



Rep. Kathleen Willis

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LRB102 03105 RLC 25522 a

1 AMENDMENT TO HOUSE BILL 1091

2 AMENDMENT NO. _____. Amend House Bill 1091 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Fix the FOID
5 Act.

6 Section 3. The Open Meetings Act is amended by changing
7 Section 2 as follows:

8 (5 ILCS 120/2) (from Ch. 102, par. 42)

9 Sec. 2. Open meetings.

10 (a) Openness required. All meetings of public bodies shall
11 be open to the public unless excepted in subsection (c) and
12 closed in accordance with Section 2a.

13 (b) Construction of exceptions. The exceptions contained
14 in subsection (c) are in derogation of the requirement that
15 public bodies meet in the open, and therefore, the exceptions

1 are to be strictly construed, extending only to subjects
2 clearly within their scope. The exceptions authorize but do
3 not require the holding of a closed meeting to discuss a
4 subject included within an enumerated exception.

5 (c) Exceptions. A public body may hold closed meetings to
6 consider the following subjects:

7 (1) The appointment, employment, compensation,
8 discipline, performance, or dismissal of specific
9 employees, specific individuals who serve as independent
10 contractors in a park, recreational, or educational
11 setting, or specific volunteers of the public body or
12 legal counsel for the public body, including hearing
13 testimony on a complaint lodged against an employee, a
14 specific individual who serves as an independent
15 contractor in a park, recreational, or educational
16 setting, or a volunteer of the public body or against
17 legal counsel for the public body to determine its
18 validity. However, a meeting to consider an increase in
19 compensation to a specific employee of a public body that
20 is subject to the Local Government Wage Increase
21 Transparency Act may not be closed and shall be open to the
22 public and posted and held in accordance with this Act.

23 (2) Collective negotiating matters between the public
24 body and its employees or their representatives, or
25 deliberations concerning salary schedules for one or more
26 classes of employees.

1 (3) The selection of a person to fill a public office,
2 as defined in this Act, including a vacancy in a public
3 office, when the public body is given power to appoint
4 under law or ordinance, or the discipline, performance or
5 removal of the occupant of a public office, when the
6 public body is given power to remove the occupant under
7 law or ordinance.

8 (4) Evidence or testimony presented in open hearing,
9 or in closed hearing where specifically authorized by law,
10 to a quasi-adjudicative body, as defined in this Act,
11 provided that the body prepares and makes available for
12 public inspection a written decision setting forth its
13 determinative reasoning.

14 (5) The purchase or lease of real property for the use
15 of the public body, including meetings held for the
16 purpose of discussing whether a particular parcel should
17 be acquired.

18 (6) The setting of a price for sale or lease of
19 property owned by the public body.

20 (7) The sale or purchase of securities, investments,
21 or investment contracts. This exception shall not apply to
22 the investment of assets or income of funds deposited into
23 the Illinois Prepaid Tuition Trust Fund.

24 (8) Security procedures, school building safety and
25 security, and the use of personnel and equipment to
26 respond to an actual, a threatened, or a reasonably

1 potential danger to the safety of employees, students,
2 staff, the public, or public property.

3 (9) Student disciplinary cases.

4 (10) The placement of individual students in special
5 education programs and other matters relating to
6 individual students.

7 (11) Litigation, when an action against, affecting or
8 on behalf of the particular public body has been filed and
9 is pending before a court or administrative tribunal, or
10 when the public body finds that an action is probable or
11 imminent, in which case the basis for the finding shall be
12 recorded and entered into the minutes of the closed
13 meeting.

14 (12) The establishment of reserves or settlement of
15 claims as provided in the Local Governmental and
16 Governmental Employees Tort Immunity Act, if otherwise the
17 disposition of a claim or potential claim might be
18 prejudiced, or the review or discussion of claims, loss or
19 risk management information, records, data, advice or
20 communications from or with respect to any insurer of the
21 public body or any intergovernmental risk management
22 association or self insurance pool of which the public
23 body is a member.

24 (13) Conciliation of complaints of discrimination in
25 the sale or rental of housing, when closed meetings are
26 authorized by the law or ordinance prescribing fair

1 housing practices and creating a commission or
2 administrative agency for their enforcement.

3 (14) Informant sources, the hiring or assignment of
4 undercover personnel or equipment, or ongoing, prior or
5 future criminal investigations, when discussed by a public
6 body with criminal investigatory responsibilities.

7 (15) Professional ethics or performance when
8 considered by an advisory body appointed to advise a
9 licensing or regulatory agency on matters germane to the
10 advisory body's field of competence.

11 (16) Self evaluation, practices and procedures or
12 professional ethics, when meeting with a representative of
13 a statewide association of which the public body is a
14 member.

15 (17) The recruitment, credentialing, discipline or
16 formal peer review of physicians or other health care
17 professionals, or for the discussion of matters protected
18 under the federal Patient Safety and Quality Improvement
19 Act of 2005, and the regulations promulgated thereunder,
20 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
21 Health Insurance Portability and Accountability Act of
22 1996, and the regulations promulgated thereunder,
23 including 45 C.F.R. Parts 160, 162, and 164, by a
24 hospital, or other institution providing medical care,
25 that is operated by the public body.

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

5 (20) The classification and discussion of matters
6 classified as confidential or continued confidential by
7 the State Government Suggestion Award Board.

8 (21) Discussion of minutes of meetings lawfully closed
9 under this Act, whether for purposes of approval by the
10 body of the minutes or semi-annual review of the minutes
11 as mandated by Section 2.06.

12 (22) Deliberations for decisions of the State
13 Emergency Medical Services Disciplinary Review Board.

14 (23) The operation by a municipality of a municipal
15 utility or the operation of a municipal power agency or
16 municipal natural gas agency when the discussion involves
17 (i) contracts relating to the purchase, sale, or delivery
18 of electricity or natural gas or (ii) the results or
19 conclusions of load forecast studies.

20 (24) Meetings of a residential health care facility
21 resident sexual assault and death review team or the
22 Executive Council under the Abuse Prevention Review Team
23 Act.

24 (25) Meetings of an independent team of experts under
25 Brian's Law.

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

4 (28) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Illinois Public Aid
6 Code or (ii) that pertain to appeals under Section 11-8 of
7 the Illinois Public Aid Code.

8 (29) Meetings between internal or external auditors
9 and governmental audit committees, finance committees, and
10 their equivalents, when the discussion involves internal
11 control weaknesses, identification of potential fraud risk
12 areas, known or suspected frauds, and fraud interviews
13 conducted in accordance with generally accepted auditing
14 standards of the United States of America.

15 (30) Those meetings or portions of meetings of a
16 fatality review team or the Illinois Fatality Review Team
17 Advisory Council during which a review of the death of an
18 eligible adult in which abuse or neglect is suspected,
19 alleged, or substantiated is conducted pursuant to Section
20 15 of the Adult Protective Services Act.

21 (31) Meetings and deliberations for decisions of the
22 Concealed Carry Licensing Review Board under the Firearm
23 Concealed Carry Act.

24 (32) Meetings between the Regional Transportation
25 Authority Board and its Service Boards when the discussion
26 involves review by the Regional Transportation Authority

1 Board of employment contracts under Section 28d of the
2 Metropolitan Transit Authority Act and Sections 3A.18 and
3 3B.26 of the Regional Transportation Authority Act.

4 (33) Those meetings or portions of meetings of the
5 advisory committee and peer review subcommittee created
6 under Section 320 of the Illinois Controlled Substances
7 Act during which specific controlled substance prescriber,
8 dispenser, or patient information is discussed.

9 (34) Meetings of the Tax Increment Financing Reform
10 Task Force under Section 2505-800 of the Department of
11 Revenue Law of the Civil Administrative Code of Illinois.

12 (35) Meetings of the group established to discuss
13 Medicaid capitation rates under Section 5-30.8 of the
14 Illinois Public Aid Code.

15 (36) Those deliberations or portions of deliberations
16 for decisions of the Illinois Gaming Board in which there
17 is discussed any of the following: (i) personal,
18 commercial, financial, or other information obtained from
19 any source that is privileged, proprietary, confidential,
20 or a trade secret; or (ii) information specifically
21 exempted from the disclosure by federal or State law.

22 (37) Meetings of the Firearm Owner's Identification
23 Card Review Board under Section 10 of the Firearm Owners
24 Identification Card Act.

25 (d) Definitions. For purposes of this Section:

26 "Employee" means a person employed by a public body whose

1 relationship with the public body constitutes an
2 employer-employee relationship under the usual common law
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the
5 Constitution or laws of this State, the occupant of which is
6 charged with the exercise of some portion of the sovereign
7 power of this State. The term "public office" shall include
8 members of the public body, but it shall not include
9 organizational positions filled by members thereof, whether
10 established by law or by a public body itself, that exist to
11 assist the body in the conduct of its business.

12 "Quasi-judicative body" means an administrative body
13 charged by law or ordinance with the responsibility to conduct
14 hearings, receive evidence or testimony and make
15 determinations based thereon, but does not include local
16 electoral boards when such bodies are considering petition
17 challenges.

18 (e) Final action. No final action may be taken at a closed
19 meeting. Final action shall be preceded by a public recital of
20 the nature of the matter being considered and other
21 information that will inform the public of the business being
22 conducted.

23 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
24 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
25 8-23-19; revised 9-27-19.)

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

3 (5 ILCS 140/7.5)

4 Sec. 7.5. Statutory exemptions. To the extent provided for
5 by the statutes referenced below, the following shall be
6 exempt from inspection and copying:

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

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

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

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

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

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

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

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

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

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

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

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

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

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

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

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

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

24 (q) Information prohibited from being disclosed by the
25 Personnel Record Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

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

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

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

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed
2 Carry Licensing Review Board under the Firearm Concealed
3 Carry Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification
6 Card Review Board that are exempted from disclosure under
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

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

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

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

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

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

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

14 (gg) Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

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

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

22 (jj) Information and reports that are required to be
23 submitted to the Department of Labor by registering day
24 and temporary labor service agencies but are exempt from
25 disclosure under subsection (a-1) of Section 45 of the Day
26 and Temporary Labor Services Act.

1 (kk) Information prohibited from disclosure under the
2 Seizure and Forfeiture Reporting Act.

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

6 (mm) Records that are exempt from disclosure under
7 Section 4.2 of the Crime Victims Compensation Act.

8 (nn) Information that is exempt from disclosure under
9 Section 70 of the Higher Education Student Assistance Act.

10 (oo) Communications, notes, records, and reports
11 arising out of a peer support counseling session
12 prohibited from disclosure under the First Responders
13 Suicide Prevention Act.

14 (pp) Names and all identifying information relating to
15 an employee of an emergency services provider or law
16 enforcement agency under the First Responders Suicide
17 Prevention Act.

18 (qq) Information and records held by the Department of
19 Public Health and its authorized representatives collected
20 under the Reproductive Health Act.

21 (rr) Information that is exempt from disclosure under
22 the Cannabis Regulation and Tax Act.

23 (ss) Data reported by an employer to the Department of
24 Human Rights pursuant to Section 2-108 of the Illinois
25 Human Rights Act.

26 (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that
2 Act.

3 (uu) Information that is exempt from disclosure under
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under
6 subsections (f) and (j) of Section 5-36 of the Illinois
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Records exempt from disclosure under Section
20 2605-304 of the Department of State Police Law of the
21 Civil Administrative Code of Illinois.

22 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
23 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
24 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
25 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
26 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.

1 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
2 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
3 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
4 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
5 eff. 7-7-20.)

6 Section 10. The Department of State Police Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 Section 2605-605 and by adding Section 2605-304 as follows:

9 (20 ILCS 2605/2605-304 new)

10 Sec. 2605-304. Prohibited persons portal.

11 (a) Within 90 days after the effective date of this
12 amendatory Act of the 102nd General Assembly, the Illinois
13 State Police shall establish a portal for use by federal,
14 State, or local law enforcement agencies, including Offices of
15 the State's Attorneys and the Office of the Attorney General
16 to capture a report of persons whose Firearm Owner's
17 Identification Cards have been revoked or suspended. The
18 portal is for law enforcement purposes only.

19 (b) The Illinois State Police shall include in the report
20 the reason the person's Firearm Owner's Identification Card
21 was subject to revocation or suspension, to the extent allowed
22 by law, consistent with Section 8 of the Firearm Owners
23 Identification Card Act.

24 (c) The Illinois State Police shall indicate whether the

1 person subject to the revocation or suspension of his or her
2 Firearm Owner's Identification Card has surrendered his or her
3 revoked or suspended Firearm Owner's Identification Card and
4 whether the person has completed a Firearm Disposition Record
5 required under Section 9.5 of the Firearm Owners
6 Identification Card Act. The Illinois State Police shall make
7 reasonable efforts to make this information available on the
8 Law Enforcement Agencies Data System (LEADS).

9 (d) The Illinois State Police shall provide updates of
10 information related to an individual's current Firearm Owner's
11 Identification Card revocation or suspension status, including
12 compliance under Section 9.5 of the Firearm Owners
13 Identification Card Act, in the Illinois State Police's Law
14 Enforcement Agencies Data System.

15 (e) Records in this portal are exempt from disclosure
16 under the Freedom of Information Act.

17 (f) The Illinois State Police may adopt rules necessary to
18 implement this Section.

19 (20 ILCS 2605/2605-605)

20 Sec. 2605-605. Violent Crime Intelligence Task Force. The
21 Director of State Police shall ~~may~~ establish a statewide
22 multi-jurisdictional Violent Crime Intelligence Task Force led
23 by the Department of State Police dedicated to combating gun
24 violence, gun-trafficking, and other violent crime with the
25 primary mission of preservation of life and reducing the

1 occurrence and the fear of crime. The objectives of the Task
2 Force shall include, but not be limited to, reducing and
3 preventing illegal possession and use of firearms,
4 firearm-related homicides, and other violent crimes.

5 (1) The Task Force may develop and acquire information,
6 training, tools, and resources necessary to implement a
7 data-driven approach to policing, with an emphasis on
8 intelligence development.

9 (2) The Task Force may utilize information sharing,
10 partnerships, crime analysis, and evidence-based practices to
11 assist in the reduction of firearm-related shootings,
12 homicides, and gun-trafficking.

13 (3) The Task Force may recognize and utilize best
14 practices of community policing and may develop potential
15 partnerships with faith-based and community organizations to
16 achieve its goals.

17 (4) The Task Force may identify and utilize best practices
18 in drug-diversion programs and other community-based services
19 to redirect low-level offenders.

20 (5) The Task Force may assist in violence suppression
21 strategies including, but not limited to, details in
22 identified locations that have shown to be the most prone to
23 gun violence and violent crime, focused deterrence against
24 violent gangs and groups considered responsible for the
25 violence in communities, and other intelligence driven methods
26 deemed necessary to interrupt cycles of violence or prevent

1 retaliation.

2 (6) In consultation with the Chief Procurement Officer,
3 the Department of State Police may obtain contracts for
4 software, commodities, resources, and equipment to assist the
5 Task Force with achieving this Act. Any contracts necessary to
6 support the delivery of necessary software, commodities,
7 resources, and equipment are not subject to the Illinois
8 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
9 20-160 and Article 50 of that Code, provided that the Chief
10 Procurement Officer may, in writing with justification, waive
11 any certification required under Article 50 of the Illinois
12 Procurement Code.

13 (7) The Task Force shall conduct enforcement operations
14 against persons whose Firearm Owner's Identification Cards
15 have been revoked or suspended and persons who fail to comply
16 with the requirements of Section 9.5 of the Firearm Owners
17 Identification Card Act, prioritizing individuals presenting a
18 clear and present danger to themselves or to others under
19 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
20 Owners Identification Card Act.

21 (8) The Task Force shall collaborate with local law
22 enforcement agencies to enforce provisions of the Firearm
23 Owners Identification Card Act, the Firearm Concealed Carry
24 Act, the Firearm Dealer License Certification Act, and Article
25 24 of the Criminal Code of 2012.

26 (9) To implement this Section, the Director of the

1 Illinois State Police may establish intergovernmental
2 contracts written and executed in conformity with the
3 Intergovernmental Cooperation Act.

4 10) Law enforcement agencies that participate in
5 activities described in paragraphs (7) through (9) may apply
6 to the Illinois State Police for grants from the State Police
7 Revocation Enforcement Fund.

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

9 Section 15. The State Finance Act is amended by changing
10 Section 6z-99 and by adding Sections 5.938 and 6z-124 as
11 follows:

12 (30 ILCS 105/5.938 new)

13 Sec. 5.938. The State Police Revocation Enforcement Fund.

14 "(30 ILCS 105/6z-99)

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

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

21 (b) The Department of State Police and Department of Human
22 Services shall coordinate to use moneys in the Fund to finance
23 their respective duties of collecting and reporting data on

1 mental health records and ensuring that mental health firearm
2 possession prohibitors are enforced as set forth under the
3 Firearm Concealed Carry Act and the Firearm Owners
4 Identification Card Act, including reporting prohibitors to
5 the National Instant Criminal Background Check System (NICS).
6 Any surplus in the Fund beyond what is necessary to ensure
7 compliance with mental health reporting under these Acts shall
8 be used by the Department of Human Services for mental health
9 treatment programs as follows: (1) 50% shall be used to fund
10 community-based mental health programs aimed at reducing gun
11 violence, community integration and education, or mental
12 health awareness and prevention, including administrative
13 costs; and (2) 50% shall be used to award grants that use and
14 promote the National School Mental Health Curriculum model for
15 school-based mental health support, integration, and services.

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

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

20 (30 ILCS 105/6z-124 new)

21 Sec. 6z-124. State Police Revocation Enforcement Fund.

22 (a) The State Police Revocation Enforcement Fund is
23 established as a special fund in the State treasury. This Fund
24 is established to receive moneys from the Firearm Owners
25 Identification Card Act to enforce that Act, the Firearm

1 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
2 and other firearm offenses. The Fund may also receive revenue
3 from grants, donations, appropriations, and any other legal
4 source.

5 (b) The Illinois State Police may use moneys from the Fund
6 to establish task forces and, if necessary, include other law
7 enforcement agencies, pursuant to intergovernmental contracts
8 written and executed in conformity with the Intergovernmental
9 Cooperation Act.

10 (c) The Illinois State Police may use moneys in the Fund to
11 hire and train State Police officers and the prevention of
12 violent crime.

13 (d) Law enforcement agencies that participate in Firearm
14 Owner's Identification Card revocation enforcement in the
15 Violent Crime Intelligence Task Force may apply for grants
16 from the Illinois State Police.

17 (e) The State Police Revocation Enforcement Fund is not
18 subject to administrative chargebacks.

19 Section 20. The Firearm Owners Identification Card Act is
20 amended by changing Sections 1.1, 3, 3a, 3.1, 4, 5, 6, 7, 8,
21 8.2, 8.3, 9.5, 10, 11, and 13.2 and by adding Sections 6.2,
22 7.5, 8.4, and 13.4 as follows:

23 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

24 Sec. 1.1. For purposes of this Act:

1 "Addicted to narcotics" means a person who has been:

2 (1) convicted of an offense involving the use or
3 possession of cannabis, a controlled substance, or
4 methamphetamine within the past year; or

5 (2) determined by the Department of State Police to be
6 addicted to narcotics based upon federal law or federal
7 guidelines.

8 "Addicted to narcotics" does not include possession or use
9 of a prescribed controlled substance under the direction and
10 authority of a physician or other person authorized to
11 prescribe the controlled substance when the controlled
12 substance is used in the prescribed manner.

13 "Adjudicated as a person with a mental disability" means
14 the person is the subject of a determination by a court, board,
15 commission or other lawful authority that the person, as a
16 result of marked subnormal intelligence, or mental illness,
17 mental impairment, incompetency, condition, or disease:

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

20 (2) lacks the mental capacity to manage his or her own
21 affairs or is adjudicated a person with a disability as
22 defined in Section 11a-2 of the Probate Act of 1975;

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

25 (3.5) is guilty but mentally ill, as provided in
26 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

8 (7) is a sexually dangerous person under the Sexually
9 Dangerous Persons Act;

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

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

14 (10) is subject to involuntary admission as an
15 inpatient as defined in Section 1-119 of the Mental Health
16 and Developmental Disabilities Code;

17 (11) is subject to involuntary admission as an
18 outpatient as defined in Section 1-119.1 of the Mental
19 Health and Developmental Disabilities Code;

20 (12) is subject to judicial admission as set forth in
21 Section 4-500 of the Mental Health and Developmental
22 Disabilities Code; or

23 (13) is subject to the provisions of the Interstate
24 Agreements on Sexually Dangerous Persons Act.

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

26 (1) communicates a serious threat of physical violence

1 against a reasonably identifiable victim or poses a clear
2 and imminent risk of serious physical injury to himself,
3 herself, or another person as determined by a physician,
4 clinical psychologist, or qualified examiner; or

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

10 "Clinical psychologist" has the meaning provided in
11 Section 1-103 of the Mental Health and Developmental
12 Disabilities Code.

13 "Controlled substance" means a controlled substance or
14 controlled substance analog as defined in the Illinois
15 Controlled Substances Act.

16 "Counterfeit" means to copy or imitate, without legal
17 authority, with intent to deceive.

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

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

25 (1) any pneumatic gun, spring gun, paint ball gun, or
26 B-B gun which expels a single globular projectile not

1 exceeding .18 inch in diameter or which has a maximum
2 muzzle velocity of less than 700 feet per second;

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

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

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

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

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

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

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

1 ammunition.

2 "Gun show" means an event or function:

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

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

10 "Gun show" includes the entire premises provided for an
11 event or function, including parking areas for the event or
12 function, that is sponsored to facilitate the purchase, sale,
13 transfer, or exchange of firearms as described in this
14 Section. Nothing in this definition shall be construed to
15 exclude a gun show held in conjunction with competitive
16 shooting events at the World Shooting Complex sanctioned by a
17 national governing body in which the sale or transfer of
18 firearms is authorized under subparagraph (5) of paragraph (g)
19 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

20 Unless otherwise expressly stated, "gun show" does not
21 include training or safety classes, competitive shooting
22 events, such as rifle, shotgun, or handgun matches, trap,
23 skeet, or sporting clays shoots, dinners, banquets, raffles,
24 or any other event where the sale or transfer of firearms is
25 not the primary course of business.

26 "Gun show promoter" means a person who organizes or

1 operates a gun show.

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

7 "Involuntarily admitted" has the meaning as prescribed in
8 Sections 1-119 and 1-119.1 of the Mental Health and
9 Developmental Disabilities Code.

10 "Mental health facility" means any licensed private
11 hospital or hospital affiliate, institution, or facility, or
12 part thereof, and any facility, or part thereof, operated by
13 the State or a political subdivision thereof which provide
14 treatment of persons with mental illness and includes all
15 hospitals, institutions, clinics, evaluation facilities,
16 mental health centers, colleges, universities, long-term care
17 facilities, and nursing homes, or parts thereof, which provide
18 treatment of persons with mental illness whether or not the
19 primary purpose is to provide treatment of persons with mental
20 illness.

21 "National governing body" means a group of persons who
22 adopt rules and formulate policy on behalf of a national
23 firearm sporting organization.

24 "Patient" means:

25 (1) a person who is admitted as an inpatient or
26 resident of a public or private mental health facility for

1 mental health treatment under Chapter III of the Mental
2 Health and Developmental Disabilities Code as an informal
3 admission, a voluntary admission, a minor admission, an
4 emergency admission, or an involuntary admission, unless
5 the treatment was solely for an alcohol abuse disorder; or

6 (2) a person who voluntarily or involuntarily receives
7 mental health treatment as an out-patient or is otherwise
8 provided services by a public or private mental health
9 facility, and who poses a clear and present danger to
10 himself, herself, or to others.

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

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

1 "Person with an intellectual disability" means a person
2 with a significantly subaverage general intellectual
3 functioning which exists concurrently with impairment in
4 adaptive behavior and which originates before the age of 18
5 years.

6 "Physician" has the meaning as defined in Section 1-120 of
7 the Mental Health and Developmental Disabilities Code.

8 "Protective order" means any orders of protection issued
9 under the Illinois Domestic Violence Act of 1986, stalking no
10 contact orders issued under the Stalking No Contact Order Act,
11 civil no contact orders issued under the Civil No Contact
12 Order Act, and firearms restraining orders issued under the
13 Firearms Restraining Order Act.

14 "Qualified examiner" has the meaning provided in Section
15 1-122 of the Mental Health and Developmental Disabilities
16 Code.

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

21 "School administrator" means the person required to report
22 under the School Administrator Reporting of Mental Health
23 Clear and Present Danger Determinations Law.

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

26 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;

1 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

2 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

3 Sec. 3. Requirements for firearm transfers.

4 (a) ~~A~~ ~~Except as provided in Section 3a, no person shall not~~
5 ~~may~~ knowingly transfer, or cause to be transferred, any
6 firearm, firearm ammunition, stun gun, or taser to any person
7 within this State unless the transferee with whom he or she
8 deals displays either: (1) a currently valid Firearm Owner's
9 Identification Card which has previously been issued in his or
10 her name by the Department of State Police under the
11 provisions of this Act; or (2) a currently valid license to
12 carry a concealed firearm which has previously been issued in
13 his or her name by the Department of State Police under the
14 Firearm Concealed Carry Act. In addition, all firearm, stun
15 gun, and taser transfers by federally licensed firearm dealers
16 are subject to Section 3.1.

17 (a-5) Beginning 90 days after the effective date of this
18 amendatory Act of the 102nd General Assembly, notwithstanding
19 item (2) of subsection (a) of this Section, any person who is
20 not a federally licensed firearm dealer and who desires to
21 transfer or sell a firearm or firearms to any person who is not
22 a federally licensed firearm dealer shall do so only through a
23 federally licensed firearms dealer as follows:

24 (1) the seller or transferor shall give the firearm to
25 the federally licensed firearms dealer, who shall retain

1 possession of the firearm until every legal requirement
2 for the sale or transfer has been met;

3 (2) the federally licensed firearms dealer shall
4 process the sale or other transfer in compliance with any
5 federal, State, and local law, including a National
6 Instant Criminal Background Check System background check
7 on the buyer or transferee in accordance with 18 U.S.C.
8 922(t) and Section 3.1;

9 (A) if the transaction is not legally prohibited,
10 the federally licensed firearm dealer may then
11 complete transfer the firearm to the buyer or
12 transferee;

13 (B) if the transaction is legally prohibited, the
14 federally licensed firearm dealer shall conduct a
15 National Instant Criminal Background Check System
16 background check under paragraph (2) of this
17 subsection (a-5) on the transferor or seller before
18 returning the firearm;

19 (C) if the federally licensed firearm dealer
20 cannot return the firearm to either party, the dealer
21 shall notify a local law enforcement agency within 24
22 hours to take possession of the firearm;

23 (D) if there is a delay in completing a background
24 check, the federally licensed firearms dealer shall
25 maintain possession of the firearm until the
26 background check is completed;

1 (3) the federally licensed firearms dealer shall
2 ensure that all required documentation of the sale or
3 transfer are maintained in accordance with federal, State,
4 and local law, including, but not limited to, the
5 completion of the Bureau of Alcohol, Tobacco, Firearms,
6 and Explosives Firearm Transaction Record Form 4473 which
7 shall be open to inspection in accordance the Firearm
8 Dealer License Certification Act;

9 (4) the federally licensed firearms dealer may charge
10 a fee not to exceed \$10 to perform the sale or transfer
11 under this Section; and

12 (5) no transfer of a firearm shall occur until an
13 approval is issued by the Illinois State Police and the
14 required waiting period established by Section 24-3 of the
15 Criminal Code of 2012 has expired.

16 This subsection shall not apply to sales or transfers by

17 a:

18 (A) law enforcement, corrections, or active duty
19 military officer acting within the course of his or her
20 employment or official duties;

21 (B) person acting under operation of law or court
22 order;

23 (C) gunsmith who receives the firearm solely for the
24 purpose of service or repair;

25 (D) person acting on behalf of a common carrier or
26 other business for purposes of transportation or storage

1 in the ordinary course of his or her business;

2 (E) person who is loaned a firearm while on the
3 premises of a licensed shooting range for the sole purpose
4 of shooting at targets, if the firearm is kept within the
5 premises of the shooting range;

6 (F) minor who is loaned a firearm for lawful hunting
7 or sporting purposes while under the direct supervision of
8 an adult;

9 (G) person who acquires a firearm upon the death of
10 another person from a will, bequest, inheritance, or as a
11 bona fide gift from an immediate family member, as long as
12 he or she notifies the Illinois State Police under Section
13 3.1 within 60 days, at which time the Illinois State
14 Police shall conduct a National Instant Criminal
15 Background Check System background check on the person. In
16 this paragraph, "immediate family member" means a spouse,
17 domestic partner, children, step-children, parents, or
18 step-parents;

19 (H) person who transfers a firearm to a law
20 enforcement agency; or

21 (I) person who is loaned a firearm for lawful hunting
22 or sporting purposes while in the presence of the lawful
23 owner of the firearm.

24 ~~Any person who is not a federally licensed firearm dealer and~~
25 ~~who desires to transfer or sell a firearm while that~~
26 ~~person is on the grounds of a gun show must, before selling~~

1 ~~or transferring the firearm, request the Department of~~
2 ~~State Police to conduct a background check on the~~
3 ~~prospective recipient of the firearm in accordance with~~
4 ~~Section 3.1.~~

5 (a-10) The Illinois State Police shall publish, on its
6 website, information for holders of Firearm Owner's
7 Identification Cards that includes the changes included in
8 this amendatory Act of the 102nd General Assembly. Any Firearm
9 Owner's Identification Card issued or renewed beginning 180
10 days after the effective date of this amendatory Act of the
11 102nd General Assembly shall include a statement indicating
12 the changes pertinent in this amendatory Act of the 102nd
13 General Assembly for Firearm Owner's Identification Card
14 holders. ~~Notwithstanding item (2) of subsection (a) of this~~
15 ~~Section, any person who is not a federally licensed firearm~~
16 ~~dealer and who desires to transfer or sell a firearm or~~
17 ~~firearms to any person who is not a federally licensed firearm~~
18 ~~dealer shall, before selling or transferring the firearms,~~
19 ~~contact the Department of State Police with the transferee's~~
20 ~~or purchaser's Firearm Owner's Identification Card number to~~
21 ~~determine the validity of the transferee's or purchaser's~~
22 ~~Firearm Owner's Identification Card. This subsection shall not~~
23 ~~be effective until January 1, 2014. The Department of State~~
24 ~~Police may adopt rules concerning the implementation of this~~
25 ~~subsection. The Department of State Police shall provide the~~
26 ~~seller or transferor an approval number if the purchaser's~~

1 ~~Firearm Owner's Identification Card is valid. Approvals issued~~
2 ~~by the Department for the purchase of a firearm pursuant to~~
3 ~~this subsection are valid for 30 days from the date of issue.~~

4 (a-15) (Blank). ~~The provisions of subsection (a-10) of~~
5 ~~this Section do not apply to:~~

6 ~~(1) transfers that occur at the place of business of a~~
7 ~~federally licensed firearm dealer, if the federally~~
8 ~~licensed firearm dealer conducts a background check on the~~
9 ~~prospective recipient of the firearm in accordance with~~
10 ~~Section 3.1 of this Act and follows all other applicable~~
11 ~~federal, State, and local laws as if he or she were the~~
12 ~~seller or transferor of the firearm, although the dealer~~
13 ~~is not required to accept the firearm into his or her~~
14 ~~inventory. The purchaser or transferee may be required by~~
15 ~~the federally licensed firearm dealer to pay a fee not to~~
16 ~~exceed \$10 per firearm, which the dealer may retain as~~
17 ~~compensation for performing the functions required under~~
18 ~~this paragraph, plus the applicable fees authorized by~~
19 ~~Section 3.1;~~

20 ~~(2) transfers as a bona fide gift to the transferor's~~
21 ~~husband, wife, son, daughter, stepson, stepdaughter,~~
22 ~~father, mother, stepfather, stepmother, brother, sister,~~
23 ~~nephew, niece, uncle, aunt, grandfather, grandmother,~~
24 ~~grandson, granddaughter, father-in-law, mother-in-law,~~
25 ~~son-in-law, or daughter-in-law;~~

26 ~~(3) transfers by persons acting pursuant to operation~~

1 ~~of law or a court order;~~

2 ~~(4) transfers on the grounds of a gun show under~~
3 ~~subsection (a-5) of this Section;~~

4 ~~(5) the delivery of a firearm by its owner to a~~
5 ~~gunsmith for service or repair, the return of the firearm~~
6 ~~to its owner by the gunsmith, or the delivery of a firearm~~
7 ~~by a gunsmith to a federally licensed firearms dealer for~~
8 ~~service or repair and the return of the firearm to the~~
9 ~~gunsmith;~~

10 ~~(6) temporary transfers that occur while in the home~~
11 ~~of the unlicensed transferee, if the unlicensed transferee~~
12 ~~is not otherwise prohibited from possessing firearms and~~
13 ~~the unlicensed transferee reasonably believes that~~
14 ~~possession of the firearm is necessary to prevent imminent~~
15 ~~death or great bodily harm to the unlicensed transferee;~~

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

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

22 ~~(9) transfers to a person who is exempt from the~~
23 ~~requirement of possessing a Firearm Owner's Identification~~
24 ~~Card under Section 2 of this Act.~~

25 (a-20) (Blank). ~~The Department of State Police shall~~
26 ~~develop an Internet based system for individuals to determine~~

1 ~~the validity of a Firearm Owner's Identification Card prior to~~
2 ~~the sale or transfer of a firearm. The Department shall have~~
3 ~~the Internet-based system completed and available for use by~~
4 ~~July 1, 2015. The Department shall adopt rules not~~
5 ~~inconsistent with this Section to implement this system.~~

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

16 (b-1) Any person within this State who before the
17 provisions of subsection (a-5) become operative, transferred,
18 or caused transfers or causes to be transferred any firearm,
19 stun gun, or taser shall keep a record of such transfer for a
20 period of 10 years from the date of transfer. Such record shall
21 contain the date of the transfer; the description, serial
22 number or other information identifying the firearm, stun gun,
23 or taser if no serial number is available; and, if the transfer
24 was completed within this State, the transferee's Firearm
25 Owner's Identification Card number and any approval number or
26 documentation provided by the Department of State Police

1 ~~pursuant to subsection (a-10) of this Section~~; if the transfer
2 was not completed within this State, the record shall contain
3 the name and address of the transferee. ~~The~~ ~~On or after January~~
4 ~~1, 2006,~~ the record shall contain the date of application for
5 transfer of the firearm. On demand of a peace officer such
6 transferor shall produce for inspection such record of
7 transfer. If the transfer or sale took place at a gun show, the
8 record shall include the unique identification number. Failure
9 to record the unique identification number or approval number
10 is a petty offense. For transfers of a firearm, stun gun, or
11 taser made on or after January 1, 2019 (the effective date of
12 Public Act 100--1178) and before the provisions of subsection
13 (a-5) become operative ~~this amendatory Act of the 100th~~
14 ~~General Assembly~~, failure by the private seller to maintain
15 the transfer records in accordance with this Section is a
16 Class A misdemeanor for the first offense and a Class 4 felony
17 for a second or subsequent offense. A transferee shall not be
18 criminally liable under this subsection (b-1) ~~Section~~ provided
19 that he or she provides the Department of State Police with the
20 transfer records in accordance with procedures established by
21 the Department. ~~The Department shall establish, by rule, a~~
22 ~~standard form on its website.~~

23 (b-5) (Blank). Any resident may purchase ammunition from a
24 person within or outside of Illinois if shipment is by United
25 States mail or by a private express carrier authorized by
26 federal law to ship ammunition. Any resident purchasing

1 ammunition within or outside the State of Illinois must
2 provide the seller with a copy of his or her valid Firearm
3 Owner's Identification Card or valid concealed carry license
4 and either his or her Illinois driver's license or Illinois
5 State Identification Card prior to the shipment of the
6 ammunition. The ammunition may be shipped only to an address
7 on either of those 2 documents.

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

11 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

12 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

13 Sec. 3a. (a) Any resident of Illinois who has obtained a
14 firearm owner's identification card pursuant to this Act and
15 who is not otherwise prohibited from obtaining, possessing or
16 using a firearm may purchase or obtain a rifle or shotgun or
17 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
18 Wisconsin or Kentucky.

19 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
20 Kentucky or a non-resident with a valid non-resident hunting
21 license, who is 18 years of age or older and who is not
22 prohibited by the laws of Illinois, the state of his domicile,
23 or the United States from obtaining, possessing or using a
24 firearm, may purchase or obtain a rifle, shotgun or ammunition
25 for a rifle or shotgun in Illinois.

1 (b-5) Any non-resident who is participating in a
2 sanctioned competitive shooting event, who is 18 years of age
3 or older and who is not prohibited by the laws of Illinois, the
4 state of his or her domicile, or the United States from
5 obtaining, possessing, or using a firearm, may purchase or
6 obtain a shotgun or shotgun ammunition in Illinois for the
7 purpose of participating in that event. A person may purchase
8 or obtain a shotgun or shotgun ammunition under this
9 subsection only at the site where the sanctioned competitive
10 shooting event is being held.

11 (b-10) Any non-resident registered competitor or attendee
12 of a competitive shooting event held at the World Shooting
13 Complex sanctioned by a national governing body, who is not
14 prohibited by the laws of Illinois, the state of his or her
15 domicile, or the United States from obtaining, possessing, or
16 using a firearm may purchase or obtain a rifle, shotgun, or
17 other long gun or ammunition for a rifle, shotgun, or other
18 long gun at the competitive shooting event. The sanctioning
19 body shall provide a list of registered competitors and
20 attendees as required under subparagraph (5) of paragraph (g)
21 of subsection (A) of Section 24-3 of the Criminal Code of 2012.
22 A competitor or attendee of a competitive shooting event who
23 does not wish to purchase a firearm at the event is not
24 required to register or have his or her name appear on a list
25 of registered competitors and attendees provided to the
26 Department of State Police by the sanctioning body.

1 (c) Any transaction under this Section is subject to the
2 provisions of Section 3 and the Gun Control Act of 1968 (18
3 U.S.C. 922 (b) (3)).

4 (Source: P.A. 99-29, eff. 7-10-15.)

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

6 Sec. 3.1. Firearm transfer inquiry program ~~Dial up system.~~

7 (a) The Department of State Police shall provide a dial up
8 telephone system or utilize other existing technology which
9 shall be used by any federally licensed firearm dealer, ~~gun~~
10 ~~show promoter, or gun show vendor~~ who is to transfer a firearm,
11 stun gun, or taser under the provisions of this Act. The
12 Department of State Police may utilize existing technology
13 which allows the caller to be charged a fee not to exceed \$2.
14 Fees collected by the Department of State Police shall be
15 deposited in the State Police Services Fund and used to
16 provide the service.

17 (b) Upon receiving a request ~~from a federally licensed~~
18 ~~firearm dealer, gun show promoter, or gun show vendor,~~ the
19 Department of State Police shall immediately approve, or
20 within the time period established by Section 24-3 of the
21 Criminal Code of 2012 regarding the delivery of firearms, stun
22 guns, and tasers notify the inquiring dealer, gun show
23 promoter, or gun show vendor of any objection that would
24 disqualify the transferee from acquiring or possessing a
25 firearm, stun gun, or taser. In conducting the inquiry, the

1 Department of State Police shall initiate and complete an
2 automated search of its criminal history record information
3 files and those of the Federal Bureau of Investigation,
4 including the National Instant Criminal Background Check
5 System, and of the files of the Department of Human Services
6 relating to mental health and developmental disabilities to
7 obtain any prohibiting information ~~felony conviction~~ or
8 patient hospitalization information which would disqualify a
9 person from obtaining or require revocation of a currently
10 valid Firearm Owner's Identification Card.

11 (b-5) The Illinois State Police shall by rule provide a
12 process for the automatic renewal of the Firearm Owner's
13 Identification Card of a person at the time of a inquiry in
14 subsection (b). Persons eligible for this process must have a
15 set of fingerprints on file with their application pursuant to
16 either subsection (a-25) of Section 4 or the Firearm Concealed
17 Carry Act.

18 (c) If receipt of a firearm would not violate Section 24-3
19 of the Criminal Code of 2012, federal law, or this Act the
20 Department of State Police shall:

21 (1) assign a unique identification number to the
22 transfer; and

23 (2) provide the licensee, gun show promoter, or gun
24 show vendor with the number.

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

1 of issue.

2 (e) (1) The Department of State Police must act as the
3 Illinois Point of Contact for the National Instant Criminal
4 Background Check System.

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

16 (3) The Department of State Police shall provide notice of
17 the disqualification of a person under subsection (b) of this
18 Section or the revocation of a person's Firearm Owner's
19 Identification Card under Section 8 or Section 8.2 of this
20 Act, and the reason for the disqualification or revocation, to
21 all law enforcement agencies with jurisdiction to assist with
22 the seizure of the person's Firearm Owner's Identification
23 Card.

24 (f) The Department of State Police shall adopt rules not
25 inconsistent with this Section to implement this system.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. Application for Firearm Owner's Identification
3 Cards.

4 (a) Each applicant for a Firearm Owner's Identification
5 Card must:

6 (1) Make application on blank forms prepared and
7 furnished at convenient locations throughout the State by
8 the Department of State Police, or by electronic means, if
9 and when made available by the Department of State Police;
10 and

11 (2) Submit evidence to the Department of State Police
12 that:

13 (i) This subparagraph (i) applies through the
14 180th day following the effective date of this
15 amendatory Act of the 101st General Assembly. He or
16 she is 21 years of age or over, or if he or she is
17 under 21 years of age that he or she has the written
18 consent of his or her parent or legal guardian to
19 possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from
24 having a Firearm Owner's Identification Card and files
25 an affidavit with the Department as prescribed by the

1 Department stating that he or she is not an individual
2 prohibited from having a Card;

3 (i-5) This subparagraph (i-5) applies on and after
4 the 181st day following the effective date of this
5 amendatory Act of the 101st General Assembly. He or
6 she is 21 years of age or over, or if he or she is
7 under 21 years of age that he or she has never been
8 convicted of a misdemeanor other than a traffic
9 offense or adjudged delinquent and is an active duty
10 member of the United States Armed Forces or has the
11 written consent of his or her parent or legal guardian
12 to possess and acquire firearms and firearm
13 ammunition, provided, however, that such parent or
14 legal guardian is not an individual prohibited from
15 having a Firearm Owner's Identification Card and files
16 an affidavit with the Department as prescribed by the
17 Department stating that he or she is not an individual
18 prohibited from having a Card or the active duty
19 member of the United States Armed Forces under 21
20 years of age annually submits proof to the Department
21 of State Police, in a manner prescribed by the
22 Department;

23 (ii) He or she has not been convicted of a felony
24 under the laws of this or any other jurisdiction;

25 (iii) He or she is not addicted to narcotics;

26 (iv) He or she has not been a patient in a mental

1 health facility within the past 5 years or, if he or
2 she has been a patient in a mental health facility more
3 than 5 years ago submit the certification required
4 under subsection (u) of Section 8 of this Act;

5 (v) He or she is not a person with an intellectual
6 disability;

7 (vi) He or she is not an alien who is unlawfully
8 present in the United States under the laws of the
9 United States;

10 (vii) He or she is not subject to an existing order
11 of protection prohibiting him or her from possessing a
12 firearm;

13 (viii) He or she has not been convicted within the
14 past 5 years of battery, assault, aggravated assault,
15 violation of an order of protection, or a
16 substantially similar offense in another jurisdiction,
17 in which a firearm was used or possessed;

18 (ix) He or she has not been convicted of domestic
19 battery, aggravated domestic battery, or a
20 substantially similar offense in another jurisdiction
21 committed before, on or after January 1, 2012 (the
22 effective date of Public Act 97-158). If the applicant
23 knowingly and intelligently waives the right to have
24 an offense described in this clause (ix) tried by a
25 jury, and by guilty plea or otherwise, results in a
26 conviction for an offense in which a domestic

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

8 (x) (Blank);

9 (xi) He or she is not an alien who has been
10 admitted to the United States under a non-immigrant
11 visa (as that term is defined in Section 101(a)(26) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(26))), or that he or she is an alien who has
14 been lawfully admitted to the United States under a
15 non-immigrant visa if that alien is:

16 (1) admitted to the United States for lawful
17 hunting or sporting purposes;

18 (2) an official representative of a foreign
19 government who is:

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

24 (B) en route to or from another country to
25 which that alien is accredited;

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so
2 designated by the Department of State;

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

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

9 (xii) He or she is not a minor subject to a
10 petition filed under Section 5-520 of the Juvenile
11 Court Act of 1987 alleging that the minor is a
12 delinquent minor for the commission of an offense that
13 if committed by an adult would be a felony;

14 (xiii) He or she is not an adult who had been
15 adjudicated a delinquent minor under the Juvenile
16 Court Act of 1987 for the commission of an offense that
17 if committed by an adult would be a felony;

18 (xiv) He or she is a resident of the State of
19 Illinois;

20 (xv) He or she has not been adjudicated as a person
21 with a mental disability;

22 (xvi) He or she has not been involuntarily
23 admitted into a mental health facility; and

24 (xvii) He or she is not a person with a
25 developmental disability; and

26 (3) Upon request by the Department of State Police,

1 sign a release on a form prescribed by the Department of
2 State Police waiving any right to confidentiality and
3 requesting the disclosure to the Department of State
4 Police of limited mental health institution admission
5 information from another state, the District of Columbia,
6 any other territory of the United States, or a foreign
7 nation concerning the applicant for the sole purpose of
8 determining whether the applicant is or was a patient in a
9 mental health institution and disqualified because of that
10 status from receiving a Firearm Owner's Identification
11 Card. No mental health care or treatment records may be
12 requested. The information received shall be destroyed
13 within one year of receipt.

14 (a-5) Each applicant for a Firearm Owner's Identification
15 Card who is over the age of 18 shall furnish to the Department
16 of State Police either his or her Illinois driver's license
17 number or Illinois Identification Card number, except as
18 provided in subsection (a-10).

19 (a-10) Each applicant for a Firearm Owner's Identification
20 Card, who is employed as a law enforcement officer, an armed
21 security officer in Illinois, or by the United States Military
22 permanently assigned in Illinois and who is not an Illinois
23 resident, shall furnish to the Department of State Police his
24 or her driver's license number or state identification card
25 number from his or her state of residence. The Department of
26 State Police may adopt rules to enforce the provisions of this

1 subsection (a-10).

2 (a-15) If an applicant applying for a Firearm Owner's
3 Identification Card moves from the residence address named in
4 the application, he or she shall immediately notify in a form
5 and manner prescribed by the Department of State Police of
6 that change of address.

7 (a-20) Each applicant for a Firearm Owner's Identification
8 Card shall furnish to the Department of State Police his or her
9 photograph. An applicant who is 21 years of age or older
10 seeking a religious exemption to the photograph requirement
11 must furnish with the application an approved copy of United
12 States Department of the Treasury Internal Revenue Service
13 Form 4029. In lieu of a photograph, an applicant regardless of
14 age seeking a religious exemption to the photograph
15 requirement shall submit fingerprints on a form and manner
16 prescribed by the Department with his or her application.

17 (a-25) Beginning 180 days after the effective date of this
18 amendatory Act of the 102nd General Assembly, each applicant
19 for the issuance or renewal of a Firearm Owner's
20 Identification Card shall include a full set of his or her
21 fingerprints in electronic format to the Illinois State
22 Police, unless the applicant has previously provided a full
23 set of his or her fingerprints to the Illinois State Police
24 under this Act or the Firearm Concealed Carry Act.

25 (1) The fingerprints must be transmitted through a
26 live scan fingerprint vendor licensed by the Department of

1 Financial and Professional Regulation. These fingerprints
2 shall be checked against the fingerprint records now and
3 hereafter filed in the Illinois State Police and Federal
4 Bureau of Investigation criminal history records
5 databases, including all available state and local
6 criminal history record information files. A live scan
7 fingerprint vendor may not charge more than \$30 per set of
8 fingerprints reviewed under this Section.

9 (2) The Illinois State Police shall charge applicants
10 a one-time fee for conducting the criminal history record
11 check, which shall be deposited in the State Police
12 Services Fund and shall not exceed the actual cost of the
13 State and national criminal history record check.

14 (a-30) The Illinois State Police shall deny the
15 application of any person who fails to submit evidence
16 required by this Section.

17 (b) Each application form shall include the following
18 statement printed in bold type: "Warning: Entering false
19 information on an application for a Firearm Owner's
20 Identification Card is punishable as a Class 2 felony in
21 accordance with subsection (d-5) of Section 14 of the Firearm
22 Owners Identification Card Act.".

23 (c) Upon such written consent, pursuant to Section 4,
24 paragraph (a)(2)(i), the parent or legal guardian giving the
25 consent shall be liable for any damages resulting from the
26 applicant's use of firearms or firearm ammunition.

1 (Source: P.A. 101-80, eff. 7-12-19.)

2 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

3 Sec. 5. Application and renewal.

4 (a) The Department of State Police shall either approve or
5 deny all complete applications within 30 days from the date
6 they are received, except as provided in subsections (b) and
7 (c) ~~subsection (b)~~ of this Section, and every applicant found
8 qualified under Section 8 of this Act by the Department shall
9 be entitled to a Firearm Owner's Identification Card upon the
10 payment of a \$20 ~~\$10~~ fee, and applicable processing fees. Any
11 applicant who is an active duty member of the Armed Forces of
12 the United States, a member of the Illinois National Guard, or
13 a member of the Reserve Forces of the United States is exempt
14 from the application fee. \$10 of each fee derived from the
15 issuance of Firearm Owner's Identification Cards, or renewals
16 thereof, shall be deposited in the State Police Firearm
17 Services Fund; and \$10 of the fee shall be deposited in the
18 State Police Revocation Enforcement Fund ~~\$6 of each fee~~
19 ~~derived from the issuance of Firearm Owner's Identification~~
20 ~~Cards, or renewals thereof, shall be deposited in the Wildlife~~
21 ~~and Fish Fund in the State Treasury; \$1 of the fee shall be~~
22 ~~deposited in the State Police Services Fund and \$3 of the fee~~
23 ~~shall be deposited in the State Police Firearm Services Fund.~~

24 (b) Complete renewal ~~Renewal~~ applications shall be
25 approved or denied within 60 business days, provided the

1 applicant submitted his or her renewal application prior to
2 the expiration of his or her Firearm Owner's Identification
3 Card. If a renewal application has been submitted prior to the
4 expiration date of the applicant's Firearm Owner's
5 Identification Card, the Firearm Owner's Identification Card
6 shall remain valid while the Department processes the
7 application, unless the person is subject to or becomes
8 subject to revocation under this Act. The cost for a renewal
9 application shall be \$20 and applicable processing fees, of
10 ~~\$10~~ which \$10 shall be deposited into the State Police Firearm
11 Services Fund; and \$10 shall be deposited into the State
12 Police Revocation Enforcement Fund.

13 (c) If the Firearm Owner's Identification Card of a
14 licensee under the Firearm Concealed Carry Act expires during
15 the term of the licensee's concealed carry license, the
16 Firearm Owner's Identification Card and the license remain
17 valid and the licensee does not have to renew his or her
18 Firearm Owner's Identification Card during the duration of the
19 concealed carry license. Unless the Illinois State Police has
20 reason to believe the licensee is no longer eligible for the
21 card, the Illinois State Police may automatically renew the
22 licensee's Firearm Owner's Identification Card and send a
23 renewed Firearm Owner's Identification Card to the licensee.

24 (d) In this Section, "complete application" and "complete
25 renewal application" means the applicant has submitted the
26 evidence required by Section 4.

1 (Source: P.A. 100-906, eff. 1-1-19.)

2 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

3 Sec. 6. Contents of Firearm Owner's Identification Card.

4 (a) A Firearm Owner's Identification Card, issued by the
5 Department of State Police at such places as the Director of
6 the Department shall specify, shall contain the applicant's
7 name, residence, date of birth, sex, physical description,
8 recent photograph, except as provided in subsection (c-5), and
9 signature. Each Firearm Owner's Identification Card must have
10 the Firearm Owner's Identification Card number ~~expiration date~~
11 boldly and conspicuously displayed on the face of the card.
12 Each Firearm Owner's Identification Card must have printed on
13 it the following: "CAUTION - This card does not permit bearer
14 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
15 the Department may use a person's digital photograph and
16 signature from his or her Illinois driver's license or
17 Illinois Identification Card, if available. On and after
18 December 1, 2002, the Department shall use a person's digital
19 photograph and signature from his or her Illinois driver's
20 license or Illinois Identification Card, if available. The
21 Department shall decline to use a person's digital photograph
22 or signature if the digital photograph or signature is the
23 result of or associated with fraudulent or erroneous data,
24 unless otherwise provided by law.

25 (b) A person applying for a Firearm Owner's Identification

1 Card shall consent to the Department of State Police using the
2 applicant's digital driver's license or Illinois
3 Identification Card photograph, if available, and signature on
4 the applicant's Firearm Owner's Identification Card. The
5 Secretary of State shall allow the Department of State Police
6 access to the photograph and signature for the purpose of
7 identifying the applicant and issuing to the applicant a
8 Firearm Owner's Identification Card.

9 (c) The Secretary of State shall conduct a study to
10 determine the cost and feasibility of creating a method of
11 adding an identifiable code, background, or other means on the
12 driver's license or Illinois Identification Card to show that
13 an individual is not disqualified from owning or possessing a
14 firearm under State or federal law. The Secretary shall report
15 the findings of this study 12 months after the effective date
16 of this amendatory Act of the 92nd General Assembly.

17 (c-5) If a person qualifies for a photograph exemption, in
18 lieu of a photograph, the Firearm Owner's Identification Card
19 shall contain a copy of the card holder's fingerprints. Each
20 Firearm Owner's Identification Card described in this
21 subsection (c-5) must have printed on it the following: "This
22 card is only valid for firearm purchases through a federally
23 licensed firearms dealer when presented with photographic
24 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

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

1 (430 ILCS 65/6.2 new)

2 Sec. 6.2. Electronic Firearm Owner's Identification Cards.

3 The Illinois State Police may develop a system under which the
4 holder of a Firearm Owner's Identification Card may display an
5 electronic version of his or her Firearm Owner's
6 Identification Card on a mobile telephone or other portable
7 electronic device. An electronic version of a Firearm Owner's
8 Identification Card shall contain security features the
9 Illinois State Police determines to be necessary to ensure
10 that the electronic version is accurate and current and shall
11 satisfy other requirements the Illinois State Police
12 determines to be necessary regarding form and content. The
13 display or possession of an electronic version of a valid
14 Firearm Owner's Identification Card in accordance with the
15 requirements of the Illinois State Police satisfies all
16 requirements for the display or possession of a valid Firearm
17 Owner's Identification Card under the laws of this State. The
18 possession or display of an electronic Firearm Owner's
19 Identification Card on a mobile telephone or other portable
20 electronic device does not constitute consent for a law
21 enforcement officer, court, or other officer of the court to
22 access other contents of the mobile telephone or other
23 portable electronic device. The Illinois State Police may
24 adopt rules to implement this Section.

25 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

1 Sec. 7. Validity of Firearm Owner's Identification Card.

2 (a) Except as provided in Section 8 of this Act or
3 elsewhere in subsection (b) of this Section, a Firearm Owner's
4 Identification Card issued under the provisions of this Act
5 shall be valid for the person to whom it is issued for a period
6 of 5 ~~10~~ years from the date of issuance. Unless the person no
7 longer meets the requirements or becomes subject to suspension
8 or revocation under this Act, a card issued pursuant to an
9 application made as provided in subsection (a-25) of Section 4
10 shall remain valid if the person meets the requirements of
11 subsection (b-5) of Section 3.1. Any person whose card was
12 previously issued for a period of 10 years shall retain the
13 10-year issuance period until the next date of renewal, at
14 which point the card shall be renewed for 5 years.

15 (b) If a renewal application is submitted to the
16 Department before the expiration date of the applicant's
17 current Firearm Owner's Identification Card, the Firearm
18 Owner's Identification Card shall remain valid ~~for a period of~~
19 ~~60 business days~~, unless the person is subject to or becomes
20 subject to revocation under this Act. Unless the person no
21 longer meets the requirements or becomes subject to suspension
22 or revocation under this Act, a card issued pursuant to a
23 renewal application made as provided in subsection (a-25) of
24 Section 4 shall remain valid if the person meets the
25 implementation requirements of Section 3.1.

26 (c) If the Firearm Owner's Identification Card of a

1 licensee under the Firearm Concealed Carry Act expires during
2 the term of the licensee's concealed carry license, the
3 Firearm Owner's Identification Card and the license remain
4 valid during the validity of the concealed carry license and
5 the licensee does not have to renew his or her Firearm Owner's
6 Identification Card, if the Firearm Owner's Identification
7 Card has not been otherwise renewed as provided in this Act.
8 Unless the Illinois State Police has reason to believe the
9 licensee is no longer eligible for the card, the Illinois
10 State Police may automatically renew the licensee's Firearm
11 Owner's Identification Card and send a renewed Firearm Owner's
12 Identification Card to the licensee.

13 (Source: P.A. 100-906, eff. 1-1-19.)

14 (430 ILCS 65/7.5 new)

15 Sec. 7.5. Email notifications. A person subject to this
16 Act may notify the Illinois State Police upon application or
17 at any time thereafter that he or she would like to receive
18 correspondence from the Illinois State Police via email rather
19 than by mail.

20 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

21 Sec. 8. Grounds for denial and revocation. The Department
22 of State Police has authority to deny an application for or to
23 revoke and seize a Firearm Owner's Identification Card
24 previously issued under this Act only if the Department finds

1 that the applicant or the person to whom such card was issued
2 is or was at the time of issuance:

3 (a) A person under 21 years of age who has been
4 convicted of a misdemeanor other than a traffic offense or
5 adjudged delinquent;

6 (b) This subsection (b) applies through the 180th day
7 following the effective date of this amendatory Act of the
8 101st General Assembly. A person under 21 years of age who
9 does not have the written consent of his parent or
10 guardian to acquire and possess firearms and firearm
11 ammunition, or whose parent or guardian has revoked such
12 written consent, or where such parent or guardian does not
13 qualify to have a Firearm Owner's Identification Card;

14 (b-5) This subsection (b-5) applies on and after the
15 181st day following the effective date of this amendatory
16 Act of the 101st General Assembly. A person under 21 years
17 of age who is not an active duty member of the United
18 States Armed Forces and does not have the written consent
19 of his or her parent or guardian to acquire and possess
20 firearms and firearm ammunition, or whose parent or
21 guardian has revoked such written consent, or where such
22 parent or guardian does not qualify to have a Firearm
23 Owner's Identification Card;

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

26 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental health
2 facility within the past 5 years or a person who has been a
3 patient in a mental health facility more than 5 years ago
4 who has not received the certification required under
5 subsection (u) of this Section. An active law enforcement
6 officer employed by a unit of government who is denied,
7 revoked, or has his or her Firearm Owner's Identification
8 Card seized under this subsection (e) may obtain relief as
9 described in subsection (c-5) of Section 10 of this Act if
10 the officer did not act in a manner threatening to the
11 officer, another person, or the public as determined by
12 the treating clinical psychologist or physician, and the
13 officer seeks mental health treatment;

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

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

18 (h) A person who intentionally makes a false statement
19 in the Firearm Owner's Identification Card application;

20 (i) An alien who is unlawfully present in the United
21 States under the laws of the United States;

22 (i-5) An alien who has been admitted to the United
23 States under a non-immigrant visa (as that term is defined
24 in Section 101(a)(26) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(26))), except that this subsection
26 (i-5) does not apply to any alien who has been lawfully

1 admitted to the United States under a non-immigrant visa
2 if that alien is:

3 (1) admitted to the United States for lawful
4 hunting or sporting purposes;

5 (2) an official representative of a foreign
6 government who is:

7 (A) accredited to the United States Government
8 or the Government's mission to an international
9 organization having its headquarters in the United
10 States; or

11 (B) en route to or from another country to
12 which that alien is accredited;

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

16 (4) a foreign law enforcement officer of a
17 friendly foreign government entering the United States
18 on official business; or

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

22 (j) (Blank);

23 (k) A person who has been convicted within the past 5
24 years of battery, assault, aggravated assault, violation
25 of an order of protection, or a substantially similar
26 offense in another jurisdiction, in which a firearm was

1 used or possessed;

2 (l) A person who has been convicted of domestic
3 battery, aggravated domestic battery, or a substantially
4 similar offense in another jurisdiction committed before,
5 on or after January 1, 2012 (the effective date of Public
6 Act 97-158). If the applicant or person who has been
7 previously issued a Firearm Owner's Identification Card
8 under this Act knowingly and intelligently waives the
9 right to have an offense described in this paragraph (l)
10 tried by a jury, and by guilty plea or otherwise, results
11 in a conviction for an offense in which a domestic
12 relationship is not a required element of the offense but
13 in which a determination of the applicability of 18 U.S.C.
14 922(g)(9) is made under Section 112A-11.1 of the Code of
15 Criminal Procedure of 1963, an entry by the court of a
16 judgment of conviction for that offense shall be grounds
17 for denying an application for and for revoking and
18 seizing a Firearm Owner's Identification Card previously
19 issued to the person under this Act;

20 (m) (Blank);

21 (n) A person who is prohibited from acquiring or
22 possessing firearms or firearm ammunition by any Illinois
23 State statute or by federal law;

24 (o) A minor subject to a petition filed under Section
25 5-520 of the Juvenile Court Act of 1987 alleging that the
26 minor is a delinquent minor for the commission of an

1 offense that if committed by an adult would be a felony;

2 (p) An adult who had been adjudicated a delinquent
3 minor under the Juvenile Court Act of 1987 for the
4 commission of an offense that if committed by an adult
5 would be a felony;

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

9 (r) A person who has been adjudicated as a person with
10 a mental disability;

11 (s) A person who has been found to have a
12 developmental disability;

13 (t) A person involuntarily admitted into a mental
14 health facility; or

15 (u) A person who has had his or her Firearm Owner's
16 Identification Card revoked or denied under subsection (e)
17 of this Section or item (iv) of paragraph (2) of
18 subsection (a) of Section 4 of this Act because he or she
19 was a patient in a mental health facility as provided in
20 subsection (e) of this Section, shall not be permitted to
21 obtain a Firearm Owner's Identification Card, after the
22 5-year period has lapsed, unless he or she has received a
23 mental health evaluation by a physician, clinical
24 psychologist, or qualified examiner as those terms are
25 defined in the Mental Health and Developmental
26 Disabilities Code, and has received a certification that

1 he or she is not a clear and present danger to himself,
2 herself, or others. The physician, clinical psychologist,
3 or qualified examiner making the certification and his or
4 her employer shall not be held criminally, civilly, or
5 professionally liable for making or not making the
6 certification required under this subsection, except for
7 willful or wanton misconduct. This subsection does not
8 apply to a person whose firearm possession rights have
9 been restored through administrative or judicial action
10 under Section 10 or 11 of this Act; or ~~or~~.

11 (v) A person who has failed to submit the evidence
12 required by Section 4.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Department of State Police shall
15 provide notice to the person within 7 business days and the
16 person shall comply with Section 9.5 of this Act.

17 (Source: P.A. 101-80, eff. 7-12-19.)

18 (430 ILCS 65/8.2)

19 Sec. 8.2. Firearm Owner's Identification Card denial,
20 suspension, or revocation. The Department of State Police
21 shall deny an application or shall suspend or revoke and seize
22 a Firearm Owner's Identification Card previously issued under
23 this Act if the Department finds that the applicant or person
24 to whom such card was issued is or was at the time of issuance
25 subject to a protective order ~~an existing order of protection,~~

1 ~~of~~ firearms restraining order, stalking no contact order, or
2 civil no contact order. When the duration of the protective
3 order is expected to be less than one year, the Illinois State
4 Police shall suspend the Firearm Owner's Identification Card
5 pursuant to Section 8.3 of this Act and shall reinstate it upon
6 conclusion of the suspension if no other grounds for denial or
7 revocation are found pursuant to Section 8.

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

9 (430 ILCS 65/8.3)

10 Sec. 8.3. Suspension of Firearm Owner's Identification
11 Card. The Department of State Police may suspend ~~, by rule in a~~
12 ~~manner consistent with the Department's rules concerning~~
13 ~~revocation, provide for the suspension of~~ the Firearm Owner's
14 Identification Card of a person whose Firearm Owner's
15 Identification Card is subject to revocation and seizure under
16 this Act for the duration of the disqualification if the
17 disqualification is not a permanent grounds for revocation of
18 a Firearm Owner's Identification Card under this Act. The
19 Illinois State Police may adopt rules necessary to implement
20 this Section.

21 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

22 (430 ILCS 65/8.4 new)

23 Sec. 8.4. Cancellation of Firearm Owner's Identification
24 Card. The Illinois State Police may cancel a Firearm Owner's

1 Identification Card if a person is not prohibited by State or
2 federal law from acquiring or possessing a firearm or firearm
3 ammunition and the sole purpose is for an administrative
4 reason. This includes, but is not limited to, at the request of
5 the Firearm Owner's Identification Card holder, a person who
6 surrenders his or her Illinois driver's license or Illinois
7 Identification Card to another jurisdiction, or a person's
8 Firearm Owner's Identification Card is reported as lost,
9 stolen, or destroyed. The Illinois State Police may adopt
10 rules necessary to implement this Section.

11 (430 ILCS 65/9.5)

12 Sec. 9.5. Revocation or suspension of Firearm Owner's
13 Identification Card.

14 (a) A person who receives a revocation or suspension
15 notice under Section 9 of this Act shall, within 48 hours of
16 receiving notice of the revocation or suspension:

17 (1) surrender his or her Firearm Owner's
18 Identification Card to the local law enforcement agency
19 where the person resides or ~~The local law enforcement~~
20 ~~agency shall provide the person a receipt and transmit the~~
21 ~~Firearm Owner's Identification Card~~ to the Department of
22 State Police; and

23 (2) complete a Firearm Disposition Record on a form
24 prescribed by the Department of State Police and place his
25 or her firearms in the location or with the person

1 reported in the Firearm Disposition Record. The form shall
2 require the person to disclose:

3 (A) the make, model, and serial number of each
4 firearm owned by or under the custody and control of
5 the revoked or suspended person;

6 (B) the location where each firearm will be
7 maintained during the prohibited term; ~~and~~

8 (C) if any firearm will be transferred to the
9 custody of another person, the name, address and
10 Firearm Owner's Identification Card number of the
11 transferee; and

12 (D) to whom his or her Firearm Owner's
13 Identification Card was surrendered. Once completed,
14 the person shall retain a copy and provide a copy of
15 the Firearm Disposition Record to the Illinois State
16 Police. ▸

17 (a-5) The Firearm Disposition Record shall contain a
18 statement to be signed by the transferee that the transferee:

19 (1) is aware of, and will abide by, current law
20 regarding the unlawful transfer of a firearm;

21 (2) is aware of the penalties for violating the law as
22 it pertains to unlawful transfer of a firearm; and

23 (3) intends to retain possession of the firearm or
24 firearms until it is determined that the transferor is
25 legally eligible to possess a firearm and has an active
26 Firearm Owner's Identification Card, if applicable, or

1 until a new person is chosen to hold the firearm or
2 firearms.

3 (b) Surrendered Firearm Owner's Identification Cards shall
4 be destroyed by the law enforcement agency receiving the
5 cards. ~~The local law enforcement agency shall provide a copy~~
6 ~~of the Firearm Disposition Record to the person whose Firearm~~
7 ~~Owner's Identification Card has been revoked and to the~~
8 ~~Department of State Police.~~

9 (b-5) If a court orders the surrender of a Firearms
10 Owner's Identification Card and accepts receipt of the Card,
11 the court shall destroy the Card and direct the person whose
12 Firearm Owner's Identification Card has been surrendered to
13 comply with paragraph (2) of subsection (a).

14 (b-10) If the person whose Firearm Owner's Identification
15 Card has been revoked has either lost or destroyed the Card,
16 the person must still comply with paragraph (2) of subsection
17 (a).

18 (b-15) A notation shall be made in the portal created
19 under Section 2605-304 of the Department of State Police Law
20 of the Civil Administrative Code of Illinois that the revoked
21 Firearm Owner's Identification Card has been destroyed.

22 (c) The Illinois State Police shall conduct enforcement
23 operations against persons whose Firearm Owner's
24 Identification Cards have been revoked or suspended and
25 persons who fail to comply with the requirements of this
26 Section, prioritizing individuals presenting a clear and

1 present danger to themselves or to others under paragraph (2)
2 of subsection (d) of Section 8.1. If the person whose Firearm
3 Owner's Identification Card has been revoked or suspended
4 fails to comply with the requirements of this Section, the
5 sheriff or law enforcement agency where the person resides may
6 petition the circuit court to issue a warrant to search for and
7 seize the Firearm Owner's Identification Card and firearms in
8 the possession or under the custody or control of the person
9 whose Firearm Owner's Identification Card has been revoked or
10 suspended.

11 (d) A violation of subsection (a) of this Section is a
12 Class A misdemeanor.

13 (e) The observation of a Firearm Owner's Identification
14 Card in the possession of a person whose Firearm Owner's
15 Identification Card has been revoked or suspended constitutes
16 a sufficient basis for the arrest of that person for violation
17 of this Section.

18 (f) Within 30 days after the effective date of this
19 amendatory Act of the 98th General Assembly, the Department of
20 State Police shall provide written notice of the requirements
21 of this Section to persons whose Firearm Owner's
22 Identification Cards have been revoked, suspended, or expired
23 and who have failed to surrender their cards to the
24 Department.

25 (g) A person whose Firearm Owner's Identification Card has
26 been revoked or suspended and who received notice under

1 subsection (f) shall comply with the requirements of this
2 Section within 48 hours of receiving notice.

3 (h) Nothing in this Section prevents a court from from
4 ordering an individual to surrender his or her Firearm Owner's
5 Identification Card and any firearms to a law enforcement
6 agency of the court's choosing, in a timeframe shorter than 48
7 hours after receipt of the notice of revocation or suspension.

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

9 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

10 Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from
11 firearm prohibitions.

12 (a) Whenever an application for a Firearm Owner's
13 Identification Card is denied, whenever the Illinois State
14 Police Department fails to act on an application within 30
15 days of its receipt, or whenever such a Card is revoked or
16 seized as provided for in Section 8 of this Act, the aggrieved
17 party may appeal to the Firearm Owner's Identification Card
18 Review Board ~~Director of State Police~~ for a hearing upon such
19 denial, revocation or seizure, unless the denial, revocation,
20 or seizure was based upon a forcible felony, stalking,
21 aggravated stalking, domestic battery, any violation of the
22 Illinois Controlled Substances Act, the Methamphetamine
23 Control and Community Protection Act, or the Cannabis Control
24 Act that is classified as a Class 2 or greater felony, any
25 felony violation of Article 24 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or any adjudication as a delinquent
2 minor for the commission of an offense that if committed by an
3 adult would be a felony, in which case the aggrieved party may
4 petition the circuit court in writing in the county of his or
5 her residence for a hearing upon such denial, revocation, or
6 seizure.

7 (a-5) There is created within the Illinois State Police a
8 Firearm Owner's Identification Card Review Board to consider
9 any appeal under subsection (a), other than an appeal directed
10 to the circuit court.

11 (1) The Board shall consist of 7 members appointed by
12 the Governor, with the advice and consent of the Senate,
13 with 3 members residing within the First Judicial District
14 and one member residing within each of the 4 remaining
15 Judicial Districts. No more than 4 members shall be
16 members of the same political party. The Governor shall
17 designate one member as the chairperson. The Board shall
18 consist of:

19 (A) one member with at least 5 years of service as
20 a federal or State judge;

21 (B) two members with at least 5 years of
22 experience serving as an attorney with the United
23 States Department of Justice, or as a State's Attorney
24 or Assistant State's Attorney;

25 (C) three members with at least 5 years of
26 experience as a federal, State, or local law

1 enforcement agent or as an employee with investigative
2 experience or duties related to criminal justice under
3 the United States Department of Justice, Drug
4 Enforcement Administration, Department of Homeland
5 Security, Federal Bureau of Investigation, or a State
6 or local law enforcement agency; and

7 (D) one member with at least 5 years of experience
8 as a licensed physician or clinical psychologist with
9 expertise in the diagnosis and treatment of mental
10 illness.

11 (2) The terms of the members initially appointed after
12 the effective date of this amendatory Act of the 102nd
13 General Assembly shall be as follows: one of the initial
14 members shall be appointed for a term of one year, 3 shall
15 be appointed for terms of 2 years, and 3 shall be appointed
16 for terms of 4 years. Thereafter, members shall hold
17 office for 4 years, with terms expiring on the second
18 Monday in January immediately following the expiration of
19 their terms and every 4 years thereafter. Members may be
20 reappointed. Vacancies in the office of member shall be
21 filled in the same manner as the original appointment, for
22 the remainder of the unexpired term. The Governor may
23 remove a member for incompetence, neglect of duty,
24 malfeasance, or inability to serve. Members shall receive
25 compensation in an amount equal to the compensation of
26 members of the Executive Ethics Commission and may be

1 reimbursed, from funds appropriated for such a purpose,
2 for reasonable expenses actually incurred in the
3 performance of their Board duties. The Illinois State
4 Police shall designate an employee to serve as Executive
5 Director of the Board and provide logistical and
6 administrative assistance to the Board.

7 (3) The Board shall meet at least quarterly each year
8 and at the call of the chairperson as often as necessary to
9 consider appeals of decisions made with respect to
10 applications for a Firearm Owner's Identification Card
11 under this Act. If necessary to ensure the participation
12 of a member, the Board shall allow a member to participate
13 in a Board meeting by electronic communication. Any member
14 participating electronically shall be deemed present for
15 purposes of establishing a quorum and voting.

16 (4) The Board shall adopt rules for the review of
17 appeals and the conduct of hearings. The Board shall
18 maintain a record of its decisions and all materials
19 considered in making its decisions. All Board decisions
20 and voting records shall be kept confidential and all
21 materials considered by the Board shall be exempt from
22 inspection except upon order of a court.

23 (5) In considering an appeal, the Board shall review
24 the materials received concerning the denial, suspension,
25 or revocation by the Illinois State Police. By a vote of at
26 least 4 members, the Board may request additional

1 information from the Illinois State Police or the
2 applicant or the testimony of the Illinois State Police or
3 the applicant. The Board may require that the applicant
4 submit electronic fingerprints to the Illinois State
5 Police for an updated background check if the Board
6 determines it lacks sufficient information to determine
7 eligibility. The Board may consider information submitted
8 by the Illinois State Police, a law enforcement agency, or
9 the applicant. The Board shall review each denial,
10 suspension, or revocation and determine by a majority of
11 members whether an applicant is eligible for a Firearm
12 Owner's Identification Card.

13 (6) The Board shall issue a decision within 45
14 business days of receiving all completed appeal documents
15 from the Illinois State Police and the applicant. However,
16 the Board need not issue a decision within 45 business
17 days if:

18 (A) the Board requests information from the
19 applicant, including, but not limited to, electronic
20 fingerprints to be submitted to the Illinois State
21 Police, in accordance with paragraph (5) of this
22 subsection, in which case the Board shall make a
23 decision within 30 days of receipt of the required
24 information from the applicant;

25 (B) the applicant agrees, in writing, to allow the
26 Board additional time to consider an appeal; or

1 (C) the Board notifies the applicant and the
2 Illinois State Police that the Board needs an
3 additional 30 days to issue a decision.

4 (7) If the Board determines by a preponderance of the
5 evidence that the applicant fails to meet the eligibility
6 requirements or is a prohibited person under State or
7 federal law, poses a danger to himself or herself or
8 others, or is a threat to public safety, then the Board
9 shall affirm the denial, suspension, or revocation and
10 shall notify the applicant and the Illinois State Police
11 that the applicant is ineligible for a Firearm Owner's
12 Identification Card. If the Board does not determine by a
13 preponderance of the evidence that the applicant fails to
14 meet the eligibility requirements or is a prohibited
15 person under State or federal law, poses a danger to
16 himself or herself or others, or is a threat to public
17 safety, then the Board shall notify the applicant and the
18 Illinois State Police that the applicant is eligible for a
19 Firearm Owner's Identification Card.

20 (8) Meetings of the Board shall not be subject to the
21 Open Meetings Act and records of the Board shall not be
22 subject to the Freedom of Information Act.

23 (9) The Board shall report monthly to the Governor and
24 the General Assembly on the number of appeals received and
25 provide details of the circumstances in which the Board
26 has determined to deny Firearm Owner's Identification

1 Cards under this subsection (a-5). The report shall not
2 contain any identifying information about the applicants.

3 (b) At least 30 days before any hearing in the circuit
4 court, the petitioner shall serve the relevant State's
5 Attorney with a copy of the petition. The State's Attorney may
6 object to the petition and present evidence. At the hearing,
7 the court shall determine whether substantial justice has been
8 done. Should the court determine that substantial justice has
9 not been done, the court shall issue an order directing the
10 Illinois Department of State Police to issue a Card. However,
11 the court shall not issue the order if the petitioner is
12 otherwise prohibited from obtaining, possessing, or using a
13 firearm under federal law.

14 (c) Any person prohibited from possessing a firearm under
15 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
16 acquiring a Firearm Owner's Identification Card under Section
17 8 of this Act may apply to the Firearm Owner's Identification
18 Card Review Board ~~Director of State Police~~ or petition the
19 circuit court in the county where the petitioner resides,
20 whichever is applicable in accordance with subsection (a) of
21 this Section, requesting relief from such prohibition and the
22 Board ~~Director~~ or court may grant such relief if it is
23 established by the applicant to the court's or the Board's
24 ~~Director's~~ satisfaction that:

25 (0.05) when in the circuit court, the State's Attorney
26 has been served with a written copy of the petition at

1 least 30 days before any such hearing in the circuit court
2 and at the hearing the State's Attorney was afforded an
3 opportunity to present evidence and object to the
4 petition;

5 (1) the applicant has not been convicted of a forcible
6 felony under the laws of this State or any other
7 jurisdiction within 20 years of the applicant's
8 application for a Firearm Owner's Identification Card, or
9 at least 20 years have passed since the end of any period
10 of imprisonment imposed in relation to that conviction;

11 (2) the circumstances regarding a criminal conviction,
12 where applicable, the applicant's criminal history and his
13 reputation are such that the applicant will not be likely
14 to act in a manner dangerous to public safety;

15 (3) granting relief would not be contrary to the
16 public interest; and

17 (4) granting relief would not be contrary to federal
18 law.

19 (c-5) (1) An active law enforcement officer employed by a
20 unit of government, who is denied, revoked, or has his or her
21 Firearm Owner's Identification Card seized under subsection
22 (e) of Section 8 of this Act may apply to the Firearm Owner's
23 Identification Card Review Board ~~Director of State Police~~
24 requesting relief if the officer did not act in a manner
25 threatening to the officer, another person, or the public as
26 determined by the treating clinical psychologist or physician,

1 and as a result of his or her work is referred by the employer
2 for or voluntarily seeks mental health evaluation or treatment
3 by a licensed clinical psychologist, psychiatrist, or
4 qualified examiner, and:

5 (A) the officer has not received treatment
6 involuntarily at a mental health facility, regardless of
7 the length of admission; or has not been voluntarily
8 admitted to a mental health facility for more than 30 days
9 and not for more than one incident within the past 5 years;
10 and

11 (B) the officer has not left the mental institution
12 against medical advice.

13 (2) The Firearm Owner's Identification Card Review Board
14 ~~Director of State Police~~ shall grant expedited relief to
15 active law enforcement officers described in paragraph (1) of
16 this subsection (c-5) upon a determination by the Board
17 ~~Director~~ that the officer's possession of a firearm does not
18 present a threat to themselves, others, or public safety. The
19 Board ~~Director~~ shall act on the request for relief within 30
20 business days of receipt of:

21 (A) a notarized statement from the officer in the form
22 prescribed by the Board ~~Director~~ detailing the
23 circumstances that led to the hospitalization;

24 (B) all documentation regarding the admission,
25 evaluation, treatment and discharge from the treating
26 licensed clinical psychologist or psychiatrist of the

1 officer;

2 (C) a psychological fitness for duty evaluation of the
3 person completed after the time of discharge; and

4 (D) written confirmation in the form prescribed by the
5 Board ~~Director~~ from the treating licensed clinical
6 psychologist or psychiatrist that the provisions set forth
7 in paragraph (1) of this subsection (c-5) have been met,
8 the person successfully completed treatment, and their
9 professional opinion regarding the person's ability to
10 possess firearms.

11 (3) Officers eligible for the expedited relief in
12 paragraph (2) of this subsection (c-5) have the burden of
13 proof on eligibility and must provide all information
14 required. The Board ~~Director~~ may not consider granting
15 expedited relief until the proof and information is received.

16 (4) "Clinical psychologist", "psychiatrist", and
17 "qualified examiner" shall have the same meaning as provided
18 in Chapter I of the Mental Health and Developmental
19 Disabilities Code.

20 (c-10) (1) An applicant, who is denied, revoked, or has
21 his or her Firearm Owner's Identification Card seized under
22 subsection (e) of Section 8 of this Act based upon a
23 determination of a developmental disability or an intellectual
24 disability may apply to the Firearm Owner's Identification
25 Card Review Board ~~Director of State Police~~ requesting relief.

26 (2) The Board ~~Director~~ shall act on the request for relief

1 within 60 business days of receipt of written certification,
2 in the form prescribed by the Board Director, from a physician
3 or clinical psychologist, or qualified examiner, that the
4 aggrieved party's developmental disability or intellectual
5 disability condition is determined by a physician, clinical
6 psychologist, or qualified to be mild. If a fact-finding
7 conference is scheduled to obtain additional information
8 concerning the circumstances of the denial or revocation, the
9 60 business days the Director has to act shall be tolled until
10 the completion of the fact-finding conference.

11 (3) The Board Director may grant relief if the aggrieved
12 party's developmental disability or intellectual disability is
13 mild as determined by a physician, clinical psychologist, or
14 qualified examiner and it is established by the applicant to
15 the Board's Director's satisfaction that:

16 (A) granting relief would not be contrary to the
17 public interest; and

18 (B) granting relief would not be contrary to federal
19 law.

20 (4) The Board Director may not grant relief if the
21 condition is determined by a physician, clinical psychologist,
22 or qualified examiner to be moderate, severe, or profound.

23 (5) The changes made to this Section by Public Act 99-29
24 ~~this amendatory Act of the 99th General Assembly~~ apply to
25 requests for relief pending on or before July 10, 2015 (the
26 effective date of Public Act 99-29) ~~this amendatory Act,~~

1 except that the 60-day period for the Director to act on
2 requests pending before the effective date shall begin on July
3 10, 2015 (the effective date of Public Act 99-29) ~~this~~
4 ~~amendatory Act.~~

5 (d) When a minor is adjudicated delinquent for an offense
6 which if committed by an adult would be a felony, the court
7 shall notify the Illinois ~~Department of~~ State Police.

8 (e) The court shall review the denial of an application or
9 the revocation of a Firearm Owner's Identification Card of a
10 person who has been adjudicated delinquent for an offense that
11 if committed by an adult would be a felony if an application
12 for relief has been filed at least 10 years after the
13 adjudication of delinquency and the court determines that the
14 applicant should be granted relief from disability to obtain a
15 Firearm Owner's Identification Card. If the court grants
16 relief, the court shall notify the Illinois ~~Department of~~
17 State Police that the disability has been removed and that the
18 applicant is eligible to obtain a Firearm Owner's
19 Identification Card.

20 (f) Any person who is subject to the disabilities of 18
21 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
22 of 1968 because of an adjudication or commitment that occurred
23 under the laws of this State or who was determined to be
24 subject to the provisions of subsections (e), (f), or (g) of
25 Section 8 of this Act may apply to the Illinois ~~Department of~~
26 State Police requesting relief from that prohibition. The

1 Board Director shall grant the relief if it is established by a
2 preponderance of the evidence that the person will not be
3 likely to act in a manner dangerous to public safety and that
4 granting relief would not be contrary to the public interest.
5 In making this determination, the Board Director shall receive
6 evidence concerning (i) the circumstances regarding the
7 firearms disabilities from which relief is sought; (ii) the
8 petitioner's mental health and criminal history records, if
9 any; (iii) the petitioner's reputation, developed at a minimum
10 through character witness statements, testimony, or other
11 character evidence; and (iv) changes in the petitioner's
12 condition or circumstances since the disqualifying events
13 relevant to the relief sought. If relief is granted under this
14 subsection or by order of a court under this Section, the
15 Director shall as soon as practicable but in no case later than
16 15 business days, update, correct, modify, or remove the
17 person's record in any database that the Illinois Department
18 ~~of~~ State Police makes available to the National Instant
19 Criminal Background Check System and notify the United States
20 Attorney General that the basis for the record being made
21 available no longer applies. The Illinois Department ~~of~~ State
22 Police shall adopt rules for the administration of this
23 Section.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
25 eff. 7-20-15.)

1 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

2 Sec. 11. Judicial review of final administrative
3 decisions.

4 (a) All final administrative decisions of the Firearm
5 Owner's Identification Card Review Board ~~Department~~ under this
6 Act, except final administrative decisions of the Firearm
7 Owner's Identification Card Review Board ~~Director of State~~
8 ~~Police~~ to deny a person's application for relief under
9 subsection (f) of Section 10 of this Act, shall be subject to
10 judicial review under the provisions of the Administrative
11 Review Law, and all amendments and modifications thereof, and
12 the rules adopted pursuant thereto. The term "administrative
13 decision" is defined as in Section 3-101 of the Code of Civil
14 Procedure.

15 (b) Any final administrative decision by the Firearm
16 Owner's Identification Card Review Board ~~Director of State~~
17 ~~Police~~ to deny a person's application for relief under
18 subsection (f) of Section 10 of this Act is subject to de novo
19 judicial review by the circuit court, and any party may offer
20 evidence that is otherwise proper and admissible without
21 regard to whether that evidence is part of the administrative
22 record.

23 (c) The Firearm Owner's Identification Card Review Board
24 ~~Director of State Police~~ shall submit a report to the General
25 Assembly on March 1 of each year, beginning March 1, 1991,
26 listing all final decisions by a court of this State

1 upholding, reversing, or reversing in part any administrative
2 decision made by the Department of State Police.

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

4 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

5 Sec. 13.2. Renewal; name, photograph, or address change;
6 replacement card. The Department of State Police shall, 60
7 days prior to the expiration of a Firearm Owner's
8 Identification Card, forward by first class mail to each
9 person whose card is to expire a notification of the
10 expiration of the card and instructions for renewal. It is the
11 obligation of the holder of a Firearm Owner's Identification
12 Card to notify the Department of State Police of any address
13 change since the issuance of the Firearm Owner's
14 Identification Card. The Illinois State Police may update the
15 applicant and card holders address based upon records in the
16 Secretary of State Driver's License or Illinois Identification
17 Card records of applicants who do not have driver's licenses.
18 ~~Whenever any person moves from the residence address named on~~
19 ~~his or her card, the person shall within 21 calendar days~~
20 ~~thereafter notify in a form and manner prescribed by the~~
21 ~~Department of his or her old and new residence addresses and~~
22 ~~the card number held by him or her.~~ Any person whose legal name
23 has changed from the name on the card that he or she has been
24 previously issued must apply for a corrected card within 30
25 calendar days after the change. The cost for an updated or a

1 corrected card shall be \$5. The cost for replacement of a card
2 which has been lost, destroyed, or stolen shall be \$5 if the
3 loss, destruction, or theft of the card is reported to the
4 Department of State Police. The fees collected under this
5 Section shall be deposited into the State Police Firearm
6 Services Fund.

7 (Source: P.A. 100-906, eff. 1-1-19.)

8 (430 ILCS 65/13.4 new)

9 Sec. 13.4. Illinois State Police; rule making authority.

10 The Illinois State Police shall by rule adopt the following
11 procedures:

12 (1) When a person who possesses a valid Firearm Owner's
13 Identification Card applies for and is approved for a
14 concealed carry license, the valid Firearm Owner's
15 Identification Card is renewed for 5 years from the time of
16 approval instead of 5 years from the date of the original card.

17 (2) If a person is eligible for both a Firearm Owner's
18 Identification Card and a concealed carry license, the
19 Illinois State Police shall by rule create one card that may be
20 used as both a Firearm Owner's Identification Card and a
21 concealed carry license. A combined Firearm Owner's
22 Identification Card and concealed carry license shall be
23 considered a valid card for the purposes of this Act. The
24 Illinois State Police shall adopt rules to implement this
25 Section.

1 (3) The Illinois State Police may waive the Firearm
2 Owner's Identification Card application fee for the purposes
3 of paragraphs (1) and (2).

4 Section 25. The Firearm Concealed Carry Act is amended by
5 changing Sections 20, 30, 50, and 70 and by adding Sections
6 10.5, 10.6, and 13 as follows:

7 (430 ILCS 66/10.5 new)

8 Sec. 10.5. Electronic concealed carry licenses. The
9 Illinois State Police may develop a system under which the
10 holder of a concealed carry license may display an electronic
11 version of his or her license on a mobile telephone or other
12 portable electronic device. An electronic version of a
13 concealed carry license shall contain security features the
14 Illinois State Police determines to be necessary to ensure
15 that the electronic version is accurate and current and shall
16 satisfy other requirements the Illinois State Police
17 determines to be necessary regarding form and content. The
18 display or possession of an electronic version of a valid
19 concealed carry license in accordance with the requirements of
20 the Illinois State Police satisfies all requirements for the
21 display or possession of a valid concealed carry license under
22 the laws of this State. The possession or display of an
23 electronic concealed carry license on a mobile telephone or
24 other portable electronic device does not constitute consent

1 for a law enforcement officer, court, or other officer of the
2 court to access other contents of the mobile telephone or
3 other portable electronic device. The Illinois State Police
4 may adopt rules to implement this Section.

5 (430 ILCS 66/10.6 new)

6 Sec. 10.6. Email notifications. A person subject to this
7 Act may notify the Illinois State Police upon application or
8 at any time thereafter that he or she would like to receive
9 correspondence from the Illinois State Police via email rather
10 than by mail.

11 (430 ILCS 66/13 new)

12 Sec. 13. Email notifications. A person subject to this Act
13 may notify the Illinois State Police upon application or at
14 any time thereafter that he or she would like to receive
15 correspondence from the Illinois State Police via email rather
16 than by mail.

17 (430 ILCS 66/20)

18 Sec. 20. Concealed Carry Licensing Review Board.

19 (a) There is hereby created within the Department of State
20 Police a Concealed Carry Licensing Review Board to consider
21 any objection to an applicant's eligibility to obtain a
22 license under this Act submitted by a law enforcement agency
23 or the Department under Section 15 of this Act. The Board shall

1 consist of 7 commissioners to be appointed by the Governor,
2 with the advice and consent of the Senate, with 3
3 commissioners residing within the First Judicial District and
4 one commissioner residing within each of the 4 remaining
5 Judicial Districts. No more than 4 commissioners shall be
6 members of the same political party. The Governor shall
7 designate one commissioner as the Chairperson. The Board shall
8 consist of:

9 (1) one commissioner with at least 5 years of service
10 as a federal judge;

11 (2) 2 commissioners with at least 5 years of
12 experience serving as an attorney with the United States
13 Department of Justice;

14 (3) 3 commissioners with at least 5 years of
15 experience as a federal agent or employee with
16 investigative experience or duties related to criminal
17 justice under the United States Department of Justice,
18 Drug Enforcement Administration, Department of Homeland
19 Security, or Federal Bureau of Investigation; and

20 (4) one member with at least 5 years of experience as a
21 licensed physician or clinical psychologist with expertise
22 in the diagnosis and treatment of mental illness.

23 (b) The initial terms of the commissioners shall end on
24 January 12, 2015. Notwithstanding any provision in this
25 Section to the contrary, the term of office of each
26 commissioner of the Concealed Carry Licensing Review Board is

1 abolished on the effective date of this amendatory Act of the
2 102nd General Assembly. The terms of the commissioners
3 appointed on or after the effective date of this amendatory
4 Act of the 102nd General Assembly shall be as follows: one of
5 the initial members shall be appointed for a term of one year,
6 3 shall be appointed for terms of 2 years, and 3 shall be
7 appointed for terms of 4 years. Thereafter, the commissioners
8 shall hold office for 4 years, with terms expiring on the
9 second Monday in January of the fourth year. Commissioners may
10 be reappointed. Vacancies in the office of commissioner shall
11 be filled in the same manner as the original appointment, for
12 the remainder of the unexpired term. The Governor may remove a
13 commissioner for incompetence, neglect of duty, malfeasance,
14 or inability to serve. Commissioners shall receive
15 compensation in an amount equal to the compensation of members
16 of the Executive Ethics Commission and may be reimbursed for
17 reasonable expenses actually incurred in the performance of
18 their Board duties, from funds appropriated for that purpose.

19 (c) The Board shall meet at the call of the chairperson as
20 often as necessary to consider objections to applications for
21 a license under this Act. If necessary to ensure the
22 participation of a commissioner, the Board shall allow a
23 commissioner to participate in a Board meeting by electronic
24 communication. Any commissioner participating electronically
25 shall be deemed present for purposes of establishing a quorum
26 and voting.

1 (d) The Board shall adopt rules for the review of
2 objections and the conduct of hearings. The Board shall
3 maintain a record of its decisions and all materials
4 considered in making its decisions. All Board decisions and
5 voting records shall be kept confidential and all materials
6 considered by the Board shall be exempt from inspection except
7 upon order of a court.

8 (e) In considering an objection of a law enforcement
9 agency or the Department, the Board shall review the materials
10 received with the objection from the law enforcement agency or
11 the Department. By a vote of at least 4 commissioners, the
12 Board may request additional information from the law
13 enforcement agency, Department, or the applicant, or the
14 testimony of the law enforcement agency, Department, or the
15 applicant. The Board may require that the applicant submit
16 electronic fingerprints to the Department for an updated
17 background check where the Board determines it lacks
18 sufficient information to determine eligibility. The Board may
19 only consider information submitted by the Department, a law
20 enforcement agency, or the applicant. The Board shall review
21 each objection and determine by a majority of commissioners
22 whether an applicant is eligible for a license.

23 (f) The Board shall issue a decision within 30 days of
24 receipt of the objection from the Department. However, the
25 Board need not issue a decision within 30 days if:

26 (1) the Board requests information from the applicant,

1 including but not limited to electronic fingerprints to be
2 submitted to the Department, in accordance with subsection
3 (e) of this Section, in which case the Board shall make a
4 decision within 30 days of receipt of the required
5 information from the applicant;

6 (2) the applicant agrees, in writing, to allow the
7 Board additional time to consider an objection; or

8 (3) the Board notifies the applicant and the
9 Department that the Board needs an additional 30 days to
10 issue a decision.

11 (g) If the Board determines by a preponderance of the
12 evidence that the applicant poses a danger to himself or
13 herself or others, or is a threat to public safety, then the
14 Board shall affirm the objection of the law enforcement agency
15 or the Department and shall notify the Department that the
16 applicant is ineligible for a license. If the Board does not
17 determine by a preponderance of the evidence that the
18 applicant poses a danger to himself or herself or others, or is
19 a threat to public safety, then the Board shall notify the
20 Department that the applicant is eligible for a license.

21 (h) Meetings of the Board shall not be subject to the Open
22 Meetings Act and records of the Board shall not be subject to
23 the Freedom of Information Act.

24 (i) The Board shall report monthly to the Governor and the
25 General Assembly on the number of objections received and
26 provide details of the circumstances in which the Board has

1 determined to deny licensure based on law enforcement or
2 Department objections under Section 15 of this Act. The report
3 shall not contain any identifying information about the
4 applicants.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

6 (430 ILCS 66/30)

7 Sec. 30. Contents of license application.

8 (a) The license application shall be in writing, under
9 penalty of perjury, on a standard form adopted by the
10 Department and shall be accompanied by the documentation
11 required in this Section and the applicable fee. Each
12 application form shall include the following statement printed
13 in bold type: "Warning: Entering false information on this
14 form is punishable as perjury under Section 32-2 of the
15 Criminal Code of 2012."

16 (b) The application shall contain the following:

17 (1) the applicant's name, current address, date and
18 year of birth, place of birth, height, weight, hair color,
19 eye color, maiden name or any other name the applicant has
20 used or identified with, and any address where the
21 applicant resided for more than 30 days within the 10
22 years preceding the date of the license application;

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

25 (3) a waiver of the applicant's privacy and

1 confidentiality rights and privileges under all federal
2 and state laws, including those limiting access to
3 juvenile court, criminal justice, psychological, or
4 psychiatric records or records relating to any
5 institutionalization of the applicant, and an affirmative
6 request that a person having custody of any of these
7 records provide it or information concerning it to the
8 Department. The waiver only applies to records sought in
9 connection with determining whether the applicant
10 qualifies for a license to carry a concealed firearm under
11 this Act, or whether the applicant remains in compliance
12 with the Firearm Owners Identification Card Act;

13 (4) an affirmation that the applicant possesses a
14 currently valid Firearm Owner's Identification Card and
15 card number if possessed or notice the applicant is
16 applying for a Firearm Owner's Identification Card in
17 conjunction with the license application;

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

20 (A) a felony;

21 (B) 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 application; or

24 (C) 2 or more violations related to driving while
25 under the influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or any combination

1 thereof, within the 5 years preceding the date of the
2 license application; and

3 (6) whether the applicant has failed a drug test for a
4 drug for which the applicant did not have a prescription,
5 within the previous year, and if so, the provider of the
6 test, the specific substance involved, and the date of the
7 test;

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

11 (8) a full set of fingerprints submitted to the
12 Department in electronic format in a form and manner
13 prescribed by the Illinois State Police, unless the
14 applicant has previously provided a full set of his or her
15 fingerprints to the Illinois State Police under the
16 Firearm Owners Identification Card Act; ~~, provided the~~
17 ~~Department may accept an application submitted without a~~
18 ~~set of fingerprints in which case the Department shall be~~
19 ~~granted 30 days in addition to the 90 days provided under~~
20 ~~subsection (c) of Section 10 of this Act to issue or deny a~~
21 ~~license;~~

22 (9) 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 license application; and

25 (10) a photocopy of any certificates or other evidence
26 of compliance with the training requirements under this

1 Act.

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

3 (430 ILCS 66/50)

4 Sec. 50. License renewal.

5 (a) This subsection (a) applies through the 180th day
6 following the effective date of this amendatory Act of the
7 101st General Assembly. Applications for renewal of a license
8 shall be made to the Department. A license shall be renewed for
9 a period of 5 years upon receipt of a completed renewal
10 application, completion of 3 hours of training required under
11 Section 75 of this Act, payment of the applicable renewal fee,
12 and completion of an investigation under Section 35 of this
13 Act. The renewal application shall contain the information
14 required in Section 30 of this Act, except that the applicant
15 need not resubmit a full set of fingerprints if the applicant
16 has previously provided a full set of his or her fingerprints
17 to the Illinois State Police under this Act or the Firearm
18 Owners Identification Card Act.

19 (b) This subsection (b) applies on and after the 181st day
20 following the effective date of this amendatory Act of the
21 101st General Assembly. Applications for renewal of a license
22 shall be made to the Department. A license shall be renewed for
23 a period of 5 years from the date of expiration on the
24 applicant's current license upon the receipt of a completed
25 renewal application, completion of 3 hours of training

1 required under Section 75 of this Act, payment of the
2 applicable renewal fee, and completion of an investigation
3 under Section 35 of this Act. The renewal application shall
4 contain the information required in Section 30 of this Act,
5 except that the applicant need not resubmit a full set of
6 fingerprints.

7 (Source: P.A. 101-80, eff. 7-12-19.)

8 (430 ILCS 66/70)

9 Sec. 70. Violations.

10 (a) A license issued or renewed under this Act shall be
11 revoked if, at any time, the licensee is found to be ineligible
12 for a license under this Act or the licensee no longer meets
13 the eligibility requirements of the Firearm Owners
14 Identification Card Act.

15 (b) A license shall be suspended if an order of
16 protection, including an emergency order of protection,
17 plenary order of protection, or interim order of protection
18 under Article 112A of the Code of Criminal Procedure of 1963 or
19 under the Illinois Domestic Violence Act of 1986, or if a
20 firearms restraining order, including an emergency firearms
21 restraining order, under the Firearms Restraining Order Act,
22 is issued against a licensee for the duration of the order, or
23 if the Department is made aware of a similar order issued
24 against the licensee in any other jurisdiction. If an order of
25 protection is issued against a licensee, the licensee shall

1 surrender the license, as applicable, to the court at the time
2 the order is entered or to the law enforcement agency or entity
3 serving process at the time the licensee is served the order.
4 The court, law enforcement agency, or entity responsible for
5 serving the order of protection shall notify the Department
6 within 7 days and transmit the license to the Department.

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

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

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

21 (e) Except as otherwise provided, a licensee in violation
22 of this Act shall be guilty of a Class B misdemeanor. A second
23 or subsequent violation is a Class A misdemeanor. The
24 Department may suspend a license for up to 6 months for a
25 second violation and shall permanently revoke a license for 3
26 or more violations of Section 65 of this Act. Any person

1 convicted of a violation under this Section shall pay a \$150
2 fee to be deposited into the Mental Health Reporting Fund,
3 plus any applicable court costs or fees.

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

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

1 possession and under the custody or control of the licensee
2 whose concealed carry license has been revoked, suspended, or
3 denied. The observation of a concealed carry license in the
4 possession of a person whose license has been revoked,
5 suspended, or denied constitutes a sufficient basis for the
6 arrest of that person for violation of this subsection. A
7 violation of this subsection is a Class A misdemeanor.

8 (h) Except as otherwise provided in subsection (h-5), a
9 license issued or renewed under this Act shall be revoked if,
10 at any time, the licensee is found ineligible for a Firearm
11 Owner's Identification Card, or the licensee no longer
12 possesses a valid Firearm Owner's Identification Card. If the
13 Firearm Owner's Identification Card is expired or suspended
14 rather than denied or revoked, the license may be suspended
15 for a period of up to one year to allow the licensee to
16 reinstate his or her Firearm Owner's Identification Card. The
17 Illinois State Police shall adopt rules to enforce this
18 subsection. A licensee whose license is revoked under this
19 subsection (h) shall surrender his or her concealed carry
20 license as provided for in subsection (g) of this Section.

21 This subsection shall not apply to a person who has filed
22 an application with the State Police for renewal of a Firearm
23 Owner's Identification Card and who is not otherwise
24 ineligible to obtain a Firearm Owner's Identification Card.

25 (h-5) If the Firearm Owner's Identification Card of a
26 licensee under this Act expires during the term of the license

1 issued under this Act, the license and the Firearm Owner's
2 Identification Card remain valid, and the Illinois State
3 Police may automatically renew the licensee's Firearm Owner's
4 Identification Card as provided in subsection (c) of Section 5
5 of the Firearm Owners Identification Card Act.

6 (i) A certified firearms instructor who knowingly provides
7 or offers to provide a false certification that an applicant
8 has completed firearms training as required under this Act is
9 guilty of a Class A misdemeanor. A person guilty of a violation
10 of this subsection (i) is not eligible for court supervision.
11 The Department shall permanently revoke the firearms
12 instructor certification of a person convicted under this
13 subsection (i).

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

15 Section 26. The Firearms Restraining Order Act is amended
16 by changing Sections 35 and 40 as follows:

17 (430 ILCS 67/35)

18 Sec. 35. Ex parte orders and emergency hearings.

19 (a) A petitioner may request an emergency firearms
20 restraining order by filing an affidavit or verified pleading
21 alleging that the respondent poses an immediate and present
22 danger of causing personal injury to himself, herself, or
23 another by having in his or her custody or control,
24 purchasing, possessing, or receiving a firearm. The petition

1 shall also describe the type and location of any firearm or
2 firearms presently believed by the petitioner to be possessed
3 or controlled by the respondent.

4 (b) If the respondent is alleged to pose an immediate and
5 present danger of causing personal injury to an intimate
6 partner, or an intimate partner is alleged to have been the
7 target of a threat or act of violence by the respondent, the
8 petitioner shall make a good faith effort to provide notice to
9 any and all intimate partners of the respondent. The notice
10 must include that the petitioner intends to petition the court
11 for an emergency firearms restraining order, and, if the
12 petitioner is a law enforcement officer, referral to relevant
13 domestic violence or stalking advocacy or counseling
14 resources, if appropriate. The petitioner shall attest to
15 having provided the notice in the filed affidavit or verified
16 pleading. If, after making a good faith effort, the petitioner
17 is unable to provide notice to any or all intimate partners,
18 the affidavit or verified pleading should describe what
19 efforts were made.

20 (c) Every person who files a petition for an emergency
21 firearms restraining order, knowing the information provided
22 to the court at any hearing or in the affidavit or verified
23 pleading to be false, is guilty of perjury under Section 32-2
24 of the Criminal Code of 2012.

25 (d) An emergency firearms restraining order shall be
26 issued on an ex parte basis, that is, without notice to the

1 respondent.

2 (e) An emergency hearing held on an ex parte basis shall be
3 held the same day that the petition is filed or the next day
4 that the court is in session.

5 (f) If a circuit or associate judge finds probable cause
6 to believe that the respondent poses an immediate and present
7 danger of causing personal injury to himself, herself, or
8 another by having in his or her custody or control,
9 purchasing, possessing, or receiving a firearm, the circuit or
10 associate judge shall issue an emergency order.

11 (f-5) If the court issues an emergency firearms
12 restraining order, it shall, upon a finding of probable cause
13 that the respondent possesses firearms, issue a search warrant
14 directing a law enforcement agency to seize the respondent's
15 firearms. The court may, as part of that warrant, direct the
16 law enforcement agency to search the respondent's residence
17 and other places where the court finds there is probable cause
18 to believe he or she is likely to possess the firearms.

19 (g) An emergency firearms restraining order shall require:

20 (1) the respondent to refrain from having in his or
21 her custody or control, purchasing, possessing, or
22 receiving additional firearms for the duration of the
23 order pursuant to Section 8.2 of the Firearm Owners
24 Identification Card Act; and

25 (2) the respondent to comply with Section 9.5 of the
26 Firearm Owners Identification Card Act ~~turn over to the~~

1 ~~local law enforcement agency any Firearm Owner's~~
2 ~~Identification Card and subsection (g) of Section 70 of~~
3 ~~the Firearm Concealed Carry Act concealed carry license in~~
4 ~~his or her possession. The local law enforcement agency~~
5 ~~shall immediately mail the card and concealed carry~~
6 ~~license to the Department of State Police Firearm Services~~
7 ~~Bureau for safekeeping. The firearm or firearms and~~
8 ~~Firearm Owner's Identification Card and concealed carry~~
9 ~~license, if unexpired, shall be returned to the respondent~~
10 ~~after the firearms restraining order is terminated or~~
11 ~~expired.~~

12 (h) Except as otherwise provided in subsection (h-5) of
13 this Section, upon expiration of the period of safekeeping, if
14 the firearms or Firearm Owner's Identification Card and
15 concealed carry license cannot be returned to the respondent
16 because the respondent cannot be located, fails to respond to
17 requests to retrieve the firearms, or is not lawfully eligible
18 to possess a firearm, upon petition from the local law
19 enforcement agency, the court may order the local law
20 enforcement agency to destroy the firearms, use the firearms
21 for training purposes, or use the firearms for any other
22 application as deemed appropriate by the local law enforcement
23 agency.

24 (h-5) A respondent whose Firearm Owner's Identification
25 Card has been revoked or suspended may petition the court, if
26 the petitioner is present in court or has notice of the

1 respondent's petition, to transfer the respondent's firearm to
2 a person who is lawfully able to possess the firearm if the
3 person does not reside at the same address as the respondent.
4 Notice of the petition shall be served upon the person
5 protected by the emergency firearms restraining order. While
6 the order is in effect, the transferee who receives the
7 respondent's firearms must swear or affirm by affidavit that
8 he or she shall not transfer the firearm to the respondent or
9 to anyone residing in the same residence as the respondent.

10 (h-6) If a person other than the respondent claims title
11 to any firearms surrendered under this Section, he or she may
12 petition the court, if the petitioner is present in court or
13 has notice of the petition, to have the firearm returned to him
14 or her. If the court determines that person to be the lawful
15 owner of the firearm, the firearm shall be returned to him or
16 her, provided that:

17 (1) the firearm is removed from the respondent's
18 custody, control, or possession and the lawful owner
19 agrees to store the firearm in a manner such that the
20 respondent does not have access to or control of the
21 firearm; and

22 (2) the firearm is not otherwise unlawfully possessed
23 by the owner.

24 The person petitioning for the return of his or her
25 firearm must swear or affirm by affidavit that he or she: (i)
26 is the lawful owner of the firearm; (ii) shall not transfer the

1 firearm to the respondent; and (iii) will store the firearm in
2 a manner that the respondent does not have access to or control
3 of the firearm.

4 (i) In accordance with subsection (e) of this Section, the
5 court shall schedule a full hearing as soon as possible, but no
6 longer than 14 days from the issuance of an ex parte firearms
7 restraining order, to determine if a 6-month firearms
8 restraining order shall be issued. The court may extend an ex
9 parte order as needed, but not to exceed 14 days, to effectuate
10 service of the order or if necessary to continue protection.
11 The court may extend the order for a greater length of time by
12 mutual agreement of the parties.

13 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

14 (430 ILCS 67/40)

15 Sec. 40. Six-month orders.

16 (a) A petitioner may request a 6-month firearms
17 restraining order by filing an affidavit or verified pleading
18 alleging that the respondent poses a significant danger of
19 causing personal injury to himself, herself, or another in the
20 near future by having in his or her custody or control,
21 purchasing, possessing, or receiving a firearm. The petition
22 shall also describe the number, types, and locations of any
23 firearms presently believed by the petitioner to be possessed
24 or controlled by the respondent.

25 (b) If the respondent is alleged to pose a significant

1 danger of causing personal injury to an intimate partner, or
2 an intimate partner is alleged to have been the target of a
3 threat or act of violence by the respondent, the petitioner
4 shall make a good faith effort to provide notice to any and all
5 intimate partners of the respondent. The notice must include
6 that the petitioner intends to petition the court for a
7 6-month firearms restraining order, and, if the petitioner is
8 a law enforcement officer, referral to relevant domestic
9 violence or stalking advocacy or counseling resources, if
10 appropriate. The petitioner shall attest to having provided
11 the notice in the filed affidavit or verified pleading. If,
12 after making a good faith effort, the petitioner is unable to
13 provide notice to any or all intimate partners, the affidavit
14 or verified pleading should describe what efforts were made.

15 (c) Every person who files a petition for a 6-month
16 firearms restraining order, knowing the information provided
17 to the court at any hearing or in the affidavit or verified
18 pleading to be false, is guilty of perjury under Section 32-2
19 of the Criminal Code of 2012.

20 (d) Upon receipt of a petition for a 6-month firearms
21 restraining order, the court shall order a hearing within 30
22 days.

23 (e) In determining whether to issue a firearms restraining
24 order under this Section, the court shall consider evidence
25 including, but not limited to, the following:

26 (1) The unlawful and reckless use, display, or

1 brandishing of a firearm by the respondent.

2 (2) The history of use, attempted use, or threatened
3 use of physical force by the respondent against another
4 person.

5 (3) Any prior arrest of the respondent for a felony
6 offense.

7 (4) Evidence of the abuse of controlled substances or
8 alcohol by the respondent.

9 (5) A recent threat of violence or act of violence by
10 the respondent directed toward himself, herself, or
11 another.

12 (6) A violation of an emergency order of protection
13 issued under Section 217 of the Illinois Domestic Violence
14 Act of 1986 or Section 112A-17 of the Code of Criminal
15 Procedure of 1963 or of an order of protection issued
16 under Section 214 of the Illinois Domestic Violence Act of
17 1986 or Section 112A-14 of the Code of Criminal Procedure
18 of 1963.

19 (7) A pattern of violent acts or violent threats,
20 including, but not limited to, threats of violence or acts
21 of violence by the respondent directed toward himself,
22 herself, or another.

23 (f) At the hearing, the petitioner shall have the burden
24 of proving, by clear and convincing evidence, that the
25 respondent poses a significant danger of personal injury to
26 himself, herself, or another by having in his or her custody or

1 control, purchasing, possessing, or receiving a firearm.

2 (g) If the court finds that there is clear and convincing
3 evidence to issue a firearms restraining order, the court
4 shall issue a firearms restraining order that shall be in
5 effect for 6 months subject to renewal under Section 45 of this
6 Act or termination under that Section.

7 (g-5) If the court issues a 6-month firearms restraining
8 order, it shall, upon a finding of probable cause that the
9 respondent possesses firearms, issue a search warrant
10 directing a law enforcement agency to seize the respondent's
11 firearms. The court may, as part of that warrant, direct the
12 law enforcement agency to search the respondent's residence
13 and other places where the court finds there is probable cause
14 to believe he or she is likely to possess the firearms.

15 (h) A 6-month firearms restraining order shall require:

16 (1) the respondent to refrain from having in his or
17 her custody or control, purchasing, possessing, or
18 receiving additional firearms for the duration of the
19 order pursuant to Section 8.2 of the Firearm Owners
20 Identification Card Act; and

21 (2) the respondent to comply with Section 9.5 of the
22 Firearm Owners Identification Card Act and subsection (g)
23 of Section 70 of the Firearm Concealed Carry Act ~~turn over~~
24 ~~to the local law enforcement agency any firearm or Firearm~~
25 ~~Owner's Identification Card and concealed carry license in~~
26 ~~his or her possession. The local law enforcement agency~~

1 ~~shall immediately mail the card and concealed carry~~
2 ~~license to the Department of State Police Firearm Services~~
3 ~~Bureau for safekeeping. The firearm or firearms and~~
4 ~~Firearm Owner's Identification Card and concealed carry~~
5 ~~license, if unexpired, shall be returned to the respondent~~
6 ~~after the firearms restraining order is terminated or~~
7 ~~expired.~~

8 (i) Except as otherwise provided in subsection (i-5) of
9 this Section, upon expiration of the period of safekeeping, if
10 the firearms or Firearm Owner's Identification Card cannot be
11 returned to the respondent because the respondent cannot be
12 located, fails to respond to requests to retrieve the
13 firearms, or is not lawfully eligible to possess a firearm,
14 upon petition from the local law enforcement agency, the court
15 may order the local law enforcement agency to destroy the
16 firearms, use the firearms for training purposes, or use the
17 firearms for any other application as deemed appropriate by
18 the local law enforcement agency.

19 (i-5) A respondent whose Firearm Owner's Identification
20 Card has been revoked or suspended may petition the court, if
21 the petitioner is present in court or has notice of the
22 respondent's petition, to transfer the respondent's firearm to
23 a person who is lawfully able to possess the firearm if the
24 person does not reside at the same address as the respondent.
25 Notice of the petition shall be served upon the person
26 protected by the emergency firearms restraining order. While

1 the order is in effect, the transferee who receives the
2 respondent's firearms must swear or affirm by affidavit that
3 he or she shall not transfer the firearm to the respondent or
4 to anyone residing in the same residence as the respondent.

5 (i-6) If a person other than the respondent claims title
6 to any firearms surrendered under this Section, he or she may
7 petition the court, if the petitioner is present in court or
8 has notice of the petition, to have the firearm returned to him
9 or her. If the court determines that person to be the lawful
10 owner of the firearm, the firearm shall be returned to him or
11 her, provided that:

12 (1) the firearm is removed from the respondent's
13 custody, control, or possession and the lawful owner
14 agrees to store the firearm in a manner such that the
15 respondent does not have access to or control of the
16 firearm; and

17 (2) the firearm is not otherwise unlawfully possessed
18 by the owner.

19 The person petitioning for the return of his or her
20 firearm must swear or affirm by affidavit that he or she: (i)
21 is the lawful owner of the firearm; (ii) shall not transfer the
22 firearm to the respondent; and (iii) will store the firearm in
23 a manner that the respondent does not have access to or control
24 of the firearm.

25 (j) If the court does not issue a firearms restraining
26 order at the hearing, the court shall dissolve any emergency

1 firearms restraining order then in effect.

2 (k) When the court issues a firearms restraining order
3 under this Section, the court shall inform the respondent that
4 he or she is entitled to one hearing during the period of the
5 order to request a termination of the order, under Section 45
6 of this Act, and shall provide the respondent with a form to
7 request a hearing.

8 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

9 Section 30. The Criminal Code of 2012 is amended by
10 changing Section 24-3 as follows:

11 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

13 (A) A person commits the offense of unlawful sale or
14 delivery of firearms when he or she knowingly does any of the
15 following:

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

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

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

23 (d) Sells or gives any firearm to any person who has
24 been convicted of a felony under the laws of this or any

1 other jurisdiction.

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

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

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

18 (g) Delivers any firearm, incidental to a sale,
19 without withholding delivery of the firearm for at least
20 72 hours after application for its purchase has been made,
21 or delivers a stun gun or taser, incidental to a sale,
22 without withholding delivery of the stun gun or taser for
23 at least 24 hours after application for its purchase has
24 been made. However, this paragraph (g) does not apply to:
25 (1) the sale of a firearm to a law enforcement officer if
26 the seller of the firearm knows that the person to whom he

1 or she is selling the firearm is a law enforcement officer
2 or the sale of a firearm to a person who desires to
3 purchase a firearm for use in promoting the public
4 interest incident to his or her employment as a bank
5 guard, armed truck guard, or other similar employment; (2)
6 a mail order sale of a firearm from a federally licensed
7 firearms dealer to a nonresident of Illinois under which
8 the firearm is mailed to a federally licensed firearms
9 dealer outside the boundaries of Illinois; (3) (blank);
10 (4) the sale of a firearm to a dealer licensed as a federal
11 firearms dealer under Section 923 of the federal Gun
12 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
13 sale of any rifle, shotgun, or other long gun to a resident
14 registered competitor or attendee or non-resident
15 registered competitor or attendee by any dealer licensed
16 as a federal firearms dealer under Section 923 of the
17 federal Gun Control Act of 1968 at competitive shooting
18 events held at the World Shooting Complex sanctioned by a
19 national governing body. For purposes of transfers or
20 sales under subparagraph (5) of this paragraph (g), the
21 Department of Natural Resources shall give notice to the
22 Department of State Police at least 30 calendar days prior
23 to any competitive shooting events at the World Shooting
24 Complex sanctioned by a national governing body. The
25 notification shall be made on a form prescribed by the
26 Department of State Police. The sanctioning body shall

1 provide a list of all registered competitors and attendees
2 at least 24 hours before the events to the Department of
3 State Police. Any changes to the list of registered
4 competitors and attendees shall be forwarded to the
5 Department of State Police as soon as practicable. The
6 Department of State Police must destroy the list of
7 registered competitors and attendees no later than 30 days
8 after the date of the event. Nothing in this paragraph (g)
9 relieves a federally licensed firearm dealer from the
10 requirements of conducting a NICS background check through
11 the Illinois Point of Contact under 18 U.S.C. 922(t). For
12 purposes of this paragraph (g), "application" means when
13 the buyer and seller reach an agreement to purchase a
14 firearm. For purposes of this paragraph (g), "national
15 governing body" means a group of persons who adopt rules
16 and formulate policy on behalf of a national firearm
17 sporting organization.

18 (h) While holding any license as a dealer, importer,
19 manufacturer or pawnbroker under the federal Gun Control
20 Act of 1968, manufactures, sells or delivers to any
21 unlicensed person a handgun having a barrel, slide, frame
22 or receiver which is a die casting of zinc alloy or any
23 other nonhomogeneous metal which will melt or deform at a
24 temperature of less than 800 degrees Fahrenheit. For
25 purposes of this paragraph, (1) "firearm" is defined as in
26 the Firearm Owners Identification Card Act; and (2)

1 "handgun" is defined as a firearm designed to be held and
2 fired by the use of a single hand, and includes a
3 combination of parts from which such a firearm can be
4 assembled.

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

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

13 A person "engaged in the business" means a person who
14 devotes time, attention, and labor to engaging in the
15 activity as a regular course of trade or business with the
16 principal objective of livelihood and profit, but does not
17 include a person who makes occasional repairs of firearms
18 or who occasionally fits special barrels, stocks, or
19 trigger mechanisms to firearms.

20 "With the principal objective of livelihood and
21 profit" means that the intent underlying the sale or
22 disposition of firearms is predominantly one of obtaining
23 livelihood and pecuniary gain, as opposed to other
24 intents, such as improving or liquidating a personal
25 firearms collection; however, proof of profit shall not be
26 required as to a person who engages in the regular and

1 repetitive purchase and disposition of firearms for
2 criminal purposes or terrorism.

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

25 (1) (Blank). ~~In addition to the other requirements~~
26 ~~of this paragraph (k), all persons who are not~~

1 ~~federally licensed firearms dealers must also have~~
2 ~~complied with subsection (a-10) of Section 3 of the~~
3 ~~Firearm Owners Identification Card Act by determining~~
4 ~~the validity of a purchaser's Firearm Owner's~~
5 ~~Identification Card.~~

6 (2) All sellers or transferors who have complied
7 with the requirements of ~~subparagraph (1) of this~~
8 paragraph (k) shall not be liable for damages in any
9 civil action arising from the use or misuse by the
10 transferee of the firearm transferred, except for
11 willful or wanton misconduct on the part of the seller
12 or transferor.

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

19 (B) Paragraph (h) of subsection (A) does not include
20 firearms sold within 6 months after enactment of Public Act
21 78-355 (approved August 21, 1973, effective October 1, 1973),
22 nor is any firearm legally owned or possessed by any citizen or
23 purchased by any citizen within 6 months after the enactment
24 of Public Act 78-355 subject to confiscation or seizure under
25 the provisions of that Public Act. Nothing in Public Act
26 78-355 shall be construed to prohibit the gift or trade of any

1 firearm if that firearm was legally held or acquired within 6
2 months after the enactment of that Public Act.

3 (C) Sentence.

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

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

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

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

1 comprising a school, within 1,000 feet of the real
2 property comprising a school, at a school related
3 activity, or on or within 1,000 feet of any conveyance
4 owned, leased, or contracted by a school or school
5 district to transport students to or from school or a
6 school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony for which the sentence shall be a term of
9 imprisonment of no less than 5 years and no more than 15
10 years.

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

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

5 (7) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (k) of subsection
7 (A) commits a Class 4 felony, except that a violation of
8 item (G) of subsection (a-5) of Section 3 of the Firearm
9 Owners Identification Card Act is a Class A misdemeanor
10 ~~subparagraph (1) of paragraph (k) of subsection (A) shall~~
11 ~~not be punishable as a crime or petty offense.~~ A third or
12 subsequent conviction for a violation of paragraph (k) of
13 subsection (A) is a Class 1 felony.

14 (8) A person 18 years of age or older convicted of
15 unlawful sale or delivery of firearms in violation of
16 paragraph (a) or (i) of subsection (A), when the firearm
17 that was sold or given to another person under 18 years of
18 age was used in the commission of or attempt to commit a
19 forcible felony, shall be fined or imprisoned, or both,
20 not to exceed the maximum provided for the most serious
21 forcible felony so committed or attempted by the person
22 under 18 years of age who was sold or given the firearm.

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

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

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

1 of unlawful sale or delivery of firearms in violation of
2 paragraph (l) of subsection (A) commits a Class X felony
3 for which he or she shall be sentenced to a term of
4 imprisonment of not less than 6 years and not more than 60
5 years if the delivery is of 31 or more firearms at the same
6 time or within a 5 year period.

7 (D) For purposes of this Section:

8 "School" means a public or private elementary or secondary
9 school, community college, college, or university.

10 "School related activity" means any sporting, social,
11 academic, or other activity for which students' attendance or
12 participation is sponsored, organized, or funded in whole or
13 in part by a school or school district.

14 (E) A prosecution for a violation of paragraph (k) of
15 subsection (A) of this Section may be commenced within 6 years
16 after the commission of the offense. A prosecution for a
17 violation of this Section other than paragraph (g) of
18 subsection (A) of this Section may be commenced within 5 years
19 after the commission of the offense defined in the particular
20 paragraph.

21 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
22 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

23 Section 35. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 110-10 and 112A-14 as follows:

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 Sec. 110-10. Conditions of bail bond.

3 (a) If a person is released prior to conviction, either
4 upon payment of bail security or on his or her own
5 recognizance, the conditions of the bail bond shall be that he
6 or she will:

7 (1) Appear to answer the charge in the court having
8 jurisdiction on a day certain and thereafter as ordered by
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and
11 process of the court;

12 (3) Not depart this State without leave of the court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court, the
16 defendant shall physically surrender all firearms in his
17 or her possession to a law enforcement agency designated
18 by the court to take custody of and impound the firearms
19 and physically surrender his or her Firearm Owner's
20 Identification Card to the law enforcement agency as a
21 condition of remaining on bond pending trial ~~surrender all~~
22 ~~firearms in his or her possession to a law enforcement~~
23 ~~officer designated by the court to take custody of and~~
24 ~~impound the firearms and physically surrender his or her~~
25 ~~Firearm Owner's Identification Card to the clerk of the~~
26 ~~circuit court~~ when the offense the person has been charged

1 with is a forcible felony, stalking, aggravated stalking,
2 domestic battery, any violation of the Illinois Controlled
3 Substances Act, the Methamphetamine Control and Community
4 Protection Act, or the Cannabis Control Act that is
5 classified as a Class 2 or greater felony, or any felony
6 violation of Article 24 of the Criminal Code of 1961 or the
7 Criminal Code of 2012. A defendant whose Firearm Owner's
8 Identification Card has been revoked or suspended may
9 petition the court to transfer the defendant's firearm to
10 a person who is lawfully able to possess the firearm if the
11 person does not reside at the same address as the
12 defendant. Any transfer must be conducted under Section 3
13 of the Firearm Owners Identification Card Act. The
14 transferee who receives the defendant's firearms must
15 swear or affirm by affidavit that he or she shall not
16 transfer the firearm to the defendant or to anyone
17 residing in the same residence as the defendant, until the
18 defendant's Firearm Owner's Identification Card has been
19 reinstated. The law enforcement agency, upon transfer of
20 the firearms, shall require the defendant to complete a
21 Firearm Disposition Record under Section 9.5 of the
22 Firearm Owners Identification Card Act and provide a copy
23 to the Illinois State Police along with the defendant's
24 Firearm Owner's Identification Card; the court may,
25 however, forgo the imposition of this condition when the
26 defendant has provided proof to the court that he or she

1 has legally disposed or transferred his or her firearms
2 and returned his or her Firearm Owner's Identification
3 Card to the Illinois State Police. If the court finds the
4 circumstances of the case clearly do not warrant it or
5 when its imposition would be impractical, the court shall
6 indicate on the record and in writing and the court's
7 basis for making the determination ~~when the circumstances~~
8 ~~of the case clearly do not warrant it or when its~~
9 ~~imposition would be impractical;~~ all legally possessed
10 firearms shall be returned to the person upon proof being
11 provided to the law enforcement agency of the
12 reinstatement of the person's Firearm Owner's
13 Identification Card; ~~if the Firearm Owner's Identification~~
14 ~~Card is confiscated, the clerk of the circuit court shall~~
15 ~~mail the confiscated card to the Illinois State Police;~~
16 ~~all legally possessed firearms shall be returned to the~~
17 ~~person upon the charges being dismissed, or if the person~~
18 ~~is found not guilty, unless the finding of not guilty is by~~
19 ~~reason of insanity;~~ and

20 (6) At a time and place designated by the court,
21 submit to a psychological evaluation when the person has
22 been charged with a violation of item (4) of subsection
23 (a) of Section 24-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 and that violation occurred in a
25 school or in any conveyance owned, leased, or contracted
26 by a school to transport students to or from school or a

1 school-related activity, or on any public way within 1,000
2 feet of real property comprising any school.

3 Psychological evaluations ordered pursuant to this Section
4 shall be completed promptly and made available to the State,
5 the defendant, and the court. As a further condition of bail
6 under these circumstances, the court shall order the defendant
7 to refrain from entering upon the property of the school,
8 including any conveyance owned, leased, or contracted by a
9 school to transport students to or from school or a
10 school-related activity, or on any public way within 1,000
11 feet of real property comprising any school. Upon receipt of
12 the psychological evaluation, either the State or the
13 defendant may request a change in the conditions of bail,
14 pursuant to Section 110-6 of this Code. The court may change
15 the conditions of bail to include a requirement that the
16 defendant follow the recommendations of the psychological
17 evaluation, including undergoing psychiatric treatment. The
18 conclusions of the psychological evaluation and any statements
19 elicited from the defendant during its administration are not
20 admissible as evidence of guilt during the course of any trial
21 on the charged offense, unless the defendant places his or her
22 mental competency in issue.

23 (b) The court may impose other conditions, such as the
24 following, if the court finds that such conditions are
25 reasonably necessary to assure the defendant's appearance in
26 court, protect the public from the defendant, or prevent the

1 defendant's unlawful interference with the orderly
2 administration of justice:

3 (1) Report to or appear in person before such person
4 or agency as the court may direct;

5 (2) Refrain from possessing a firearm or other
6 dangerous weapon;

7 (3) Refrain from approaching or communicating with
8 particular persons or classes of persons;

9 (4) Refrain from going to certain described
10 geographical areas or premises;

11 (5) Refrain from engaging in certain activities or
12 indulging in intoxicating liquors or in certain drugs;

13 (6) Undergo treatment for drug addiction or
14 alcoholism;

15 (7) Undergo medical or psychiatric treatment;

16 (8) Work or pursue a course of study or vocational
17 training;

18 (9) Attend or reside in a facility designated by the
19 court;

20 (10) Support his or her dependents;

21 (11) If a minor resides with his or her parents or in a
22 foster home, attend school, attend a non-residential
23 program for youths, and contribute to his or her own
24 support at home or in a foster home;

25 (12) Observe any curfew ordered by the court;

26 (13) Remain in the custody of such designated person

1 or organization agreeing to supervise his release. Such
2 third party custodian shall be responsible for notifying
3 the court if the defendant fails to observe the conditions
4 of release which the custodian has agreed to monitor, and
5 shall be subject to contempt of court for failure so to
6 notify the court;

7 (14) Be placed under direct supervision of the
8 Pretrial Services Agency, Probation Department or Court
9 Services Department in a pretrial bond home supervision
10 capacity with or without the use of an approved electronic
11 monitoring device subject to Article 8A of Chapter V of
12 the Unified Code of Corrections;

13 (14.1) The court shall impose upon a defendant who is
14 charged with any alcohol, cannabis, methamphetamine, or
15 controlled substance violation and is placed under direct
16 supervision of the Pretrial Services Agency, Probation
17 Department or Court Services Department in a pretrial bond
18 home supervision capacity with the use of an approved
19 monitoring device, as a condition of such bail bond, a fee
20 that represents costs incidental to the electronic
21 monitoring for each day of such bail supervision ordered
22 by the court, unless after determining the inability of
23 the defendant to pay the fee, the court assesses a lesser
24 fee or no fee as the case may be. The fee shall be
25 collected by the clerk of the circuit court, except as
26 provided in an administrative order of the Chief Judge of

1 the circuit court. The clerk of the circuit court shall
2 pay all monies collected from this fee to the county
3 treasurer for deposit in the substance abuse services fund
4 under Section 5-1086.1 of the Counties Code, except as
5 provided in an administrative order of the Chief Judge of
6 the circuit court.

7 The Chief Judge of the circuit court of the county may
8 by administrative order establish a program for electronic
9 monitoring of offenders with regard to drug-related and
10 alcohol-related offenses, in which a vendor supplies and
11 monitors the operation of the electronic monitoring
12 device, and collects the fees on behalf of the county. The
13 program shall include provisions for indigent offenders
14 and the collection of unpaid fees. The program shall not
15 unduly burden the offender and shall be subject to review
16 by the Chief Judge.

17 The Chief Judge of the circuit court may suspend any
18 additional charges or fees for late payment, interest, or
19 damage to any device;

20 (14.2) The court shall impose upon all defendants,
21 including those defendants subject to paragraph (14.1)
22 above, 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 the use of an approved monitoring device, as a
26 condition of such bail bond, a fee which shall represent

1 costs incidental to such electronic monitoring for each
2 day of such bail supervision ordered by the court, unless
3 after determining the inability of the defendant to pay
4 the fee, the court assesses a lesser fee or no fee as the
5 case may be. The fee shall be collected by the clerk of the
6 circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The clerk of
8 the circuit court shall pay all monies collected from this
9 fee to the county treasurer who shall use the monies
10 collected to defray the costs of corrections. The county
11 treasurer shall deposit the fee collected in the county
12 working cash fund under Section 6-27001 or Section 6-29002
13 of the Counties Code, as the case may be, except as
14 provided in an administrative order of the Chief Judge of
15 the circuit court.

16 The Chief Judge of the circuit court of the county may
17 by administrative order establish a program for electronic
18 monitoring of offenders with regard to drug-related and
19 alcohol-related offenses, in which a vendor supplies and
20 monitors the operation of the electronic monitoring
21 device, and collects the fees on behalf of the county. The
22 program shall include provisions for indigent offenders
23 and the collection of unpaid fees. The program shall not
24 unduly burden the offender and shall be subject to review
25 by the Chief Judge.

26 The Chief Judge of the circuit court may suspend any

1 additional charges or fees for late payment, interest, or
2 damage to any device;

3 (14.3) The Chief Judge of the Judicial Circuit may
4 establish reasonable fees to be paid by a person receiving
5 pretrial services while under supervision of a pretrial
6 services agency, probation department, or court services
7 department. Reasonable fees may be charged for pretrial
8 services including, but not limited to, pretrial
9 supervision, diversion programs, electronic monitoring,
10 victim impact services, drug and alcohol testing, DNA
11 testing, GPS electronic monitoring, assessments and
12 evaluations related to domestic violence and other
13 victims, and victim mediation services. The person
14 receiving pretrial services may be ordered to pay all
15 costs incidental to pretrial services in accordance with
16 his or her ability to pay those costs;

17 (14.4) For persons charged with violating Section
18 11-501 of the Illinois Vehicle Code, refrain from
19 operating a motor vehicle not equipped with an ignition
20 interlock device, as defined in Section 1-129.1 of the
21 Illinois Vehicle Code, pursuant to the rules promulgated
22 by the Secretary of State for the installation of ignition
23 interlock devices. Under this condition the court may
24 allow a defendant who is not self-employed to operate a
25 vehicle owned by the defendant's employer that is not
26 equipped with an ignition interlock device in the course

1 and scope of the defendant's employment;

2 (15) Comply with the terms and conditions of an order
3 of protection issued by the court under the Illinois
4 Domestic Violence Act of 1986 or an order of protection
5 issued by the court of another state, tribe, or United
6 States territory;

7 (16) Under Section 110-6.5 comply with the conditions
8 of the drug testing program; and

9 (17) Such other reasonable conditions as the court may
10 impose.

11 (c) When a person is charged with an offense under Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
13 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, involving a victim who is a minor under
15 18 years of age living in the same household with the defendant
16 at the time of the offense, in granting bail or releasing the
17 defendant on his own recognizance, the judge shall impose
18 conditions to restrict the defendant's access to the victim
19 which may include, but are not limited to conditions that he
20 will:

21 1. Vacate the household.

22 2. Make payment of temporary support to his
23 dependents.

24 3. Refrain from contact or communication with the
25 child victim, except as ordered by the court.

26 (d) When a person is charged with a criminal offense and

1 the victim is a family or household member as defined in
2 Article 112A, conditions shall be imposed at the time of the
3 defendant's release on bond that restrict the defendant's
4 access to the victim. Unless provided otherwise by the court,
5 the restrictions shall include requirements that the defendant
6 do the following:

7 (1) refrain from contact or communication with the
8 victim for a minimum period of 72 hours following the
9 defendant's release; and

10 (2) refrain from entering or remaining at the victim's
11 residence for a minimum period of 72 hours following the
12 defendant's release.

13 (e) Local law enforcement agencies shall develop
14 standardized bond forms for use in cases involving family or
15 household members as defined in Article 112A, including
16 specific conditions of bond as provided in subsection (d).
17 Failure of any law enforcement department to develop or use
18 those forms shall in no way limit the applicability and
19 enforcement of subsections (d) and (f).

20 (f) If the defendant is admitted to bail after conviction
21 the conditions of the bail bond shall be that he will, in
22 addition to the conditions set forth in subsections (a) and
23 (b) hereof:

24 (1) Duly prosecute his appeal;

25 (2) Appear at such time and place as the court may
26 direct;

1 (3) Not depart this State without leave of the court;

2 (4) Comply with such other reasonable conditions as
3 the court may impose; and

4 (5) If the judgment is affirmed or the cause reversed
5 and remanded for a new trial, forthwith surrender to the
6 officer from whose custody he was bailed.

7 (g) Upon a finding of guilty for any felony offense, the
8 defendant shall physically surrender, at a time and place
9 designated by the court, all firearms in his or her possession
10 to a law enforcement officer designated by the court to take
11 custody of and impound the firearms and physically surrender
12 his or her Firearm Owner's Identification Card to the law
13 enforcement agency as a condition of remaining on bond pending
14 sentencing. A defendant whose Firearm Owner's Identification
15 Card has been revoked or suspended may petition the court to
16 transfer the defendant's firearm to a person who is lawfully
17 able to possess the firearm if the person does not reside at
18 the same address as the defendant. Any transfer must be
19 conducted under Section 3 of the Firearm Owners Identification
20 Card Act. The transferee who receives the defendant's firearms
21 must swear or affirm by affidavit that he or she shall not
22 transfer the firearm to the defendant or to anyone residing in
23 the same residence as the defendant, until the defendant's
24 Firearm Owner's Identification Card has been reinstated. The
25 law enforcement agency, upon transfer of the firearms, shall
26 require the defendant to complete a Firearm Disposition Record

1 under Section 9.5 of the Firearm Owners Identification Card
2 Act and provide a copy to the Illinois State Police along with
3 the defendant's Firearm Owner's Identification Card ~~the~~
4 ~~defendant shall physically surrender, at a time and place~~
5 ~~designated by the court, any and all firearms in his or her~~
6 ~~possession and his or her Firearm Owner's Identification Card~~
7 as a condition of remaining on bond pending sentencing.

8 (h) Upon indictment for any felony offense, the defendant
9 shall physically surrender, at a time and place designated by
10 the court, all firearms in his or her possession to a law
11 enforcement officer designated by the court to take custody of
12 and impound the firearms and physically surrender his or her
13 Firearm Owner's Identification Card to the law enforcement
14 agency as a condition of remaining on bond pending trial. A
15 defendant whose Firearm Owner's Identification Card has been
16 revoked or suspended may petition the court to transfer the
17 defendant's firearm to a person who is lawfully able to
18 possess the firearm if the person does not reside at the same
19 address as the defendant. Any transfer must be conducted under
20 Section 3 of the Firearm Owners Identification Card Act. The
21 transferee who receives the defendant's firearms must swear or
22 affirm by affidavit that he or she shall not transfer the
23 firearm to the defendant or to anyone residing in the same
24 residence as the defendant, until the defendant's Firearm
25 Owner's Identification Card has been reinstated. The law
26 enforcement agency upon transfer of the firearms shall require

1 the defendant to complete a Firearm Disposition Record under
2 Section 9.5 of the Firearm Owners Identification Card Act and
3 provide a copy to the Illinois State Police along with the
4 defendants Firearm Owner's Identification Card. All legally
5 possessed firearms shall be returned to the person upon proof
6 being provided to the law enforcement agency of the
7 reinstatement of the person's Firearm Owner's Identification
8 Card.

9 (i) ~~(h)~~ In the event the defendant is unable to post bond,
10 the court may impose a no contact provision with the victim or
11 other interested party that shall be enforced while the
12 defendant remains in custody.

13 (Source: P.A. 101-138, eff. 1-1-20.)

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

15 Sec. 112A-14. Domestic violence order of protection;
16 remedies.

17 (a) (Blank).

18 (b) The court may order any of the remedies listed in this
19 subsection (b). The remedies listed in this subsection (b)
20 shall be in addition to other civil or criminal remedies
21 available to petitioner.

22 (1) Prohibition of abuse. Prohibit respondent's
23 harassment, interference with personal liberty,
24 intimidation of a dependent, physical abuse, or willful
25 deprivation, as defined in this Article, if such abuse has

1 occurred or otherwise appears likely to occur if not
2 prohibited.

3 (2) Grant of exclusive possession of residence.
4 Prohibit respondent from entering or remaining in any
5 residence, household, or premises of the petitioner,
6 including one owned or leased by respondent, if petitioner
7 has a right to occupancy thereof. The grant of exclusive
8 possession of the residence, household, or premises shall
9 not affect title to real property, nor shall the court be
10 limited by the standard set forth in subsection (c-2) of
11 Section 501 of the Illinois Marriage and Dissolution of
12 Marriage Act.

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

22 (B) Presumption of hardships. If petitioner and
23 respondent each has the right to occupancy of a
24 residence or household, the court shall balance (i)
25 the hardships to respondent and any minor child or
26 dependent adult in respondent's care resulting from

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

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

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

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

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

19 (B) When the petitioner and the respondent attend
20 the same public, private, or non-public elementary,
21 middle, or high school, the court when issuing a
22 domestic violence order of protection and providing
23 relief shall consider the severity of the act, any
24 continuing physical danger or emotional distress to
25 the petitioner, the educational rights guaranteed to
26 the petitioner and respondent under federal and State

1 law, the availability of a transfer of the respondent
2 to another school, a change of placement or a change of
3 program of the respondent, the expense, difficulty,
4 and educational disruption that would be caused by a
5 transfer of the respondent to another school, and any
6 other relevant facts of the case. The court may order
7 that the respondent not attend the public, private, or
8 non-public elementary, middle, or high school attended
9 by the petitioner, order that the respondent accept a
10 change of placement or change of program, as
11 determined by the school district or private or
12 non-public school, or place restrictions on the
13 respondent's movements within the school attended by
14 the petitioner. The respondent bears the burden of
15 proving by a preponderance of the evidence that a
16 transfer, change of placement, or change of program of
17 the respondent is not available. The respondent also
18 bears the burden of production with respect to the
19 expense, difficulty, and educational disruption that
20 would be caused by a transfer of the respondent to
21 another school. A transfer, change of placement, or
22 change of program is not unavailable to the respondent
23 solely on the ground that the respondent does not
24 agree with the school district's or private or
25 non-public school's transfer, change of placement, or
26 change of program or solely on the ground that the

1 respondent fails or refuses to consent or otherwise
2 does not take an action required to effectuate a
3 transfer, change of placement, or change of program.
4 When a court orders a respondent to stay away from the
5 public, private, or non-public school attended by the
6 petitioner and the respondent requests a transfer to
7 another attendance center within the respondent's
8 school district or private or non-public school, the
9 school district or private or non-public school shall
10 have sole discretion to determine the attendance
11 center to which the respondent is transferred. If the
12 court order results in a transfer of the minor
13 respondent to another attendance center, a change in
14 the respondent's placement, or a change of the
15 respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for
17 transportation and other costs associated with the
18 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,
5 psychiatrist, family service agency, alcohol or substance
6 abuse program, mental health center guidance counselor,
7 agency providing services to elders, program designed for
8 domestic violence abusers, or any other guidance service
9 the court deems appropriate. The court may order the
10 respondent in any intimate partner relationship to report
11 to an Illinois Department of Human Services protocol
12 approved partner abuse intervention program for an
13 assessment and to follow all recommended treatment.

14 (5) Physical care and possession of the minor child.
15 In order to protect the minor child from abuse, neglect,
16 or 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
2 interest.

3 (6) Temporary allocation of parental responsibilities
4 and significant decision-making responsibilities. Award
5 temporary significant decision-making responsibility to
6 petitioner in accordance with this Section, the Illinois
7 Marriage and Dissolution of Marriage Act, the Illinois
8 Parentage Act of 2015, and this State's Uniform
9 Child-Custody Jurisdiction and Enforcement Act.

10 If the respondent is charged with abuse (as defined in
11 Section 112A-3 of this Code) of a minor child, there shall
12 be a rebuttable presumption that awarding temporary
13 significant decision-making responsibility to respondent
14 would not be in the child's best interest.

15 (7) Parenting time. Determine the parenting time, if
16 any, of respondent in any case in which the court awards
17 physical care or temporary significant decision-making
18 responsibility of a minor child to petitioner. The court
19 shall restrict or deny respondent's parenting time with a
20 minor child if the court finds that respondent has done or
21 is likely to do any of the following:

22 (i) abuse or endanger the minor child during
23 parenting time;

24 (ii) use the parenting time as an opportunity to
25 abuse or harass petitioner or petitioner's family or
26 household members;

1 (iii) improperly conceal or detain the minor
2 child; or

3 (iv) otherwise act in a manner that is not in the
4 best interests of the minor child.

5 The court shall not be limited by the standards set
6 forth in Section 603.10 of the Illinois Marriage and
7 Dissolution of Marriage Act. If the court grants parenting
8 time, the order shall specify dates and times for the
9 parenting time to take place or other specific parameters
10 or conditions that are appropriate. No order for parenting
11 time shall refer merely to the term "reasonable parenting
12 time". 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
17 in a violent or abusive manner. If necessary to protect
18 any member of petitioner's family or household from future
19 abuse, respondent shall be prohibited from coming to
20 petitioner's residence to meet the minor child for
21 parenting time, and the petitioner and respondent 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
7 the child to the custody or care of the petitioner, or to
8 permit any court-ordered interview or examination of the
9 child or 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 petitioner and respondent own the
17 property jointly; sharing it would risk abuse of
18 petitioner by respondent or is impracticable; and the
19 balance of hardships favors temporary possession by
20 petitioner.

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

1 hereafter amended.

2 No order under this provision shall affect title to
3 property.

4 (11) Protection of property. Forbid the respondent
5 from taking, transferring, encumbering, concealing,
6 damaging, or otherwise disposing of any real or personal
7 property, except as explicitly authorized by the court,
8 if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the petitioner and respondent own the
12 property jointly, and the balance of hardships favors
13 granting this remedy.

14 If petitioner's sole claim to ownership of the
15 property is that it is marital property, the court may
16 grant petitioner relief under subparagraph (ii) of this
17 paragraph only if a proper proceeding has been filed under
18 the Illinois Marriage and Dissolution of Marriage Act, as
19 now or hereafter amended.

20 The court may further prohibit respondent from
21 improperly using the financial or other resources of an
22 aged member of the family or household for the profit or
23 advantage of respondent or of any other person.

24 (11.5) Protection of animals. Grant the petitioner the
25 exclusive care, custody, or control of any animal owned,
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the
2 residence or household of either the petitioner or the
3 respondent and order the respondent to stay away from the
4 animal and forbid the respondent from taking,
5 transferring, encumbering, concealing, harming, or
6 otherwise disposing of the animal.

7 (12) Order for payment of support. Order respondent to
8 pay temporary support for the petitioner or any child in
9 the petitioner's care or over whom the petitioner has been
10 allocated parental responsibility, when the respondent has
11 a legal obligation to support that person, in accordance
12 with the Illinois Marriage and Dissolution of Marriage
13 Act, which shall govern, among other matters, the amount
14 of support, payment through the clerk and withholding of
15 income to secure payment. An order for child support may
16 be granted to a petitioner with lawful physical care of a
17 child, or an order or agreement for physical care of a
18 child, prior to entry of an order allocating significant
19 decision-making responsibility. Such a support order shall
20 expire upon entry of a valid order allocating parental
21 responsibility differently and vacating petitioner's
22 significant decision-making responsibility unless
23 otherwise provided in the order.

24 (13) Order for payment of losses. Order respondent to
25 pay petitioner for losses suffered as a direct result of
26 the abuse. Such losses shall include, but not be limited

1 to, medical expenses, lost earnings or other support,
2 repair or replacement of property damaged or taken,
3 reasonable attorney's fees, court costs, and moving or
4 other travel expenses, including additional reasonable
5 expenses for temporary shelter and restaurant meals.

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

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

22 (14) Prohibition of entry. Prohibit the respondent
23 from entering or remaining in the residence or household
24 while the respondent is under the influence of alcohol or
25 drugs and constitutes a threat to the safety and
26 well-being of the petitioner or the petitioner's children.

1 (14.5) Prohibition of firearm possession.

2 (A) A person who is subject to an existing
3 domestic violence order of protection issued under
4 this Code may not lawfully possess weapons or a valid
5 Firearm Owner's Identification Card under Section 8.2
6 of the Firearm Owners Identification Card Act.

7 (B) Any firearms in the possession of the
8 respondent, except as provided in subparagraph (C) of
9 this paragraph (14.5), shall be ordered by the court
10 to be turned over to a person with a valid Firearm
11 Owner's Identification Card for safekeeping. The court
12 shall issue an order that the respondent comply with
13 Section 9.5 of the Firearm Owners Identification Card
14 Act. ~~the respondent's Firearm Owner's Identification~~
15 ~~Card be turned over to the local law enforcement~~
16 ~~agency, which in turn shall immediately mail the card~~
17 ~~to the Department of State Police Firearm Owner's~~
18 ~~Identification Card Office for safekeeping. The period~~
19 ~~of safekeeping shall be for the duration of the~~
20 ~~domestic violence order of protection. The firearm or~~
21 ~~firearms and Firearm Owner's Identification Card, if~~
22 ~~unexpired, shall at the respondent's request be~~
23 ~~returned to the respondent at expiration of the~~
24 ~~domestic violence order of protection.~~

25 (C) If the respondent is a peace officer as
26 defined in Section 2-13 of the Criminal Code of 2012,

1 the court shall order that any firearms used by the
2 respondent in the performance of his or her duties as a
3 peace officer be surrendered to the chief law
4 enforcement executive of the agency in which the
5 respondent is employed, who shall retain the firearms
6 for safekeeping for the duration of the domestic
7 violence order of protection.

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

22 (15) Prohibition of access to records. If a domestic
23 violence order of protection prohibits respondent from
24 having contact with the minor child, or if petitioner's
25 address is omitted under subsection (b) of Section 112A-5
26 of this Code, or if necessary to prevent abuse or wrongful

1 removal or concealment of a minor child, the order shall
2 deny respondent access to, and prohibit respondent from
3 inspecting, obtaining, or attempting to inspect or obtain,
4 school or any other records of the minor child who is in
5 the care of petitioner.

6 (16) Order for payment of shelter services. Order
7 respondent to reimburse a shelter providing temporary
8 housing and counseling services to the petitioner for the
9 cost of the services, as certified by the shelter and
10 deemed reasonable by the court.

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

20 (18) Telephone services.

21 (A) Unless a condition described in subparagraph
22 (B) of this paragraph exists, the court may, upon
23 request by the petitioner, order a wireless telephone
24 service provider to transfer to the petitioner the
25 right to continue to use a telephone number or numbers
26 indicated by the petitioner and the financial

1 responsibility associated with the number or numbers,
2 as set forth in subparagraph (C) of this paragraph. In
3 this paragraph (18), the term "wireless telephone
4 service provider" means a provider of commercial
5 mobile service as defined in 47 U.S.C. 332. The
6 petitioner may request the transfer of each telephone
7 number that the petitioner, or a minor child in his or
8 her custody, uses. The clerk of the court shall serve
9 the order on the wireless telephone service provider's
10 agent for service of process provided to the Illinois
11 Commerce Commission. The order shall contain all of
12 the following:

13 (i) The name and billing telephone number of
14 the account holder including the name of the
15 wireless telephone service provider that serves
16 the account.

17 (ii) Each telephone number that will be
18 transferred.

19 (iii) A statement that the provider transfers
20 to the petitioner all financial responsibility for
21 and right to the use of any telephone number
22 transferred under this paragraph.

23 (B) A wireless telephone service provider shall
24 terminate the respondent's use of, and shall transfer
25 to the petitioner use of, the telephone number or
26 numbers indicated in subparagraph (A) of this

1 paragraph unless it notifies the petitioner, within 72
2 hours after it receives the order, that one of the
3 following applies:

4 (i) The account holder named in the order has
5 terminated the account.

6 (ii) A difference in network technology would
7 prevent or impair the functionality of a device on
8 a network if the transfer occurs.

9 (iii) The transfer would cause a geographic or
10 other limitation on network or service provision
11 to the petitioner.

12 (iv) Another technological or operational
13 issue would prevent or impair the use of the
14 telephone number if the transfer occurs.

15 (C) The petitioner assumes all financial
16 responsibility for and right to the use of any
17 telephone number transferred under this paragraph. In
18 this paragraph, "financial responsibility" includes
19 monthly service costs and costs associated with any
20 mobile device associated with the number.

21 (D) A wireless telephone service provider may
22 apply to the petitioner its routine and customary
23 requirements for establishing an account or
24 transferring a number, including requiring the
25 petitioner to provide proof of identification,
26 financial information, and customer preferences.

1 (E) Except for willful or wanton misconduct, a
2 wireless telephone service provider is immune from
3 civil liability for its actions taken in compliance
4 with a court order issued under this paragraph.

5 (F) All wireless service providers that provide
6 services to residential customers shall provide to the
7 Illinois Commerce Commission the name and address of
8 an agent for service of orders entered under this
9 paragraph (18). Any change in status of the registered
10 agent must be reported to the Illinois Commerce
11 Commission within 30 days of such change.

12 (G) The Illinois Commerce Commission shall
13 maintain the list of registered agents for service for
14 each wireless telephone service provider on the
15 Commission's website. The Commission may consult with
16 wireless telephone service providers and the Circuit
17 Court Clerks on the manner in which this information
18 is provided and displayed.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific remedy,
21 other than payment of support, the court shall consider
22 relevant factors, including, but not limited to, the
23 following:

24 (i) the nature, frequency, severity, pattern, and
25 consequences of the respondent's past abuse of the
26 petitioner or any family or household member,

1 including the concealment of his or her location in
2 order to evade service of process or notice, and the
3 likelihood of danger of future abuse to petitioner or
4 any member of petitioner's or respondent's family or
5 household; and

6 (ii) the danger that any minor child will be
7 abused or neglected or improperly relocated from the
8 jurisdiction, improperly concealed within the State,
9 or improperly separated from the child's primary
10 caretaker.

11 (2) In comparing relative hardships resulting to the
12 parties from loss of possession of the family home, the
13 court shall consider relevant factors, including, but not
14 limited to, the following:

15 (i) availability, accessibility, cost, safety,
16 adequacy, location, and other characteristics of
17 alternate housing for each party and any minor child
18 or dependent adult in the party's care;

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

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

23 (3) Subject to the exceptions set forth in paragraph
24 (4) of this subsection (c), the court shall make its
25 findings in an official record or in writing, and shall at
26 a minimum set forth the following:

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

4 (ii) Whether the conduct or actions of respondent,
5 unless prohibited, will likely cause irreparable harm
6 or continued abuse.

7 (iii) Whether it is necessary to grant the
8 requested relief in order to protect petitioner or
9 other alleged abused persons.

10 (4) (Blank).

11 (5) Never married parties. No rights or
12 responsibilities for a minor child born outside of
13 marriage attach to a putative father until a father and
14 child 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 Uniform Interstate Family Support Act,
19 the Expedited Child Support Act of 1990, any judicial,
20 administrative, or other act of another state or
21 territory, any other statute of this State, or by any
22 foreign nation establishing the father and child
23 relationship, any other proceeding substantially in
24 conformity with the federal Personal Responsibility and
25 Work Opportunity Reconciliation Act of 1996, or when both
26 parties appeared in open court or at an administrative

1 hearing acknowledging under oath or admitting by
2 affirmation the existence of a father and child
3 relationship. Absent such an adjudication, no putative
4 father shall be granted temporary allocation of parental
5 responsibilities, including parenting time with the minor
6 child, or physical care and possession of the minor child,
7 nor shall an order of payment for support of the minor
8 child be entered.

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

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

20 (1) respondent has cause for any use of force, unless
21 that cause satisfies the standards for justifiable use of
22 force provided by Article 7 of the Criminal Code of 2012;

23 (2) respondent was voluntarily intoxicated;

24 (3) petitioner acted in self-defense or defense of
25 another, provided that, if petitioner utilized force, such
26 force was justifiable under Article 7 of the Criminal Code

1 of 2012;

2 (4) petitioner did not act in self-defense or defense
3 of another;

4 (5) petitioner left the residence or household to
5 avoid further abuse by respondent;

6 (6) petitioner did not leave the residence or
7 household to avoid further abuse by respondent; or

8 (7) conduct by any family or household member excused
9 the abuse by respondent, unless that same conduct would
10 have excused such abuse if the parties had not been family
11 or household members.

12 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
13 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
14 1-1-19; 101-81, eff. 7-12-19.)

15 Section 40. The Unified Code of Corrections is amended by
16 changing Section 5-6-3 as follows:

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of probation and of conditional
19 discharge.

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

22 (1) not violate any criminal statute of any
23 jurisdiction;

24 (2) report to or appear in person before such person

1 or 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
6 harm;

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

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized
25 gang and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
4 2012 and similar damage to property located within the
5 municipality or county in which the violation occurred.
6 When possible and reasonable, the community service should
7 be performed in the offender's neighborhood. For purposes
8 of this Section, "organized gang" has the meaning ascribed
9 to it in Section 10 of the Illinois Streetgang Terrorism
10 Omnibus Prevention Act. The court may give credit toward
11 the fulfillment of community service hours for
12 participation in activities and treatment as determined by
13 court services;

14 (7) if he or she is at least 17 years of age and has
15 been sentenced to probation or conditional discharge for a
16 misdemeanor or felony in a county of 3,000,000 or more
17 inhabitants and has not been previously convicted of a
18 misdemeanor or felony, may be required by the sentencing
19 court to attend educational courses designed to prepare
20 the defendant for a high school diploma and to work toward
21 a high school diploma or to work toward passing high
22 school equivalency testing or to work toward completing a
23 vocational training program approved by the court. The
24 person on probation or conditional discharge must attend a
25 public institution of education to obtain the educational
26 or vocational training required by this paragraph (7). The

1 court shall revoke the probation or conditional discharge
2 of a person who wilfully fails to comply with this
3 paragraph (7). The person on probation or conditional
4 discharge shall be required to pay for the cost of the
5 educational courses or high school equivalency testing if
6 a fee is charged for those courses or testing. The court
7 shall resentence the offender whose probation or
8 conditional discharge has been revoked as provided in
9 Section 5-6-4. This paragraph (7) does not apply to a
10 person who has a high school diploma or has successfully
11 passed high school equivalency testing. This paragraph (7)
12 does not apply to a person who is determined by the court
13 to be a person with a developmental disability or
14 otherwise mentally incapable of completing the educational
15 or vocational program;

16 (8) if convicted of possession of a substance
17 prohibited by the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act after a previous conviction
20 or disposition of supervision for possession of a
21 substance prohibited by the Cannabis Control Act or
22 Illinois Controlled Substances Act or after a sentence of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act and upon a finding by the court that the

1 person is addicted, undergo treatment at a substance abuse
2 program approved by the court;

3 (8.5) if convicted of a felony sex offense as defined
4 in the Sex Offender Management Board Act, the person shall
5 undergo and successfully complete sex offender treatment
6 by a treatment provider approved by the Board and
7 conducted in conformance with the standards developed
8 under the Sex Offender Management Board Act;

9 (8.6) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing
11 at the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders;

20 (8.7) if convicted for an offense committed on or
21 after June 1, 2008 (the effective date of Public Act
22 95-464) that would qualify the accused as a child sex
23 offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is not related to the accused

1 and whom the accused reasonably believes to be under 18
2 years of age; for purposes of this paragraph (8.7),
3 "Internet" has the meaning ascribed to it in Section
4 16-0.1 of the Criminal Code of 2012; and a person is not
5 related to the accused if the person is not: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-14.4 that involves soliciting for a juvenile
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or any attempt to commit any of these offenses, committed
15 on or after June 1, 2009 (the effective date of Public Act
16 95-983):

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

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

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

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

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

15 (8.9) if convicted of a sex offense as defined in the
16 Sex Offender Registration Act committed on or after
17 January 1, 2010 (the effective date of Public Act 96-262),
18 refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code
20 of 2012;

21 (9) if convicted ~~of a felony or~~ of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall

1 physically surrender, at a time and place designated by
2 the court, all firearms in his or her possession to a law
3 enforcement officer designated by the court to take
4 custody of and impound the firearms and physically
5 surrender his or her Firearm Owner's Identification Card
6 to the law enforcement agency as a condition of remaining
7 on bond pending sentencing. A defendant whose Firearm
8 Owner's Identification Card has been revoked or suspended
9 may petition the court to transfer the defendant's firearm
10 to a person who is lawfully able to possess the firearm if
11 the person does not reside at the same address as the
12 defendant. Any transfer must be conducted under Section 3
13 of the Firearm Owners Identification Card Act. The
14 transferee who receives the defendant's firearms must
15 swear or affirm by affidavit that he or she shall not
16 transfer the firearm to the defendant or to anyone
17 residing in the same residence as the defendant, until the
18 defendant's Firearm Owner's Identification Card has been
19 reinstated. The law enforcement agency, upon transfer of
20 the firearms, shall require the defendant to complete a
21 Firearm Disposition Record under Section 9.5 of the
22 Firearm Owner's Identification Card Act and provide a copy
23 to the Illinois State Police along with the defendants
24 Firearm Owner's Identification Card ~~physically surrender~~
25 ~~at a time and place designated by the court, his or her~~
26 ~~Firearm Owner's Identification Card and any and all~~

1 ~~firearms in his or her possession. The Court shall return~~
2 ~~to the Department of State Police Firearm Owner's~~
3 ~~Identification Card Office the person's Firearm Owner's~~
4 ~~Identification Card;~~

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

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

23 (12) if convicted of a violation of the
24 Methamphetamine Control and Community Protection Act, the
25 Methamphetamine Precursor Control Act, or a
26 methamphetamine related offense:

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

4 (B) prohibited from purchasing, possessing, or
5 having under his or her control any product containing
6 ammonium nitrate; ~~and~~

7 (13) if convicted of a hate crime involving the
8 protected class identified in subsection (a) of Section
9 12-7.1 of the Criminal Code of 2012 that gave rise to the
10 offense the offender committed, perform public or
11 community service of no less than 200 hours and enroll in
12 an educational program discouraging hate crimes that
13 includes racial, ethnic, and cultural sensitivity training
14 ordered by the court.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

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

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

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

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

7 (ii) attend school;

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

9 (iv) contribute to his own support at home or in a
10 foster home;

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

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

21 (9) perform some reasonable public or community
22 service;

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

1 (i) remain within the interior premises of the
2 place designated for his confinement during the hours
3 designated by the court;

4 (ii) admit any person or agent designated by the
5 court into the offender's place of confinement at any
6 time for purposes of verifying the offender's
7 compliance with the conditions of his confinement; and

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

12 (iv) for persons convicted of any alcohol,
13 cannabis or controlled substance violation who are
14 placed on an approved monitoring device as a condition
15 of probation or conditional discharge, the court shall
16 impose a reasonable fee for each day of the use of the
17 device, as established by the county board in
18 subsection (g) of this Section, unless after
19 determining the inability of the offender to pay the
20 fee, the court assesses a lesser fee or no fee as the
21 case may be. This fee shall be imposed in addition to
22 the fees imposed under subsections (g) and (i) of this
23 Section. The fee shall be collected by the clerk of the
24 circuit court, except as provided in an administrative
25 order of the Chief Judge of the circuit court. The
26 clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for
2 deposit in the substance abuse services fund under
3 Section 5-1086.1 of the Counties Code, except as
4 provided in an administrative order of the Chief Judge
5 of the circuit court.

6 The Chief Judge of the circuit court of the county
7 may by administrative order establish a program for
8 electronic monitoring of offenders, in which a vendor
9 supplies and monitors the operation of the electronic
10 monitoring device, and collects the fees on behalf of
11 the county. The program shall include provisions for
12 indigent offenders and the collection of unpaid fees.
13 The program shall not unduly burden the offender and
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend
16 any additional charges or fees for late payment,
17 interest, or damage to any device; and

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

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer who
8 shall use the monies collected to defray the costs of
9 corrections. The county treasurer shall deposit the
10 fee collected in the probation and court services
11 fund. The Chief Judge of the circuit court of the
12 county may by administrative order establish a program
13 for electronic monitoring of offenders, in which a
14 vendor supplies and monitors the operation of the
15 electronic monitoring device, and collects the fees on
16 behalf of the county. The program shall include
17 provisions for indigent offenders and the collection
18 of unpaid fees. The program shall not unduly burden
19 the offender and shall be subject to review by the
20 Chief Judge.

21 The Chief Judge of the circuit court may suspend
22 any additional charges or fees for late payment,
23 interest, or damage to any device.

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986, as now or hereafter

1 amended, or an order of protection issued by the court of
2 another state, tribe, or United States territory. A copy
3 of the order of protection shall be transmitted to the
4 probation officer or agency having responsibility for the
5 case;

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

12 (13) contribute a reasonable sum of money, not to
13 exceed the maximum amount of the fine authorized for the
14 offense for which the defendant was sentenced, (i) to a
15 "local anti-crime program", as defined in Section 7 of the
16 Anti-Crime Advisory Council Act, or (ii) for offenses
17 under the jurisdiction of the Department of Natural
18 Resources, to the fund established by the Department of
19 Natural Resources for the purchase of evidence for
20 investigation purposes and to conduct investigations as
21 outlined in Section 805-105 of the Department of Natural
22 Resources (Conservation) Law;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer, if the defendant has been placed on
3 probation or advance approval by the court, if the
4 defendant was placed on conditional discharge;

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

9 (16) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or
12 the Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of
14 his or her blood or urine or both for tests to determine
15 the presence of any illicit drug;

16 (17) if convicted for an offense committed on or after
17 June 1, 2008 (the effective date of Public Act 95-464)
18 that would qualify the accused as a child sex offender as
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, refrain from
21 communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (17), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

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

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

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

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer; and

7 (19) refrain from possessing a firearm or other
8 dangerous weapon where the offense is a misdemeanor that
9 did not involve the intentional or knowing infliction of
10 bodily harm or threat of bodily harm.

11 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's license
15 during the period of probation or conditional discharge. If
16 such person is in possession of a permit or license, the court
17 may require that the minor refrain from driving or operating
18 any motor vehicle during the period of probation or
19 conditional discharge, except as may be necessary in the
20 course of the minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of the
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional
2 discharge that the offender be committed to a period of
3 imprisonment in excess of 6 months. This 6-month limit shall
4 not include periods of confinement given pursuant to a
5 sentence of county impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes
15 mandatory drug or alcohol testing, or both, or is assigned to
16 be placed on an approved electronic monitoring device, shall
17 be ordered to pay all costs incidental to such mandatory drug
18 or alcohol testing, or both, and all costs incidental to such
19 approved electronic monitoring in accordance with the
20 defendant's ability to pay those costs. The county board with
21 the concurrence of the Chief Judge of the judicial circuit in
22 which the county is located shall establish reasonable fees
23 for the cost of maintenance, testing, and incidental expenses
24 related to the mandatory drug or alcohol testing, or both, and
25 all costs incidental to approved electronic monitoring,
26 involved in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an
2 administrative order. The fees shall be collected by the clerk
3 of the circuit court, except as provided in an administrative
4 order of the Chief Judge of the circuit court. The clerk of the
5 circuit court shall pay all moneys collected from these fees
6 to the county treasurer who shall use the moneys collected to
7 defray the costs of drug testing, alcohol testing, and
8 electronic monitoring. The county treasurer shall deposit the
9 fees collected in the county working cash fund under Section
10 6-27001 or Section 6-29002 of the Counties Code, as the case
11 may be. The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders, in which a vendor supplies and
14 monitors the operation of the electronic monitoring device,
15 and collects the fees on behalf of the county. The program
16 shall include provisions for indigent offenders and the
17 collection of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any
20 additional charges or fees for late payment, interest, or
21 damage to any device.

22 (h) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers
25 of jurisdiction are also authorized in the same manner. The
26 court to which jurisdiction has been transferred shall have

1 the same powers as the sentencing court. The probation
2 department within the circuit to which jurisdiction has been
3 transferred, or which has agreed to provide supervision, may
4 impose probation fees upon receiving the transferred offender,
5 as provided in subsection (i). For all transfer cases, as
6 defined in Section 9b of the Probation and Probation Officers
7 Act, the probation department from the original sentencing
8 court shall retain all probation fees collected prior to the
9 transfer. After the transfer, all probation fees shall be paid
10 to the probation department within the circuit to which
11 jurisdiction has been transferred.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee
18 of \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is placed
24 in the guardianship or custody of the Department of Children
25 and Family Services under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and
2 court services department. The fee shall be collected by the
3 clerk of the circuit court. The clerk of the circuit court
4 shall pay all monies collected from this fee to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers
7 Act.

8 A circuit court may not impose a probation fee under this
9 subsection (i) in excess of \$25 per month unless the circuit
10 court has adopted, by administrative order issued by the chief
11 judge, a standard probation fee guide determining an
12 offender's ability to pay. Of the amount collected as a
13 probation fee, up to \$5 of that fee collected per month may be
14 used to provide services to crime victims and their families.

15 The Court may only waive probation fees based on an
16 offender's ability to pay. The probation department may
17 re-evaluate an offender's ability to pay every 6 months, and,
18 with the approval of the Director of Court Services or the
19 Chief Probation Officer, adjust the monthly fee amount. An
20 offender may elect to pay probation fees due in a lump sum. Any
21 offender that has been assigned to the supervision of a
22 probation department, or has been transferred either under
23 subsection (h) of this Section or under any interstate
24 compact, shall be required to pay probation fees to the
25 department supervising the offender, based on the offender's
26 ability to pay.

1 Public Act 93-970 deletes the \$10 increase in the fee
2 under this subsection that was imposed by Public Act 93-616.
3 This deletion is intended to control over any other Act of the
4 93rd General Assembly that retains or incorporates that fee
5 increase.

6 (i-5) In addition to the fees imposed under subsection (i)
7 of this Section, in the case of an offender convicted of a
8 felony sex offense (as defined in the Sex Offender Management
9 Board Act) or an offense that the court or probation
10 department has determined to be sexually motivated (as defined
11 in the Sex Offender Management Board Act), the court or the
12 probation department shall assess additional fees to pay for
13 all costs of treatment, assessment, evaluation for risk and
14 treatment, and monitoring the offender, based on that
15 offender's ability to pay those costs either as they occur or
16 under a payment plan.

17 (j) All fines and costs imposed under this Section for any
18 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
19 Code, or a similar provision of a local ordinance, and any
20 violation of the Child Passenger Protection Act, or a similar
21 provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under the Criminal
23 and Traffic Assessment Act.

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

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

11 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
12 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
13 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)".