted of a felony violation
13 of Section 24-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
15 finding that the defendant is a member of an organized
16 gang.

17 (6) When a defendant was convicted of unlawful use of
18 weapons under Section 24-1 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
20 a weapon that is not readily distinguishable as one of the
21 weapons enumerated in Section 24-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense
24 involving the illegal manufacture of a controlled
25 substance under Section 401 of the Illinois Controlled
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine
2 Control and Community Protection Act (720 ILCS 646/25), or
3 the illegal possession of explosives and an emergency
4 response officer in the performance of his or her duties is
5 killed or injured at the scene of the offense while
6 responding to the emergency caused by the commission of the
7 offense. In this paragraph, "emergency" means a situation
8 in which a person's life, health, or safety is in jeopardy;
9 and "emergency response officer" means a peace officer,
10 community policing volunteer, fireman, emergency medical
11 technician-ambulance, emergency medical
12 technician-intermediate, emergency medical
13 technician-paramedic, ambulance driver, other medical
14 assistance or first aid personnel, or hospital emergency
15 room personnel.

16 (8) When the defendant is convicted of attempted mob
17 action, solicitation to commit mob action, or conspiracy to
18 commit mob action under Section 8-1, 8-2, or 8-4 of the
19 Criminal Code of 2012, where the criminal object is a
20 violation of Section 25-1 of the Criminal Code of 2012, and
21 an electronic communication is used in the commission of
22 the offense. For the purposes of this paragraph (8),
23 "electronic communication" shall have the meaning provided
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under
3 Article 4.5 of Chapter V upon an offender who has been
4 convicted of a felony violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
7 when the victim of the offense is under 18 years of age at the
8 time of the commission of the offense and, during the
9 commission of the offense, the victim was under the influence
10 of alcohol, regardless of whether or not the alcohol was
11 supplied by the offender; and the offender, at the time of the
12 commission of the offense, knew or should have known that the
13 victim had consumed alcohol.

14 (Source: P.A. 99-77, eff. 1-1-16; 99-143, eff. 7-27-15; 99-180,
15 eff. 7-29-15; 99-283, eff. 1-1-16; 99-347, eff. 1-1-16; 99-642,
16 eff. 7-28-16; 100-1053, eff. 1-1-19.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 (Text of Section after amendment by P.A. 100-987)

19 Sec. 5-6-3. Conditions of probation and of conditional
20 discharge.

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

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report to or appear in person before such person or

1 agency as directed by the court;

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

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

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

18 (6) perform no less than 30 hours of community service
19 and not more than 120 hours of community service, if
20 community service is available in the jurisdiction and is
21 funded and approved by the county board where the offense
22 was committed, where the offense was related to or in
23 furtherance of the criminal activities of an organized gang
24 and was motivated by the offender's membership in or
25 allegiance to an organized gang. The community service
26 shall include, but not be limited to, the cleanup and

1 repair of any damage caused by a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 and similar damage to property located within the
4 municipality or county in which the violation occurred.
5 When possible and reasonable, the community service should
6 be performed in the offender's neighborhood. For purposes
7 of this Section, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang Terrorism
9 Omnibus Prevention Act. The court may give credit toward
10 the fulfillment of community service hours for
11 participation in activities and treatment as determined by
12 court services;

13 (7) if he or she is at least 17 years of age and has
14 been sentenced to probation or conditional discharge for a
15 misdemeanor or felony in a county of 3,000,000 or more
16 inhabitants and has not been previously convicted of a
17 misdemeanor or felony, may be required by the sentencing
18 court to attend educational courses designed to prepare the
19 defendant for a high school diploma and to work toward a
20 high school diploma or to work toward passing high school
21 equivalency testing or to work toward completing a
22 vocational training program approved by the court. The
23 person on probation or conditional discharge must attend a
24 public institution of education to obtain the educational
25 or vocational training required by this paragraph (7). The
26 court shall revoke the probation or conditional discharge

1 of a person who wilfully fails to comply with this
2 paragraph (7). The person on probation or conditional
3 discharge shall be required to pay for the cost of the
4 educational courses or high school equivalency testing if a
5 fee is charged for those courses or testing. The court
6 shall resentence the offender whose probation or
7 conditional discharge has been revoked as provided in
8 Section 5-6-4. This paragraph (7) does not apply to a
9 person who has a high school diploma or has successfully
10 passed high school equivalency testing. This paragraph (7)
11 does not apply to a person who is determined by the court
12 to be a person with a developmental disability or otherwise
13 mentally incapable of completing the educational or
14 vocational program;

15 (8) if convicted of possession of a substance
16 prohibited by the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine Control
18 and Community Protection Act after a previous conviction or
19 disposition of supervision for possession of a substance
20 prohibited by the Cannabis Control Act or Illinois
21 Controlled Substances Act or after a sentence of probation
22 under Section 10 of the Cannabis Control Act, Section 410
23 of the Illinois Controlled Substances Act, or Section 70 of
24 the Methamphetamine Control and Community Protection Act
25 and upon a finding by the court that the person is
26 addicted, undergo treatment at a substance abuse program

1 approved by the court;

2 (8.5) if convicted of a felony sex offense as defined
3 in the Sex Offender Management Board Act, the person shall
4 undergo and successfully complete sex offender treatment
5 by a treatment provider approved by the Board and conducted
6 in conformance with the standards developed under the Sex
7 Offender Management Board Act;

8 (8.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders;

19 (8.7) if convicted for an offense committed on or after
20 June 1, 2008 (the effective date of Public Act 95-464) that
21 would qualify the accused as a child sex offender as
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
23 1961 or the Criminal Code of 2012, refrain from
24 communicating with or contacting, by means of the Internet,
25 a person who is not related to the accused and whom the
26 accused reasonably believes to be under 18 years of age;

1 for purposes of this paragraph (8.7), "Internet" has the
2 meaning ascribed to it in Section 16-0.1 of the Criminal
3 Code of 2012; and a person is not related to the accused if
4 the person is not: (i) the spouse, brother, or sister of
5 the accused; (ii) a descendant of the accused; (iii) a
6 first or second cousin of the accused; or (iv) a step-child
7 or adopted child of the accused;

8 (8.8) if convicted for an offense under Section 11-6,
9 11-9.1, 11-14.4 that involves soliciting for a juvenile
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 or any attempt to commit any of these offenses, committed
13 on or after June 1, 2009 (the effective date of Public Act
14 95-983):

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

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

1 the computer or device and any internal or external
2 peripherals and removal of such information,
3 equipment, or device to conduct a more thorough
4 inspection;

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

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

13 (8.9) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after January
15 1, 2010 (the effective date of Public Act 96-262), refrain
16 from accessing or using a social networking website as
17 defined in Section 17-0.5 of the Criminal Code of 2012;

18 (9) if convicted of a felony or of any misdemeanor
19 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
20 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
21 2012 that was determined, pursuant to Section 112A-11.1 of
22 the Code of Criminal Procedure of 1963, to trigger the
23 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
24 at a time and place designated by the court, ~~his or her~~
25 ~~Firearm Owner's Identification Card~~ and any and all
26 firearms in his or her possession. ~~The Court shall return~~

1 ~~to the Department of State Police Firearm Owner's~~
2 ~~Identification Card Office the person's Firearm Owner's~~
3 ~~Identification Card;~~

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

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

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

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

1 (B) prohibited from purchasing, possessing, or
2 having under his or her control any product containing
3 ammonium nitrate; and

4 (13) if convicted of a hate crime involving the
5 protected class identified in subsection (a) of Section
6 12-7.1 of the Criminal Code of 2012 that gave rise to the
7 offense the offender committed, perform public or
8 community service of no less than 200 hours and enroll in
9 an educational program discouraging hate crimes that
10 includes racial, ethnic, and cultural sensitivity training
11 ordered by the court.

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

17 (1) serve a term of periodic imprisonment under Article
18 7 for a period not to exceed that specified in paragraph
19 (d) of Section 5-7-1;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational
22 training;

23 (4) undergo medical, psychological or psychiatric
24 treatment; or treatment for drug addiction or alcoholism;

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

- 1 (6) support his dependents;
- 2 (7) and in addition, if a minor:
 - 3 (i) reside with his parents or in a foster home;
 - 4 (ii) attend school;
 - 5 (iii) attend a non-residential program for youth;
 - 6 (iv) contribute to his own support at home or in a
7 foster home;
 - 8 (v) with the consent of the superintendent of the
9 facility, attend an educational program at a facility
10 other than the school in which the offense was
11 committed if he or she is convicted of a crime of
12 violence as defined in Section 2 of the Crime Victims
13 Compensation Act committed in a school, on the real
14 property comprising a school, or within 1,000 feet of
15 the real property comprising a school;
- 16 (8) make restitution as provided in Section 5-5-6 of
17 this Code;
- 18 (9) perform some reasonable public or community
19 service;
- 20 (10) serve a term of home confinement. In addition to
21 any other applicable condition of probation or conditional
22 discharge, the conditions of home confinement shall be that
23 the offender:
 - 24 (i) remain within the interior premises of the
25 place designated for his confinement during the hours
26 designated by the court;

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

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

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

1 provided in an administrative order of the Chief Judge
2 of the circuit court.

3 The Chief Judge of the circuit court of the county
4 may by administrative order establish a program for
5 electronic monitoring of offenders, in which a vendor
6 supplies and monitors the operation of the electronic
7 monitoring device, and collects the fees on behalf of
8 the county. The program shall include provisions for
9 indigent offenders and the collection of unpaid fees.
10 The program shall not unduly burden the offender and
11 shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend
13 any additional charges or fees for late payment,
14 interest, or damage to any device; and

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

1 circuit court, except as provided in an administrative
2 order of the Chief Judge of the circuit court. The
3 clerk of the circuit court shall pay all monies
4 collected from this fee to the county treasurer who
5 shall use the monies collected to defray the costs of
6 corrections. The county treasurer shall deposit the
7 fee collected in the probation and court services fund.
8 The Chief Judge of the circuit court of the county may
9 by administrative order establish a program for
10 electronic monitoring of offenders, in which a vendor
11 supplies and monitors the operation of the electronic
12 monitoring device, and collects the fees on behalf of
13 the county. The program shall include provisions for
14 indigent offenders and the collection of unpaid fees.
15 The program shall not unduly burden the offender and
16 shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend
18 any additional charges or fees for late payment,
19 interest, or damage to any device.

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

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

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

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

25 (15) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of
2 street gangs and drug users or dealers;

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

10 (17) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) that
12 would qualify the accused as a child sex offender as
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
14 1961 or the Criminal Code of 2012, refrain from
15 communicating with or contacting, by means of the Internet,
16 a person who is related to the accused and whom the accused
17 reasonably believes to be under 18 years of age; for
18 purposes of this paragraph (17), "Internet" has the meaning
19 ascribed to it in Section 16-0.1 of the Criminal Code of
20 2012; and a person is related to the accused if the person
21 is: (i) the spouse, brother, or sister of the accused; (ii)
22 a descendant of the accused; (iii) a first or second cousin
23 of the accused; or (iv) a step-child or adopted child of
24 the accused;

25 (18) if convicted for an offense committed on or after
26 June 1, 2009 (the effective date of Public Act 95-983) that

1 would qualify as a sex offense as defined in the Sex
2 Offender Registration Act:

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

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

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

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

1 (19) refrain from possessing a firearm or other
2 dangerous weapon where the offense is a misdemeanor that
3 did not involve the intentional or knowing infliction of
4 bodily harm or threat of bodily harm.

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

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

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

26 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to
2 the Department of Corrections.

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

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

1 defray the costs of drug testing, alcohol testing, and
2 electronic monitoring. The county treasurer shall deposit the
3 fees collected in the county working cash fund under Section
4 6-27001 or Section 6-29002 of the Counties Code, as the case
5 may be. The Chief Judge of the circuit court of the county may
6 by administrative order establish a program for electronic
7 monitoring of offenders, in which a vendor supplies and
8 monitors the operation of the electronic monitoring device, and
9 collects the fees on behalf of the county. The program shall
10 include provisions for indigent offenders and the collection of
11 unpaid fees. The program shall not unduly burden the offender
12 and shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device.

16 (h) Jurisdiction over an offender may be transferred from
17 the sentencing court to the court of another circuit with the
18 concurrence of both courts. Further transfers or retransfers of
19 jurisdiction are also authorized in the same manner. The court
20 to which jurisdiction has been transferred shall have the same
21 powers as the sentencing court. The probation department within
22 the circuit to which jurisdiction has been transferred, or
23 which has agreed to provide supervision, may impose probation
24 fees upon receiving the transferred offender, as provided in
25 subsection (i). For all transfer cases, as defined in Section
26 9b of the Probation and Probation Officers Act, the probation

1 department from the original sentencing court shall retain all
2 probation fees collected prior to the transfer. After the
3 transfer, all probation fees shall be paid to the probation
4 department within the circuit to which jurisdiction has been
5 transferred.

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

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

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

20 Public Act 93-970 deletes the \$10 increase in the fee under
21 this subsection that was imposed by Public Act 93-616. This
22 deletion is intended to control over any other Act of the 93rd
23 General Assembly that retains or incorporates that fee
24 increase.

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation department
3 has determined to be sexually motivated (as defined in the Sex
4 Offender Management Board Act), the court or the probation
5 department shall assess additional fees to pay for all costs of
6 treatment, assessment, evaluation for risk and treatment, and
7 monitoring the offender, based on that offender's ability to
8 pay those costs either as they occur or under a payment plan.

9 (j) All fines and costs imposed under this Section for any
10 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
11 Code, or a similar provision of a local ordinance, and any
12 violation of the Child Passenger Protection Act, or a similar
13 provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under the Criminal
15 and Traffic Assessment Act.

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

25 (l) The court may order an offender who is sentenced to
26 probation or conditional discharge for a violation of an order

1 of protection be placed under electronic surveillance as
2 provided in Section 5-8A-7 of this Code.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
4 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
5 1-8-18; 100-987, eff. 7-1-19.)

6 Section 100. The Stalking No Contact Order Act is amended
7 by changing Section 80 as follows:

8 (740 ILCS 21/80)

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

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

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

23 (1) prohibit the respondent from threatening to commit
24 or committing stalking;

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

4 (3) prohibit the respondent from knowingly coming
5 within, or knowingly remaining within a specified distance
6 of the petitioner or the petitioner's residence, school,
7 daycare, or place of employment, or any specified place
8 frequented by the petitioner; however, the court may order
9 the respondent to stay away from the respondent's own
10 residence, school, or place of employment only if the
11 respondent has been provided actual notice of the
12 opportunity to appear and be heard on the petition;

13 (4) prohibit the respondent from ~~possessing a Firearm~~
14 ~~Owners Identification Card,~~ or possessing or buying
15 firearms; and

16 (5) order other injunctive relief the court determines
17 to be necessary to protect the petitioner or third party
18 specifically named by the court.

19 (b-5) When the petitioner and the respondent attend the
20 same public, private, or non-public elementary, middle, or high
21 school, the court when issuing a stalking no contact order and
22 providing relief shall consider the severity of the act, any
23 continuing physical danger or emotional distress to the
24 petitioner, the educational rights guaranteed to the
25 petitioner and respondent under federal and State law, the
26 availability of a transfer of the respondent to another school,

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

1 transfer to another attendance center within the respondent's
2 school district or private or non-public school, the school
3 district or private or non-public school shall have sole
4 discretion to determine the attendance center to which the
5 respondent is transferred. In the event the court order results
6 in a transfer of the minor respondent to another attendance
7 center, a change in the respondent's placement, or a change of
8 the respondent's program, the parents, guardian, or legal
9 custodian of the respondent is responsible for transportation
10 and other costs associated with the transfer or change.

11 (b-6) The court may order the parents, guardian, or legal
12 custodian of a minor respondent to take certain actions or to
13 refrain from taking certain actions to ensure that the
14 respondent complies with the order. In the event the court
15 orders a transfer of the respondent to another school, the
16 parents, guardian, or legal custodian of the respondent are
17 responsible for transportation and other costs associated with
18 the change of school by the respondent.

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

23 (b-8) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under
26 this Act for conduct of the minor respondent in violation of

1 this Act if the parents, guardian, or legal custodian directed,
2 encouraged, or assisted the respondent minor in such conduct.

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

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

6 (e) If the stalking no contact order prohibits the
7 respondent from ~~possessing a Firearm Owner's Identification~~
8 ~~Card, or~~ possessing or buying firearms; the court shall
9 confiscate the respondent's firearms ~~Firearm Owner's~~
10 ~~Identification Card and immediately return the card to the~~
11 ~~Department of State Police Firearm Owner's Identification Card~~
12 ~~Office.~~

13 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
14 97-1131, eff. 1-1-13.)

15 Section 105. The Mental Health and Developmental
16 Disabilities Confidentiality Act is amended by changing
17 Section 12 as follows:

18 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

19 Sec. 12. (a) If the United States Secret Service or the
20 Department of State Police requests information from a mental
21 health or developmental disability facility, as defined in
22 Section 1-107 and 1-114 of the Mental Health and Developmental
23 Disabilities Code, relating to a specific recipient and the
24 facility director determines that disclosure of such

1 information may be necessary to protect the life of, or to
2 prevent the infliction of great bodily harm to, a public
3 official, or a person under the protection of the United States
4 Secret Service, only the following information may be
5 disclosed: the recipient's name, address, and age and the date
6 of any admission to or discharge from a facility; and any
7 information which would indicate whether or not the recipient
8 has a history of violence or presents a danger of violence to
9 the person under protection. Any information so disclosed shall
10 be used for investigative purposes only and shall not be
11 publicly disseminated. Any person participating in good faith
12 in the disclosure of such information in accordance with this
13 provision shall have immunity from any liability, civil,
14 criminal or otherwise, if such information is disclosed relying
15 upon the representation of an officer of the United States
16 Secret Service or the Department of State Police that a person
17 is under the protection of the United States Secret Service or
18 is a public official.

19 For the purpose of this subsection (a), the term "public
20 official" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, State Comptroller, State
22 Treasurer, member of the General Assembly, member of the United
23 States Congress, Judge of the United States as defined in 28
24 U.S.C. 451, Justice of the United States as defined in 28
25 U.S.C. 451, United States Magistrate Judge as defined in 28
26 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or

1 Supreme, Appellate, Circuit, or Associate Judge of the State of
2 Illinois. The term shall also include the spouse, child or
3 children of a public official.

4 (b) The Department of Human Services (acting as successor
5 to the Department of Mental Health and Developmental
6 Disabilities) and all public or private hospitals and mental
7 health facilities are required, as hereafter described in this
8 subsection, to furnish the Department of State Police only such
9 information as may be required for the sole purpose of
10 determining whether an individual who may be or may have been a
11 patient is disqualified because of that status from receiving
12 or retaining a firearm under paragraph (4) of subsection (a) of
13 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
14 ~~Identification Card or falls within the federal prohibitors~~
15 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
16 ~~of the Firearm Owners Identification Card Act~~, or falls within
17 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
18 physicians, clinical psychologists, or qualified examiners at
19 public or private mental health facilities or parts thereof as
20 defined in this subsection shall, in the form and manner
21 required by the Department, provide notice directly to the
22 Department of Human Services, or to his or her employer who
23 shall then report to the Department, within 24 hours after
24 determining that a person poses a clear and present danger to
25 himself, herself, or others, or within 7 days after a person 14
26 years or older is determined to be a person with a

1 developmental disability by a physician, clinical
2 psychologist, or qualified examiner as described in this
3 subsection (b) Section 1.1 of the Firearm Owners Identification
4 Card Act. If a person is a patient as described in clause
5 (2) (A) (1) of the definition of "patient" in (2) (A) Section 1.1
6 of the Firearm Owners Identification Card Act, this information
7 shall be furnished within 7 days after admission to a public or
8 private hospital or mental health facility or the provision of
9 services. Any such information disclosed under this subsection
10 shall remain privileged and confidential, and shall not be
11 redisclosed, except as required by clause (e) (2) of Section
12 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of Section~~
13 ~~3.1 of the Firearm Owners Identification Card Act~~, nor utilized
14 for any other purpose. The method of requiring the providing of
15 such information shall guarantee that no information is
16 released beyond what is necessary for this purpose. In
17 addition, the information disclosed shall be provided by the
18 Department within the time period established by Section 24-3
19 of the Criminal Code of 2012 regarding the delivery of
20 firearms. The method used shall be sufficient to provide the
21 necessary information within the prescribed time period, which
22 may include periodically providing lists to the Department of
23 Human Services or any public or private hospital or mental
24 health facility of ~~Firearm Owner's Identification Card~~
25 applicants for firearm purchases on which the Department or
26 hospital shall indicate the identities of those individuals who

1 are to its knowledge disqualified from having a firearm ~~Firearm~~
2 ~~Owner's Identification Card~~ for reasons described herein. The
3 Department may provide for a centralized source of information
4 for the State on this subject under its jurisdiction. The
5 identity of the person reporting under this subsection shall
6 not be disclosed to the subject of the report. For the purposes
7 of this subsection, the physician, clinical psychologist, or
8 qualified examiner making the determination and his or her
9 employer shall not be held criminally, civilly, or
10 professionally liable for making or not making the notification
11 required under this subsection, except for willful or wanton
12 misconduct.

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

1 confidentiality of alcohol and drug abuse patient records
2 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

5 (1) (Blank).

6 (1.3) "Clear and present danger" has the meaning as
7 defined in Section 6-103.3 of the Mental Health and
8 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
9 ~~Identification Card Act.~~

10 (1.5) "Person with a developmental disability" has the
11 meaning as defined in Section 6-103.3 of the Mental Health
12 and Developmental Disabilities Code ~~1.1 of the Firearm~~
13 ~~Owners Identification Card Act.~~

14 (2) "Patient" means (A) a person who voluntarily
15 receives mental health treatment as an in-patient or
16 resident of any public or private mental health facility,
17 unless the treatment was solely for an alcohol abuse
18 disorder and no other secondary substance abuse disorder or
19 mental illness; or (B) a person who voluntarily receives
20 mental health treatment as an out-patient or is provided
21 services by a public or private mental health facility, and
22 who poses a clear and present danger to himself, herself,
23 or to others ~~has the meaning as defined in Section 1.1 of~~
24 ~~the Firearm Owners Identification Card Act.~~

25 (3) "Mental health facility" means any licensed
26 private hospital or hospital affiliate, institution, or

1 facility, or part thereof, and any facility, or part
2 thereof, operated by the State or a political subdivision
3 thereof which provide treatment of persons with mental
4 illness and includes all hospitals, institutions, clinics,
5 evaluation facilities, mental health centers, colleges,
6 universities, long-term care facilities, and nursing
7 homes, or parts thereof, which provide treatment of persons
8 with mental illness whether or not the primary purpose is
9 to provide treatment of persons with mental illness ~~has the~~
10 ~~meaning as defined in Section 1.1 of the Firearm Owners~~
11 ~~Identification Card Act.~~

12 (c) Upon the request of a peace officer who takes a person
13 into custody and transports such person to a mental health or
14 developmental disability facility pursuant to Section 3-606 or
15 4-404 of the Mental Health and Developmental Disabilities Code
16 or who transports a person from such facility, a facility
17 director shall furnish said peace officer the name, address,
18 age and name of the nearest relative of the person transported
19 to or from the mental health or developmental disability
20 facility. In no case shall the facility director disclose to
21 the peace officer any information relating to the diagnosis,
22 treatment or evaluation of the person's mental or physical
23 health.

24 For the purposes of this subsection (c), the terms "mental
25 health or developmental disability facility", "peace officer"
26 and "facility director" shall have the meanings ascribed to

1 them in the Mental Health and Developmental Disabilities Code.

2 (d) Upon the request of a peace officer or prosecuting
3 authority who is conducting a bona fide investigation of a
4 criminal offense, or attempting to apprehend a fugitive from
5 justice, a facility director may disclose whether a person is
6 present at the facility. Upon request of a peace officer or
7 prosecuting authority who has a valid forcible felony warrant
8 issued, a facility director shall disclose: (1) whether the
9 person who is the subject of the warrant is present at the
10 facility and (2) the date of that person's discharge or future
11 discharge from the facility. The requesting peace officer or
12 prosecuting authority must furnish a case number and the
13 purpose of the investigation or an outstanding arrest warrant
14 at the time of the request. Any person, institution, or agency
15 participating in good faith in disclosing such information in
16 accordance with this subsection (d) is immune from any
17 liability, civil, criminal or otherwise, that might result by
18 reason of the action.

19 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
20 eff. 7-27-15; 99-642, eff. 7-28-16.)

21 Section 110. The Illinois Domestic Violence Act of 1986 is
22 amended by changing Section 214 as follows:

23 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

24 Sec. 214. Order of protection; remedies.

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

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

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

1 defined in this Act, or stalking of the petitioner, as
2 defined in Section 12-7.3 of the Criminal Code of 2012, if
3 such abuse, neglect, exploitation, or stalking has
4 occurred or otherwise appears likely to occur if not
5 prohibited.

6 (2) Grant of exclusive possession of residence.
7 Prohibit respondent from entering or remaining in any
8 residence, household, or premises of the petitioner,
9 including one owned or leased by respondent, if petitioner
10 has a right to occupancy thereof. The grant of exclusive
11 possession of the residence, household, or premises shall
12 not affect title to real property, nor shall the court be
13 limited by the standard set forth in subsection (c-2) of
14 Section 501 of the Illinois Marriage and Dissolution of
15 Marriage Act.

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

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

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

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

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

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

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

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

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

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

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

1 custodian of the respondent is responsible for
2 transportation and other costs associated with the
3 change of school by the respondent.

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

16 (5) Physical care and possession of the minor child. In
17 order to protect the minor child from abuse, neglect, or
18 unwarranted separation from the person who has been the
19 minor child's primary caretaker, or to otherwise protect
20 the well-being of the minor child, the court may do either
21 or both of the following: (i) grant petitioner physical
22 care or possession of the minor child, or both, or (ii)
23 order respondent to return a minor child to, or not remove
24 a minor child from, the physical care of a parent or person
25 in loco parentis.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding physical care to respondent would not be in the
4 minor child's best interest.

5 (6) Temporary allocation of parental responsibilities:
6 significant decision-making. Award temporary
7 decision-making responsibility to petitioner in accordance
8 with this Section, the Illinois Marriage and Dissolution of
9 Marriage Act, the Illinois Parentage Act of 2015, and this
10 State's Uniform Child-Custody Jurisdiction and Enforcement
11 Act.

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

18 (7) Parenting time. Determine the parenting time, if
19 any, of respondent in any case in which the court awards
20 physical care or allocates temporary significant
21 decision-making responsibility of a minor child to
22 petitioner. The court shall restrict or deny respondent's
23 parenting time with a minor child if the court finds that
24 respondent has done or is likely to do any of the
25 following: (i) abuse or endanger the minor child during
26 parenting time; (ii) use the parenting time as an

1 opportunity to abuse or harass petitioner or petitioner's
2 family or household members; (iii) improperly conceal or
3 detain the minor child; or (iv) otherwise act in a manner
4 that is not in the best interests of the minor child. The
5 court shall not be limited by the standards set forth in
6 Section 603.10 of the Illinois Marriage and Dissolution of
7 Marriage Act. If the court grants parenting time, the order
8 shall specify dates and times for the parenting time to
9 take place or other specific parameters or conditions that
10 are appropriate. No order for parenting time shall refer
11 merely to the term "reasonable parenting time".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (13) Order for payment of losses. Order respondent to
22 pay petitioner for losses suffered as a direct result of
23 the abuse, neglect, or exploitation. Such losses shall
24 include, but not be limited to, medical expenses, lost
25 earnings or other support, repair or replacement of
26 property damaged or taken, reasonable attorney's fees,

1 court costs and moving or other travel expenses, including
2 additional reasonable expenses for temporary shelter and
3 restaurant meals.

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

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

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

25 (14.5) Prohibition of firearm possession.

26 (a) Prohibit a respondent against whom an order of

1 protection was issued from possessing any firearms
2 during the duration of the order if the order:

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

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

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

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

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

12 (b) If the respondent is a peace officer as defined
13 in Section 2-13 of the Criminal Code of 2012, the court
14 shall order that any firearms used by the respondent in
15 the performance of his or her duties as a peace officer
16 be surrendered to the chief law enforcement executive
17 of the agency in which the respondent is employed, who
18 shall retain the firearms for safekeeping for the
19 duration of the order of protection.

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

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

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

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

22 (17) Order for injunctive relief. Enter injunctive
23 relief necessary or appropriate to prevent further abuse of
24 a family or household member or further abuse, neglect, or
25 exploitation of a high-risk adult with disabilities or to
26 effectuate one of the granted remedies, if supported by the

1 balance of hardships. If the harm to be prevented by the
2 injunction is abuse or any other harm that one of the
3 remedies listed in paragraphs (1) through (16) of this
4 subsection is designed to prevent, no further evidence is
5 necessary that the harm is an irreparable injury.

6 (18) Telephone services.

7 (A) Unless a condition described in subparagraph
8 (B) of this paragraph exists, the court may, upon
9 request by the petitioner, order a wireless telephone
10 service provider to transfer to the petitioner the
11 right to continue to use a telephone number or numbers
12 indicated by the petitioner and the financial
13 responsibility associated with the number or numbers,
14 as set forth in subparagraph (C) of this paragraph. For
15 purposes of this paragraph (18), the term "wireless
16 telephone service provider" means a provider of
17 commercial mobile service as defined in 47 U.S.C. 332.
18 The petitioner may request the transfer of each
19 telephone number that the petitioner, or a minor child
20 in his or her custody, uses. The clerk of the court
21 shall serve the order on the wireless telephone service
22 provider's agent for service of process provided to the
23 Illinois Commerce Commission. The order shall contain
24 all of the following:

25 (i) The name and billing telephone number of
26 the account holder including the name of the

1 wireless telephone service provider that serves
2 the account.

3 (ii) Each telephone number that will be
4 transferred.

5 (iii) A statement that the provider transfers
6 to the petitioner all financial responsibility for
7 and right to the use of any telephone number
8 transferred under this paragraph.

9 (B) A wireless telephone service provider shall
10 terminate the respondent's use of, and shall transfer
11 to the petitioner use of, the telephone number or
12 numbers indicated in subparagraph (A) of this
13 paragraph unless it notifies the petitioner, within 72
14 hours after it receives the order, that one of the
15 following applies:

16 (i) The account holder named in the order has
17 terminated the account.

18 (ii) A difference in network technology would
19 prevent or impair the functionality of a device on
20 a network if the transfer occurs.

21 (iii) The transfer would cause a geographic or
22 other limitation on network or service provision
23 to the petitioner.

24 (iv) Another technological or operational
25 issue would prevent or impair the use of the
26 telephone number if the transfer occurs.

1 (C) The petitioner assumes all financial
2 responsibility for and right to the use of any
3 telephone number transferred under this paragraph. In
4 this paragraph, "financial responsibility" includes
5 monthly service costs and costs associated with any
6 mobile device associated with the number.

7 (D) A wireless telephone service provider may
8 apply to the petitioner its routine and customary
9 requirements for establishing an account or
10 transferring a number, including requiring the
11 petitioner to provide proof of identification,
12 financial information, and customer preferences.

13 (E) Except for willful or wanton misconduct, a
14 wireless telephone service provider is immune from
15 civil liability for its actions taken in compliance
16 with a court order issued under this paragraph.

17 (F) All wireless service providers that provide
18 services to residential customers shall provide to the
19 Illinois Commerce Commission the name and address of an
20 agent for service of orders entered under this
21 paragraph (18). Any change in status of the registered
22 agent must be reported to the Illinois Commerce
23 Commission within 30 days of such change.

24 (G) The Illinois Commerce Commission shall
25 maintain the list of registered agents for service for
26 each wireless telephone service provider on the

1 Commission's website. The Commission may consult with
2 wireless telephone service providers and the Circuit
3 Court Clerks on the manner in which this information is
4 provided and displayed.

5 (c) Relevant factors; findings.

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

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

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

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

1 (i) availability, accessibility, cost, safety,
2 adequacy, location and other characteristics of
3 alternate housing for each party and any minor child or
4 dependent adult in the party's care;

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

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

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

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

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

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

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

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

11 (5) Never married parties. No rights or
12 responsibilities for a minor child born outside of marriage
13 attach to a putative father until a father and child
14 relationship has been established under the Illinois
15 Parentage Act of 1984, the Illinois Parentage Act of 2015,
16 the Illinois Public Aid Code, Section 12 of the Vital
17 Records Act, the Juvenile Court Act of 1987, the Probate
18 Act of 1975, the Revised Uniform Reciprocal Enforcement of
19 Support Act, the Uniform Interstate Family Support Act, the
20 Expedited Child Support Act of 1990, any judicial,
21 administrative, or other act of another state or territory,
22 any other Illinois statute, or by any foreign nation
23 establishing the father and child relationship, any other
24 proceeding substantially in conformity with the Personal
25 Responsibility and Work Opportunity Reconciliation Act of
26 1996 (Pub. L. 104-193), or where both parties appeared in

1 open court or at an administrative hearing acknowledging
2 under oath or admitting by affirmation the existence of a
3 father and child relationship. Absent such an
4 adjudication, finding, or acknowledgment, no putative
5 father shall be granted temporary allocation of parental
6 responsibilities, including parenting time with the minor
7 child, or physical care and possession of the minor child,
8 nor shall an order of payment for support of the minor
9 child be entered.

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

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

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

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

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

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

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

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

15 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
16 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
17 100-923, eff. 1-1-19.)

18 Section 115. The Uniform Disposition of Unclaimed Property
19 Act is amended by changing Section 1 as follows:

20 (765 ILCS 1025/1) (from Ch. 141, par. 101)

21 Sec. 1. As used in this Act, unless the context otherwise
22 requires:

23 (a) "Banking organization" means any bank, trust company,
24 savings bank, industrial bank, land bank, safe deposit company,

1 or a private banker.

2 (b) "Business association" means any corporation, joint
3 stock company, business trust, partnership, or any
4 association, limited liability company, or other business
5 entity consisting of one or more persons, whether or not for
6 profit.

7 (c) "Financial organization" means any savings and loan
8 association, building and loan association, credit union,
9 currency exchange, co-operative bank, mutual funds, or
10 investment company.

11 (d) "Holder" means any person in possession of property
12 subject to this Act belonging to another, or who is trustee in
13 case of a trust, or is indebted to another on an obligation
14 subject to this Act.

15 (e) "Life insurance corporation" means any association or
16 corporation transacting the business of insurance on the lives
17 of persons or insurance appertaining thereto, including, but
18 not by way of limitation, endowments and annuities.

19 (f) "Owner" means a depositor in case of a deposit, a
20 beneficiary in case of a trust, a creditor, claimant, or payee
21 in case of other property, or any person having a legal or
22 equitable interest in property subject to this Act, or his
23 legal representative.

24 (g) "Person" means any individual, business association,
25 financial organization, government or political subdivision or
26 agency, public authority, estate, trust, or any other legal or

1 commercial entity.

2 (h) "Utility" means any person who owns or operates, for
3 public use, any plant, equipment, property, franchise, or
4 license for the transmission of communications or the
5 production, storage, transmission, sale, delivery, or
6 furnishing of electricity, water, steam, oil or gas.

7 (i) (Blank).

8 (j) "Insurance company" means any person transacting the
9 kinds of business enumerated in Section 4 of the Illinois
10 Insurance Code other than life insurance.

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

17 (l) "Reportable property" means property, tangible or
18 intangible, presumed abandoned under this Act that must be
19 appropriately and timely reported and remitted to the Office of
20 the State Treasurer under this Act. Interest, dividends, stock
21 splits, warrants, or other rights that become reportable
22 property under this Act include the underlying security or
23 commodity giving rise to the interest, dividend, split,
24 warrant, or other right to which the owner would be entitled.

25 (m) "Firearm" has the meaning ascribed to that term in
26 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~

1 ~~Identification Card Act.~~

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

4 Section 120. The Revised Uniform Unclaimed Property Act is
5 amended by changing Section 15-705 as follows:

6 (765 ILCS 1026/15-705)

7 Sec. 15-705. Exceptions to the sale of tangible property.
8 The administrator shall dispose of tangible property
9 identified by this Section in accordance with this Section.

10 (a) Military medals or decorations. The administrator may
11 not sell a medal or decoration awarded for military service in
12 the armed forces of the United States. Instead, the
13 administrator, with the consent of the respective organization
14 under paragraph (1), agency under paragraph (2), or entity
15 under paragraph (3), may deliver a medal or decoration to be
16 held in custody for the owner, to:

17 (1) a military veterans organization qualified under
18 Section 501(c)(19) of the Internal Revenue Code;

19 (2) the agency that awarded the medal or decoration; or

20 (3) a governmental entity.

21 After delivery, the administrator is not responsible for
22 the safekeeping of the medal or decoration.

23 (b) Property with historical value. Property that the
24 administrator reasonably believes may have historical value

1 may be, at his or her discretion, loaned to an accredited
2 museum in the United States where it will be kept until such
3 time as the administrator orders it to be returned to his or
4 her custody.

5 (c) Human remains. If human remains are delivered to the
6 administrator under this Act, the administrator shall deliver
7 those human remains to the coroner of the county in which the
8 human remains were abandoned for disposition under Section
9 3-3034 of the Counties Code. The only human remains that may be
10 delivered to the administrator under this Act and that the
11 administrator may receive are those that are reported and
12 delivered as contents of a safe deposit box.

13 (d) Evidence in a criminal investigation. Property that may
14 have been used in the commission of a crime or that may assist
15 in the investigation of a crime, as determined after consulting
16 with the Department of State Police, shall be delivered to the
17 Department of State Police or other appropriate law enforcement
18 authority to allow law enforcement to determine whether a
19 criminal investigation should take place. Any such property
20 delivered to a law enforcement authority shall be held in
21 accordance with existing statutes and rules related to the
22 gathering, retention, and release of evidence.

23 (e) Firearms.

24 (1) The administrator, in cooperation with the
25 Department of State Police, shall develop a procedure to
26 determine whether a firearm delivered to the administrator

1 under this Act has been stolen or used in the commission of
2 a crime. The Department of State Police shall determine the
3 appropriate disposition of a firearm that has been stolen
4 or used in the commission of a crime. The administrator
5 shall attempt to return a firearm that has not been stolen
6 or used in the commission of a crime to the rightful owner
7 if the Department of State Police determines that the owner
8 may lawfully possess the firearm.

9 (2) If the administrator is unable to return a firearm
10 to its owner, the administrator shall transfer custody of
11 the firearm to the Department of State Police. Legal title
12 to a firearm transferred to the Department of State Police
13 under this subsection (e) is vested in the Department of
14 State Police by operation of law if:

15 (i) the administrator cannot locate the owner of
16 the firearm;

17 (ii) the owner of the firearm may not lawfully
18 possess the firearm;

19 (iii) the apparent owner does not respond to notice
20 published under Section 15-503 of this Act; or

21 (iv) the apparent owner responds to notice
22 published under Section 15-502 and states that he or
23 she no longer claims an interest in the firearm.

24 (3) With respect to a firearm whose title is
25 transferred to the Department of State Police under this
26 subsection (e), the Department of State Police may:

1 (i) retain the firearm for use by the crime
2 laboratory system, for training purposes, or for any
3 other application as deemed appropriate by the
4 Department;

5 (ii) transfer the firearm to the Illinois State
6 Museum if the firearm has historical value; or

7 (iii) destroy the firearm if it is not retained
8 pursuant to subparagraph (i) or transferred pursuant
9 to subparagraph (ii).

10 As used in this subsection, "firearm" has the meaning
11 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
12 ~~Firearm Owners Identification Card Act.~~

13 (Source: P.A. 100-22, eff. 1-1-18.)

14 Section 999. Effective date. This Act takes effect January
15 1, 2020.

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5	20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
6	20 ILCS 2605/2605-595	
7	20 ILCS 2605/2605-120 rep.	
8	20 ILCS 2630/2.2	
9	30 ILCS 105/6z-99	
10	50 ILCS 710/1	from Ch. 85, par. 515
11	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
12	105 ILCS 5/10-27.1A	
13	105 ILCS 5/34-8.05	
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13	720 ILCS 5/24-1.6	
14	720 ILCS 5/24-1.8	
15	720 ILCS 5/24-2	
16	720 ILCS 5/24-3	from Ch. 38, par. 24-3
17	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
18	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
19	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
20	720 ILCS 5/24-3.5	
21	720 ILCS 5/24-4.1	
22	720 ILCS 5/24-4.5 new	
23	720 ILCS 5/24-9	
24	720 ILCS 646/10	
25	725 ILCS 5/102-7.1	
26	725 ILCS 5/110-10	from Ch. 38, par. 110-10

1	725 ILCS 5/112A-11.1	
2	725 ILCS 5/112A-11.2	
3	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
4	730 ILCS 5/5-4.5-110	
5	730 ILCS 5/5-5-3	
6	730 ILCS 5/5-5-3.2	
7	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
8	740 ILCS 21/80	
9	740 ILCS 110/12	from Ch. 91 1/2, par. 812
10	750 ILCS 60/214	from Ch. 40, par. 2312-14
11	765 ILCS 1025/1	from Ch. 141, par. 101
12	765 ILCS 1026/15-705	