

**SB0058**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0058**

Introduced 1/16/2019, by Sen. Neil Anderson

**SYNOPSIS AS INTRODUCED:**

See Index

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

LRB101 05104 SLF 50115 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 alikes" 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 of 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 subject to involuntary admission as an  
20 inpatient as defined in Section 1-119 of the Mental Health  
21 and Developmental Disabilities Code;

22 (11) is subject to involuntary admission as an  
23 outpatient as defined in Section 1-119.1 of the Mental  
24 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.)

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4	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
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	
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11	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
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