

HB1770



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1770

Introduced 2/17/2021, by Rep. Andrew S. Chesney, Patrick Windhorst, Paul Jacobs, Dave Severin, Tony McCombie, et al.

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes. Effective January 1, 2022.

LRB102 11608 KMF 16942 b

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act before the
3 effective date of this amendatory Act of the 102nd General
4 Assembly or applied for or received a concealed carry
5 license under the Firearm Concealed Carry Act, unless
6 otherwise authorized by the Firearm Concealed Carry Act;
7 and databases under the Firearm Concealed Carry Act,
8 records of the Concealed Carry Licensing Review Board
9 under the Firearm Concealed Carry Act, and law enforcement
10 agency objections under the Firearm Concealed Carry Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

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

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that
5 Act.

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

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

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

13 (xx) Information that is exempt from disclosure or
14 information that shall not be made public under the
15 Illinois Insurance Code.

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

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

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

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 Sections 2605-45, 2605-300, and 2605-595 as follows:

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

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

12 (1) (Blank).

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

15 (3) (Blank).

16 (4) Operate an electronic data processing and computer
17 center for the storage and retrieval of data pertaining to
18 criminal activity.

19 (5) Exercise the rights, powers, and duties vested in
20 the former Division of State Troopers by Section 17 of the
21 State Police Act.

22 (6) (Blank).

23 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
24 ~~vested in the Department by the Firearm Owners~~

1 ~~Identification Card Act.~~

2 (7) Exercise other duties that may be assigned by the
3 Director to fulfill the responsibilities and achieve the
4 purposes of the Department.

5 (8) Exercise the rights, powers, and duties vested by
6 law in the Department by the Criminal Identification Act.

7 (Source: P.A. 101-378, eff. 1-1-20.)

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-300. Records; crime laboratories; personnel. To
10 do the following:

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

13 (2) Be a central repository for criminal history
14 record information.

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

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

20 (5) Establish general and field crime laboratories.

21 (6) Register and file for record information that may
22 be required by law for the issuance of ~~firearm owner's~~
23 ~~identification cards under the Firearm Owners~~
24 ~~Identification Card Act~~ and concealed carry licenses under
25 the Firearm Concealed Carry Act.

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

4 (8) Undertake other identification, information,
5 laboratory, statistical, or registration activities that
6 may be required by law.

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

8 (20 ILCS 2605/2605-595)

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

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

16 (b) The Department of State Police may use moneys in the
17 Fund to finance any of its lawful purposes, mandates,
18 functions, and duties under ~~the Firearm Owners Identification~~
19 ~~Card Act and~~ the Firearm Concealed Carry Act, including the
20 cost of sending notices of expiration of ~~Firearm Owner's~~
21 ~~Identification Cards,~~ concealed carry licenses, the prompt and
22 efficient processing of applications under ~~the Firearm Owners~~
23 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,
24 the improved efficiency and reporting of the LEADS and federal
25 NICS law enforcement data systems, and support for

1 investigations required under that Act ~~these Acts~~ and law. Any
2 surplus funds beyond what is needed to comply with the
3 aforementioned purposes shall be used by the Department to
4 improve the Law Enforcement Agencies Data System (LEADS) and
5 criminal history background check system.

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

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

10 (20 ILCS 2605/2605-120 rep.)

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

14 Section 20. The Criminal Identification Act is amended by
15 changing Section 2.2 as follows:

16 (20 ILCS 2630/2.2)

17 Sec. 2.2. Notification to the Department. Upon judgment of
18 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
19 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 when the defendant has been determined, pursuant
21 to Section 112A-11.1 of the Code of Criminal Procedure of
22 1963, to be subject to the prohibitions of 18 U.S.C.
23 922(g)(9), the circuit court clerk shall include notification

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

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

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

17 (30 ILCS 105/6z-99)

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

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

24 (b) The Department of State Police and Department of Human

1 Services shall coordinate to use moneys in the Fund to finance
2 their respective duties of collecting and reporting data on
3 mental health records and ensuring that mental health firearm
4 possession prohibitors are enforced as set forth under the
5 Firearm Concealed Carry Act ~~and the Firearm Owners~~
6 ~~Identification Card Act~~. Any surplus in the Fund beyond what
7 is necessary to ensure compliance with mental health reporting
8 under that Act ~~these Acts~~ shall be used by the Department of
9 Human Services for mental health treatment programs.

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

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

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

16 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

18 (a) "Peace officer" means (i) any person who by virtue of
19 his office or public employment is vested by law with a primary
20 duty to maintain public order or to make arrests for offenses,
21 whether that duty extends to all offenses or is limited to
22 specific offenses, and who is employed in such capacity by any
23 county or municipality or (ii) any retired law enforcement
24 officers qualified under federal law to carry a concealed

1 weapon.

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

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

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

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

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

19 (a) To expel pupils guilty of gross disobedience or
20 misconduct, including gross disobedience or misconduct
21 perpetuated by electronic means, pursuant to subsection (b-20)
22 of this Section, and no action shall lie against them for such
23 expulsion. Expulsion shall take place only after the parents
24 have been requested to appear at a meeting of the board, or

1 with a hearing officer appointed by it, to discuss their
2 child's behavior. Such request shall be made by registered or
3 certified mail and shall state the time, place and purpose of
4 the meeting. The board, or a hearing officer appointed by it,
5 at such meeting shall state the reasons for dismissal and the
6 date on which the expulsion is to become effective. If a
7 hearing officer is appointed by the board, he shall report to
8 the board a written summary of the evidence heard at the
9 meeting and the board may take such action thereon as it finds
10 appropriate. If the board acts to expel a pupil, the written
11 expulsion decision shall detail the specific reasons why
12 removing the pupil from the learning environment is in the
13 best interest of the school. The expulsion decision shall also
14 include a rationale as to the specific duration of the
15 expulsion. An expelled pupil may be immediately transferred to
16 an alternative program in the manner provided in Article 13A
17 or 13B of this Code. A pupil must not be denied transfer
18 because of the expulsion, except in cases in which such
19 transfer is deemed to cause a threat to the safety of students
20 or staff in the alternative program.

21 (b) To suspend or by policy to authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of gross disobedience or misconduct, or to suspend
25 pupils guilty of gross disobedience or misconduct on the
26 school bus from riding the school bus, pursuant to subsections

1 (b-15) and (b-20) of this Section, and no action shall lie
2 against them for such suspension. The board may by policy
3 authorize the superintendent of the district or the principal,
4 assistant principal, or dean of students of any school to
5 suspend pupils guilty of such acts for a period not to exceed
6 10 school days. If a pupil is suspended due to gross
7 disobedience or misconduct on a school bus, the board may
8 suspend the pupil in excess of 10 school days for safety
9 reasons.

10 Any suspension shall be reported immediately to the
11 parents or guardian of a pupil along with a full statement of
12 the reasons for such suspension and a notice of their right to
13 a review. The school board must be given a summary of the
14 notice, including the reason for the suspension and the
15 suspension length. Upon request of the parents or guardian,
16 the school board or a hearing officer appointed by it shall
17 review such action of the superintendent or principal,
18 assistant principal, or dean of students. At such review, the
19 parents or guardian of the pupil may appear and discuss the
20 suspension with the board or its hearing officer. If a hearing
21 officer is appointed by the board, he shall report to the board
22 a written summary of the evidence heard at the meeting. After
23 its hearing or upon receipt of the written report of its
24 hearing officer, the board may take such action as it finds
25 appropriate. If a student is suspended pursuant to this
26 subsection (b), the board shall, in the written suspension

1 decision, detail the specific act of gross disobedience or
2 misconduct resulting in the decision to suspend. The
3 suspension decision shall also include a rationale as to the
4 specific duration of the suspension. A pupil who is suspended
5 in excess of 20 school days may be immediately transferred to
6 an alternative program in the manner provided in Article 13A
7 or 13B of this Code. A pupil must not be denied transfer
8 because of the suspension, except in cases in which such
9 transfer is deemed to cause a threat to the safety of students
10 or staff in the alternative program.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

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

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the
9 length of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose
16 a threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this
5 Section or the expulsion decision described in subsection (a)
6 of this Section, it shall be documented whether other
7 interventions were attempted or whether it was determined that
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 4 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

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

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

23 (b-30) A school district shall create a policy by which
24 suspended pupils, including those pupils suspended from the
25 school bus who do not have alternate transportation to school,
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's
2 parent or guardian to notify school officials that a pupil
3 suspended from the school bus does not have alternate
4 transportation to school.

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

9 (c-5) School districts shall make reasonable efforts to
10 provide ongoing professional development to teachers,
11 administrators, school board members, school resource
12 officers, and staff on the adverse consequences of school
13 exclusion and justice-system involvement, effective classroom
14 management strategies, culturally responsive discipline, the
15 appropriate and available supportive services for the
16 promotion of student attendance and engagement, and
17 developmentally appropriate disciplinary methods that promote
18 positive and healthy school climates.

19 (d) The board may expel a student for a definite period of
20 time not to exceed 2 calendar years, as determined on a
21 case-by-case basis. A student who is determined to have
22 brought one of the following objects to school, any
23 school-sponsored activity or event, or any activity or event
24 that bears a reasonable relationship to school shall be
25 expelled for a period of not less than one year:

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined
2 by Section 921 of Title 18 of the United States Code,
3 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
4 ~~Owners Identification Card Act, or firearm as defined in~~
5 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
6 period under this subdivision (1) may be modified by the
7 superintendent, and the superintendent's determination may
8 be modified by the board on a case-by-case basis.

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

17 Expulsion or suspension shall be construed in a manner
18 consistent with the federal Individuals with Disabilities
19 Education Act. A student who is subject to suspension or
20 expulsion as provided in this Section may be eligible for a
21 transfer to an alternative school program in accordance with
22 Article 13A of the School Code.

23 (d-5) The board may suspend or by regulation authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend a
26 student for a period not to exceed 10 school days or may expel

1 a student for a definite period of time not to exceed 2
2 calendar years, as determined on a case-by-case basis, if (i)
3 that student has been determined to have made an explicit
4 threat on an Internet website against a school employee, a
5 student, or any school-related personnel, (ii) the Internet
6 website through which the threat was made is a site that was
7 accessible within the school at the time the threat was made or
8 was available to third parties who worked or studied within
9 the school grounds at the time the threat was made, and (iii)
10 the threat could be reasonably interpreted as threatening to
11 the safety and security of the threatened individual because
12 of his or her duties or employment status or status as a
13 student inside the school.

14 (e) To maintain order and security in the schools, school
15 authorities may inspect and search places and areas such as
16 lockers, desks, parking lots, and other school property and
17 equipment owned or controlled by the school, as well as
18 personal effects left in those places and areas by students,
19 without notice to or the consent of the student, and without a
20 search warrant. As a matter of public policy, the General
21 Assembly finds that students have no reasonable expectation of
22 privacy in these places and areas or in their personal effects
23 left in these places and areas. School authorities may request
24 the assistance of law enforcement officials for the purpose of
25 conducting inspections and searches of lockers, desks, parking
26 lots, and other school property and equipment owned or

1 controlled by the school for illegal drugs, weapons, or other
2 illegal or dangerous substances or materials, including
3 searches conducted through the use of specially trained dogs.
4 If a search conducted in accordance with this Section produces
5 evidence that the student has violated or is violating either
6 the law, local ordinance, or the school's policies or rules,
7 such evidence may be seized by school authorities, and
8 disciplinary action may be taken. School authorities may also
9 turn over such evidence to law enforcement authorities.

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A
18 of this Code or an alternative learning opportunities program
19 under Article 13B of this Code before being admitted into the
20 school district if there is no threat to the safety of students
21 or staff in the alternative program.

22 (h) School officials shall not advise or encourage
23 students to drop out voluntarily due to behavioral or academic
24 difficulties.

25 (i) A student may not be issued a monetary fine or fee as a
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen,
2 or damaged property.

3 (j) Subsections (a) through (i) of this Section shall
4 apply to elementary and secondary schools, charter schools,
5 special charter districts, and school districts organized
6 under Article 34 of this Code.

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

11 (l) Beginning with the 2018-2019 school year, an in-school
12 suspension program provided by a school district for any
13 students in kindergarten through grade 12 may focus on
14 promoting non-violent conflict resolution and positive
15 interaction with other students and school personnel. A school
16 district may employ a school social worker or a licensed
17 mental health professional to oversee an in-school suspension
18 program in kindergarten through grade 12.

19 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
20 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
21 7-12-19.)

22 (105 ILCS 5/10-27.1A)

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

24 (a) All school officials, including teachers, guidance
25 counselors, and support staff, shall immediately notify the

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

24 (b) Upon receiving a report from any school official
25 pursuant to this Section, or from any other person, the
26 principal or his or her designee shall immediately notify a

1 local law enforcement agency. If the person found to be in
2 possession of a firearm on school grounds is a student, the
3 principal or his or her designee shall also immediately notify
4 that student's parent or guardian. Any principal or his or her
5 designee acting in good faith who makes such reports under
6 this Section shall have immunity from any civil or criminal
7 liability that might otherwise be incurred or imposed as a
8 result of making the reports. Knowingly and willfully failing
9 to comply with this Section is a petty offense. A second or
10 subsequent offense is a Class C misdemeanor. If the person
11 found to be in possession of the firearm on school grounds is a
12 minor, the law enforcement agency shall detain that minor
13 until such time as the agency makes a determination pursuant
14 to clause (a) of subsection (1) of Section 5-401 of the
15 Juvenile Court Act of 1987, as to whether the agency
16 reasonably believes that the minor is delinquent. If the law
17 enforcement agency determines that probable cause exists to
18 believe that the minor committed a violation of item (4) of
19 subsection (a) of Section 24-1 of the Criminal Code of 2012
20 while on school grounds, the agency shall detain the minor for
21 processing pursuant to Section 5-407 of the Juvenile Court Act
22 of 1987.

23 (c) On or after January 1, 1997, upon receipt of any
24 written, electronic, or verbal report from any school
25 personnel regarding a verified incident involving a firearm in
26 a school or on school owned or leased property, including any

1 conveyance owned, leased, or used by the school for the
2 transport of students or school personnel, the superintendent
3 or his or her designee shall report all such firearm-related
4 incidents occurring in a school or on school property to the
5 local law enforcement authorities immediately and to the
6 Department of State Police in a form, manner, and frequency as
7 prescribed by the Department of State Police.

8 The State Board of Education shall receive an annual
9 statistical compilation and related data associated with
10 incidents involving firearms in schools from the Department of
11 State Police. The State Board of Education shall compile this
12 information by school district and make it available to the
13 public.

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

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

20 As used in this Section, the term "school grounds"
21 includes the real property comprising any school, any
22 conveyance owned, leased, or contracted by a school to
23 transport students to or from school or a school-related
24 activity, or any public way within 1,000 feet of the real
25 property comprising any school.

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

1 (105 ILCS 5/34-8.05)

2 Sec. 34-8.05. Reporting firearms in schools. On or after
3 January 1, 1997, upon receipt of any written, electronic, or
4 verbal report from any school personnel regarding a verified
5 incident involving a firearm in a school or on school owned or
6 leased property, including any conveyance owned, leased, or
7 used by the school for the transport of students or school
8 personnel, the general superintendent or his or her designee
9 shall report all such firearm-related incidents occurring in a
10 school or on school property to the local law enforcement
11 authorities no later than 24 hours after the occurrence of the
12 incident and to the Department of State Police in a form,
13 manner, and frequency as prescribed by the Department of State
14 Police.

15 The State Board of Education shall receive an annual
16 statistical compilation and related data associated with
17 incidents involving firearms in schools from the Department of
18 State Police. As used in this Section, the term "firearm"
19 shall have the meaning ascribed to it in Section 2-7.5 of the
20 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
21 ~~Card Act.~~

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

23 Section 40. The Illinois Explosives Act is amended by
24 changing Section 2005 as follows:

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

2 Sec. 2005. Qualifications for licensure.

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

4 (1) is under 21 years of age;

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

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

9 (4) is a fugitive from justice;

10 (5) is an unlawful user of or addicted to any
11 controlled substance as defined in Section 102 of the
12 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
13 seq.);

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

18 (7) is not a legal citizen of the United States or
19 lawfully admitted for permanent residence.

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

25 (Source: P.A. 101-541, eff. 8-23-19.)

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

4 (225 ILCS 447/35-30)

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

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

12 (a) No person shall be issued a permanent employee
13 registration card who:

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

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

17 (3) Has been determined by the Department to be unfit
18 by reason of conviction of an offense in this or another
19 state, including registration as a sex offender, but not
20 including a traffic offense. Persons convicted of felonies
21 involving bodily harm, weapons, violence, or theft within
22 the previous 10 years shall be presumed to be unfit for
23 registration. The Department shall adopt rules for making
24 those determinations that shall afford the applicant due

1 process of law.

2 (4) Has had a license or permanent employee
3 registration card denied, suspended, or revoked under this
4 Act (i) within one year before the date the person's
5 application for permanent employee registration card is
6 received by the Department; and (ii) that refusal, denial,
7 suspension, or revocation was based on any provision of
8 this Act other than Section 40-50, item (6) or (8) of
9 subsection (a) of Section 15-10, subsection (b) of Section
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,
11 subsection (b) of Section 20-10, item (6) or (8) of
12 subsection (a) of Section 25-10, subsection (b) of Section
13 25-10, item (7) of subsection (a) of Section 30-10,
14 subsection (b) of Section 30-10, or Section 10-40.

15 (5) Has been declared incompetent by any court of
16 competent jurisdiction by reason of mental disease or
17 defect and has not been restored.

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

20 (b) No person may be employed by a private detective
21 agency, private security contractor agency, private alarm
22 contractor agency, fingerprint vendor agency, or locksmith
23 agency under this Section until he or she has executed and
24 furnished to the employer, on forms furnished by the
25 Department, a verified statement to be known as "Employee's
26 Statement" setting forth:

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

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

7 (3) That the person has not had a license or employee
8 registration denied, revoked, or suspended under this Act
9 (i) within one year before the date the person's
10 application for permanent employee registration card is
11 received by the Department; and (ii) that refusal, denial,
12 suspension, or revocation was based on any provision of
13 this Act other than Section 40-50, item (6) or (8) of
14 subsection (a) of Section 15-10, subsection (b) of Section
15 15-10, item (6) or (8) of subsection (a) of Section 20-10,
16 subsection (b) of Section 20-10, item (6) or (8) of
17 subsection (a) of Section 25-10, subsection (b) of Section
18 25-10, item (7) of subsection (a) of Section 30-10,
19 subsection (b) of Section 30-10, or Section 10-40.

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

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

23 (6) Any dishonorable discharge from the armed services
24 of the United States.

25 (7) Any other information as may be required by any
26 rule of the Department to show the good character,

1 competency, and integrity of the person executing the
2 statement.

3 (c) Each applicant for a permanent employee registration
4 card shall have his or her fingerprints submitted to the
5 Department of State Police in an electronic format that
6 complies with the form and manner for requesting and
7 furnishing criminal history record information as prescribed
8 by the Department of State Police. These fingerprints shall be
9 checked against the Department of State Police and Federal
10 Bureau of Investigation criminal history record databases now
11 and hereafter filed. The Department of State Police shall
12 charge applicants a fee for conducting the criminal history
13 records check, which shall be deposited in the State Police
14 Services Fund and shall not exceed the actual cost of the
15 records check. The Department of State Police shall furnish,
16 pursuant to positive identification, records of Illinois
17 convictions to the Department. The Department may require
18 applicants to pay a separate fingerprinting fee, either to the
19 Department or directly to the vendor. The Department, in its
20 discretion, may allow an applicant who does not have
21 reasonable access to a designated vendor to provide his or her
22 fingerprints in an alternative manner. The Department, in its
23 discretion, may also use other procedures in performing or
24 obtaining criminal background checks of applicants. Instead of
25 submitting his or her fingerprints, an individual may submit
26 proof that is satisfactory to the Department that an

1 equivalent security clearance has been conducted. Also, an
2 individual who has retired as a peace officer within 12 months
3 of application may submit verification, on forms provided by
4 the Department and signed by his or her employer, of his or her
5 previous full-time employment as a peace officer.

6 (d) The Department shall issue a permanent employee
7 registration card, in a form the Department prescribes, to all
8 qualified applicants. The holder of a permanent employee
9 registration card shall carry the card at all times while
10 actually engaged in the performance of the duties of his or her
11 employment. Expiration and requirements for renewal of
12 permanent employee registration cards shall be established by
13 rule of the Department. Possession of a permanent employee
14 registration card does not in any way imply that the holder of
15 the card is employed by an agency unless the permanent
16 employee registration card is accompanied by the employee
17 identification card required by subsection (f) of this
18 Section.

19 (e) Each employer shall maintain a record of each employee
20 that is accessible to the duly authorized representatives of
21 the Department. The record shall contain the following
22 information:

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

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

3 (3) All correspondence or documents relating to the
4 character and integrity of the employee received by the
5 employer from any official source or law enforcement
6 agency.

7 (4) In the case of former employees, the employee
8 identification card of that person issued under subsection
9 (f) of this Section. Each employee record shall duly note
10 if the employee is employed in an armed capacity. Armed
11 employee files shall contain ~~a copy of an active firearm~~
12 ~~owner's identification card~~ and a copy of an active
13 firearm control card. Each employer shall maintain a
14 record for each armed employee of each instance in which
15 the employee's weapon was discharged during the course of
16 his or her professional duties or activities. The record
17 shall be maintained on forms provided by the Department, a
18 copy of which must be filed with the Department within 15
19 days of an instance. The record shall include the date and
20 time of the occurrence, the circumstances involved in the
21 occurrence, and any other information as the Department
22 may require. Failure to provide this information to the
23 Department or failure to maintain the record as a part of
24 each armed employee's permanent file is grounds for
25 disciplinary action. The Department, upon receipt of a
26 report, shall have the authority to make any investigation

1 it considers appropriate into any occurrence in which an
2 employee's weapon was discharged and to take disciplinary
3 action as may be appropriate.

4 (5) A copy of the employee's permanent employee
5 registration card or a copy of the Department's "License
6 Lookup" Webpage showing that the employee has been issued
7 a valid permanent employee registration card by the
8 Department.

9 The Department may, by rule, prescribe further record
10 requirements.

11 (f) Every employer shall furnish an employee
12 identification card to each of his or her employees. This
13 employee identification card shall contain a recent photograph
14 of the employee, the employee's name, the name and agency
15 license number of the employer, the employee's personal
16 description, the signature of the employer, the signature of
17 that employee, the date of issuance, and an employee
18 identification card number.

19 (g) No employer may issue an employee identification card
20 to any person who is not employed by the employer in accordance
21 with this Section or falsely state or represent that a person
22 is or has been in his or her employ. It is unlawful for an
23 applicant for registered employment to file with the
24 Department the fingerprints of a person other than himself or
25 herself.

26 (h) Every employer shall obtain the identification card of

1 every employee who terminates employment with him or her.

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

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

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

12 (1) The agency completes in its entirety and submits
13 to the Department an application for a permanent employee
14 registration card, including the required fingerprint
15 receipt and fees.

16 (2) The agency has verification from the Department
17 that the applicant has no record of any criminal
18 conviction pursuant to the criminal history check
19 conducted by the Department of State Police. The agency
20 shall maintain the verification of the results of the
21 Department of State Police criminal history check as part
22 of the employee record as required under subsection (e) of
23 this Section.

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

1 (4) The agency maintains a separate roster of the
2 names of all employees whose applications are currently
3 pending with the Department and submits the roster to the
4 Department on a monthly basis. Rosters are to be
5 maintained by the agency for a period of at least 24
6 months.

7 An agency may employ only a permanent employee applicant
8 for which it either submitted a permanent employee application
9 and all required forms and fees or it confirms with the
10 Department that a permanent employee application and all
11 required forms and fees have been submitted by another agency,
12 licensee or the permanent employee and all other requirements
13 of this Section are met.

14 The Department shall have the authority to revoke, without
15 a hearing, the temporary authority of an individual to work
16 upon receipt of Federal Bureau of Investigation fingerprint
17 data or a report of another official authority indicating a
18 criminal conviction. If the Department has not received a
19 temporary employee's Federal Bureau of Investigation
20 fingerprint data within 120 days of the date the Department
21 received the Department of State Police fingerprint data, the
22 Department may, at its discretion, revoke the employee's
23 temporary authority to work with 15 days written notice to the
24 individual and the employing agency.

25 An agency may not employ a person in a temporary capacity
26 if it knows or reasonably should have known that the person has

1 been convicted of a crime under the laws of this State, has
2 been convicted in another state of any crime that is a crime
3 under the laws of this State, has been convicted of any crime
4 in a federal court, or has been posted as an unapproved
5 applicant by the Department. Notice by the Department to the
6 agency, via certified mail, personal delivery, electronic
7 mail, or posting on the Department's Internet site accessible
8 to the agency that the person has been convicted of a crime
9 shall be deemed constructive knowledge of the conviction on
10 the part of the agency. The Department may adopt rules to
11 implement this subsection (k).

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

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

18 (2) the person wears any portion of his or her
19 official uniform, emblem of authority, or equipment while
20 so employed.

21 (m) If information is discovered affecting the
22 registration of a person whose fingerprints were submitted
23 under this Section, the Department shall so notify the agency
24 that submitted the fingerprints on behalf of that person.

25 (n) Peace officers shall be exempt from the requirements
26 of this Section relating to permanent employee registration

1 cards. The agency shall remain responsible for any peace
2 officer employed under this exemption, regardless of whether
3 the peace officer is compensated as an employee or as an
4 independent contractor and as further defined by rule.

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

15 (p) An applicant who is 21 years of age or older seeking a
16 religious exemption to the photograph requirement of this
17 Section shall furnish with the application an approved copy of
18 United States Department of the Treasury Internal Revenue
19 Service Form 4029. Regardless of age, an applicant seeking a
20 religious exemption to this photograph requirement shall
21 submit fingerprints in a form and manner prescribed by the
22 Department with his or her application in lieu of a
23 photograph.

24 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

25 (225 ILCS 447/35-35)

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

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

3 (a) No person shall perform duties that include the use,
4 carrying, or possession of a firearm in the performance of
5 those duties without complying with the provisions of this
6 Section and having been issued a valid firearm control card by
7 the Department.

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

21 (c) Possession of a valid firearm control card allows a
22 licensee or employee to carry a firearm not otherwise
23 prohibited by law while the licensee or employee is engaged in
24 the performance of his or her duties or while the licensee or
25 employee is commuting directly to or from the licensee's or
26 employee's place or places of employment.

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

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

19 (f) The Department may, in addition to any other
20 disciplinary action permitted by this Act, refuse to issue,
21 suspend, or revoke a firearm control card if the applicant or
22 holder has been convicted of any felony or crime involving the
23 illegal use, carrying, or possession of a deadly weapon or for
24 a violation of this Act or rules adopted ~~promulgated~~ under
25 this Act. The Department shall refuse to issue or shall revoke
26 a firearm control card if the applicant or holder is

1 prohibited under State or federal law from possessing a
2 firearm ~~fails to possess a valid firearm owners identification~~
3 ~~card without hearing.~~ The Secretary shall summarily suspend a
4 firearm control card if the Secretary finds that its continued
5 use would constitute an imminent danger to the public. A
6 hearing shall be held before the Board within 30 days if the
7 Secretary summarily suspends a firearm control card.

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

24 (h) The Department may issue a temporary firearm control
25 card pending issuance of a new firearm control card upon an
26 agency's acquiring of an established armed account. An agency

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

12 (i) The Department shall not issue a firearm control card
13 to a licensed fingerprint vendor or a licensed locksmith or
14 employees of a licensed fingerprint vendor agency or a
15 licensed locksmith agency.

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

17 Section 50. The Mental Health and Developmental
18 Disabilities Code is amended by changing Sections 6-103.1,
19 6-103.2, and 6-103.3 as follows:

20 (405 ILCS 5/6-103.1)

21 Sec. 6-103.1. Adjudication as a person with a mental
22 disability. When a person has been adjudicated as a person
23 with a mental disability ~~as defined in Section 1.1 of the~~
24 ~~Firearm Owners Identification Card Act,~~ including, but not

1 limited to, an adjudication as a person with a disability as
2 defined in Section 11a-2 of the Probate Act of 1975, the court
3 shall direct the circuit court clerk to notify the Department
4 of State Police, ~~Firearm Owner's Identification (FOID) Office,~~
5 in a form and manner prescribed by the Department of State
6 Police, and shall forward a copy of the court order to the
7 Department no later than 7 days after the entry of the order.
8 Upon receipt of the order, the Department of State Police
9 shall provide notification to the National Instant Criminal
10 Background Check System. In this Section, "has been
11 adjudicated as a mentally disabled person" means the person is
12 the subject of a determination by a court, board, commission,
13 or other lawful authority that the person, as a result of
14 marked subnormal intelligence, or mental illness, mental
15 impairment, incompetency, condition, or disease:

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

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

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

23 (3.5) is guilty but mentally ill, as provided in
24 Section 5-2-6 of the Unified Code of Corrections;

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

26 (5) is not guilty by reason of lack of mental

1 responsibility under Articles 50a and 72b of the Uniform
2 Code of Military Justice, 10 U.S.C. 850a, 876b;

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

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

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

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

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

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

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

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

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

24 (405 ILCS 5/6-103.2)

25 Sec. 6-103.2. Developmental disability; notice. If a

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

23 The physician, clinical psychologist, or qualified
24 examiner making the determination and his or her employer may
25 not be held criminally, civilly, or professionally liable for
26 making or not making the notification required under this

1 Section, except for willful or wanton misconduct.

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

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

- 16 (i) self-care;
17 (ii) receptive and expressive language;
18 (iii) learning;
19 (iv) mobility; or
20 (v) self-direction.

21 "Determined to be a person with a developmental disability
22 by a physician, clinical psychologist, or qualified examiner"
23 means in the professional opinion of the physician, clinical
24 psychologist, or qualified examiner, a person is diagnosed,
25 assessed, or evaluated as having a developmental disability.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; 99-642, eff. 7-28-16.)

2 (405 ILCS 5/6-103.3)

3 Sec. 6-103.3. Clear and present danger; notice. If a
4 person is determined to pose a clear and present danger to
5 himself, herself, or to others by a physician, clinical
6 psychologist, or qualified examiner, whether employed by the
7 State, by any public or private mental health facility or part
8 thereof, or by a law enforcement official or a school
9 administrator, then the physician, clinical psychologist,
10 qualified examiner shall notify the Department of Human
11 Services and a law enforcement official or school
12 administrator shall notify the Department of State Police,
13 within 24 hours of making the determination that the person
14 poses a clear and present danger. The Department of Human
15 Services shall immediately update its records and information
16 relating to mental health and developmental disabilities, and
17 if appropriate, shall notify the Department of State Police in
18 a form and manner prescribed by the Department of State
19 Police. Information disclosed under this Section shall remain
20 privileged and confidential, and shall not be redisclosed,
21 except as required under clause (e)(2) of Section 24-4.5 of
22 the Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~
23 ~~Firearm Owners Identification Card Act~~, nor used for any other
24 purpose. The method of providing this information shall
25 guarantee that the information is not released beyond that

1 which is necessary for the purpose of this Section and shall be
2 provided by rule by the Department of Human Services. The
3 identity of the person reporting under this Section shall not
4 be disclosed to the subject of the report. The physician,
5 clinical psychologist, qualified examiner, law enforcement
6 official, or school administrator making the determination and
7 his or her employer shall not be held criminally, civilly, or
8 professionally liable for making or not making the
9 notification required under this Section, except for willful
10 or wanton misconduct. This Section does not apply to a law
11 enforcement official, if making the notification under this
12 Section will interfere with an ongoing or pending criminal
13 investigation.

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

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

16 (1) communicates a serious threat of physical
17 violence against a reasonably identifiable victim or
18 poses a clear and imminent risk of serious physical
19 injury to himself, herself, or another person as
20 determined by a physician, clinical psychologist, or
21 qualified examiner; or

22 (2) demonstrates threatening physical or verbal
23 behavior, such as violent, suicidal, or assaultive
24 threats, actions, or other behavior, as determined by
25 a physician, clinical psychologist, qualified
26 examiner, school administrator, or law enforcement

1 official.

2 "Physician", "clinical psychologist", and "qualified
3 examiner" have the meanings ascribed to them in the Mental
4 Health and Developmental Disabilities Code ~~has the meaning~~
5 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
6 ~~Identification Card Act.~~

7 "Determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, or qualified examiner" means in the
10 professional opinion of the physician, clinical
11 psychologist, or qualified examiner, a person poses a
12 clear and present danger.

13 "School administrator" means the person required to
14 report under the School Administrator Reporting of Mental
15 Health Clear and Present Danger Determinations Law.

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

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

19 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

21 "Child care facility" means any structure used by a child
22 care provider licensed by the Department of Children and
23 Family Services or public or private school structure
24 frequented by children 6 years of age or younger.

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

6 "Delegate agency" means a unit of local government or
7 health department approved by the Department to carry out the
8 provisions of this Act.

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

11 "Dwelling unit" means an individual unit within a
12 residential building used as living quarters for one
13 household.

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

16 "Exposed surface" means any interior or exterior surface
17 of a regulated facility.

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

1 elevated blood lead levels in children, percentage of
2 population living below 200% of federal poverty guidelines,
3 and number of children residing in the area who are 6 years of
4 age or younger.

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

10 "Lead abatement contractor" means any person or entity
11 licensed by the Department to perform lead abatement and
12 mitigation.

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

17 "Lead abatement worker" means any person employed by a
18 lead abatement contractor and licensed by the Department to
19 perform lead abatement and mitigation.

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

24 "Lead-bearing substance" means any item containing or
25 coated with lead such that the lead content is more than
26 six-hundredths of one percent (0.06%) lead by total weight; or

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

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

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

26 "Lead inspection" means a surface-by-surface investigation

1 to determine the presence of lead-based paint.

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

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

11 "Lead poisoning" means having an elevated blood lead
12 level.

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

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

26 "Lead training program provider" means any person

1 providing Department-approved lead training in Illinois to
2 individuals seeking licensure in accordance with the Act.

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

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

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

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

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

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

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

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

1 (430 ILCS 65/Act rep.)

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

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

6 (430 ILCS 66/25)

7 Sec. 25. Qualifications for a license.

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

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

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

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

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

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

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

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

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

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

17 (430 ILCS 66/30)

18 Sec. 30. Contents of license application.

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

1 Criminal Code of 2012."

2 (b) The application shall contain the following:

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

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

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

24 (4) an affirmation that the applicant is not
25 prohibited under State or federal law from possessing or
26 receiving a firearm ~~possesses a currently valid Firearm~~

1 ~~Owner's Identification Card and card number if possessed~~
2 ~~or notice the applicant is applying for a Firearm Owner's~~
3 ~~Identification Card in conjunction with the license~~
4 ~~application;~~

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

7 (A) a felony;

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

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

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

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

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

1 fingerprints in which case the Department shall be granted
2 30 days in addition to the 90 days provided under
3 subsection (e) of Section 10 of this Act to issue or deny a
4 license;

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

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

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

12 (430 ILCS 66/40)

13 Sec. 40. Non-resident license applications.

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

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

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

1 in Section 25 of this Act, ~~except for the Illinois residency~~
2 ~~requirement in item (xiv) of paragraph (2) of subsection (a)~~
3 ~~of Section 4 of the Firearm Owners Identification Card Act.~~

4 The applicant shall submit:

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

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

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

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

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

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

20 (3) a photocopy of any certificates or other evidence
21 of compliance with the training requirements under Section
22 75 of this Act; and

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

26 (d) In lieu of an Illinois driver's license or Illinois

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

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

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

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

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

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

1 locked container within the vehicle in accordance with
2 subsection (b) of Section 65 of this Act.

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

5 (430 ILCS 66/70)

6 Sec. 70. Violations.

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

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

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

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

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

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

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

1 plus any applicable court costs or fees.

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

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

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

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

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

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

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

1 (430 ILCS 66/80)

2 Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

26 (1) possess a high school diploma or high school

1 equivalency certificate; and

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

4 (A) certification from a law enforcement agency;

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

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

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

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

19 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;
20 98-718, eff. 1-1-15.)

21 (430 ILCS 66/105)

22 Sec. 105. Duty of school administrator. It is the duty of
23 the principal of a public elementary or secondary school, or
24 his or her designee, and the chief administrative officer of a
25 private elementary or secondary school or a public or private

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

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

12 Section 70. The Firearm Dealer License Certification Act
13 is amended by changing Sections 5-20 and 5-25 as follows:

14 (430 ILCS 68/5-20)

15 Sec. 5-20. Additional licensee requirements.

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

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

1 "With few exceptions enumerated in the Criminal Code
2 of 2012 ~~Firearm Owners Identification Card Act~~, it is
3 unlawful for you to:

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

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

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

11 This sign shall be created by the Department and made
12 available for printing or downloading from the Department's
13 website.

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

22 (Source: P.A. 100-1178, eff. 1-18-19.)

23 (430 ILCS 68/5-25)

24 Sec. 5-25. Exemptions. The provisions of this Act related
25 to the certification of a license do not apply to a person or

1 entity that engages in the following activities:

2 (1) temporary transfers of firearms solely for use at
3 the location or on the premises where the transfer takes
4 place, such as transfers at a shooting range for use at
5 that location;

6 (2) temporary transfers of firearms solely for use
7 while in the presence of the transferor or transfers for
8 the purposes of firearm safety training by a firearms
9 safety training instructor;

10 (3) transfers of firearms among immediate family or
11 household members, as "immediate family or household
12 member" is defined in Section 3-2.7-10 of the Unified Code
13 of Corrections, provided that both the transferor and
14 transferee are not prohibited from possessing a firearm
15 under federal or State law ~~have a currently valid Firearm~~
16 ~~Owner's Identification Card; however, this paragraph (3)~~
17 ~~does not limit the familial gift exemption under paragraph~~
18 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
19 ~~Owners Identification Card Act;~~

20 (4) transfers by persons or entities acting under
21 operation of law or a court order;

22 (5) transfers by persons or entities liquidating all
23 or part of a collection. For purposes of this paragraph
24 (5), "collection" means 2 or more firearms which are of
25 special interest to collectors by reason of some quality
26 other than is associated with firearms intended for

1 sporting use or as offensive or defensive weapons;

2 (6) transfers of firearms that have been rendered
3 permanently inoperable to a nonprofit historical society,
4 museum, or institutional collection;

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

8 (8) (blank); ~~transfers to a State or local law~~
9 ~~enforcement agency by a person who has his or her Firearm~~
10 ~~Owner's Identification Card revoked;~~

11 (9) transfers of curios and relics, as defined under
12 federal law, between collectors licensed under subsection
13 (b) of Section 923 of the federal Gun Control Act of 1968;

14 (10) transfers by a person or entity licensed as an
15 auctioneer under the Auction License Act;

16 (10.5) transfers of firearms to a resident registered
17 competitor or attendee or non-resident registered
18 competitor or attendee by a licensed federal firearms
19 dealer under Section 923 of the federal Gun Control Act of
20 1968 at a competitive shooting event held at the World
21 Shooting and Recreational Complex that is sanctioned by a
22 national governing body; or

23 (11) transfers between a pawnshop and a customer which
24 amount to a bailment. For purposes of this paragraph (11),
25 "bailment" means the act of placing property in the
26 custody and control of another, by agreement in which the

1 holder is responsible for the safekeeping and return of
2 the property.

3 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

4 Section 75. The Wildlife Code is amended by changing
5 Sections 3.2 and 3.2a as follows:

6 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

7 Sec. 3.2. Hunting license; application; instruction.
8 Before the Department or any county, city, village, township,
9 incorporated town clerk or his duly designated agent or any
10 other person authorized or designated by the Department to
11 issue hunting licenses shall issue a hunting license to any
12 person, the person shall file his application with the
13 Department or other party authorized to issue licenses on a
14 form provided by the Department and further give definite
15 proof of identity and place of legal residence. Each clerk
16 designating agents to issue licenses and stamps shall furnish
17 the Department, within 10 days following the appointment, the
18 names and mailing addresses of the agents. Each clerk or his
19 duly designated agent shall be authorized to sell licenses and
20 stamps only within the territorial area for which he was
21 elected or appointed. No duly designated agent is authorized
22 to furnish licenses or stamps for issuance by any other
23 business establishment. Each application shall be executed and
24 sworn to and shall set forth the name and description of the

1 applicant and place of residence.

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

14 The Department of Natural Resources shall authorize
15 personnel of the Department or certified volunteer instructors
16 to conduct courses, of not less than 10 hours in length, in
17 firearms and hunter safety, which may include training in bow
18 and arrow safety, at regularly specified intervals throughout
19 the State. Persons successfully completing the course shall
20 receive a certificate of competency. The Department of Natural
21 Resources may further cooperate with any reputable association
22 or organization in establishing courses if the organization
23 has as one of its objectives the promotion of safety in the
24 handling of firearms or bow and arrow.

25 The Department of Natural Resources shall designate any
26 person found by it to be competent to give instruction in the

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

14 The fee for a hunting license to hunt all species for a
15 resident of Illinois is \$12. For residents age 65 or older,
16 and, commencing with the 2012 license year, resident veterans
17 of the United States Armed Forces after returning from service
18 abroad or mobilization by the President of the United States,
19 the fee is one-half of the fee charged for a hunting license to
20 hunt all species for a resident of Illinois. Veterans must
21 provide to the Department, at one of the Department's 5
22 regional offices, verification of their service. The
23 Department shall establish what constitutes suitable
24 verification of service for the purpose of issuing resident
25 veterans hunting licenses at a reduced fee. The fee for a
26 hunting license to hunt all species shall be \$1 for residents

1 over 75 years of age. Nonresidents shall be charged \$57 for a
2 hunting license.

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

6 A special nonresident hunting license authorizing a
7 nonresident to take game birds by hunting on a game breeding
8 and hunting preserve area only, established under Section
9 3.27, shall be issued upon proper application being made and
10 payment of a fee equal to that for a resident hunting license.
11 The expiration date of this license shall be on the same date
12 each year that game breeding and hunting preserve area
13 licenses expire.

14 Each applicant for a State Migratory Waterfowl Stamp,
15 regardless of his residence or other condition, shall pay a
16 fee of \$15 and shall receive a stamp. The fee for a State
17 Migratory Waterfowl Stamp shall be waived for residents over
18 75 years of age. Except as provided under Section 20-45 of the
19 Fish and Aquatic Life Code, the stamp shall be signed by the
20 person or affixed to his license or permit in a space
21 designated by the Department for that purpose.

22 Each applicant for a State Habitat Stamp, regardless of
23 his residence or other condition, shall pay a fee of \$5 and
24 shall receive a stamp. The fee for a State Habitat Stamp shall
25 be waived for residents over 75 years of age. Except as
26 provided under Section 20-45 of the Fish and Aquatic Life

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

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

7 The fees for State Pheasant Stamps and State Furbearer
8 Stamps shall be waived for residents over 75 years of age.

9 The Department shall furnish the holders of hunting
10 licenses and stamps with an insignia as evidence of possession
11 of license, or license and stamp, as the Department may
12 consider advisable. The insignia shall be exhibited and used
13 as the Department may order.

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

16 Every person holding any license, permit, or stamp issued
17 under the provisions of this Act shall have it in his
18 possession for immediate presentation for inspection to the
19 officers and authorized employees of the Department, any
20 sheriff, deputy sheriff, or any other peace officer making a
21 demand for it. This provision shall not apply to Department
22 owned or managed sites where it is required that all hunters
23 deposit their license or permit, ~~or Firearm Owner's~~
24 ~~Identification Card~~ at the check station upon entering the
25 hunting areas.

26 (Source: P.A. 100-638, eff. 1-1-19; 101-81, eff. 7-12-19.)

1 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

2 Sec. 3.2a. Every person holding any license, permit or
3 stamp issued under the provisions hereof shall have it in his
4 possession for immediate presentation for inspection to the
5 officers and authorized employees of the Department, any
6 sheriff, deputy sheriff or any other peace officer making a
7 demand for it. This provision shall not apply to Department
8 owned or managed sites where it is required that all hunters
9 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
10 ~~Identification Card~~ at the check station upon entering the
11 hunting areas.

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

13 Section 80. The Criminal Code of 2012 is amended by
14 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
15 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3B, 24-3.1, 24-3.2,
16 24-3.4, 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as
17 follows:

18 (720 ILCS 5/2-7.1)

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

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

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

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

10 (720 ILCS 5/2-7.5)

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

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing washable
22 marking colors;

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

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

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

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

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

13 Sec. 12-3.05. Aggravated battery.

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

18 (1) Causes great bodily harm or permanent disability
19 or disfigurement.

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

25 (3) Causes great bodily harm or permanent disability

1 or disfigurement to an individual whom the person knows to
2 be a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

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

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

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

15 (5) Strangles another individual.

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

21 (1) causes great bodily harm or permanent disability
22 or disfigurement to any child under the age of 13 years, or
23 to any person with a severe or profound intellectual
24 disability; or

25 (2) causes bodily harm or disability or disfigurement
26 to any child under the age of 13 years or to any person

1 with a severe or profound intellectual disability.

2 (c) Offense based on location of conduct. A person commits
3 aggravated battery when, in committing a battery, other than
4 by the discharge of a firearm, he or she is or the person
5 battered is on or about a public way, public property, a public
6 place of accommodation or amusement, a sports venue, or a
7 domestic violence shelter, or in a church, synagogue, mosque,
8 or other building, structure, or place used for religious
9 worship.

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

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

15 (2) A person who is pregnant or has a physical
16 disability.

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

20 (4) A peace officer, community policing volunteer,
21 fireman, private security officer, correctional
22 institution employee, or Department of Human Services
23 employee supervising or controlling sexually dangerous
24 persons or sexually violent persons:

25 (i) performing his or her official duties;

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

1 official duties; or

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

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

6 (i) performing his or her official duties;

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

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

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

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

16 (8) A taxi driver on duty.

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

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

26 (11) A nurse while in the performance of his or her

1 duties as a nurse.

2 (12) A merchant: (i) while performing his or her
3 duties, including, but not limited to, relaying directions
4 for healthcare or safety from his or her supervisor or
5 employer or relaying health or safety guidelines,
6 recommendations, regulations, or rules from a federal,
7 State, or local public health agency; and (ii) during a
8 disaster declared by the Governor, or a state of emergency
9 declared by the mayor of the municipality in which the
10 merchant is located, due to a public health emergency and
11 for a period of 6 months after such declaration.

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

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

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

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

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

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

7 (i) performing his or her official duties;

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

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

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

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

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

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

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

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

8 (i) performing his or her official duties;

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

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

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

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

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

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

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

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

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

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

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

24 (3) Knowingly causes or attempts to cause a
25 correctional institution employee or Department of Human
26 Services employee to come into contact with blood, seminal

1 fluid, urine, or feces by throwing, tossing, or expelling
2 the fluid or material, and the person is an inmate of a
3 penal institution or is a sexually dangerous person or
4 sexually violent person in the custody of the Department
5 of Human Services.

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

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

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

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

19 Aggravated battery as defined in subdivision (a)(1) is a
20 Class 2 felony when the person causes great bodily harm or
21 permanent disability to an individual whom the person knows to
22 be a member of a congregation engaged in prayer or other
23 religious activities at a church, synagogue, mosque, or other
24 building, structure, or place used for religious worship.

25 Aggravated battery under subdivision (a)(5) is a Class 1
26 felony if:

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

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

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

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

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

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

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

24 Aggravated battery as defined in subdivision (e)(6),
25 (e)(7), or (e)(8) is a Class X felony for which a person shall
26 be sentenced to a term of imprisonment of a minimum of 20 years

1 and a maximum of 60 years.

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

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

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

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

16 (i) Definitions. In this Section:

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

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

22 "Domestic violence shelter" means any building or other
23 structure used to provide shelter or other services to victims
24 or to the dependent children of victims of domestic violence
25 pursuant to the Illinois Domestic Violence Act of 1986 or the
26 Domestic Violence Shelters Act, or any place within 500 feet

1 of such a building or other structure in the case of a person
2 who is going to or from such a building or other structure.

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

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

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

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

15 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

16 (720 ILCS 5/16-0.1)

17 Sec. 16-0.1. Definitions. In this Article, unless the
18 context clearly requires otherwise, the following terms are
19 defined as indicated:

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

23 "Coin-operated machine" includes any automatic vending
24 machine or any part thereof, parking meter, coin telephone,
25 coin-operated transit turnstile, transit fare box, coin

1 laundry machine, coin dry cleaning machine, amusement machine,
2 music machine, vending machine dispensing goods or services,
3 or money changer.

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

21 "Communication service" means any service lawfully
22 provided for a charge or compensation to facilitate the lawful
23 origination, transmission, emission, or reception of signs,
24 signals, data, writings, images, and sounds or intelligence of
25 any nature by telephone, including cellular telephones or a
26 wire, wireless, radio, electromagnetic, photo-electronic or

1 photo-optical system; and also any service lawfully provided
2 by any radio, telephone, cable television, fiber optic,
3 satellite, microwave, Internet-based or wireless distribution
4 network, system, facility or technology, including, but not
5 limited to, any and all electronic, data, video, audio,
6 Internet access, telephonic, microwave and radio
7 communications, transmissions, signals and services, and any
8 such communications, transmissions, signals and services
9 lawfully provided directly or indirectly by or through any of
10 those networks, systems, facilities or technologies.

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

24 "Computer" means a device that accepts, processes, stores,
25 retrieves or outputs data, and includes but is not limited to
26 auxiliary storage and telecommunications devices connected to

1 computers.

2 "Continuing course of conduct" means a series of acts, and
3 the accompanying mental state necessary for the crime in
4 question, irrespective of whether the series of acts are
5 continuous or intermittent.

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

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

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

17 (1) An electronic funds transfer card.

18 (2) A credit card.

19 (3) A debit card.

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

21 (5) Any instrument, device, card, plate, code, account
22 number, personal identification number, or a record or
23 copy of a code, account number, or personal identification
24 number or other means of access to a credit account or
25 deposit account, or a driver's license or State
26 identification card used to access a proprietary account,

1 other than access originated solely by a paper instrument,
2 that can be used alone or in conjunction with another
3 access device, for any of the following purposes:

4 (A) Obtaining money, cash refund or credit
5 account, credit, goods, services, or any other thing
6 of value.

7 (B) Certifying or guaranteeing to a person or
8 business the availability to the device holder of
9 funds on deposit to honor a draft or check payable to
10 the order of that person or business.

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

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

24 "Internet" means an interactive computer service or system
25 or an information service, system, or access software provider
26 that provides or enables computer access by multiple users to

1 a computer server, and includes, but is not limited to, an
2 information service, system, or access software provider that
3 provides access to a network system commonly known as the
4 Internet, or any comparable system or service and also
5 includes, but is not limited to, a World Wide Web page,
6 newsgroup, message board, mailing list, or chat area on any
7 interactive computer service or system or other online
8 service.

9 "Library card" means a card or plate issued by a library
10 facility for purposes of identifying the person to whom the
11 library card was issued as authorized to borrow library
12 material, subject to all limitations and conditions imposed on
13 the borrowing by the library facility issuing such card.

14 "Library facility" includes any public library or museum,
15 or any library or museum of an educational, historical or
16 eleemosynary institution, organization or society.

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

26 "Manufacture or assembly of an unlawful access device"

1 means to make, produce or assemble an unlawful access device
2 or to modify, alter, program or re-program any instrument,
3 device, machine, equipment or software so that it is capable
4 of defeating or circumventing any technology, device or
5 software used by the provider, owner or licensee of a
6 communication service or of any data, audio or video programs
7 or transmissions to protect any such communication, data,
8 audio or video services, programs or transmissions from
9 unauthorized access, acquisition, disclosure, receipt,
10 decryption, communication, transmission or re-transmission.

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

21 "Master sound recording" means the original physical
22 object on which a given set of sounds were first recorded and
23 which the original object from which all subsequent sound
24 recordings embodying the same set of sounds are directly or
25 indirectly derived.

26 "Merchandise" means any item of tangible personal

1 property, including motor fuel.

2 "Merchant" means an owner or operator of any retail
3 mercantile establishment or any agent, employee, lessee,
4 consignee, officer, director, franchisee, or independent
5 contractor of the owner or operator. "Merchant" also means a
6 person who receives from an authorized user of a payment card,
7 or someone the person believes to be an authorized user, a
8 payment card or information from a payment card, or what the
9 person believes to be a payment card or information from a
10 payment card, as the instrument for obtaining, purchasing or
11 receiving goods, services, money, or anything else of value
12 from the person.

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

15 "Online" means the use of any electronic or wireless
16 device to access the Internet.

17 "Payment card" means a credit card, charge card, debit
18 card, or any other card that is issued to an authorized card
19 user and that allows the user to obtain, purchase, or receive
20 goods, services, money, or anything else of value from a
21 merchant.

22 "Person with a disability" means a person who suffers from
23 a physical or mental impairment resulting from disease,
24 injury, functional disorder or congenital condition that
25 impairs the individual's mental or physical ability to
26 independently manage his or her property or financial

1 resources, or both.

2 "Personal identification document" means a birth
3 certificate, a driver's license, a State identification card,
4 a public, government, or private employment identification
5 card, a social security card, a license issued under the
6 Firearm Concealed Carry Act ~~firearm owner's identification~~
7 ~~card~~, a credit card, a debit card, or a passport issued to or
8 on behalf of a person other than the offender, or any document
9 made or issued, or falsely purported to have been made or
10 issued, by or under the authority of the United States
11 Government, the State of Illinois, or any other state
12 political subdivision of any state, or any other governmental
13 or quasi-governmental organization that is of a type intended
14 for the purpose of identification of an individual, or any
15 such document made or altered in a manner that it falsely
16 purports to have been made on behalf of or issued to another
17 person or by the authority of one who did not give that
18 authority.

19 "Personal identifying information" means any of the
20 following information:

- 21 (1) A person's name.
- 22 (2) A person's address.
- 23 (3) A person's date of birth.
- 24 (4) A person's telephone number.
- 25 (5) A person's driver's license number or State of
26 Illinois identification card as assigned by the Secretary

1 of State of the State of Illinois or a similar agency of
2 another state.

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

4 (7) A person's public, private, or government
5 employer, place of employment, or employment
6 identification number.

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

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

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

15 (11) Personal identification numbers.

16 (12) Electronic identification numbers.

17 (13) Digital signals.

18 (14) User names, passwords, and any other word,
19 number, character or combination of the same usable in
20 whole or part to access information relating to a specific
21 individual, or to the actions taken, communications made
22 or received, or other activities or transactions of a
23 specific individual.

24 (15) Any other numbers or information which can be
25 used to access a person's financial resources, or to
26 identify a specific individual, or the actions taken,

1 communications made or received, or other activities or
2 transactions of a specific individual.

3 "Premises of a retail mercantile establishment" includes,
4 but is not limited to, the retail mercantile establishment;
5 any common use areas in shopping centers; and all parking
6 areas set aside by a merchant or on behalf of a merchant for
7 the parking of vehicles for the convenience of the patrons of
8 such retail mercantile establishment.

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

22 "Publish" means to communicate or disseminate information
23 to any one or more persons, either orally, in person, or by
24 telephone, radio or television or in writing of any kind,
25 including, without limitation, a letter or memorandum,
26 circular or handbill, newspaper or magazine article or book.

1 "Radio frequency identification device" means any
2 implement, computer file, computer disc, electronic device,
3 computer hardware, computer software, or instrument that is
4 used to activate, read, receive, or decode information stored
5 on a RFID tag or transponder attached to a personal
6 identification document.

7 "RFID tag or transponder" means a chip or device that
8 contains personal identifying information from which the
9 personal identifying information can be read or decoded by
10 another device emitting a radio frequency that activates or
11 powers a radio frequency emission response from the chip or
12 transponder.

13 "Reencoder" means an electronic device that places encoded
14 information from the magnetic strip or stripe of a payment
15 card onto the magnetic strip or stripe of a different payment
16 card.

17 "Retail mercantile establishment" means any place where
18 merchandise is displayed, held, stored or offered for sale to
19 the public.

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

24 "Shopping cart" means those push carts of the type or
25 types which are commonly provided by grocery stores, drug
26 stores or other retail mercantile establishments for the use

1 of the public in transporting commodities in stores and
2 markets and, incidentally, from the stores to a place outside
3 the store.

4 "Sound or audio visual recording" means any sound or audio
5 visual phonograph record, disc, pre-recorded tape, film, wire,
6 magnetic tape or other object, device or medium, now known or
7 hereafter invented, by which sounds or images may be
8 reproduced with or without the use of any additional machine,
9 equipment or device.

10 "Theft detection device remover" means any tool or device
11 specifically designed and intended to be used to remove any
12 theft detection device from any merchandise.

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

16 "Unidentified sound or audio visual recording" means a
17 sound or audio visual recording without the actual name and
18 full and correct street address of the manufacturer, and the
19 name of the actual performers or groups prominently and
20 legibly printed on the outside cover or jacket and on the label
21 of such sound or audio visual recording.

22 "Unlawful access device" means any type of instrument,
23 device, machine, equipment, technology, or software which is
24 primarily possessed, used, designed, assembled, manufactured,
25 sold, distributed or offered, promoted or advertised for the
26 purpose of defeating or circumventing any technology, device

1 or software, or any component or part thereof, used by the
2 provider, owner or licensee of any communication service or of
3 any data, audio or video programs or transmissions to protect
4 any such communication, audio or video services, programs or
5 transmissions from unauthorized access, acquisition, receipt,
6 decryption, disclosure, communication, transmission or
7 re-transmission.

8 "Unlawful communication device" means any electronic
9 serial number, mobile identification number, personal
10 identification number or any communication or wireless device
11 that is capable of acquiring or facilitating the acquisition
12 of a communication service without the express consent or
13 express authorization of the communication service provider,
14 or that has been altered, modified, programmed or
15 reprogrammed, alone or in conjunction with another
16 communication or wireless device or other equipment, to so
17 acquire or facilitate the unauthorized acquisition of a
18 communication service. "Unlawful communication device" also
19 means:

20 (1) any phone altered to obtain service without the
21 express consent or express authorization of the
22 communication service provider, tumbler phone, counterfeit
23 or clone phone, tumbler microchip, counterfeit or clone
24 microchip, scanning receiver of wireless communication
25 service or other instrument capable of disguising its
26 identity or location or of gaining unauthorized access to

1 a communications or wireless system operated by a
2 communication service provider; and

3 (2) any communication or wireless device which is
4 capable of, or has been altered, designed, modified,
5 programmed or reprogrammed, alone or in conjunction with
6 another communication or wireless device or devices, so as
7 to be capable of, facilitating the disruption,
8 acquisition, receipt, transmission or decryption of a
9 communication service without the express consent or
10 express authorization of the communication service
11 provider, including, but not limited to, any device,
12 technology, product, service, equipment, computer software
13 or component or part thereof, primarily distributed, sold,
14 designed, assembled, manufactured, modified, programmed,
15 reprogrammed or used for the purpose of providing the
16 unauthorized receipt of, transmission of, disruption of,
17 decryption of, access to or acquisition of any
18 communication service provided by any communication
19 service provider.

20 "Vehicle" means a motor vehicle, motorcycle, or farm
21 implement that is self-propelled and that uses motor fuel for
22 propulsion.

23 "Wireless device" includes any type of instrument, device,
24 machine, or equipment that is capable of transmitting or
25 receiving telephonic, electronic or radio communications, or
26 any part of such instrument, device, machine, or equipment, or

1 any computer circuit, computer chip, electronic mechanism, or
2 other component that is capable of facilitating the
3 transmission or reception of telephonic, electronic, or radio
4 communications.

5 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
6 1-1-12; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

8 Sec. 17-30. Defaced, altered, or removed manufacturer or
9 owner identification number.

10 (a) Unlawful sale of household appliances. A person
11 commits unlawful sale of household appliances when he or she
12 knowingly, with the intent to defraud or deceive another,
13 keeps for sale, within any commercial context, any household
14 appliance with a missing, defaced, obliterated, or otherwise
15 altered manufacturer's identification number.

16 (b) Construction equipment identification defacement. A
17 person commits construction equipment identification
18 defacement when he or she knowingly changes, alters, removes,
19 mutilates, or obliterates a permanently affixed serial number,
20 product identification number, part number, component
21 identification number, owner-applied identification, or other
22 mark of identification attached to or stamped, inscribed,
23 molded, or etched into a machine or other equipment, whether
24 stationary or mobile or self-propelled, or a part of such
25 machine or equipment, used in the construction, maintenance,

1 or demolition of buildings, structures, bridges, tunnels,
2 sewers, utility pipes or lines, ditches or open cuts, roads,
3 highways, dams, airports, or waterways or in material handling
4 for such projects.

5 The trier of fact may infer that the defendant has
6 knowingly changed, altered, removed, or obliterated the serial
7 number, product identification number, part number, component
8 identification number, owner-applied identification number, or
9 other mark of identification, if the defendant was in
10 possession of any machine or other equipment or a part of such
11 machine or equipment used in the construction, maintenance, or
12 demolition of buildings, structures, bridges, tunnels, sewers,
13 utility pipes or lines, ditches or open cuts, roads, highways,
14 dams, airports, or waterways or in material handling for such
15 projects upon which any such serial number, product
16 identification number, part number, component identification
17 number, owner-applied identification number, or other mark of
18 identification has been changed, altered, removed, or
19 obliterated.

20 (c) Defacement of manufacturer's serial number or
21 identification mark. A person commits defacement of a
22 manufacturer's serial number or identification mark when he or
23 she knowingly removes, alters, defaces, covers, or destroys
24 the manufacturer's serial number or any other manufacturer's
25 number or distinguishing identification mark upon any machine
26 or other article of merchandise, other than a motor vehicle as

1 defined in Section 1-146 of the Illinois Vehicle Code or a
2 firearm ~~as defined in the Firearm Owners Identification Card~~
3 ~~Act~~, with the intent of concealing or destroying the identity
4 of such machine or other article of merchandise.

5 (d) Sentence.

6 (1) A violation of subsection (a) of this Section is a
7 Class 4 felony if the value of the appliance or appliances
8 exceeds \$1,000 and a Class B misdemeanor if the value of
9 the appliance or appliances is \$1,000 or less.

10 (2) A violation of subsection (b) of this Section is a
11 Class A misdemeanor.

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

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

16 (f) Definitions. In this Section:

17 "Commercial context" means a continuing business
18 enterprise conducted for profit by any person whose primary
19 business is the wholesale or retail marketing of household
20 appliances, or a significant portion of whose business or
21 inventory consists of household appliances kept or sold on a
22 wholesale or retail basis.

23 "Household appliance" means any gas or electric device or
24 machine marketed for use as home entertainment or for
25 facilitating or expediting household tasks or chores. The term
26 shall include but not necessarily be limited to refrigerators,

1 freezers, ranges, radios, television sets, vacuum cleaners,
2 toasters, dishwashers, and other similar household items.

3 "Manufacturer's identification number" means any serial
4 number or other similar numerical or alphabetical designation
5 imprinted upon or attached to or placed, stamped, or otherwise
6 imprinted upon or attached to a household appliance or item by
7 the manufacturer for purposes of identifying a particular
8 appliance or item individually or by lot number.

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

10 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

14 (1) Sells, manufactures, purchases, possesses or
15 carries any bludgeon, black-jack, slung-shot, sand-club,
16 sand-bag, metal knuckles or other knuckle weapon
17 regardless of its composition, throwing star, or any
18 knife, commonly referred to as a switchblade knife, which
19 has a blade that opens automatically by hand pressure
20 applied to a button, spring or other device in the handle
21 of the knife, or a ballistic knife, which is a device that
22 propels a knifelike blade as a projectile by means of a
23 coil spring, elastic material or compressed gas; or

24 (2) Carries or possesses with intent to use the same
25 unlawfully against another, a dagger, dirk, billy,

1 dangerous knife, razor, stiletto, broken bottle or other
2 piece of glass, stun gun or taser or any other dangerous or
3 deadly weapon or instrument of like character; or

4 (2.5) Carries or possesses with intent to use the same
5 unlawfully against another, any firearm in a church,
6 synagogue, mosque, or other building, structure, or place
7 used for religious worship; or

8 (3) Carries on or about his person or in any vehicle, a
9 tear gas gun projector or bomb or any object containing
10 noxious liquid gas or substance, other than an object
11 containing a non-lethal noxious liquid gas or substance
12 designed solely for personal defense carried by a person
13 18 years of age or older; or

14 (4) Carries or possesses in any vehicle or concealed
15 on or about his person except when on his land or in his
16 own abode, legal dwelling, or fixed place of business, or
17 on the land or in the legal dwelling of another person as
18 an invitee with that person's permission, any pistol,
19 revolver, stun gun or taser or other firearm, except that
20 this subsection (a) (4) does not apply to or affect
21 transportation of weapons that meet one of the following
22 conditions:

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container by a

1 person eligible under State and federal law to possess
2 a firearm ~~who has been issued a currently valid~~
3 ~~Firearm Owner's Identification Card; or~~

4 (iv) are carried or possessed in accordance with
5 the Firearm Concealed Carry Act by a person who has
6 been issued a currently valid license under the
7 Firearm Concealed Carry Act; or

8 (5) Sets a spring gun; or

9 (6) Possesses any device or attachment of any kind
10 designed, used or intended for use in silencing the report
11 of any firearm; or

12 (7) Sells, manufactures, purchases, possesses or
13 carries:

14 (i) a machine gun, which shall be defined for the
15 purposes of this subsection as any weapon, which
16 shoots, is designed to shoot, or can be readily
17 restored to shoot, automatically more than one shot
18 without manually reloading by a single function of the
19 trigger, including the frame or receiver of any such
20 weapon, or sells, manufactures, purchases, possesses,
21 or carries any combination of parts designed or
22 intended for use in converting any weapon into a
23 machine gun, or any combination or parts from which a
24 machine gun can be assembled if such parts are in the
25 possession or under the control of a person;

26 (ii) any rifle having one or more barrels less

1 than 16 inches in length or a shotgun having one or
2 more barrels less than 18 inches in length or any
3 weapon made from a rifle or shotgun, whether by
4 alteration, modification, or otherwise, if such a
5 weapon as modified has an overall length of less than
6 26 inches; or

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

12 (8) Carries or possesses any firearm, stun gun or
13 taser or other deadly weapon in any place which is
14 licensed to sell intoxicating beverages, or at any public
15 gathering held pursuant to a license issued by any
16 governmental body or any public gathering at which an
17 admission is charged, excluding a place where a showing,
18 demonstration or lecture involving the exhibition of
19 unloaded firearms is conducted.

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

24 (9) Carries or possesses in a vehicle or on or about
25 his or her person any pistol, revolver, stun gun or taser
26 or firearm or ballistic knife, when he or she is hooded,

1 robed or masked in such manner as to conceal his or her
2 identity; or

3 (10) Carries or possesses on or about his or her
4 person, upon any public street, alley, or other public
5 lands within the corporate limits of a city, village, or
6 incorporated town, except when an invitee thereon or
7 therein, for the purpose of the display of such weapon or
8 the lawful commerce in weapons, or except when on his land
9 or in his or her own abode, legal dwelling, or fixed place
10 of business, or on the land or in the legal dwelling of
11 another person as an invitee with that person's
12 permission, any pistol, revolver, stun gun, or taser or
13 other firearm, except that this subsection (a) (10) does
14 not apply to or affect transportation of weapons that meet
15 one of the following conditions:

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

17 (ii) are not immediately accessible; or

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

23 (iv) are carried or possessed in accordance with
24 the Firearm Concealed Carry Act by a person who has
25 been issued a currently valid license under the
26 Firearm Concealed Carry Act.

1 A "stun gun or taser", as used in this paragraph (a)
2 means (i) any device which is powered by electrical
3 charging units, such as, batteries, and which fires one or
4 several barbs attached to a length of wire and which, upon
5 hitting a human, can send out a current capable of
6 disrupting the person's nervous system in such a manner as
7 to render him incapable of normal functioning or (ii) any
8 device which is powered by electrical charging units, such
9 as batteries, and which, upon contact with a human or
10 clothing worn by a human, can send out current capable of
11 disrupting the person's nervous system in such a manner as
12 to render him incapable of normal functioning; or

13 (11) Sells, manufactures, or purchases any explosive
14 bullet. For purposes of this paragraph (a) "explosive
15 bullet" means the projectile portion of an ammunition
16 cartridge which contains or carries an explosive charge
17 which will explode upon contact with the flesh of a human
18 or an animal. "Cartridge" means a tubular metal case
19 having a projectile affixed at the front thereof and a cap
20 or primer at the rear end thereof, with the propellant
21 contained in such tube between the projectile and the cap;
22 or

23 (12) (Blank); or

24 (13) Carries or possesses on or about his or her
25 person while in a building occupied by a unit of
26 government, a billy club, other weapon of like character,

1 or other instrument of like character intended for use as
2 a weapon. For the purposes of this Section, "billy club"
3 means a short stick or club commonly carried by police
4 officers which is either telescopic or constructed of a
5 solid piece of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
9 Class A misdemeanor. A person convicted of a violation of
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
11 a person convicted of a violation of subsection 24-1(a)(6) or
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a
14 Class 2 felony and shall be sentenced to a term of imprisonment
15 of not less than 3 years and not more than 7 years, unless the
16 weapon is possessed in the passenger compartment of a motor
17 vehicle as defined in Section 1-146 of the Illinois Vehicle
18 Code, or on the person, while the weapon is loaded, in which
19 case it shall be a Class X felony. A person convicted of a
20 second or subsequent violation of subsection 24-1(a)(4),
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
22 felony. A person convicted of a violation of subsection
23 24-1(a)(2.5) commits a Class 2 felony. The possession of each
24 weapon in violation of this Section constitutes a single and
25 separate violation.

26 (c) Violations in specific places.

1 (1) A person who violates subsection 24-1(a)(6) or
2 24-1(a)(7) in any school, regardless of the time of day or
3 the time of year, in residential property owned, operated
4 or managed by a public housing agency or leased by a public
5 housing agency as part of a scattered site or mixed-income
6 development, in a public park, in a courthouse, on the
7 real property comprising any school, regardless of the
8 time of day or the time of year, on residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, on the real property
12 comprising any public park, on the real property
13 comprising any courthouse, in any conveyance owned, leased
14 or contracted by a school to transport students to or from
15 school or a school related activity, in any conveyance
16 owned, leased, or contracted by a public transportation
17 agency, or on any public way within 1,000 feet of the real
18 property comprising any school, public park, courthouse,
19 public transportation facility, or residential property
20 owned, operated, or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development commits a Class 2 felony
23 and shall be sentenced to a term of imprisonment of not
24 less than 3 years and not more than 7 years.

25 (1.5) A person who violates subsection 24-1(a)(4),
26 24-1(a)(9), or 24-1(a)(10) in any school, regardless of

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

22 (2) A person who violates subsection 24-1(a)(1),
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
24 time of day or the time of year, in residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a
2 courthouse, on the real property comprising any school,
3 regardless of the time of day or the time of year, on
4 residential property owned, operated or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development,
7 on the real property comprising any public park, on the
8 real property comprising any courthouse, in any conveyance
9 owned, leased or contracted by a school to transport
10 students to or from school or a school related activity,
11 in any conveyance owned, leased, or contracted by a public
12 transportation agency, or on any public way within 1,000
13 feet of the real property comprising any school, public
14 park, courthouse, public transportation facility, or
15 residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development
18 commits a Class 4 felony. "Courthouse" means any building
19 that is used by the Circuit, Appellate, or Supreme Court
20 of this State for the conduct of official business.

21 (3) Paragraphs (1), (1.5), and (2) of this subsection
22 (c) shall not apply to law enforcement officers or
23 security officers of such school, college, or university
24 or to students carrying or possessing firearms for use in
25 training courses, parades, hunting, target shooting on
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded
2 enclosed in a suitable case, box, or transportation
3 package.

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

7 (5) For the purposes of this subsection (c), "public
8 transportation agency" means a public or private agency
9 that provides for the transportation or conveyance of
10 persons by means available to the general public, except
11 for transportation by automobiles not used for conveyance
12 of the general public as passengers; and "public
13 transportation facility" means a terminal or other place
14 where one may obtain public transportation.

15 (d) The presence in an automobile other than a public
16 omnibus of any weapon, instrument or substance referred to in
17 subsection (a)(7) is prima facie evidence that it is in the
18 possession of, and is being carried by, all persons occupying
19 such automobile at the time such weapon, instrument or
20 substance is found, except under the following circumstances:
21 (i) if such weapon, instrument or instrumentality is found
22 upon the person of one of the occupants therein; or (ii) if
23 such weapon, instrument or substance is found in an automobile
24 operated for hire by a duly licensed driver in the due, lawful
25 and proper pursuit of his or her trade, then such presumption
26 shall not apply to the driver.

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater
3 Spearguns are exempted from the definition of ballistic
4 knife as defined in paragraph (1) of subsection (a) of
5 this Section.

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

18 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

19 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

20 Sec. 24-1.1. Unlawful use or possession of weapons by
21 felons or persons in the custody of the Department of
22 Corrections facilities.

23 (a) It is unlawful for a person to knowingly possess on or
24 about his person or on his land or in his own abode or fixed
25 place of business any weapon prohibited under Section 24-1 of

1 this Act or any firearm or any firearm ammunition if the person
2 has been convicted of a felony under the laws of this State or
3 any other jurisdiction. This Section shall not apply if the
4 person has been granted relief under this subsection ~~by the~~
5 ~~Director of the Department of State Police under Section 10 of~~
6 ~~the Firearm Owners Identification Card Act.~~ A person
7 prohibited from possessing a firearm under this subsection (a)
8 may petition the Director of the Illinois State Police for a
9 hearing and relief from the prohibition, unless the
10 prohibition was based upon a forcible felony, stalking,
11 aggravated stalking, domestic battery, any violation of the
12 Illinois Controlled Substances Act, the Methamphetamine
13 Control and Community Protection Act, or the Cannabis Control
14 Act that is classified as a Class 2 or greater felony, any
15 felony violation of Article 24 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, or any adjudication as a delinquent
17 minor for the commission of an offense that if committed by an
18 adult would be a felony, in which case the person may petition
19 the circuit court in writing in the county of his or her
20 residence for a hearing and relief from the prohibition. The
21 Director or court may grant the relief if it is established by
22 the petitioner to the court's or Director's satisfaction that:

23 (1) when in the circuit court, the State's Attorney
24 has been served with a written copy of the petition at
25 least 30 days before any hearing in the circuit court and
26 at the hearing the State's Attorney was afforded an

1 opportunity to present evidence and object to the
2 petition;

3 (2) the petitioner has not been convicted of a
4 forcible felony under the laws of this State or any other
5 jurisdiction within 20 years of the filing of the
6 petition, or at least 20 years have passed since the end of
7 any period of imprisonment imposed in relation to that
8 conviction;

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

14 (4) granting relief would not be contrary to the
15 public interest; and

16 (5) granting relief would not be contrary to federal
17 law.

18 (b) It is unlawful for any person confined in a penal
19 institution, which is a facility of the Illinois Department of
20 Corrections, to possess any weapon prohibited under Section
21 24-1 of this Code or any firearm or firearm ammunition,
22 regardless of the intent with which he possesses it.

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

1 (d) The defense of necessity is not available to a person
2 who is charged with a violation of subsection (b) of this
3 Section.

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

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

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

19 (720 ILCS 5/24-1.6)

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

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

23 (1) Carries on or about his or her person or in any
24 vehicle or concealed on or about his or her person except
25 when on his or her land or in his or her abode, legal

1 dwelling, or fixed place of business, or on the land or in
2 the legal dwelling of another person as an invitee with
3 that person's permission, any pistol, revolver, stun gun
4 or taser or other firearm; or

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

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

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

20 (A-5) the pistol, revolver, or handgun possessed
21 was uncased, loaded, and immediately accessible at the
22 time of the offense and the person possessing the
23 pistol, revolver, or handgun has not been issued a
24 currently valid license under the Firearm Concealed
25 Carry Act; or

26 (B) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, unloaded, and the
2 ammunition for the weapon was immediately accessible
3 at the time of the offense; or

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

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

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

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

24 (F) (blank); or

25 (G) the person possessing the weapon had an order
26 of protection issued against him or her within the

1 previous 2 years; or

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

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

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

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

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

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

18 (ii) are not immediately accessible; or

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

24 (d) Sentence.

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

1 for which the person shall be sentenced to a term of
2 imprisonment of not less than 3 years and not more than 7
3 years, except as provided for in Section 5-4.5-110 of the
4 Unified Code of Corrections.

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

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

21 (4) Aggravated unlawful use of a weapon while wearing
22 or in possession of body armor as defined in Section 33F-1
23 by a person who is prohibited under State or federal law
24 from possessing a firearm ~~has not been issued a valid~~
25 ~~Firearms Owner's Identification Card in accordance with~~
26 ~~Section 5 of the Firearm Owners Identification Card Act is~~

1 a Class X felony.

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

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

5 (720 ILCS 5/24-1.8)

6 Sec. 24-1.8. Unlawful possession of a firearm by a street
7 gang member.

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

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

17 (2) possesses or carries in any vehicle a firearm and
18 firearm ammunition which are both immediately accessible
19 at the time of the offense while on any street, road,
20 alley, or any other lands, except when inside his or her
21 own abode or garage, ~~and has not been issued a currently~~
22 ~~valid Firearm Owner's Identification Card~~ and is a member
23 of a street gang.

24 (b) Unlawful possession of a firearm by a street gang
25 member is a Class 2 felony for which the person, if sentenced

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

9 (c) For purposes of this Section:

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

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

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

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

19 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
20 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
21 the following:

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

25 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense,
3 while in the performance of their official duty, or while
4 commuting between their homes and places of employment.

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

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

16 (5) Persons licensed as private security contractors,
17 private detectives, or private alarm contractors, or
18 employed by a private security contractor, private
19 detective, or private alarm contractor agency licensed by
20 the Department of Financial and Professional Regulation,
21 if their duties include the carrying of a weapon under the
22 provisions of the Private Detective, Private Alarm,
23 Private Security, Fingerprint Vendor, and Locksmith Act of
24 2004, while actually engaged in the performance of the
25 duties of their employment or commuting between their
26 homes and places of employment. A person shall be

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

20 (6) Any person regularly employed in a commercial or
21 industrial operation as a security guard for the
22 protection of persons employed and private property
23 related to such commercial or industrial operation, while
24 actually engaged in the performance of his or her duty or
25 traveling between sites or properties belonging to the
26 employer, and who, as a security guard, is a member of a

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

22 (7) Agents and investigators of the Illinois
23 Legislative Investigating Commission authorized by the
24 Commission to carry the weapons specified in subsections
25 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
26 any investigation for the Commission.

1 (8) Persons employed by a financial institution as a
2 security guard for the protection of other employees and
3 property related to such financial institution, while
4 actually engaged in the performance of their duties,
5 commuting between their homes and places of employment, or
6 traveling between sites or properties owned or operated by
7 such financial institution, and who, as a security guard,
8 is a member of a security force registered with the
9 Department; provided that any person so employed has
10 successfully completed a course of study, approved by and
11 supervised by the Department of Financial and Professional
12 Regulation, consisting of not less than 40 hours of
13 training which includes theory of law enforcement,
14 liability for acts, and the handling of weapons. A person
15 shall be considered to be eligible for this exemption if
16 he or she has completed the required 20 hours of training
17 for a security officer and 20 hours of required firearm
18 training, and has been issued a firearm control card by
19 the Department of Financial and Professional Regulation.
20 Conditions for renewal of firearm control cards issued
21 under the provisions of this Section shall be the same as
22 for those issued under the provisions of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004. The firearm control
25 card shall be carried by the security guard at all times
26 when he or she is in possession of a concealable weapon

1 permitted by his or her firearm control card. For purposes
2 of this subsection, "financial institution" means a bank,
3 savings and loan association, credit union or company
4 providing armored car services.

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

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

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

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

18 (12.5) Probation officers while in the performance of
19 their duties, or while commuting between their homes,
20 places of employment or specific locations that are part
21 of their assigned duties, with the consent of the chief
22 judge of the circuit for which they are employed, if they
23 have received weapons training according to requirements
24 of the Peace Officer and Probation Officer Firearm
25 Training Act.

26 (13) Court Security Officers while in the performance

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

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

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

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

18 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
19 to or affect a qualified current or retired law enforcement
20 officer qualified under the laws of this State or under the
21 federal Law Enforcement Officers Safety Act.

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

24 (1) Members of any club or organization organized for
25 the purpose of practicing shooting at targets upon
26 established target ranges, whether public or private, and

1 patrons of such ranges, while such members or patrons are
2 using their firearms on those target ranges.

3 (2) Duly authorized military or civil organizations
4 while parading, with the special permission of the
5 Governor.

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

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

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

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

16 (1) Peace officers while in performance of their
17 official duties.

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

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

24 (4) Manufacture, transportation, or sale of machine
25 guns to persons authorized under subdivisions (1) through
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or
2 are not immediately accessible.

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

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

20 (6) The manufacture, transport, testing, delivery,
21 transfer or sale, and all lawful commercial or
22 experimental activities necessary thereto, of rifles,
23 shotguns, and weapons made from rifles or shotguns, or
24 ammunition for such rifles, shotguns or weapons, where
25 engaged in by a person operating as a contractor or
26 subcontractor pursuant to a contract or subcontract for

1 the development and supply of such rifles, shotguns,
2 weapons or ammunition to the United States government or
3 any branch of the Armed Forces of the United States, when
4 such activities are necessary and incident to fulfilling
5 the terms of such contract.

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

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

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

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

4 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
5 Section 24-1.6 do not apply to members of any club or
6 organization organized for the purpose of practicing shooting
7 at targets upon established target ranges, whether public or
8 private, while using their firearms on those target ranges.

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

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

14 (2) Bonafide collectors of antique or surplus military
15 ordnance.

16 (3) Laboratories having a department of forensic
17 ballistics, or specializing in the development of
18 ammunition or explosive ordnance.

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

1 by an exempted manufacturer.

2 (g-5) Subsection 24-1(a)(6) does not apply to or affect
3 persons licensed under federal law to manufacture any device
4 or attachment of any kind designed, used, or intended for use
5 in silencing the report of any firearm, firearms, or
6 ammunition for those firearms equipped with those devices, and
7 actually engaged in the business of manufacturing those
8 devices, firearms, or ammunition, but only with respect to
9 activities that are within the lawful scope of that business,
10 such as the manufacture, transportation, or testing of those
11 devices, firearms, or ammunition. This exemption does not
12 authorize the general private possession of any device or
13 attachment of any kind designed, used, or intended for use in
14 silencing the report of any firearm, but only such possession
15 and activities as are within the lawful scope of a licensed
16 manufacturing business described in this subsection (g-5).
17 During transportation, these devices shall be detached from
18 any weapon or not immediately accessible.

19 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect any parole agent or parole
21 supervisor who meets the qualifications and conditions
22 prescribed in Section 3-14-1.5 of the Unified Code of
23 Corrections.

24 (g-7) Subsection 24-1(a)(6) does not apply to a peace
25 officer while serving as a member of a tactical response team
26 or special operations team. A peace officer may not personally

1 own or apply for ownership of a device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm. These devices shall be owned and
4 maintained by lawfully recognized units of government whose
5 duties include the investigation of criminal acts.

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

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

21 (i) Nothing in this Article shall prohibit, apply to, or
22 affect the transportation, carrying, or possession, of any
23 pistol or revolver, stun gun, taser, or other firearm
24 consigned to a common carrier operating under license of the
25 State of Illinois or the federal government, where such
26 transportation, carrying, or possession is incident to the

1 lawful transportation in which such common carrier is engaged;
2 and nothing in this Article shall prohibit, apply to, or
3 affect the transportation, carrying, or possession of any
4 pistol, revolver, stun gun, taser, or other firearm, not the
5 subject of and regulated by subsection 24-1(a)(7) or
6 subsection 24-2(c) of this Article, which is unloaded and
7 enclosed in a case, firearm carrying box, shipping box, or
8 other container, by a person eligible under State and federal
9 law to possess a firearm ~~the possessor of a valid Firearm~~
10 ~~Owners Identification Card.~~

11 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

12 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

24 (d) Sells or gives any firearm to any person who has
25 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 is not eligible under State or
7 federal law to possess a firearm ~~does not possess a valid~~
8 ~~Firearm Owner's Identification Card.~~

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

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

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

1 required as to a person who engages in the regular and
2 repetitive purchase and disposition of firearms for
3 criminal purposes or terrorism.

4 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
5 ~~to a person who does not display to the seller or~~
6 ~~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) (Blank). ~~All sellers or transferors who have~~
7 ~~complied with the requirements of subparagraph (1) of~~
8 ~~this paragraph (k) shall not be liable for damages in~~
9 ~~any 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) (Blank). ~~Any person convicted of unlawful sale or~~
6 ~~delivery of firearms in violation of paragraph (k) of~~
7 ~~subsection (A) commits a Class 4 felony, except that a~~
8 ~~violation of subparagraph (1) of paragraph (k) of~~
9 ~~subsection (A) shall not be punishable as a crime or petty~~
10 ~~offense. A third or subsequent conviction for a violation~~
11 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

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

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

24 (10) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (l) of subsection
26 (A) commits a Class 2 felony if the delivery is of one

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

1 for which he or she shall be sentenced to a term of
2 imprisonment of not less than 6 years and not more than 60
3 years if the delivery is of 31 or more firearms at the same
4 time or within a 5 year period.

5 (D) For purposes of this Section:

6 "School" means a public or private elementary or secondary
7 school, community college, college, or university.

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

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

19 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
20 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

21 (720 ILCS 5/24-3B)

22 Sec. 24-3B. Firearms trafficking.

23 (a) A person commits firearms trafficking when he or she
24 is prohibited under federal or State law from possessing a
25 firearm ~~has not been issued a currently valid Firearm Owner's~~

1 ~~Identification Card~~ and knowingly:

2 (1) brings, or causes to be brought, into this State,
3 a firearm or firearm ammunition for the purpose of sale,
4 delivery, or transfer to any other person or with the
5 intent to sell, deliver, or transfer the firearm or
6 firearm ammunition to any other person; or

7 (2) brings, or causes to be brought, into this State,
8 a firearm and firearm ammunition for the purpose of sale,
9 delivery, or transfer to any other person or with the
10 intent to sell, deliver, or transfer the firearm and
11 firearm ammunition to any other person.

12 (a-5) (Blank). ~~This Section does not apply to:~~

13 ~~(1) a person exempt under Section 2 of the Firearm~~
14 ~~Owners Identification Card Act from the requirement of~~
15 ~~having possession of a Firearm Owner's Identification Card~~
16 ~~previously issued in his or her name by the Department of~~
17 ~~State Police in order to acquire or possess a firearm or~~
18 ~~firearm ammunition;~~

19 ~~(2) a common carrier under subsection (i) of Section~~
20 ~~24-2 of this Code; or~~

21 ~~(3) a non-resident who may lawfully possess a firearm~~
22 ~~in his or her resident state.~~

23 (b) Sentence.

24 (1) Firearms trafficking is a Class 1 felony for which
25 the person, if sentenced to a term of imprisonment, shall
26 be sentenced to not less than 4 years and not more than 20

1 years.

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

7 (Source: P.A. 99-885, eff. 8-23-16.)

8 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

9 Sec. 24-3.1. Unlawful possession of firearms and firearm
10 ammunition.

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

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

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

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

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

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used
4 primarily for the care or treatment of persons with
5 mental illness.

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

12 (5) He is a person with an intellectual disability and
13 has any firearms or firearm ammunition in his possession;
14 or

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

16 For purposes of this paragraph "explosive bullet" means
17 the projectile portion of an ammunition cartridge which
18 contains or carries an explosive charge which will explode
19 upon contact with the flesh of a human or an animal.

20 "Cartridge" means a tubular metal case having a projectile
21 affixed at the front thereof and a cap or primer at the rear
22 end thereof, with the propellant contained in such tube
23 between the projectile and the cap.

24 (a-5) A person prohibited from possessing a firearm under
25 this Section may petition the Director of the Illinois State
26 Police for a hearing and relief from the prohibition, unless

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

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

20 (2) the petitioner has not been convicted of a
21 forcible felony under the laws of this State or any other
22 jurisdiction within 20 years of the filing of the
23 petition, or at least 20 years have passed since the end of
24 any period of imprisonment imposed in relation to that
25 conviction;

26 (3) the circumstances regarding a criminal conviction,

1 where applicable, the petitioner's criminal history and
2 his reputation are such that the petitioner will not be
3 likely to act in a manner dangerous to public safety;

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

6 (5) granting relief would not be contrary to federal
7 law.

8 (b) Sentence.

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

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

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

22 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

24 (a) A person commits the offense of unlawful discharge of
25 firearm projectiles when he or she knowingly or recklessly

1 uses an armor piercing bullet, dragon's breath shotgun shell,
2 bolo shell, or flechette shell in violation of this Section.

3 For purposes of this Section:

4 "Armor piercing bullet" means any handgun bullet or
5 handgun ammunition with projectiles or projectile cores
6 constructed entirely (excluding the presence of traces of
7 other substances) from tungsten alloys, steel, iron, brass,
8 bronze, beryllium copper or depleted uranium, or fully
9 jacketed bullets larger than 22 caliber whose jacket has a
10 weight of more than 25% of the total weight of the projectile,
11 and excluding those handgun projectiles whose cores are
12 composed of soft materials such as lead or lead alloys, zinc or
13 zinc alloys, frangible projectiles designed primarily for
14 sporting purposes, and any other projectiles or projectile
15 cores that the U. S. Secretary of the Treasury finds to be
16 primarily intended to be used for sporting purposes or
17 industrial purposes or that otherwise does not constitute
18 "armor piercing ammunition" as that term is defined by federal
19 law.

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

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

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

4 (b) A person commits a Class X felony when he or she,
5 knowing that a firearm, ~~as defined in Section 1.1 of the~~
6 ~~Firearm Owners Identification Card Act,~~ is loaded with an
7 armor piercing bullet, dragon's breath shotgun shell, bolo
8 shell, or flechette shell, intentionally or recklessly
9 discharges such firearm and such bullet or shell strikes any
10 other person.

11 (c) Any person who possesses, concealed on or about his or
12 her person, an armor piercing bullet, dragon's breath shotgun
13 shell, bolo shell, or flechette shell and a firearm suitable
14 for the discharge thereof is guilty of a Class 2 felony.

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

17 (1) Peace officers;

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

21 (3) Members of the Armed Services or Reserve Forces of
22 the United States or the Illinois National Guard while in
23 the performance of their official duties;

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

26 (5) United States Marshals, while engaged in the

1 performance of their official duties.

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

3 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

5 (a) It shall be unlawful for any person who holds a license
6 to sell at retail any alcoholic liquor issued by the Illinois
7 Liquor Control Commission or local liquor control commissioner
8 under the Liquor Control Act of 1934 or an agent or employee of
9 the licensee to sell or deliver to any other person a firearm
10 in or on the real property of the establishment where the
11 licensee is licensed to sell alcoholic liquors unless the sale
12 or delivery of the firearm is otherwise lawful under this
13 Article ~~and under the Firearm Owners Identification Card Act.~~

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

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

17 (720 ILCS 5/24-3.5)

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

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

21 (1) executed by a transferee of a firearm stating: (i)
22 the transferee's name and address (including county or
23 similar political subdivision); (ii) whether the
24 transferee is a citizen of the United States; (iii) the

1 transferee's State of residence; and (iv) the date and
2 place of birth, height, weight, and race of the
3 transferee; and

4 (2) on which the transferee certifies that he or she
5 is not prohibited by federal law from transporting or
6 shipping a firearm in interstate or foreign commerce or
7 receiving a firearm that has been shipped or transported
8 in interstate or foreign commerce or possessing a firearm
9 in or affecting commerce.

10 (b) A person commits the offense of unlawful purchase of a
11 firearm who knowingly purchases or attempts to purchase a
12 firearm with the intent to deliver that firearm to another
13 person who is prohibited by federal or State law from
14 possessing a firearm.

15 (c) A person commits the offense of unlawful purchase of a
16 firearm when he or she, in purchasing or attempting to
17 purchase a firearm, intentionally provides false or misleading
18 information on a United States Department of the Treasury,
19 Bureau of Alcohol, Tobacco and Firearms firearms transaction
20 record form.

21 (d) Exemption. It is not a violation of subsection (b) of
22 this Section for a person to make a gift or loan of a firearm
23 to a person who is not prohibited by federal or State law from
24 possessing a firearm ~~if the transfer of the firearm is made in~~
25 ~~accordance with Section 3 of the Firearm Owners Identification~~
26 ~~Card Act.~~

1 (e) Sentence.

2 (1) A person who commits the offense of unlawful
3 purchase of a firearm:

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

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

10 (C) is guilty of a Class X felony for which the
11 offender shall be sentenced to a term of imprisonment
12 of not less than 9 years and not more than 40 years for
13 purchasing or attempting to purchase not less than 6
14 firearms at the same time or within a 2 year period.

15 (2) In addition to any other penalty that may be
16 imposed for a violation of this Section, the court may
17 sentence a person convicted of a violation of subsection
18 (c) of this Section to a fine not to exceed \$250,000 for
19 each violation.

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

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

24 (720 ILCS 5/24-4.1)

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

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

7 (b) A law enforcement agency having jurisdiction shall
8 take a written report and shall, as soon as practical, enter
9 the firearm's serial number as stolen into the Law Enforcement
10 Agencies Data System (LEADS).

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

12 (1) the failure to report is due to an act of God, act
13 of war, or inability of a law enforcement agency to
14 receive the report;

15 (2) the person is hospitalized, in a coma, or is
16 otherwise seriously physically or mentally impaired as to
17 prevent the person from reporting; or

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

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

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

24 (720 ILCS 5/24-4.5 new)

25 Sec. 24-4.5. Dial up system.

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

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

1 firearm.

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

4 (1) assign a unique identification number to the
5 transfer; and

6 (2) provide the licensee, gun show promoter, or gun
7 show vendor with the number.

8 (d) Approvals issued by the Illinois State Police for the
9 purchase of a firearm are valid for 30 days from the date of
10 issue.

11 (e) (1) The Illinois State Police must act as the Illinois
12 Point of Contact for the National Instant Criminal Background
13 Check System.

14 (2) The Illinois State Police and the Department of Human
15 Services shall, in accordance with State and federal law
16 regarding confidentiality, enter into a memorandum of
17 understanding with the Federal Bureau of Investigation for the
18 purpose of implementing the National Instant Criminal
19 Background Check System in the State. The Illinois State
20 Police shall report the name, date of birth, and physical
21 description of any person prohibited from possessing a firearm
22 under this Code or 18 U.S.C. 922(g) and (n) to the National
23 Instant Criminal Background Check System Index, Denied Persons
24 Files.

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

1 (720 ILCS 5/24-9)

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

3 (a) Except as provided in subsection (c), it is unlawful
4 for any person to store or leave, within premises under his or
5 her control, a firearm if the person knows or has reason to
6 believe that a minor under the age of 14 years ~~who does not~~
7 ~~have a Firearm Owners Identification Card~~ is likely to gain
8 access to the firearm without the lawful permission of the
9 person possessing the firearm, minor's parent, guardian, or
10 person having charge of the minor, and the minor causes death
11 or great bodily harm with the firearm, unless the firearm is:

12 (1) secured by a device or mechanism, other than the
13 firearm safety, designed to render a firearm temporarily
14 inoperable; or

15 (2) placed in a securely locked box or container; or

16 (3) placed in some other location that a reasonable
17 person would believe to be secure from a minor under the
18 age of 14 years.

19 (b) Sentence. A person who violates this Section is guilty
20 of a Class C misdemeanor and shall be fined not less than
21 \$1,000. A second or subsequent violation of this Section is a
22 Class A misdemeanor.

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

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

1 defense of another; or

2 (2) to any firearm obtained by a minor under the age of
3 14 because of an unlawful entry of the premises by the
4 minor or another person.

5 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
6 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
7 ~~Owners Identification Card Act.~~

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

9 Section 85. The Methamphetamine Control and Community
10 Protection Act is amended by changing Section 10 as follows:

11 (720 ILCS 646/10)

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

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

15 "Anhydrous ammonia equipment" means all items used to
16 store, hold, contain, handle, transfer, transport, or apply
17 anhydrous ammonia for lawful purposes.

18 "Booby trap" means any device designed to cause physical
19 injury when triggered by an act of a person approaching,
20 entering, or moving through a structure, a vehicle, or any
21 location where methamphetamine has been manufactured, is being
22 manufactured, or is intended to be manufactured.

23 "Deliver" or "delivery" has the meaning provided in
24 subsection (h) of Section 102 of the Illinois Controlled

1 Substances Act.

2 "Director" means the Director of State Police or the
3 Director's designated agents.

4 "Dispose" or "disposal" means to abandon, discharge,
5 release, deposit, inject, dump, spill, leak, or place
6 methamphetamine waste onto or into any land, water, or well of
7 any type so that the waste has the potential to enter the
8 environment, be emitted into the air, or be discharged into
9 the soil or any waters, including groundwater.

10 "Emergency response" means the act of collecting evidence
11 from or securing a methamphetamine laboratory site,
12 methamphetamine waste site or other methamphetamine-related
13 site and cleaning up the site, whether these actions are
14 performed by public entities or private contractors paid by
15 public entities.

16 "Emergency service provider" means a local, State, or
17 federal peace officer, firefighter, emergency medical
18 technician-ambulance, emergency medical
19 technician-intermediate, emergency medical
20 technician-paramedic, ambulance driver, or other medical or
21 first aid personnel rendering aid, or any agent or designee of
22 the foregoing.

23 "Finished methamphetamine" means methamphetamine in a form
24 commonly used for personal consumption.

25 "Firearm" has the meaning provided in Section 2-7.5 of the
26 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~

1 ~~Card Act.~~

2 "Manufacture" means to produce, prepare, compound,
3 convert, process, synthesize, concentrate, purify, separate,
4 extract, or package any methamphetamine, methamphetamine
5 precursor, methamphetamine manufacturing catalyst,
6 methamphetamine manufacturing reagent, methamphetamine
7 manufacturing solvent, or any substance containing any of the
8 foregoing.

9 "Methamphetamine" means the chemical methamphetamine (a
10 Schedule II controlled substance under the Illinois Controlled
11 Substances Act) or any salt, optical isomer, salt of optical
12 isomer, or analog thereof, with the exception of
13 3,4-Methylenedioxymethamphetamine (MDMA) or any other
14 scheduled substance with a separate listing under the Illinois
15 Controlled Substances Act.

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

20 "Methamphetamine manufacturing environment" means a
21 structure or vehicle in which:

- 22 (1) methamphetamine is being or has been manufactured;
23 (2) chemicals that are being used, have been used, or
24 are intended to be used to manufacture methamphetamine are
25 stored;
26 (3) methamphetamine manufacturing materials that have

1 been used to manufacture methamphetamine are stored; or

2 (4) methamphetamine manufacturing waste is stored.

3 "Methamphetamine manufacturing material" means any
4 methamphetamine precursor, substance containing any
5 methamphetamine precursor, methamphetamine manufacturing
6 catalyst, substance containing any methamphetamine
7 manufacturing catalyst, methamphetamine manufacturing
8 reagent, substance containing any methamphetamine
9 manufacturing reagent, methamphetamine manufacturing solvent,
10 substance containing any methamphetamine manufacturing
11 solvent, or any other chemical, substance, ingredient,
12 equipment, apparatus, or item that is being used, has been
13 used, or is intended to be used in the manufacture of
14 methamphetamine.

15 "Methamphetamine manufacturing reagent" means any
16 substance other than a methamphetamine manufacturing catalyst
17 that has been used, is being used, or is intended to be used to
18 react with and chemically alter any methamphetamine precursor.

19 "Methamphetamine manufacturing solvent" means any
20 substance that has been used, is being used, or is intended to
21 be used as a medium in which any methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, or any substance containing any of the
24 foregoing is dissolved, diluted, or washed during any part of
25 the methamphetamine manufacturing process.

26 "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is
2 left over from, results from, or is produced by the process of
3 manufacturing methamphetamine, other than finished
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
8 isomer, or salt of an optical isomer of any of these chemicals.

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

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

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from
2 disease, injury, functional disorder, or congenital condition
3 which renders the person incapable of adequately providing for
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise
6 obtain, by legal or illegal means, or to cause another to take
7 such action.

8 "Second or subsequent offense" means an offense under this
9 Act committed by an offender who previously committed an
10 offense under this Act, the Illinois Controlled Substances
11 Act, the Cannabis Control Act, or another Act of this State,
12 another state, or the United States relating to
13 methamphetamine, cannabis, or any other controlled substance.

14 "Standard dosage form", as used in relation to any
15 methamphetamine precursor, means that the methamphetamine
16 precursor is contained in a pill, tablet, capsule, caplet, gel
17 cap, or liquid cap that has been manufactured by a lawful
18 entity and contains a standard quantity of methamphetamine
19 precursor.

20 "Unauthorized container", as used in relation to anhydrous
21 ammonia, means any container that is not designed for the
22 specific and sole purpose of holding, storing, transporting,
23 or applying anhydrous ammonia. "Unauthorized container"
24 includes, but is not limited to, any propane tank, fire
25 extinguisher, oxygen cylinder, gasoline can, food or beverage
26 cooler, or compressed gas cylinder used in dispensing fountain

1 drinks. "Unauthorized container" does not encompass anhydrous
2 ammonia manufacturing plants, refrigeration systems where
3 anhydrous ammonia is used solely as a refrigerant, anhydrous
4 ammonia transportation pipelines, anhydrous ammonia tankers,
5 or anhydrous ammonia barges.

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

7 Section 90. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 102-7.1, 110-10, 112A-11.1,
9 112A-11.2, 112A-14, and 112A-14.7 as follows:

10 (725 ILCS 5/102-7.1)

11 Sec. 102-7.1. "Category A offense". "Category A offense"
12 means a Class 1 felony, Class 2 felony, Class X felony, first
13 degree murder, a violation of Section 11-204 of the Illinois
14 Vehicle Code, a second or subsequent violation of Section
15 11-501 of the Illinois Vehicle Code, a violation of subsection
16 (d) of Section 11-501 of the Illinois Vehicle Code, a
17 violation of Section 11-401 of the Illinois Vehicle Code if
18 the accident results in injury and the person failed to report
19 the accident within 30 minutes, a violation of Section 9-3,
20 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
21 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
22 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
23 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
24 second or subsequent violation of 12-3.2 or 12-3.4 of the

1 Criminal Code of 2012, a violation of paragraph (5) or (6) of
2 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
3 violation of subsection (b) or (c) or paragraph (1) or (2) of
4 subsection (a) of Section 11-1.50 of the Criminal Code of
5 2012, a violation of Section 12-7 of the Criminal Code of 2012
6 if the defendant inflicts bodily harm on the victim to obtain a
7 confession, statement, or information, a violation of Section
8 12-7.5 of the Criminal Code of 2012 if the action results in
9 bodily harm, a violation of paragraph (3) of subsection (b) of
10 Section 17-2 of the Criminal Code of 2012, a violation of
11 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
12 2012, a violation of paragraph (6) of subsection (a) of
13 Section 24-1 of the Criminal Code of 2012, a first violation of
14 Section 24-1.6 of the Criminal Code of 2012 by a person 18
15 years of age or older where the factors listed in both items
16 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
17 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
18 are present, a Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act committed before the effective date of
21 this amendatory Act of the 102nd General Assembly, or a
22 violation of Section 10 of the Sex Offender Registration Act.
23 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

8 (2) Submit himself or herself to the orders and
9 process of the court;

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

11 (4) Not violate any criminal statute of any
12 jurisdiction;

13 (5) At a time and place designated by the court,
14 surrender all firearms in his or her possession to a law
15 enforcement officer designated by the court to take
16 custody of and impound the firearms ~~and physically~~
17 ~~surrender his or her Firearm Owner's Identification Card~~
18 ~~to the clerk of the circuit court~~ when the offense the
19 person has been charged with is a forcible felony,
20 stalking, aggravated stalking, domestic battery, any
21 violation of the Illinois Controlled Substances Act, the
22 Methamphetamine Control and Community Protection Act, or
23 the Cannabis Control Act that is classified as a Class 2 or
24 greater felony, or any felony violation of Article 24 of
25 the Criminal Code of 1961 or the Criminal Code of 2012; the
26 court may, however, forgo the imposition of this condition

1 when the circumstances of the case clearly do not warrant
2 it or when its imposition would be impractical; ~~if the~~
3 ~~Firearm Owner's Identification Card is confiscated, the~~
4 ~~clerk of the circuit court shall mail the confiscated card~~
5 ~~to the Illinois State Police;~~ all legally possessed
6 firearms shall be returned to the person upon the charges
7 being dismissed, or if the person is found not guilty,
8 unless the finding of not guilty is by reason of insanity;
9 and

10 (6) At a time and place designated by the court,
11 submit to a psychological evaluation when the person has
12 been charged with a violation of item (4) of subsection
13 (a) of Section 24-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 and that violation occurred in a
15 school or in any conveyance owned, leased, or contracted
16 by a school to transport students to or from school or a
17 school-related activity, or on any public way within 1,000
18 feet of real property comprising any school.

19 Psychological evaluations ordered pursuant to this Section
20 shall be completed promptly and made available to the State,
21 the defendant, and the court. As a further condition of bail
22 under these circumstances, the court shall order the defendant
23 to refrain from entering upon the property of the school,
24 including any conveyance owned, leased, or contracted by a
25 school to transport students to or from school or a
26 school-related activity, or on any public way within 1,000

1 feet of real property comprising any school. Upon receipt of
2 the psychological evaluation, either the State or the
3 defendant may request a change in the conditions of bail,
4 pursuant to Section 110-6 of this Code. The court may change
5 the conditions of bail to include a requirement that the
6 defendant follow the recommendations of the psychological
7 evaluation, including undergoing psychiatric treatment. The
8 conclusions of the psychological evaluation and any statements
9 elicited from the defendant during its administration are not
10 admissible as evidence of guilt during the course of any trial
11 on the charged offense, unless the defendant places his or her
12 mental competency in issue.

13 (b) The court may impose other conditions, such as the
14 following, if the court finds that such conditions are
15 reasonably necessary to assure the defendant's appearance in
16 court, protect the public from the defendant, or prevent the
17 defendant's unlawful interference with the orderly
18 administration of justice:

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

21 (2) Refrain from possessing a firearm or other
22 dangerous weapon;

23 (3) Refrain from approaching or communicating with
24 particular persons or classes of persons;

25 (4) Refrain from going to certain described
26 geographical areas or premises;

1 (5) Refrain from engaging in certain activities or
2 indulging in intoxicating liquors or in certain drugs;

3 (6) Undergo treatment for drug addiction or
4 alcoholism;

5 (7) Undergo medical or psychiatric treatment;

6 (8) Work or pursue a course of study or vocational
7 training;

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

10 (10) Support his or her dependents;

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

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

16 (13) Remain in the custody of such designated person
17 or organization agreeing to supervise his release. Such
18 third party custodian shall be responsible for notifying
19 the court if the defendant fails to observe the conditions
20 of release which the custodian has agreed to monitor, and
21 shall be subject to contempt of court for failure so to
22 notify the court;

23 (14) Be placed under direct supervision of the
24 Pretrial Services Agency, Probation Department or Court
25 Services Department in a pretrial bond home supervision
26 capacity with or without the use of an approved electronic

1 monitoring device subject to Article 8A of Chapter V of
2 the Unified Code of Corrections;

3 (14.1) The court shall impose upon a defendant who is
4 charged with any alcohol, cannabis, methamphetamine, or
5 controlled substance violation and is placed under direct
6 supervision of the Pretrial Services Agency, Probation
7 Department or Court Services Department in a pretrial bond
8 home supervision capacity with the use of an approved
9 monitoring device, as a condition of such bail bond, a fee
10 that represents costs incidental to the electronic
11 monitoring for each day of such bail supervision ordered
12 by the court, unless after determining the inability of
13 the defendant to pay the fee, the court assesses a lesser
14 fee or no fee as the case may be. The fee shall be
15 collected by the clerk of the circuit court, except as
16 provided in an administrative order of the Chief Judge of
17 the circuit court. The clerk of the circuit court shall
18 pay all monies collected from this fee to the county
19 treasurer for deposit in the substance abuse services fund
20 under Section 5-1086.1 of the Counties Code, except as
21 provided in an administrative order of the Chief Judge of
22 the circuit court.

23 The Chief Judge of the circuit court of the county may
24 by administrative order establish a program for electronic
25 monitoring of offenders with regard to drug-related and
26 alcohol-related offenses, in which a vendor supplies and

1 monitors the operation of the electronic monitoring
2 device, and collects the fees on behalf of the county. The
3 program shall include provisions for indigent offenders
4 and the collection of unpaid fees. The program shall not
5 unduly burden the offender and shall be subject to review
6 by the Chief Judge.

7 The Chief Judge of the circuit court may suspend any
8 additional charges or fees for late payment, interest, or
9 damage to any device;

10 (14.2) The court shall impose upon all defendants,
11 including those defendants subject to paragraph (14.1)
12 above, placed under direct supervision of the Pretrial
13 Services Agency, Probation Department or Court Services
14 Department in a pretrial bond home supervision capacity
15 with the use of an approved monitoring device, as a
16 condition of such bail bond, a fee which shall represent
17 costs incidental to such electronic monitoring for each
18 day of such bail supervision ordered by the court, unless
19 after determining the inability of the defendant to pay
20 the fee, the court assesses a lesser fee or no fee as the
21 case may be. The fee shall be collected by the clerk of the
22 circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The clerk of
24 the circuit court shall pay all monies collected from this
25 fee to the county treasurer who shall use the monies
26 collected to defray the costs of corrections. The county

1 treasurer shall deposit the fee collected in the county
2 working cash fund under Section 6-27001 or Section 6-29002
3 of the Counties Code, as the case may be, except as
4 provided in an administrative order of the Chief Judge of
5 the circuit court.

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

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

19 (14.3) The Chief Judge of the Judicial Circuit may
20 establish reasonable fees to be paid by a person receiving
21 pretrial services while under supervision of a pretrial
22 services agency, probation department, or court services
23 department. Reasonable fees may be charged for pretrial
24 services including, but not limited to, pretrial
25 supervision, diversion programs, electronic monitoring,
26 victim impact services, drug and alcohol testing, DNA

1 testing, GPS electronic monitoring, assessments and
2 evaluations related to domestic violence and other
3 victims, and victim mediation services. The person
4 receiving pretrial services may be ordered to pay all
5 costs incidental to pretrial services in accordance with
6 his or her ability to pay those costs;

7 (14.4) For persons charged with violating Section
8 11-501 of the Illinois Vehicle Code, refrain from
9 operating a motor vehicle not equipped with an ignition
10 interlock device, as defined in Section 1-129.1 of the
11 Illinois Vehicle Code, pursuant to the rules promulgated
12 by the Secretary of State for the installation of ignition
13 interlock devices. Under this condition the court may
14 allow a defendant who is not self-employed to operate a
15 vehicle owned by the defendant's employer that is not
16 equipped with an ignition interlock device in the course
17 and scope of the defendant's employment;

18 (15) Comply with the terms and conditions of an order
19 of protection issued by the court under the Illinois
20 Domestic Violence Act of 1986 or an order of protection
21 issued by the court of another state, tribe, or United
22 States territory;

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

25 (17) Such other reasonable conditions as the court may
26 impose.

1 (c) When a person is charged with an offense under Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
3 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, involving a victim who is a minor under
5 18 years of age living in the same household with the defendant
6 at the time of the offense, in granting bail or releasing the
7 defendant on his own recognizance, the judge shall impose
8 conditions to restrict the defendant's access to the victim
9 which may include, but are not limited to conditions that he
10 will:

11 1. Vacate the household.

12 2. Make payment of temporary support to his
13 dependents.

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

16 (d) When a person is charged with a criminal offense and
17 the victim is a family or household member as defined in
18 Article 112A, conditions shall be imposed at the time of the
19 defendant's release on bond that restrict the defendant's
20 access to the victim. Unless provided otherwise by the court,
21 the restrictions shall include requirements that the defendant
22 do the following:

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

26 (2) refrain from entering or remaining at the victim's

1 residence for a minimum period of 72 hours following the
2 defendant's release.

3 (e) Local law enforcement agencies shall develop
4 standardized bond forms for use in cases involving family or
5 household members as defined in Article 112A, including
6 specific conditions of bond as provided in subsection (d).
7 Failure of any law enforcement department to develop or use
8 those forms shall in no way limit the applicability and
9 enforcement of subsections (d) and (f).

10 (f) If the defendant is admitted to bail after conviction
11 the conditions of the bail bond shall be that he will, in
12 addition to the conditions set forth in subsections (a) and
13 (b) hereof:

14 (1) Duly prosecute his appeal;

15 (2) Appear at such time and place as the court may
16 direct;

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

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

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

23 (g) Upon a finding of guilty for any felony offense, the
24 defendant shall physically surrender, at a time and place
25 designated by the court, any and all ~~firearms in his or her~~
26 ~~possession and his or her Firearm Owner's Identification Card~~

1 as a condition of remaining on bond pending sentencing.

2 (h) In the event the defendant is unable to post bond, the
3 court may impose a no contact provision with the victim or
4 other interested party that shall be enforced while the
5 defendant remains in custody.

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

7 (725 ILCS 5/112A-11.1)

8 Sec. 112A-11.1. Procedure for determining whether certain
9 misdemeanor crimes are crimes of domestic violence for
10 purposes of federal law.

11 (a) When a defendant has been charged with a violation of
12 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, the State
14 may, at arraignment or no later than 45 days after
15 arraignment, for the purpose of notification to the Department
16 of State Police ~~Firearm Owner's Identification Card Office,~~
17 serve on the defendant and file with the court a notice
18 alleging that conviction of the offense would subject the
19 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because
20 of the relationship between the defendant and the alleged
21 victim and the nature of the alleged offense.

22 (b) The notice shall include the name of the person
23 alleged to be the victim of the crime and shall specify the
24 nature of the alleged relationship as set forth in 18 U.S.C.
25 921(a)(33)(A)(ii). It shall also specify the element of the

1 charged offense which requires the use or attempted use of
2 physical force, or the threatened use of a deadly weapon, as
3 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
4 notice that the defendant is entitled to a hearing on the
5 allegation contained in the notice and that if the allegation
6 is sustained, that determination and conviction shall be
7 reported to the Department of State Police ~~Firearm Owner's~~
8 ~~Identification Card Office.~~

9 (c) After having been notified as provided in subsection
10 (b) of this Section, the defendant may stipulate or admit,
11 orally on the record or in writing, that conviction of the
12 offense would subject the defendant to the prohibitions of 18
13 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
14 922(g)(9) shall be deemed established for purposes of Section
15 112A-11.2. If the defendant denies the applicability of 18
16 U.S.C. 922(g)(9) as alleged in the notice served by the State,
17 or stands mute with respect to that allegation, then the State
18 shall bear the burden to prove beyond a reasonable doubt that
19 the offense is one to which the prohibitions of 18 U.S.C.
20 922(g)(9) apply. The court may consider reliable hearsay
21 evidence submitted by either party provided that it is
22 relevant to the determination of the allegation. Facts
23 previously proven at trial or elicited at the time of entry of
24 a plea of guilty shall be deemed established beyond a
25 reasonable doubt and shall not be relitigated. At the
26 conclusion of the hearing, or upon a stipulation or admission,

1 as applicable, the court shall make a specific written
2 determination with respect to the allegation.

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

4 (725 ILCS 5/112A-11.2)

5 Sec. 112A-11.2. Notification to the Department of State
6 Police ~~Firearm Owner's Identification Card Office~~ of
7 determinations in certain misdemeanor cases. Upon judgment of
8 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
9 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 when the defendant has been determined, under
11 Section 112A-11.1, to be subject to the prohibitions of 18
12 U.S.C. 922(g)(9), the circuit court clerk shall include
13 notification and a copy of the written determination in a
14 report of the conviction to the Department of State Police
15 ~~Firearm Owner's Identification Card Office~~ to enable the
16 office to report that determination to the Federal Bureau of
17 Investigation and assist the Bureau in identifying persons
18 prohibited from purchasing and possessing a firearm pursuant
19 to the provisions of 18 U.S.C. 922.

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

21 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

22 Sec. 112A-14. Domestic violence order of protection;
23 remedies.

24 (a) (Blank).

1 (b) The court may order any of the remedies listed in this
2 subsection (b). The remedies listed in this subsection (b)
3 shall be in addition to other civil or criminal remedies
4 available to petitioner.

5 (1) Prohibition of abuse. Prohibit respondent's
6 harassment, interference with personal liberty,
7 intimidation of a dependent, physical abuse, or willful
8 deprivation, as defined in this Article, if such abuse has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in subsection (c-2) of
19 Section 501 of the Illinois Marriage and Dissolution of
20 Marriage Act.

21 (A) Right to occupancy. A party has a right to
22 occupancy of a residence or household if it is solely
23 or jointly owned or leased by that party, that party's
24 spouse, a person with a legal duty to support that
25 party or a minor child in that party's care, or by any
26 person or entity other than the opposing party that

1 authorizes that party's occupancy (e.g., a domestic
2 violence shelter). Standards set forth in subparagraph
3 (B) shall not preclude equitable relief.

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

20 The balance of hardships is presumed to favor
21 possession by petitioner unless the presumption is
22 rebutted by a preponderance of the evidence, showing
23 that the hardships to respondent substantially
24 outweigh the hardships to petitioner and any minor
25 child or dependent adult in petitioner's care. The
26 court, on the request of petitioner or on its own

1 motion, may order respondent to provide suitable,
2 accessible, alternate housing for petitioner instead
3 of excluding respondent from a mutual residence or
4 household.

5 (3) Stay away order and additional prohibitions. Order
6 respondent to stay away from petitioner or any other
7 person protected by the domestic violence order of
8 protection, or prohibit respondent from entering or
9 remaining present at petitioner's school, place of
10 employment, or other specified places at times when
11 petitioner is present, or both, if reasonable, given the
12 balance of hardships. Hardships need not be balanced for
13 the court to enter a stay away order or prohibit entry if
14 respondent has no right to enter the premises.

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

1 (B) When the petitioner and the respondent attend
2 the same public, private, or non-public elementary,
3 middle, or high school, the court when issuing a
4 domestic violence order of protection and providing
5 relief shall consider the severity of the act, any
6 continuing physical danger or emotional distress to
7 the petitioner, the educational rights guaranteed to
8 the petitioner and respondent under federal and State
9 law, the availability of a transfer of the respondent
10 to another school, a change of placement or a change of
11 program of the respondent, the expense, difficulty,
12 and educational disruption that would be caused by a
13 transfer of the respondent to another school, and any
14 other relevant facts of the case. The court may order
15 that the respondent not attend the public, private, or
16 non-public elementary, middle, or high school attended
17 by the petitioner, order that the respondent accept a
18 change of placement or change of program, as
19 determined by the school district or private or
20 non-public school, or place restrictions on the
21 respondent's movements within the school attended by
22 the petitioner. The respondent bears the burden of
23 proving by a preponderance of the evidence that a
24 transfer, change of placement, or change of program of
25 the respondent is not available. The respondent also
26 bears the burden of production with respect to the

1 expense, difficulty, and educational disruption that
2 would be caused by a transfer of the respondent to
3 another school. A transfer, change of placement, or
4 change of program is not unavailable to the respondent
5 solely on the ground that the respondent does not
6 agree with the school district's or private or
7 non-public school's transfer, change of placement, or
8 change of program or solely on the ground that the
9 respondent fails or refuses to consent or otherwise
10 does not take an action required to effectuate a
11 transfer, change of placement, or change of program.
12 When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to
15 another attendance center within the respondent's
16 school district or private or non-public school, the
17 school district or private or non-public school shall
18 have sole discretion to determine the attendance
19 center to which the respondent is transferred. If the
20 court order results in a transfer of the minor
21 respondent to another attendance center, a change in
22 the respondent's placement, or a change of the
23 respondent's program, the parents, guardian, or legal
24 custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 transfer or change.

1 (C) The court may order the parents, guardian, or
2 legal custodian of a minor respondent to take certain
3 actions or to refrain from taking certain actions to
4 ensure that the respondent complies with the order. If
5 the court orders a transfer of the respondent to
6 another school, the parents, guardian, or legal
7 custodian of the respondent is responsible for
8 transportation and other costs associated with the
9 change of school by the respondent.

10 (4) Counseling. Require or recommend the respondent to
11 undergo counseling for a specified duration with a social
12 worker, psychologist, clinical psychologist,
13 psychiatrist, family service agency, alcohol or substance
14 abuse program, mental health center guidance counselor,
15 agency providing services to elders, program designed for
16 domestic violence abusers, or any other guidance service
17 the court deems appropriate. The court may order the
18 respondent in any intimate partner relationship to report
19 to an Illinois Department of Human Services protocol
20 approved partner abuse intervention program for an
21 assessment and to follow all recommended treatment.

22 (5) Physical care and possession of the minor child.
23 In order to protect the minor child from abuse, neglect,
24 or unwarranted separation from the person who has been the
25 minor child's primary caretaker, or to otherwise protect
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

6 If the respondent is charged with abuse (as defined in
7 Section 112A-3 of this Code) of a minor child, there shall
8 be a rebuttable presumption that awarding physical care to
9 respondent would not be in the minor child's best
10 interest.

11 (6) Temporary allocation of parental responsibilities
12 and significant decision-making responsibilities. Award
13 temporary significant decision-making responsibility to
14 petitioner in accordance with this Section, the Illinois
15 Marriage and Dissolution of Marriage Act, the Illinois
16 Parentage Act of 2015, and this State's Uniform
17 Child-Custody Jurisdiction and Enforcement Act.

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

23 (7) Parenting time. Determine the parenting time, if
24 any, of respondent in any case in which the court awards
25 physical care or temporary significant decision-making
26 responsibility of a minor child to petitioner. The court

1 shall restrict or deny respondent's parenting time with a
2 minor child if the court finds that respondent has done or
3 is likely to do any of the following:

4 (i) abuse or endanger the minor child during
5 parenting time;

6 (ii) use the parenting time as an opportunity to
7 abuse or harass petitioner or petitioner's family or
8 household members;

9 (iii) improperly conceal or detain the minor
10 child; or

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

13 The court shall not be limited by the standards set
14 forth in Section 603.10 of the Illinois Marriage and
15 Dissolution of Marriage Act. If the court grants parenting
16 time, the order shall specify dates and times for the
17 parenting time to take place or other specific parameters
18 or conditions that are appropriate. No order for parenting
19 time shall refer merely to the term "reasonable parenting
20 time". Petitioner may deny respondent access to the minor
21 child if, when respondent arrives for parenting time,
22 respondent is under the influence of drugs or alcohol and
23 constitutes a threat to the safety and well-being of
24 petitioner or petitioner's minor children or is behaving
25 in a violent or abusive manner. If necessary to protect
26 any member of petitioner's family or household from future

1 abuse, respondent shall be prohibited from coming to
2 petitioner's residence to meet the minor child for
3 parenting time, and the petitioner and respondent shall
4 submit to the court their recommendations for reasonable
5 alternative arrangements for parenting time. A person may
6 be approved to supervise parenting time only after filing
7 an affidavit accepting that responsibility and
8 acknowledging accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit
10 respondent from removing a minor child from the State or
11 concealing the child within the State.

12 (9) Order to appear. Order the respondent to appear in
13 court, alone or with a minor child, to prevent abuse,
14 neglect, removal or concealment of the child, to return
15 the child to the custody or care of the petitioner, or to
16 permit any court-ordered interview or examination of the
17 child or the respondent.

18 (10) Possession of personal property. Grant petitioner
19 exclusive possession of personal property and, if
20 respondent has possession or control, direct respondent to
21 promptly make it available to petitioner, if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the petitioner and respondent own the
25 property jointly; sharing it would risk abuse of
26 petitioner by respondent or is impracticable; and the

1 balance of hardships favors temporary possession by
2 petitioner.

3 If petitioner's sole claim to ownership of the
4 property is that it is marital property, the court may
5 award petitioner temporary possession thereof under the
6 standards of subparagraph (ii) of this paragraph only if a
7 proper proceeding has been filed under the Illinois
8 Marriage and Dissolution of Marriage Act, as now or
9 hereafter amended.

10 No order under this provision shall affect title to
11 property.

12 (11) Protection of property. Forbid the respondent
13 from taking, transferring, encumbering, concealing,
14 damaging, or otherwise disposing of any real or personal
15 property, except as explicitly authorized by the court,
16 if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the petitioner and respondent own the
20 property jointly, and the balance of hardships favors
21 granting this remedy.

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

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or over whom the petitioner has been
18 allocated parental responsibility, when the respondent has
19 a legal obligation to support that person, in accordance
20 with the Illinois Marriage and Dissolution of Marriage
21 Act, which shall govern, among other matters, the amount
22 of support, payment through the clerk and withholding of
23 income to secure payment. An order for child support may
24 be granted to a petitioner with lawful physical care of a
25 child, or an order or agreement for physical care of a
26 child, prior to entry of an order allocating significant

1 decision-making responsibility. Such a support order shall
2 expire upon entry of a valid order allocating parental
3 responsibility differently and vacating petitioner's
4 significant decision-making responsibility unless
5 otherwise provided in the order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse. Such losses shall include, but not be limited
9 to, medical expenses, lost earnings or other support,
10 repair or replacement of property damaged or taken,
11 reasonable attorney's fees, court costs, and moving or
12 other travel expenses, including additional reasonable
13 expenses for temporary shelter and restaurant meals.

14 (i) Losses affecting family needs. If a party is
15 entitled to seek maintenance, child support, or
16 property distribution from the other party under the
17 Illinois Marriage and Dissolution of Marriage Act, as
18 now or hereafter amended, the court may order
19 respondent to reimburse petitioner's actual losses, to
20 the extent that such reimbursement would be
21 "appropriate temporary relief", as authorized by
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an
24 improper concealment or removal of a minor child, the
25 court may order respondent to pay the reasonable
26 expenses incurred or to be incurred in the search for

1 and recovery of the minor child, including, but not
2 limited to, legal fees, court costs, private
3 investigator fees, and travel costs.

4 (14) Prohibition of entry. Prohibit the respondent
5 from entering or remaining in the residence or household
6 while the respondent is under the influence of alcohol or
7 drugs and constitutes a threat to the safety and
8 well-being of the petitioner or the petitioner's children.

9 (14.5) Prohibition of firearm possession.

10 (A) A person who is subject to an existing
11 domestic violence order of protection issued under
12 this Code may not lawfully possess firearms, stun
13 guns, or tasers ~~weapons under Section 8.2 of the~~
14 ~~Firearm Owners Identification Card Act.~~

15 (B) Any firearms in the possession of the
16 respondent, except as provided in subparagraph (C) of
17 this paragraph (14.5), shall be ordered by the court
18 to be turned over to a person who is not prohibited
19 under State or federal law from possessing firearms
20 ~~with a valid Firearm Owner's Identification Card for~~
21 ~~safekeeping. The court shall issue an order that the~~
22 ~~respondent's Firearm Owner's Identification Card be~~
23 ~~turned over to the local law enforcement agency, which~~
24 ~~in turn shall immediately mail the card to the~~
25 ~~Department of State Police Firearm Owner's~~
26 ~~Identification Card Office for safekeeping. The period~~

1 of safekeeping shall be for the duration of the
2 domestic violence order of protection. The firearm ~~or~~
3 ~~firearms and Firearm Owner's Identification Card, if~~
4 ~~unexpired,~~ shall at the respondent's request be
5 returned to the respondent at expiration of the
6 domestic violence order of protection.

7 (C) If the respondent is a peace officer as
8 defined in Section 2-13 of the Criminal Code of 2012,
9 the court shall order that any firearms used by the
10 respondent in the performance of his or her duties as a
11 peace officer be surrendered to the chief law
12 enforcement executive of the agency in which the
13 respondent is employed, who shall retain the firearms
14 for safekeeping for the duration of the domestic
15 violence order of protection.

16 (D) Upon expiration of the period of safekeeping,
17 if the firearms ~~or Firearm Owner's Identification Card~~
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency; or that the firearms be turned

1 over to a third party who is lawfully eligible to
2 possess firearms, and who does not reside with
3 respondent.

4 (15) Prohibition of access to records. If a domestic
5 violence order of protection prohibits respondent from
6 having contact with the minor child, or if petitioner's
7 address is omitted under subsection (b) of Section 112A-5
8 of this Code, or if necessary to prevent abuse or wrongful
9 removal or concealment of a minor child, the order shall
10 deny respondent access to, and prohibit respondent from
11 inspecting, obtaining, or attempting to inspect or obtain,
12 school or any other records of the minor child who is in
13 the care of petitioner.

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse
21 of a family or household member or to effectuate one of the
22 granted remedies, if supported by the balance of
23 hardships. If the harm to be prevented by the injunction
24 is abuse or any other harm that one of the remedies listed
25 in paragraphs (1) through (16) of this subsection is
26 designed to prevent, no further evidence is necessary to

1 establish that the harm is an irreparable injury.

2 (18) Telephone services.

3 (A) Unless a condition described in subparagraph
4 (B) of this paragraph exists, the court may, upon
5 request by the petitioner, order a wireless telephone
6 service provider to transfer to the petitioner the
7 right to continue to use a telephone number or numbers
8 indicated by the petitioner and the financial
9 responsibility associated with the number or numbers,
10 as set forth in subparagraph (C) of this paragraph. In
11 this paragraph (18), the term "wireless telephone
12 service provider" means a provider of commercial
13 mobile service as defined in 47 U.S.C. 332. The
14 petitioner may request the transfer of each telephone
15 number that the petitioner, or a minor child in his or
16 her custody, uses. The clerk of the court shall serve
17 the order on the wireless telephone service provider's
18 agent for service of process provided to the Illinois
19 Commerce Commission. The order shall contain all of
20 the following:

21 (i) The name and billing telephone number of
22 the account holder including the name of the
23 wireless telephone service provider that serves
24 the account.

25 (ii) Each telephone number that will be
26 transferred.

1 (iii) A statement that the provider transfers
2 to the petitioner all financial responsibility for
3 and right to the use of any telephone number
4 transferred under this paragraph.

5 (B) A wireless telephone service provider shall
6 terminate the respondent's use of, and shall transfer
7 to the petitioner use of, the telephone number or
8 numbers indicated in subparagraph (A) of this
9 paragraph unless it notifies the petitioner, within 72
10 hours after it receives the order, that one of the
11 following applies:

12 (i) The account holder named in the order has
13 terminated the account.

14 (ii) A difference in network technology would
15 prevent or impair the functionality of a device on
16 a network if the transfer occurs.

17 (iii) The transfer would cause a geographic or
18 other limitation on network or service provision
19 to the petitioner.

20 (iv) Another technological or operational
21 issue would prevent or impair the use of the
22 telephone number if the transfer occurs.

23 (C) The petitioner assumes all financial
24 responsibility for and right to the use of any
25 telephone number transferred under this paragraph. In
26 this paragraph, "financial responsibility" includes

1 monthly service costs and costs associated with any
2 mobile device associated with the number.

3 (D) A wireless telephone service provider may
4 apply to the petitioner its routine and customary
5 requirements for establishing an account or
6 transferring a number, including requiring the
7 petitioner to provide proof of identification,
8 financial information, and customer preferences.

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

13 (F) All wireless service providers that provide
14 services to residential customers shall provide to the
15 Illinois Commerce Commission the name and address of
16 an agent for service of orders entered under this
17 paragraph (18). Any change in status of the registered
18 agent must be reported to the Illinois Commerce
19 Commission within 30 days of such change.

20 (G) The Illinois Commerce Commission shall
21 maintain the list of registered agents for service for
22 each wireless telephone service provider on the
23 Commission's website. The Commission may consult with
24 wireless telephone service providers and the Circuit
25 Court Clerks on the manner in which this information
26 is provided and displayed.

1 (c) Relevant factors; findings.

2 (1) In determining whether to grant a specific remedy,
3 other than payment of support, the court shall consider
4 relevant factors, including, but not limited to, the
5 following:

6 (i) the nature, frequency, severity, pattern, and
7 consequences of the respondent's past abuse of the
8 petitioner or any family or household member,
9 including the concealment of his or her location in
10 order to evade service of process or notice, and the
11 likelihood of danger of future abuse to petitioner or
12 any member of petitioner's or respondent's family or
13 household; and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State,
17 or improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including, but not
22 limited to, the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location, and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

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

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

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

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

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) (Blank).

19 (5) Never married parties. No rights or
20 responsibilities for a minor child born outside of
21 marriage attach to a putative father until a father and
22 child relationship has been established under the Illinois
23 Parentage Act of 1984, the Illinois Parentage Act of 2015,
24 the Illinois Public Aid Code, Section 12 of the Vital
25 Records Act, the Juvenile Court Act of 1987, the Probate
26 Act of 1975, the Uniform Interstate Family Support Act,

1 the Expedited Child Support Act of 1990, any judicial,
2 administrative, or other act of another state or
3 territory, any other statute of this State, or by any
4 foreign nation establishing the father and child
5 relationship, any other proceeding substantially in
6 conformity with the federal Personal Responsibility and
7 Work Opportunity Reconciliation Act of 1996, or when both
8 parties appeared in open court or at an administrative
9 hearing acknowledging under oath or admitting by
10 affirmation the existence of a father and child
11 relationship. Absent such an adjudication, no putative
12 father shall be granted temporary allocation of parental
13 responsibilities, including parenting time with the minor
14 child, or physical care and possession of the minor child,
15 nor shall an order of payment for support of the minor
16 child be entered.

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

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

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

5 (2) respondent was voluntarily intoxicated;

6 (3) petitioner acted in self-defense or defense of
7 another, provided that, if petitioner utilized force, such
8 force was justifiable under Article 7 of the Criminal Code
9 of 2012;

10 (4) petitioner did not act in self-defense or defense
11 of another;

12 (5) petitioner left the residence or household to
13 avoid further abuse by respondent;

14 (6) petitioner did not leave the residence or
15 household to avoid further abuse by respondent; or

16 (7) conduct by any family or household member excused
17 the abuse by respondent, unless that same conduct would
18 have excused such abuse if the parties had not been family
19 or household members.

20 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
21 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
22 1-1-19; 101-81, eff. 7-12-19.)

23 (725 ILCS 5/112A-14.7)

24 Sec. 112A-14.7. Stalking no contact order; remedies.

25 (a) The court may order any of the remedies listed in this

1 Section. The remedies listed in this Section shall be in
2 addition to other civil or criminal remedies available to
3 petitioner. A stalking no contact order shall order one or
4 more of the following:

5 (1) prohibit the respondent from threatening to commit
6 or committing stalking;

7 (2) order the respondent not to have any contact with
8 the petitioner or a third person specifically named by the
9 court;

10 (3) prohibit the respondent from knowingly coming
11 within, or knowingly remaining within a specified distance
12 of the petitioner or the petitioner's residence, school,
13 daycare, or place of employment, or any specified place
14 frequented by the petitioner; however, the court may order
15 the respondent to stay away from the respondent's own
16 residence, school, or place of employment only if the
17 respondent has been provided actual notice of the
18 opportunity to appear and be heard on the petition;

19 (4) prohibit the respondent from ~~possessing a Firearm~~
20 ~~Owners Identification Card, or~~ possessing or buying
21 firearms; and

22 (5) order other injunctive relief the court determines
23 to be necessary to protect the petitioner or third party
24 specifically named by the court.

25 (b) When the petitioner and the respondent attend the same
26 public, private, or non-public elementary, middle, or high

1 school, the court when issuing a stalking no contact order and
2 providing relief shall consider the severity of the act, any
3 continuing physical danger or emotional distress to the
4 petitioner, the educational rights guaranteed to the
5 petitioner and respondent under federal and State law, the
6 availability of a transfer of the respondent to another
7 school, a change of placement or a change of program of the
8 respondent, the expense, difficulty, and educational
9 disruption that would be caused by a transfer of the
10 respondent to another school, and any other relevant facts of
11 the case. The court may order that the respondent not attend
12 the public, private, or non-public elementary, middle, or high
13 school attended by the petitioner, order that the respondent
14 accept a change of placement or program, as determined by the
15 school district or private or non-public school, or place
16 restrictions on the respondent's movements within the school
17 attended by the petitioner. The respondent bears the burden of
18 proving by a preponderance of the evidence that a transfer,
19 change of placement, or change of program of the respondent is
20 not available. The respondent also bears the burden of
21 production with respect to the expense, difficulty, and
22 educational disruption that would be caused by a transfer of
23 the respondent to another school. A transfer, change of
24 placement, or change of program is not unavailable to the
25 respondent solely on the ground that the respondent does not
26 agree with the school district's or private or non-public

1 school's transfer, change of placement, or change of program
2 or solely on the ground that the respondent fails or refuses to
3 consent to or otherwise does not take an action required to
4 effectuate a transfer, change of placement, or change of
5 program. When a court orders a respondent to stay away from the
6 public, private, or non-public school attended by the
7 petitioner and the respondent requests a transfer to another
8 attendance center within the respondent's school district or
9 private or non-public school, the school district or private
10 or non-public school shall have sole discretion to determine
11 the attendance center to which the respondent is transferred.
12 If the court order results in a transfer of the minor
13 respondent to another attendance center, a change in the
14 respondent's placement, or a change of the respondent's
15 program, the parents, guardian, or legal custodian of the
16 respondent is responsible for transportation and other costs
17 associated with the transfer or change.

18 (c) The court may order the parents, guardian, or legal
19 custodian of a minor respondent to take certain actions or to
20 refrain from taking certain actions to ensure that the
21 respondent complies with the order. If the court orders a
22 transfer of the respondent to another school, the parents,
23 guardian, or legal custodian of the respondent are responsible
24 for transportation and other costs associated with the change
25 of school by the respondent.

26 (d) The court shall not hold a school district or private

1 or non-public school or any of its employees in civil or
2 criminal contempt unless the school district or private or
3 non-public school has been allowed to intervene.

4 (e) The court may hold the parents, guardian, or legal
5 custodian of a minor respondent in civil or criminal contempt
6 for a violation of any provision of any order entered under
7 this Article for conduct of the minor respondent in violation
8 of this Article if the parents, guardian, or legal custodian
9 directed, encouraged, or assisted the respondent minor in the
10 conduct.

11 (f) Monetary damages are not recoverable as a remedy.

12 (g) If the stalking no contact order prohibits the
13 respondent from ~~possessing a Firearm Owner's Identification~~
14 ~~Card, or~~ possessing or buying firearms; the court shall
15 confiscate the respondent's firearms ~~Firearm Owner's~~
16 ~~Identification Card and immediately return the card to the~~
17 ~~Department of State Police Firearm Owner's Identification Card~~
18 ~~Office.~~

19 (Source: P.A. 100-199, eff. 1-1-18.)

20 Section 95. The Unified Code of Corrections is amended by
21 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as
22 follows:

23 (730 ILCS 5/5-4.5-110)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
2 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

3 (a) DEFINITIONS. For the purposes of this Section:

4 "Firearm" has the meaning ascribed to it in Section
5 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
6 ~~Firearm Owners Identification Card Act.~~

7 "Qualifying predicate offense" means the following
8 offenses under the Criminal Code of 2012:

9 (A) aggravated unlawful use of a weapon under
10 Section 24-1.6 or similar offense under the Criminal
11 Code of 1961, when the weapon is a firearm;

12 (B) unlawful use or possession of a weapon by a
13 felon under Section 24-1.1 or similar offense under
14 the Criminal Code of 1961, when the weapon is a
15 firearm;

16 (C) first degree murder under Section 9-1 or
17 similar offense under the Criminal Code of 1961;

18 (D) attempted first degree murder with a firearm
19 or similar offense under the Criminal Code of 1961;

20 (E) aggravated kidnapping with a firearm under
21 paragraph (6) or (7) of subsection (a) of Section 10-2
22 or similar offense under the Criminal Code of 1961;

23 (F) aggravated battery with a firearm under
24 subsection (e) of Section 12-3.05 or similar offense
25 under the Criminal Code of 1961;

26 (G) aggravated criminal sexual assault under

1 Section 11-1.30 or similar offense under the Criminal
2 Code of 1961;

3 (H) predatory criminal sexual assault of a child
4 under Section 11-1.40 or similar offense under the
5 Criminal Code of 1961;

6 (I) armed robbery under Section 18-2 or similar
7 offense under the Criminal Code of 1961;

8 (J) vehicular hijacking under Section 18-3 or
9 similar offense under the Criminal Code of 1961;

10 (K) aggravated vehicular hijacking under Section
11 18-4 or similar offense under the Criminal Code of
12 1961;

13 (L) home invasion with a firearm under paragraph
14 (3), (4), or (5) of subsection (a) of Section 19-6 or
15 similar offense under the Criminal Code of 1961;

16 (M) aggravated discharge of a firearm under
17 Section 24-1.2 or similar offense under the Criminal
18 Code of 1961;

19 (N) aggravated discharge of a machine gun or a
20 firearm equipped with a device designed or used for
21 silencing the report of a firearm under Section
22 24-1.2-5 or similar offense under the Criminal Code of
23 1961;

24 (O) unlawful use of firearm projectiles under
25 Section 24-2.1 or similar offense under the Criminal
26 Code of 1961;

1 (P) manufacture, sale, or transfer of bullets or
2 shells represented to be armor piercing bullets,
3 dragon's breath shotgun shells, bolo shells, or
4 flechette shells under Section 24-2.2 or similar
5 offense under the Criminal Code of 1961;

6 (Q) unlawful sale or delivery of firearms under
7 Section 24-3 or similar offense under the Criminal
8 Code of 1961;

9 (R) unlawful discharge of firearm projectiles
10 under Section 24-3.2 or similar offense under the
11 Criminal Code of 1961;

12 (S) unlawful sale or delivery of firearms on
13 school premises of any school under Section 24-3.3 or
14 similar offense under the Criminal Code of 1961;

15 (T) unlawful purchase of a firearm under Section
16 24-3.5 or similar offense under the Criminal Code of
17 1961;

18 (U) use of a stolen firearm in the commission of an
19 offense under Section 24-3.7 or similar offense under
20 the Criminal Code of 1961;

21 (V) possession of a stolen firearm under Section
22 24-3.8 or similar offense under the Criminal Code of
23 1961;

24 (W) aggravated possession of a stolen firearm
25 under Section 24-3.9 or similar offense under the
26 Criminal Code of 1961;

1 (X) gunrunning under Section 24-3A or similar
2 offense under the Criminal Code of 1961;

3 (Y) defacing identification marks of firearms
4 under Section 24-5 or similar offense under the
5 Criminal Code of 1961; and

6 (Z) armed violence under Section 33A-2 or similar
7 offense under the Criminal Code of 1961.

8 (b) APPLICABILITY. For an offense committed on or after
9 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
10 ~~amendatory Act of the 100th General Assembly~~ and before
11 January 1, 2023, when a person is convicted of unlawful use or
12 possession of a weapon by a felon, when the weapon is a
13 firearm, or aggravated unlawful use of a weapon, when the
14 weapon is a firearm, after being previously convicted of a
15 qualifying predicate offense the person shall be subject to
16 the sentencing guidelines under this Section.

17 (c) SENTENCING GUIDELINES.

18 (1) When a person is convicted of unlawful use or
19 possession of a weapon by a felon, when the weapon is a
20 firearm, and that person has been previously convicted of
21 a qualifying predicate offense, the person shall be
22 sentenced to a term of imprisonment within the sentencing
23 range of not less than 7 years and not more than 14 years,
24 unless the court finds that a departure from the
25 sentencing guidelines under this paragraph is warranted
26 under subsection (d) of this Section.

1 (2) When a person is convicted of aggravated unlawful
2 use of a weapon, when the weapon is a firearm, and that
3 person has been previously convicted of a qualifying
4 predicate offense, the person shall be sentenced to a term
5 of imprisonment within the sentencing range of not less
6 than 6 years and not more than 7 years, unless the court
7 finds that a departure from the sentencing guidelines
8 under this paragraph is warranted under subsection (d) of
9 this Section.

10 (3) The sentencing guidelines in paragraphs (1) and
11 (2) of this subsection (c) apply only to offenses
12 committed on and after January 1, 2018 (the effective
13 date Public Act 100-3) of ~~this amendatory Act of the 100th~~
14 ~~General Assembly~~ and before January 1, 2023.

15 (d) DEPARTURE FROM SENTENCING GUIDELINES.

16 (1) At the sentencing hearing conducted under Section
17 5-4-1 of this Code, the court may depart from the
18 sentencing guidelines provided in subsection (c) of this
19 Section and impose a sentence otherwise authorized by law
20 for the offense if the court, after considering any factor
21 under paragraph (2) of this subsection (d) relevant to the
22 nature and circumstances of the crime and to the history
23 and character of the defendant, finds on the record
24 substantial and compelling justification that the sentence
25 within the sentencing guidelines would be unduly harsh and
26 that a sentence otherwise authorized by law would be

1 consistent with public safety and does not deprecate the
2 seriousness of the offense.

3 (2) In deciding whether to depart from the sentencing
4 guidelines under this paragraph, the court shall consider:

5 (A) the age, immaturity, or limited mental
6 capacity of the defendant at the time of commission of
7 the qualifying predicate or current offense, including
8 whether the defendant was suffering from a mental or
9 physical condition insufficient to constitute a
10 defense but significantly reduced the defendant's
11 culpability;

12 (B) the nature and circumstances of the qualifying
13 predicate offense;

14 (C) the time elapsed since the qualifying
15 predicate offense;

16 (D) the nature and circumstances of the current
17 offense;

18 (E) the defendant's prior criminal history;

19 (F) whether the defendant committed the qualifying
20 predicate or current offense under specific and
21 credible duress, coercion, threat, or compulsion;

22 (G) whether the defendant aided in the
23 apprehension of another felon or testified truthfully
24 on behalf of another prosecution of a felony; and

25 (H) whether departure is in the interest of the
26 person's rehabilitation, including employment or

1 educational or vocational training, after taking into
2 account any past rehabilitation efforts or
3 dispositions of probation or supervision, and the
4 defendant's cooperation or response to rehabilitation.

5 (3) When departing from the sentencing guidelines
6 under this Section, the court shall specify on the record,
7 the particular evidence, information, factor or factors,
8 or other reasons which led to the departure from the
9 sentencing guidelines. When departing from the sentencing
10 range in accordance with this subsection (d), the court
11 shall indicate on the sentencing order which departure
12 factor or factors outlined in paragraph (2) of this
13 subsection (d) led to the sentence imposed. The sentencing
14 order shall be filed with the clerk of the court and shall
15 be a public record.

16 (e) This Section is repealed on January 1, 2023.

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

18 (730 ILCS 5/5-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the
25 following offenses. The court shall sentence the offender to

1 not less than the minimum term of imprisonment set forth in
2 this Code for the following offenses, and may order a fine or
3 restitution or both in conjunction with such term of
4 imprisonment:

5 (A) First degree murder where the death penalty is not
6 imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) A violation of Section 401.1 or 407 of the
10 Illinois Controlled Substances Act, or a violation of
11 subdivision (c)(1.5) of Section 401 of that Act which
12 relates to more than 5 grams of a substance containing
13 fentanyl or an analog thereof.

14 (D-5) A violation of subdivision (c)(1) of Section 401
15 of the Illinois Controlled Substances Act which relates to
16 3 or more grams of a substance containing heroin or an
17 analog thereof.

18 (E) (Blank).

19 (F) A Class 1 or greater felony if the offender had
20 been convicted of a Class 1 or greater felony, including
21 any state or federal conviction for an offense that
22 contained, at the time it was committed, the same elements
23 as an offense now (the date of the offense committed after
24 the prior Class 1 or greater felony) classified as a Class
25 1 or greater felony, within 10 years of the date on which
26 the offender committed the offense for which he or she is

1 being sentenced, except as otherwise provided in Section
2 40-10 of the Substance Use Disorder Act.

3 (F-3) A Class 2 or greater felony sex offense or
4 felony firearm offense if the offender had been convicted
5 of a Class 2 or greater felony, including any state or
6 federal conviction for an offense that contained, at the
7 time it was committed, the same elements as an offense now
8 (the date of the offense committed after the prior Class 2
9 or greater felony) classified as a Class 2 or greater
10 felony, within 10 years of the date on which the offender
11 committed the offense for which he or she is being
12 sentenced, except as otherwise provided in Section 40-10
13 of the Substance Use Disorder Act.

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

17 (G) Residential burglary, except as otherwise provided
18 in Section 40-10 of the Substance Use Disorder Act.

19 (H) Criminal sexual assault.

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

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

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

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

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

10 (K) Vehicular hijacking.

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

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

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act committed before the effective
21 date of this amendatory Act of the 102nd General Assembly.

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

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

1 (Q) A violation of subsection (b) or (b-5) of Section
2 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012.

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

6 (S) (Blank).

7 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

22 (DD) A conviction for aggravated assault under
23 paragraph (6) of subsection (c) of Section 12-2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 if the
25 firearm is aimed toward the person against whom the
26 firearm is being used.

1 (EE) A conviction for a violation of paragraph (2) of
2 subsection (a) of Section 24-3B of the Criminal Code of
3 2012.

4 (3) (Blank).

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

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
11 this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court, shall
16 be imposed for a second violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6), and
19 (4.9) of this subsection (c), a minimum term of imprisonment
20 of 30 days or 300 hours of community service, as determined by
21 the court, shall be imposed for a third or subsequent
22 violation of Section 6-303 of the Illinois Vehicle Code. The
23 court may give credit toward the fulfillment of community
24 service hours for participation in activities and treatment as
25 determined by court services.

26 (4.5) A minimum term of imprisonment of 30 days shall be

1 imposed for a third violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this
4 subsection (c), a minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

24 (4.10) A mandatory prison sentence for a Class 1 felony
25 shall be imposed, and the person shall be eligible for an
26 extended term sentence, for a fourth or subsequent violation

1 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
2 Code, as provided in subsection (d-3.5) of that Section. The
3 person's driving privileges shall be revoked for the remainder
4 of his or her life.

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

7 (A) a period of conditional discharge;

8 (B) a fine;

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

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

18 (5.2) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license, permit,
22 or privileges suspended for at least 180 days but not more than
23 2 years, if the violation resulted in injury to another
24 person.

25 (5.3) In addition to any other penalties imposed, a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 2 years, if the violation
3 resulted in the death of another person.

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

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

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

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

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

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

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

1 The costs of such classes shall be paid by the offender.

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

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

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

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

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

14 and

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

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

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

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

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

8 (f) (Blank).

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

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

24 (g-5) When an inmate is tested for an airborne
25 communicable disease, as determined by the Illinois Department
26 of Public Health including but not limited to tuberculosis,

1 the results of the test shall be personally delivered by the
2 warden or his or her designee in a sealed envelope to the judge
3 of the court in which the inmate must appear for the judge's
4 inspection in camera if requested by the judge. Acting in
5 accordance with the best interests of those in the courtroom,
6 the judge shall have the discretion to determine what if any
7 precautions need to be taken to prevent transmission of the
8 disease in the courtroom.

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

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

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

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

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

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

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

1 program.

2 (k) (Blank).

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

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

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

17 Otherwise, the defendant shall be sentenced as provided in
18 this Chapter V.

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

1 agent when:

2 (1) a final order of deportation has been issued
3 against the defendant pursuant to proceedings under the
4 Immigration and Nationality Act, and

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

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

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

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

1 (n) The court may sentence a person convicted of a
2 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
3 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
4 of 1961 or the Criminal Code of 2012 (i) to an impact
5 incarceration program if the person is otherwise eligible for
6 that program under Section 5-8-1.1, (ii) to community service,
7 or (iii) if the person has a substance use disorder, as defined
8 in the Substance Use Disorder Act, to a treatment program
9 licensed under that Act.

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

15 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
16 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

17 (730 ILCS 5/5-5-3.2)

18 Sec. 5-5-3.2. Factors in aggravation and extended-term
19 sentencing.

20 (a) The following factors shall be accorded weight in
21 favor of imposing a term of imprisonment or may be considered
22 by the court as reasons to impose a more severe sentence under
23 Section 5-8-1 or Article 4.5 of Chapter V:

24 (1) the defendant's conduct caused or threatened
25 serious harm;

1 (2) the defendant received compensation for committing
2 the offense;

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

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

9 (5) the defendant held public office at the time of
10 the offense, and the offense related to the conduct of
11 that office;

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

15 (7) the sentence is necessary to deter others from
16 committing the same crime;

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

19 (9) the defendant committed the offense against a
20 person who has a physical disability or such person's
21 property;

22 (10) by reason of another individual's actual or
23 perceived race, color, creed, religion, ancestry, gender,
24 sexual orientation, physical or mental disability, or
25 national origin, the defendant committed the offense
26 against (i) the person or property of that individual;

1 (ii) the person or property of a person who has an
2 association with, is married to, or has a friendship with
3 the other individual; or (iii) the person or property of a
4 relative (by blood or marriage) of a person described in
5 clause (i) or (ii). For the purposes of this Section,
6 "sexual orientation" has the meaning ascribed to it in
7 paragraph (O-1) of Section 1-103 of the Illinois Human
8 Rights Act;

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

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

22 (13) the defendant committed or attempted to commit a
23 felony while he was wearing a bulletproof vest. For the
24 purposes of this paragraph (13), a bulletproof vest is any
25 device which is designed for the purpose of protecting the
26 wearer from bullets, shot or other lethal projectiles;

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

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

18 (16) the defendant committed an offense in violation
19 of one of the following Sections while in a school,
20 regardless of the time of day or time of year; on any
21 conveyance owned, leased, or contracted by a school to
22 transport students to or from school or a school related
23 activity; on the real property of a school; or on a public
24 way within 1,000 feet of the real property comprising any
25 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,

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

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

20 (17) the defendant committed the offense by reason of
21 any person's activity as a community policing volunteer or
22 to prevent any person from engaging in activity as a
23 community policing volunteer. For the purpose of this
24 Section, "community policing volunteer" has the meaning
25 ascribed to it in Section 2-3.5 of the Criminal Code of
26 2012;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home.
3 For the purposes of this paragraph (18), "nursing home"
4 means a skilled nursing or intermediate long term care
5 facility that is subject to license by the Illinois
6 Department of Public Health under the Nursing Home Care
7 Act, the Specialized Mental Health Rehabilitation Act of
8 2013, the ID/DD Community Care Act, or the MC/DD Act;

9 (19) the defendant was a federally licensed firearm
10 dealer and was previously convicted of a violation of
11 subsection (a) of Section 3 of the Firearm Owners
12 Identification Card Act before its repeal by this
13 amendatory Act of the 102nd General Assembly and has now
14 committed ~~either a felony violation of the Firearm Owners~~
15 ~~Identification Card Act or~~ an act of armed violence while
16 armed with a firearm;

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

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

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

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

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

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

26 (26) the defendant committed the offense of child

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

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

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

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

13 (29) the defendant committed the offense of criminal
14 sexual assault, aggravated criminal sexual assault,
15 criminal sexual abuse, or aggravated criminal sexual abuse
16 against a victim with an intellectual disability, and the
17 defendant holds a position of trust, authority, or
18 supervision in relation to the victim;

19 (30) the defendant committed the offense of promoting
20 juvenile prostitution, patronizing a prostitute, or
21 patronizing a minor engaged in prostitution and at the
22 time of the commission of the offense knew that the
23 prostitute or minor engaged in prostitution was in the
24 custody or guardianship of the Department of Children and
25 Family Services;

26 (31) the defendant (i) committed the offense of

1 driving while under the influence of alcohol, other drug
2 or drugs, intoxicating compound or compounds or any
3 combination thereof in violation of Section 11-501 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance and (ii) the defendant during the commission of
6 the offense was driving his or her vehicle upon a roadway
7 designated for one-way traffic in the opposite direction
8 of the direction indicated by official traffic control
9 devices; ~~or~~

10 (32) the defendant committed the offense of reckless
11 homicide while committing a violation of Section 11-907 of
12 the Illinois Vehicle Code; ~~or~~

13 (33) ~~(32)~~ the defendant was found guilty of an
14 administrative infraction related to an act or acts of
15 public indecency or sexual misconduct in the penal
16 institution. In this paragraph (33) ~~(32)~~, "penal
17 institution" has the same meaning as in Section 2-14 of
18 the Criminal Code of 2012; ~~or~~

19 (34) ~~(32)~~ the defendant committed the offense of
20 leaving the scene of an accident in violation of
21 subsection (b) of Section 11-401 of the Illinois Vehicle
22 Code and the accident resulted in the death of a person and
23 at the time of the offense, the defendant was: (i) driving
24 under the influence of alcohol, other drug or drugs,
25 intoxicating compound or compounds or any combination
26 thereof as defined by Section 11-501 of the Illinois

1 Vehicle Code; or (ii) operating the motor vehicle while
2 using an electronic communication device as defined in
3 Section 12-610.2 of the Illinois Vehicle Code.

4 For the purposes of this Section:

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

7 "Day care center" means a public or private State
8 certified and licensed day care center as defined in Section
9 2.09 of the Child Care Act of 1969 that displays a sign in
10 plain view stating that the property is a day care center.

11 "Intellectual disability" means significantly subaverage
12 intellectual functioning which exists concurrently with
13 impairment in adaptive behavior.

14 "Public transportation" means the transportation or
15 conveyance of persons by means available to the general
16 public, and includes paratransit services.

17 "Traffic control devices" means all signs, signals,
18 markings, and devices that conform to the Illinois Manual on
19 Uniform Traffic Control Devices, placed or erected by
20 authority of a public body or official having jurisdiction,
21 for the purpose of regulating, warning, or guiding traffic.

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

25 (1) When a defendant is convicted of any felony, after
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or
2 greater class felony, when such conviction has occurred
3 within 10 years after the previous conviction, excluding
4 time spent in custody, and such charges are separately
5 brought and tried and arise out of different series of
6 acts; or

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

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

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

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

17 (iii) a person who had a physical disability at
18 the time of the offense or such person's property; or

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

25 (i) the brutalizing or torturing of humans or
26 animals;

1 (ii) the theft of human corpses;
2 (iii) the kidnapping of humans;
3 (iv) the desecration of any cemetery, religious,
4 fraternal, business, governmental, educational, or
5 other building or property; or

6 (v) ritualized abuse of a child; or

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

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

22 (7) When a defendant who was at least 17 years of age
23 at the time of the commission of the offense is convicted
24 of a felony and has been previously adjudicated a
25 delinquent minor under the Juvenile Court Act of 1987 for
26 an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10
2 years after the previous adjudication, excluding time
3 spent in custody; or

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

10 (9) When a defendant commits any felony and the
11 defendant knowingly video or audio records the offense
12 with the intent to disseminate the recording.

13 (c) The following factors may be considered by the court
14 as reasons to impose an extended term sentence under Section
15 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
16 offenses:

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

25 (1.5) When a defendant is convicted of first degree
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
2 (720 ILCS 5/12-3.3) committed on the same victim or after
3 having been previously convicted of violation of an order
4 of protection (720 ILCS 5/12-30) in which the same victim
5 was the protected person.

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

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

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

1 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

2 (5) When a defendant is convicted of a felony
3 violation of Section 24-1 of the Criminal Code of 1961 or
4 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
5 finding that the defendant is a member of an organized
6 gang.

7 (6) When a defendant was convicted of unlawful use of
8 weapons under Section 24-1 of the Criminal Code of 1961 or
9 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
10 a weapon that is not readily distinguishable as one of the
11 weapons enumerated in Section 24-1 of the Criminal Code of
12 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

1 emergency medical technician-ambulance, emergency medical
2 technician-intermediate, emergency medical
3 technician-paramedic, ambulance driver, other medical
4 assistance or first aid personnel, or hospital emergency
5 room personnel.

6 (8) When the defendant is convicted of attempted mob
7 action, solicitation to commit mob action, or conspiracy
8 to commit mob action under Section 8-1, 8-2, or 8-4 of the
9 Criminal Code of 2012, where the criminal object is a
10 violation of Section 25-1 of the Criminal Code of 2012,
11 and an electronic communication is used in the commission
12 of the offense. For the purposes of this paragraph (8),
13 "electronic communication" shall have the meaning provided
14 in Section 26.5-0.1 of the Criminal Code of 2012.

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

18 (e) The court may impose an extended term sentence under
19 Article 4.5 of Chapter V upon an offender who has been
20 convicted of a felony violation of Section 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
22 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
23 when the victim of the offense is under 18 years of age at the
24 time of the commission of the offense and, during the
25 commission of the offense, the victim was under the influence
26 of alcohol, regardless of whether or not the alcohol was

1 supplied by the offender; and the offender, at the time of the
2 commission of the offense, knew or should have known that the
3 victim had consumed alcohol.

4 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
5 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

6 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

7 Sec. 5-6-3. Conditions of probation and of conditional
8 discharge.

9 (a) The conditions of probation and of conditional
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report to or appear in person before such person
14 or agency as directed by the court;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a
17 misdemeanor, the offense involved the intentional or
18 knowing infliction of bodily harm or threat of bodily
19 harm;

20 (4) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature that prior consent
23 by the court is not possible, without the prior
24 notification and approval of the person's probation
25 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to
2 acceptance by the other state pursuant to the Interstate
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his
5 home or elsewhere to the extent necessary to discharge his
6 duties;

7 (6) perform no less than 30 hours of community service
8 and not more than 120 hours of community service, if
9 community service is available in the jurisdiction and is
10 funded and approved by the county board where the offense
11 was committed, where the offense was related to or in
12 furtherance of the criminal activities of an organized
13 gang and was motivated by the offender's membership in or
14 allegiance to an organized gang. The community service
15 shall include, but not be limited to, the cleanup and
16 repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012 and similar damage to property located within the
19 municipality or county in which the violation occurred.
20 When possible and reasonable, the community service should
21 be performed in the offender's neighborhood. For purposes
22 of this Section, "organized gang" has the meaning ascribed
23 to it in Section 10 of the Illinois Streetgang Terrorism
24 Omnibus Prevention Act. The court may give credit toward
25 the fulfillment of community service hours for
26 participation in activities and treatment as determined by

1 court services;

2 (7) if he or she is at least 17 years of age and has
3 been sentenced to probation or conditional discharge for a
4 misdemeanor or felony in a county of 3,000,000 or more
5 inhabitants and has not been previously convicted of a
6 misdemeanor or felony, may be required by the sentencing
7 court to attend educational courses designed to prepare
8 the defendant for a high school diploma and to work toward
9 a high school diploma or to work toward passing high
10 school equivalency testing or to work toward completing a
11 vocational training program approved by the court. The
12 person on probation or conditional discharge must attend a
13 public institution of education to obtain the educational
14 or vocational training required by this paragraph (7). The
15 court shall revoke the probation or conditional discharge
16 of a person who wilfully fails to comply with this
17 paragraph (7). The person on probation or conditional
18 discharge shall be required to pay for the cost of the
19 educational courses or high school equivalency testing if
20 a fee is charged for those courses or testing. The court
21 shall resentence the offender whose probation or
22 conditional discharge has been revoked as provided in
23 Section 5-6-4. This paragraph (7) does not apply to a
24 person who has a high school diploma or has successfully
25 passed high school equivalency testing. This paragraph (7)
26 does not apply to a person who is determined by the court

1 to be a person with a developmental disability or
2 otherwise mentally incapable of completing the educational
3 or vocational program;

4 (8) if convicted of possession of a substance
5 prohibited by the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine Control
7 and Community Protection Act after a previous conviction
8 or disposition of supervision for possession of a
9 substance prohibited by the Cannabis Control Act or
10 Illinois Controlled Substances Act or after a sentence of
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act, or
13 Section 70 of the Methamphetamine Control and Community
14 Protection Act and upon a finding by the court that the
15 person is addicted, undergo treatment at a substance abuse
16 program approved by the court;

17 (8.5) if convicted of a felony sex offense as defined
18 in the Sex Offender Management Board Act, the person shall
19 undergo and successfully complete sex offender treatment
20 by a treatment provider approved by the Board and
21 conducted in conformance with the standards developed
22 under the Sex Offender Management Board Act;

23 (8.6) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, refrain from residing
25 at the same address or in the same condominium unit or
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders;

8 (8.7) if convicted for an offense committed on or
9 after June 1, 2008 (the effective date of Public Act
10 95-464) that would qualify the accused as a child sex
11 offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 refrain from communicating with or contacting, by means of
14 the Internet, a person who is not related to the accused
15 and whom the accused reasonably believes to be under 18
16 years of age; for purposes of this paragraph (8.7),
17 "Internet" has the meaning ascribed to it in Section
18 16-0.1 of the Criminal Code of 2012; and a person is not
19 related to the accused if the person is not: (i) the
20 spouse, brother, or sister of the accused; (ii) a
21 descendant of the accused; (iii) a first or second cousin
22 of the accused; or (iv) a step-child or adopted child of
23 the accused;

24 (8.8) if convicted for an offense under Section 11-6,
25 11-9.1, 11-14.4 that involves soliciting for a juvenile
26 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 or any attempt to commit any of these offenses, committed
3 on or after June 1, 2009 (the effective date of Public Act
4 95-983):

5 (i) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the offender's probation officer,
8 except in connection with the offender's employment or
9 search for employment with the prior approval of the
10 offender's probation officer;

11 (ii) submit to periodic unannounced examinations
12 of the offender's computer or any other device with
13 Internet capability by the offender's probation
14 officer, a law enforcement officer, or assigned
15 computer or information technology specialist,
16 including the retrieval and copying of all data from
17 the computer or device and any internal or external
18 peripherals and removal of such information,
19 equipment, or device to conduct a more thorough
20 inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or
24 software systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the offender's probation officer;

3 (8.9) if convicted of a sex offense as defined in the
4 Sex Offender Registration Act committed on or after
5 January 1, 2010 (the effective date of Public Act 96-262),
6 refrain from accessing or using a social networking
7 website as defined in Section 17-0.5 of the Criminal Code
8 of 2012;

9 (9) if convicted of a felony or of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
15 at a time and place designated by the court, ~~his or her~~
16 ~~Firearm Owner's Identification Card~~ and any and all
17 firearms in his or her possession. ~~The Court shall return~~
18 ~~to the Department of State Police Firearm Owner's~~
19 ~~Identification Card Office the person's Firearm Owner's~~
20 ~~Identification Card;~~

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial
25 minors are present, not participate in a holiday event
26 involving children under 18 years of age, such as

1 distributing candy or other items to children on
2 Halloween, wearing a Santa Claus costume on or preceding
3 Christmas, being employed as a department store Santa
4 Claus, or wearing an Easter Bunny costume on or preceding
5 Easter;

6 (11) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed
8 on or after January 1, 2010 (the effective date of Public
9 Act 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any
11 computer scrub software on any computer that the sex
12 offender uses;

13 (12) if convicted of a violation of the
14 Methamphetamine Control and Community Protection Act, the
15 Methamphetamine Precursor Control Act, or a
16 methamphetamine related offense:

17 (A) prohibited from purchasing, possessing, or
18 having under his or her control any product containing
19 pseudoephedrine unless prescribed by a physician; and

20 (B) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 ammonium nitrate; and

23 (13) if convicted of a hate crime involving the
24 protected class identified in subsection (a) of Section
25 12-7.1 of the Criminal Code of 2012 that gave rise to the
26 offense the offender committed, perform public or

1 community service of no less than 200 hours and enroll in
2 an educational program discouraging hate crimes that
3 includes racial, ethnic, and cultural sensitivity training
4 ordered by the court.

5 (b) The Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

10 (1) serve a term of periodic imprisonment under
11 Article 7 for a period not to exceed that specified in
12 paragraph (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) and in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be
16 that the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for
18 deposit in the substance abuse services fund under
19 Section 5-1086.1 of the Counties Code, except as
20 provided in an administrative order of the Chief Judge
21 of the circuit court.

22 The Chief Judge of the circuit court of the county
23 may by administrative order establish a program for
24 electronic monitoring of offenders, in which a vendor
25 supplies and monitors the operation of the electronic
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for
2 indigent offenders and the collection of unpaid fees.
3 The program shall not unduly burden the offender and
4 shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend
6 any additional charges or fees for late payment,
7 interest, or damage to any device; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court, except as provided in an administrative
21 order of the Chief Judge of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs of
25 corrections. The county treasurer shall deposit the
26 fee collected in the probation and court services

1 fund. The Chief Judge of the circuit court of the
2 county may by administrative order establish a program
3 for electronic monitoring of offenders, in which a
4 vendor supplies and monitors the operation of the
5 electronic monitoring device, and collects the fees on
6 behalf of the county. The program shall include
7 provisions for indigent offenders and the collection
8 of unpaid fees. The program shall not unduly burden
9 the offender and shall be subject to review by the
10 Chief Judge.

11 The Chief Judge of the circuit court may suspend
12 any additional charges or fees for late payment,
13 interest, or damage to any device.

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter
17 amended, or an order of protection issued by the court of
18 another state, tribe, or United States territory. A copy
19 of the order of protection shall be transmitted to the
20 probation officer or agency having responsibility for the
21 case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council
24 Act for any reasonable expenses incurred by the program on
25 the offender's case, not to exceed the maximum amount of
26 the fine authorized for the offense for which the

1 defendant was sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, (i) to a
5 "local anti-crime program", as defined in Section 7 of the
6 Anti-Crime Advisory Council Act, or (ii) for offenses
7 under the jurisdiction of the Department of Natural
8 Resources, to the fund established by the Department of
9 Natural Resources for the purchase of evidence for
10 investigation purposes and to conduct investigations as
11 outlined in Section 805-105 of the Department of Natural
12 Resources (Conservation) Law;

13 (14) refrain from entering into a designated
14 geographic area except upon such terms as the court finds
15 appropriate. Such terms may include consideration of the
16 purpose of the entry, the time of day, other persons
17 accompanying the defendant, and advance approval by a
18 probation officer, if the defendant has been placed on
19 probation or advance approval by the court, if the
20 defendant was placed on conditional discharge;

21 (15) refrain from having any contact, directly or
22 indirectly, with certain specified persons or particular
23 types of persons, including but not limited to members of
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or
2 the Methamphetamine Control and Community Protection Act,
3 unless prescribed by a physician, and submit samples of
4 his or her blood or urine or both for tests to determine
5 the presence of any illicit drug;

6 (17) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464)
8 that would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, refrain from
11 communicating with or contacting, by means of the
12 Internet, a person who is related to the accused and whom
13 the accused reasonably believes to be under 18 years of
14 age; for purposes of this paragraph (17), "Internet" has
15 the meaning ascribed to it in Section 16-0.1 of the
16 Criminal Code of 2012; and a person is related to the
17 accused if the person is: (i) the spouse, brother, or
18 sister of the accused; (ii) a descendant of the accused;
19 (iii) a first or second cousin of the accused; or (iv) a
20 step-child or adopted child of the accused;

21 (18) if convicted for an offense committed on or after
22 June 1, 2009 (the effective date of Public Act 95-983)
23 that would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 subject's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer; and

23 (19) refrain from possessing a firearm or other
24 dangerous weapon where the offense is a misdemeanor that
25 did not involve the intentional or knowing infliction of
26 bodily harm or threat of bodily harm.

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or
9 conditional discharge, except as may be necessary in the
10 course of the minor's lawful employment.

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

14 (e) Except where the offender has committed a fourth or
15 subsequent violation of subsection (c) of Section 6-303 of the
16 Illinois Vehicle Code, the court shall not require as a
17 condition of the sentence of probation or conditional
18 discharge that the offender be committed to a period of
19 imprisonment in excess of 6 months. This 6-month limit shall
20 not include periods of confinement given pursuant to a
21 sentence of county impact incarceration under Section 5-8-1.2.

22 Persons committed to imprisonment as a condition of
23 probation or conditional discharge shall not be committed to
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of
2 probation or conditional discharge.

3 (g) An offender sentenced to probation or to conditional
4 discharge and who during the term of either undergoes
5 mandatory drug or alcohol testing, or both, or is assigned to
6 be placed on an approved electronic monitoring device, shall
7 be ordered to pay all costs incidental to such mandatory drug
8 or alcohol testing, or both, and all costs incidental to such
9 approved electronic monitoring in accordance with the
10 defendant's ability to pay those costs. The county board with
11 the concurrence of the Chief Judge of the judicial circuit in
12 which the county is located shall establish reasonable fees
13 for the cost of maintenance, testing, and incidental expenses
14 related to the mandatory drug or alcohol testing, or both, and
15 all costs incidental to approved electronic monitoring,
16 involved in a successful probation program for the county. The
17 concurrence of the Chief Judge shall be in the form of an
18 administrative order. The fees shall be collected by the clerk
19 of the circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The clerk of the
21 circuit court shall pay all moneys collected from these fees
22 to the county treasurer who shall use the moneys collected to
23 defray the costs of drug testing, alcohol testing, and
24 electronic monitoring. The county treasurer shall deposit the
25 fees collected in the county working cash fund under Section
26 6-27001 or Section 6-29002 of the Counties Code, as the case

1 may be. The Chief Judge of the circuit court of the county may
2 by administrative order establish a program for electronic
3 monitoring of offenders, in which a vendor supplies and
4 monitors the operation of the electronic monitoring device,
5 and collects the fees on behalf of the county. The program
6 shall include provisions for indigent offenders and the
7 collection of unpaid fees. The program shall not unduly burden
8 the offender and shall be subject to review by the Chief Judge.

9 The Chief Judge of the circuit court may suspend any
10 additional charges or fees for late payment, interest, or
11 damage to any device.

12 (h) Jurisdiction over an offender may be transferred from
13 the sentencing court to the court of another circuit with the
14 concurrence of both courts. Further transfers or retransfers
15 of jurisdiction are also authorized in the same manner. The
16 court to which jurisdiction has been transferred shall have
17 the same powers as the sentencing court. The probation
18 department within the circuit to which jurisdiction has been
19 transferred, or which has agreed to provide supervision, may
20 impose probation fees upon receiving the transferred offender,
21 as provided in subsection (i). For all transfer cases, as
22 defined in Section 9b of the Probation and Probation Officers
23 Act, the probation department from the original sentencing
24 court shall retain all probation fees collected prior to the
25 transfer. After the transfer, all probation fees shall be paid
26 to the probation department within the circuit to which

1 jurisdiction has been transferred.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992 or to community service under the
5 supervision of a probation or court services department after
6 January 1, 2004, as a condition of such probation or
7 conditional discharge or supervised community service, a fee
8 of \$50 for each month of probation or conditional discharge
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 sentenced to probation or conditional discharge or supervised
12 community service to pay the fee, the court assesses a lesser
13 fee. The court may not impose the fee on a minor who is placed
14 in the guardianship or custody of the Department of Children
15 and Family Services under the Juvenile Court Act of 1987 while
16 the minor is in placement. The fee shall be imposed only upon
17 an offender who is actively supervised by the probation and
18 court services department. The fee shall be collected by the
19 clerk of the circuit court. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the probation and court services fund
22 under Section 15.1 of the Probation and Probation Officers
23 Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless the circuit
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an
2 offender's ability to pay. Of the amount collected as a
3 probation fee, up to \$5 of that fee collected per month may be
4 used to provide services to crime victims and their families.

5 The Court may only waive probation fees based on an
6 offender's ability to pay. The probation department may
7 re-evaluate an offender's ability to pay every 6 months, and,
8 with the approval of the Director of Court Services or the
9 Chief Probation Officer, adjust the monthly fee amount. An
10 offender may elect to pay probation fees due in a lump sum. Any
11 offender that has been assigned to the supervision of a
12 probation department, or has been transferred either under
13 subsection (h) of this Section or under any interstate
14 compact, shall be required to pay probation fees to the
15 department supervising the offender, based on the offender's
16 ability to pay.

17 Public Act 93-970 deletes the \$10 increase in the fee
18 under this subsection that was imposed by Public Act 93-616.
19 This deletion is intended to control over any other Act of the
20 93rd General Assembly that retains or incorporates that fee
21 increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation
26 department has determined to be sexually motivated (as defined

1 in the Sex Offender Management Board Act), the court or the
2 probation department shall assess additional fees to pay for
3 all costs of treatment, assessment, evaluation for risk and
4 treatment, and monitoring the offender, based on that
5 offender's ability to pay those costs either as they occur or
6 under a payment plan.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under the Criminal
13 and Traffic Assessment Act.

14 (k) Any offender who is sentenced to probation or
15 conditional discharge for a felony sex offense as defined in
16 the Sex Offender Management Board Act or any offense that the
17 court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to
24 probation or conditional discharge for a violation of an order
25 of protection be placed under electronic surveillance as
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
2 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
3 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

4 Section 100. The Stalking No Contact Order Act is amended
5 by changing Section 80 as follows:

6 (740 ILCS 21/80)

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

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

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

21 (1) prohibit the respondent from threatening to commit
22 or committing stalking;

23 (2) order the respondent not to have any contact with
24 the petitioner or a third person specifically named by the

1 court;

2 (3) prohibit the respondent from knowingly coming
3 within, or knowingly remaining within a specified distance
4 of the petitioner or the petitioner's residence, school,
5 daycare, or place of employment, or any specified place
6 frequented by the petitioner; however, the court may order
7 the respondent to stay away from the respondent's own
8 residence, school, or place of employment only if the
9 respondent has been provided actual notice of the
10 opportunity to appear and be heard on the petition;

11 (4) prohibit the respondent from ~~possessing a Firearm~~
12 ~~Owners Identification Card, or~~ possessing or buying
13 firearms; and

14 (5) order other injunctive relief the court determines
15 to be necessary to protect the petitioner or third party
16 specifically named by the court.

17 (b-5) When the petitioner and the respondent attend the
18 same public, private, or non-public elementary, middle, or
19 high school, the court when issuing a stalking no contact
20 order and providing relief shall consider the severity of the
21 act, any continuing physical danger or emotional distress to
22 the petitioner, the educational rights guaranteed to the
23 petitioner and respondent under federal and State law, the
24 availability of a transfer of the respondent to another
25 school, a change of placement or a change of program of the
26 respondent, the expense, difficulty, and educational

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

1 private or non-public school, the school district or private
2 or non-public school shall have sole discretion to determine
3 the attendance center to which the respondent is transferred.
4 In the event the court order results in a transfer of the minor
5 respondent to another attendance center, a change in the
6 respondent's placement, or a change of the respondent's
7 program, the parents, guardian, or legal custodian of the
8 respondent is responsible for transportation and other costs
9 associated with the transfer or change.

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

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

22 (b-8) The court may hold the parents, guardian, or legal
23 custodian of a minor respondent in civil or criminal contempt
24 for a violation of any provision of any order entered under
25 this Act for conduct of the minor respondent in violation of
26 this Act if the parents, guardian, or legal custodian

1 directed, encouraged, or assisted the respondent minor in such
2 conduct.

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

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

6 (e) If the stalking no contact order prohibits the
7 respondent from ~~possessing a Firearm Owner's Identification~~
8 ~~Card, or~~ possessing or buying firearms; the court shall
9 confiscate the respondent's firearms ~~Firearm Owner's~~
10 ~~Identification Card and immediately return the card to the~~
11 ~~Department of State Police Firearm Owner's Identification Card~~
12 ~~Office.~~

13 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
14 97-1131, eff. 1-1-13.)

15 Section 105. The Mental Health and Developmental
16 Disabilities Confidentiality Act is amended by changing
17 Section 12 as follows:

18 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

19 Sec. 12. (a) If the United States Secret Service or the
20 Department of State Police requests information from a mental
21 health or developmental disability facility, as defined in
22 Section 1-107 and 1-114 of the Mental Health and Developmental
23 Disabilities Code, relating to a specific recipient and the
24 facility director determines that disclosure of such

1 information may be necessary to protect the life of, or to
2 prevent the infliction of great bodily harm to, a public
3 official, or a person under the protection of the United
4 States Secret Service, only the following information may be
5 disclosed: the recipient's name, address, and age and the date
6 of any admission to or discharge from a facility; and any
7 information which would indicate whether or not the recipient
8 has a history of violence or presents a danger of violence to
9 the person under protection. Any information so disclosed
10 shall be used for investigative purposes only and shall not be
11 publicly disseminated. Any person participating in good faith
12 in the disclosure of such information in accordance with this
13 provision shall have immunity from any liability, civil,
14 criminal or otherwise, if such information is disclosed
15 relying upon the representation of an officer of the United
16 States Secret Service or the Department of State Police that a
17 person is under the protection of the United States Secret
18 Service or is a public official.

19 For the purpose of this subsection (a), the term "public
20 official" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, State Comptroller, State
22 Treasurer, member of the General Assembly, member of the
23 United States Congress, Judge of the United States as defined
24 in 28 U.S.C. 451, Justice of the United States as defined in 28
25 U.S.C. 451, United States Magistrate Judge as defined in 28
26 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or

1 Supreme, Appellate, Circuit, or Associate Judge of the State
2 of Illinois. The term shall also include the spouse, child or
3 children of a public official.

4 (b) The Department of Human Services (acting as successor
5 to the Department of Mental Health and Developmental
6 Disabilities) and all public or private hospitals and mental
7 health facilities are required, as hereafter described in this
8 subsection, to furnish the Department of State Police only
9 such information as may be required for the sole purpose of
10 determining whether an individual who may be or may have been a
11 patient is disqualified because of that status from receiving
12 or retaining a firearm under paragraph (4) of subsection (a)
13 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
14 ~~Identification Card or falls within the federal prohibitors~~
15 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
16 ~~of the Firearm Owners Identification Card Act~~, or falls within
17 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
18 physicians, clinical psychologists, or qualified examiners at
19 public or private mental health facilities or parts thereof as
20 defined in this subsection shall, in the form and manner
21 required by the Department, provide notice directly to the
22 Department of Human Services, or to his or her employer who
23 shall then report to the Department, within 24 hours after
24 determining that a person poses a clear and present danger to
25 himself, herself, or others, or within 7 days after a person 14
26 years or older is determined to be a person with a

1 developmental disability by a physician, clinical
2 psychologist, or qualified examiner as described in this
3 subsection (b) Section 1.1 of the Firearm Owners
4 ~~Identification Card Act~~. If a person is a patient as described
5 in clause (2) (A) (1) of the definition of "patient" in (2) (A)
6 ~~Section 1.1 of the Firearm Owners Identification Card Act~~,
7 this information shall be furnished within 7 days after
8 admission to a public or private hospital or mental health
9 facility or the provision of services. Any such information
10 disclosed under this subsection shall remain privileged and
11 confidential, and shall not be redisclosed, except as required
12 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012
13 ~~subsection (e) of Section 3.1 of the Firearm Owners~~
14 ~~Identification Card Act~~, nor utilized for any other purpose.
15 The method of requiring the providing of such information
16 shall guarantee that no information is released beyond what is
17 necessary for this purpose. In addition, the information
18 disclosed shall be provided by the Department within the time
19 period established by Section 24-3 of the Criminal Code of
20 2012 regarding the delivery of firearms. The method used shall
21 be sufficient to provide the necessary information within the
22 prescribed time period, which may include periodically
23 providing lists to the Department of Human Services or any
24 public or private hospital or mental health facility of
25 ~~Firearm Owner's Identification Card~~ applicants for firearm
26 purchases on which the Department or hospital shall indicate

1 the identities of those individuals who are to its knowledge
2 disqualified from having a firearm ~~Firearm Owner's~~
3 ~~Identification Card~~ for reasons described herein. The
4 Department may provide for a centralized source of information
5 for the State on this subject under its jurisdiction. The
6 identity of the person reporting under this subsection shall
7 not be disclosed to the subject of the report. For the purposes
8 of this subsection, the physician, clinical psychologist, or
9 qualified examiner making the determination and his or her
10 employer shall not be held criminally, civilly, or
11 professionally liable for making or not making the
12 notification required under this subsection, except for
13 willful or wanton misconduct.

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

1 or disclosure would violate federal regulations governing the
2 confidentiality of alcohol and drug abuse patient records
3 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

6 (1) (Blank).

7 (1.3) "Clear and present danger" has the meaning as
8 defined in Section 6-103.3 of the Mental Health and
9 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
10 ~~Identification Card Act.~~

11 (1.5) "Person with a developmental disability" has the
12 meaning as defined in Section 6-103.3 of the Mental Health
13 and Developmental Disabilities Code ~~1.1 of the Firearm~~
14 ~~Owners Identification Card Act.~~

15 (2) "Patient" means (A) a person who voluntarily
16 receives mental health treatment as an in-patient or
17 resident of any public or private mental health facility,
18 unless the treatment was solely for an alcohol abuse
19 disorder and no other secondary substance abuse disorder
20 or mental illness; or (B) a person who voluntarily
21 receives mental health treatment as an out-patient or is
22 provided services by a public or private mental health
23 facility, and who poses a clear and present danger to
24 himself, herself, or to others ~~has the meaning as defined~~
25 ~~in Section 1.1 of the Firearm Owners Identification Card~~
26 ~~Act.~~

1 (3) "Mental health facility" means any licensed
2 private hospital or hospital affiliate, institution, or
3 facility, or part thereof, and any facility, or part
4 thereof, operated by the State or a political subdivision
5 thereof which provide treatment of persons with mental
6 illness and includes all hospitals, institutions, clinics,
7 evaluation facilities, mental health centers, colleges,
8 universities, long-term care facilities, and nursing
9 homes, or parts thereof, which provide treatment of
10 persons with mental illness whether or not the primary
11 purpose is to provide treatment of persons with mental
12 illness ~~has the meaning as defined in Section 1.1 of the~~
13 ~~Firearm Owners Identification Card Act.~~

14 (c) Upon the request of a peace officer who takes a person
15 into custody and transports such person to a mental health or
16 developmental disability facility pursuant to Section 3-606 or
17 4-404 of the Mental Health and Developmental Disabilities Code
18 or who transports a person from such facility, a facility
19 director shall furnish said peace officer the name, address,
20 age and name of the nearest relative of the person transported
21 to or from the mental health or developmental disability
22 facility. In no case shall the facility director disclose to
23 the peace officer any information relating to the diagnosis,
24 treatment or evaluation of the person's mental or physical
25 health.

26 For the purposes of this subsection (c), the terms "mental

1 health or developmental disability facility", "peace officer"
2 and "facility director" shall have the meanings ascribed to
3 them in the Mental Health and Developmental Disabilities Code.

4 (d) Upon the request of a peace officer or prosecuting
5 authority who is conducting a bona fide investigation of a
6 criminal offense, or attempting to apprehend a fugitive from
7 justice, a facility director may disclose whether a person is
8 present at the facility. Upon request of a peace officer or
9 prosecuting authority who has a valid forcible felony warrant
10 issued, a facility director shall disclose: (1) whether the
11 person who is the subject of the warrant is present at the
12 facility and (2) the date of that person's discharge or future
13 discharge from the facility. The requesting peace officer or
14 prosecuting authority must furnish a case number and the
15 purpose of the investigation or an outstanding arrest warrant
16 at the time of the request. Any person, institution, or agency
17 participating in good faith in disclosing such information in
18 accordance with this subsection (d) is immune from any
19 liability, civil, criminal or otherwise, that might result by
20 reason of the action.

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

23 Section 110. The Illinois Domestic Violence Act of 1986 is
24 amended by changing Sections 210 and 214 as follows:

1 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

2 Sec. 210. Process.

3 (a) Summons. Any action for an order of protection,
4 whether commenced alone or in conjunction with another
5 proceeding, is a distinct cause of action and requires that a
6 separate summons be issued and served, except that in pending
7 cases the following methods may be used:

8 (1) By delivery of the summons to respondent
9 personally in open court in pending civil or criminal
10 cases.

11 (2) By notice in accordance with Section 210.1 in
12 civil cases in which the defendant has filed a general
13 appearance.

14 The summons shall be in the form prescribed by Supreme
15 Court Rule 101(d), except that it shall require respondent to
16 answer or appear within 7 days. Attachments to the summons or
17 notice shall include the petition for order of protection and
18 supporting affidavits, if any, and any emergency order of
19 protection that has been issued. The enforcement of an order
20 of protection under Section 223 shall not be affected by the
21 lack of service, delivery, or notice, provided the
22 requirements of subsection (d) of that Section are otherwise
23 met.

24 (b) Blank.

25 (c) Expedited service. The summons shall be served by the
26 sheriff or other law enforcement officer at the earliest time

1 and shall take precedence over other summonses except those of
2 a similar emergency nature. Special process servers may be
3 appointed at any time, and their designation shall not affect
4 the responsibilities and authority of the sheriff or other
5 official process servers. In counties with a population over
6 3,000,000, a special process server may not be appointed if
7 the order of protection grants the surrender of a child, the
8 surrender of a firearm ~~or firearm owners identification card,~~
9 or the exclusive possession of a shared residence.

10 (d) Remedies requiring actual notice. The counseling,
11 payment of support, payment of shelter services, and payment
12 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
13 subsection (b) of Section 214 may be granted only if
14 respondent has been personally served with process, has
15 answered or has made a general appearance.

16 (e) Remedies upon constructive notice. Service of process
17 on a member of respondent's household or by publication shall
18 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
19 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
20 214, but only if: (i) petitioner has made all reasonable
21 efforts to accomplish actual service of process personally
22 upon respondent, but respondent cannot be found to effect such
23 service and (ii) petitioner files an affidavit or presents
24 sworn testimony as to those efforts.

25 (f) Default. A plenary order of protection may be entered
26 by default as follows:

1 (1) For any of the remedies sought in the petition, if
2 respondent has been served or given notice in accordance
3 with subsection (a) and if respondent then fails to appear
4 as directed or fails to appear on any subsequent
5 appearance or hearing date agreed to by the parties or set
6 by the court; or

7 (2) For any of the remedies provided in accordance
8 with subsection (e), if respondent fails to answer or
9 appear in accordance with the date set in the publication
10 notice or the return date indicated on the service of a
11 household member.

12 (g) Emergency orders. If an order is granted under
13 subsection (c) of Section 217, the court shall immediately
14 file a certified copy of the order with the sheriff or other
15 law enforcement official charged with maintaining Department
16 of State Police records.

17 (Source: P.A. 101-508, eff. 1-1-20.)

18 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

19 Sec. 214. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that petitioner
21 has been abused by a family or household member or that
22 petitioner is a high-risk adult who has been abused,
23 neglected, or exploited, as defined in this Act, an order of
24 protection prohibiting the abuse, neglect, or exploitation
25 shall issue; provided that petitioner must also satisfy the

1 requirements of one of the following Sections, as appropriate:
2 Section 217 on emergency orders, Section 218 on interim
3 orders, or Section 219 on plenary orders. Petitioner shall not
4 be denied an order of protection because petitioner or
5 respondent is a minor. The court, when determining whether or
6 not to issue an order of protection, shall not require
7 physical manifestations of abuse on the person of the victim.
8 Modification and extension of prior orders of protection shall
9 be in accordance with this Act.

10 (b) Remedies and standards. The remedies to be included in
11 an order of protection shall be determined in accordance with
12 this Section and one of the following Sections, as
13 appropriate: Section 217 on emergency orders, Section 218 on
14 interim orders, and Section 219 on plenary orders. The
15 remedies listed in this subsection shall be in addition to
16 other civil or criminal remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.
18 Prohibit respondent's harassment, interference with
19 personal liberty, intimidation of a dependent, physical
20 abuse, or willful deprivation, neglect or exploitation, as
21 defined in this Act, or stalking of the petitioner, as
22 defined in Section 12-7.3 of the Criminal Code of 2012, if
23 such abuse, neglect, exploitation, or stalking has
24 occurred or otherwise appears likely to occur if not
25 prohibited.

26 (2) Grant of exclusive possession of residence.

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

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

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

1 the risk of abuse (should petitioner remain at the
2 residence or household) or from loss of possession of
3 the residence or household (should petitioner leave to
4 avoid the risk of abuse). When determining the balance
5 of hardships, the court shall also take into account
6 the accessibility of the residence or household.
7 Hardships need not be balanced if respondent does not
8 have a right to occupancy.

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

20 (3) Stay away order and additional prohibitions. Order
21 respondent to stay away from petitioner or any other
22 person protected by the order of protection, or prohibit
23 respondent from entering or remaining present at
24 petitioner's school, place of employment, or other
25 specified places at times when petitioner is present, or
26 both, if reasonable, given the balance of hardships.

1 Hardships need not be balanced for the court to enter a
2 stay away order or prohibit entry if respondent has no
3 right to enter the premises.

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

16 (B) When the petitioner and the respondent attend
17 the same public, private, or non-public elementary,
18 middle, or high school, the court when issuing an
19 order of protection and providing relief shall
20 consider the severity of the act, any continuing
21 physical danger or emotional distress to the
22 petitioner, the educational rights guaranteed to the
23 petitioner and respondent under federal and State law,
24 the availability of a transfer of the respondent to
25 another school, a change of placement or a change of
26 program of the respondent, the expense, difficulty,

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

1 When a court orders a respondent to stay away from the
2 public, private, or non-public school attended by the
3 petitioner and the respondent requests a transfer to
4 another attendance center within the respondent's
5 school district or private or non-public school, the
6 school district or private or non-public school shall
7 have sole discretion to determine the attendance
8 center to which the respondent is transferred. In the
9 event the court order results in a transfer of the
10 minor respondent to another attendance center, a
11 change in the respondent's placement, or a change of
12 the respondent's program, the parents, guardian, or
13 legal custodian of the respondent is responsible for
14 transportation and other costs associated with the
15 transfer or change.

16 (C) The court may order the parents, guardian, or
17 legal custodian of a minor respondent to take certain
18 actions or to refrain from taking certain actions to
19 ensure that the respondent complies with the order. In
20 the event the court orders a transfer of the
21 respondent to another school, the parents, guardian,
22 or legal custodian of the respondent is responsible
23 for transportation and other costs associated with the
24 change of school by the respondent.

25 (4) Counseling. Require or recommend the respondent to
26 undergo counseling for a specified duration with a social

1 worker, psychologist, clinical psychologist,
2 psychiatrist, family service agency, alcohol or substance
3 abuse program, mental health center guidance counselor,
4 agency providing services to elders, program designed for
5 domestic violence abusers or any other guidance service
6 the court deems appropriate. The Court may order the
7 respondent in any intimate partner relationship to report
8 to an Illinois Department of Human Services protocol
9 approved partner abuse intervention program for an
10 assessment and to follow all recommended treatment.

11 (5) Physical care and possession of the minor child.
12 In order to protect the minor child from abuse, neglect,
13 or unwarranted separation from the person who has been the
14 minor child's primary caretaker, or to otherwise protect
15 the well-being of the minor child, the court may do either
16 or both of the following: (i) grant petitioner physical
17 care or possession of the minor child, or both, or (ii)
18 order respondent to return a minor child to, or not remove
19 a minor child from, the physical care of a parent or person
20 in loco parentis.

21 If a court finds, after a hearing, that respondent has
22 committed abuse (as defined in Section 103) of a minor
23 child, there shall be a rebuttable presumption that
24 awarding physical care to respondent would not be in the
25 minor child's best interest.

26 (6) Temporary allocation of parental responsibilities:

1 significant decision-making. Award temporary
2 decision-making responsibility to petitioner in accordance
3 with this Section, the Illinois Marriage and Dissolution
4 of Marriage Act, the Illinois Parentage Act of 2015, and
5 this State's Uniform Child-Custody Jurisdiction and
6 Enforcement Act.

7 If a court finds, after a hearing, that respondent has
8 committed abuse (as defined in Section 103) of a minor
9 child, there shall be a rebuttable presumption that
10 awarding temporary significant decision-making
11 responsibility to respondent would not be in the child's
12 best interest.

13 (7) Parenting time. Determine the parenting time, if
14 any, of respondent in any case in which the court awards
15 physical care or allocates temporary significant
16 decision-making responsibility of a minor child to
17 petitioner. The court shall restrict or deny respondent's
18 parenting time with a minor child if the court finds that
19 respondent has done or is likely to do any of the
20 following: (i) abuse or endanger the minor child during
21 parenting time; (ii) use the parenting time as an
22 opportunity to abuse or harass petitioner or petitioner's
23 family or household members; (iii) improperly conceal or
24 detain the minor child; or (iv) otherwise act in a manner
25 that is not in the best interests of the minor child. The
26 court shall not be limited by the standards set forth in

1 Section 603.10 of the Illinois Marriage and Dissolution of
2 Marriage Act. If the court grants parenting time, the
3 order shall specify dates and times for the parenting time
4 to take place or other specific parameters or conditions
5 that are appropriate. No order for parenting time shall
6 refer merely to the term "reasonable parenting time".

7 Petitioner may deny respondent access to the minor
8 child if, when respondent arrives for parenting time,
9 respondent is under the influence of drugs or alcohol and
10 constitutes a threat to the safety and well-being of
11 petitioner or petitioner's minor children or is behaving
12 in a violent or abusive manner.

13 If necessary to protect any member of petitioner's
14 family or household from future abuse, respondent shall be
15 prohibited from coming to petitioner's residence to meet
16 the minor child for parenting time, and the parties shall
17 submit to the court their recommendations for reasonable
18 alternative arrangements for parenting time. A person may
19 be approved to supervise parenting time only after filing
20 an affidavit accepting that responsibility and
21 acknowledging accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit
23 respondent from removing a minor child from the State or
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return
2 the child to the custody or care of the petitioner or to
3 permit any court-ordered interview or examination of the
4 child or the respondent.

5 (10) Possession of personal property. Grant petitioner
6 exclusive possession of personal property and, if
7 respondent has possession or control, direct respondent to
8 promptly make it available to petitioner, if:

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

11 (ii) the parties own the property jointly; sharing
12 it would risk abuse of petitioner by respondent or is
13 impracticable; and the balance of hardships favors
14 temporary possession by petitioner.

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

22 No order under this provision shall affect title to
23 property.

24 (11) Protection of property. Forbid the respondent
25 from taking, transferring, encumbering, concealing,
26 damaging or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,
2 if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the
8 property is that it is marital property, the court may
9 grant petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

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

17 (13) Order for payment of losses. Order respondent to
18 pay petitioner for losses suffered as a direct result of
19 the abuse, neglect, or exploitation. Such losses shall
20 include, but not be limited to, medical expenses, lost
21 earnings or other support, repair or replacement of
22 property damaged or taken, reasonable attorney's fees,
23 court costs and moving or other travel expenses, including
24 additional reasonable expenses for temporary shelter and
25 restaurant meals.

26 (i) Losses affecting family needs. If a party is

1 entitled to seek maintenance, child support or
2 property distribution from the other party under the
3 Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended, the court may order
5 respondent to reimburse petitioner's actual losses, to
6 the extent that such reimbursement would be
7 "appropriate temporary relief", as authorized by
8 subsection (a) (3) of Section 501 of that Act.

9 (ii) Recovery of expenses. In the case of an
10 improper concealment or removal of a minor child, the
11 court may order respondent to pay the reasonable
12 expenses incurred or to be incurred in the search for
13 and recovery of the minor child, including but not
14 limited to legal fees, court costs, private
15 investigator fees, and travel costs.

16 (14) Prohibition of entry. Prohibit the respondent
17 from entering or remaining in the residence or household
18 while the respondent is under the influence of alcohol or
19 drugs and constitutes a threat to the safety and
20 well-being of the petitioner or the petitioner's children.

21 (14.5) Prohibition of firearm possession.

22 (a) Prohibit a respondent against whom an order of
23 protection was issued from possessing any firearms
24 during the duration of the order if the order:

25 (1) was issued after a hearing of which such
26 person received actual notice, and at which such

1 person had an opportunity to participate;

2 (2) restrains such person from harassing,
3 stalking, or threatening an intimate partner of
4 such person or child of such intimate partner or
5 person, or engaging in other conduct that would
6 place an intimate partner in reasonable fear of
7 bodily injury to the partner or child; and

8 (3) (i) includes a finding that such person
9 represents a credible threat to the physical
10 safety of such intimate partner or child; or (ii)
11 by its terms explicitly prohibits the use,
12 attempted use, or threatened use of physical force
13 against such intimate partner or child that would
14 reasonably be expected to cause bodily injury.

15 ~~Any Firearm Owner's Identification Card in the~~
16 ~~possession of the respondent, except as provided in~~
17 ~~subsection (b), shall be ordered by the court to be~~
18 ~~turned over to the local law enforcement agency. The~~
19 ~~local law enforcement agency shall immediately mail~~
20 ~~the card to the Department of State Police Firearm~~
21 ~~Owner's Identification Card Office for safekeeping.~~

22 The court shall issue a warrant for seizure of any
23 firearm in the possession of the respondent, to be
24 kept by the local law enforcement agency for
25 safekeeping, except as provided in subsection (b). The
26 period of safekeeping shall be for the duration of the

1 order of protection. The firearm or firearms ~~and~~
2 ~~Firearm Owner's Identification Card, if unexpired,~~
3 shall at the respondent's request, be returned to the
4 respondent at the end of the order of protection. It is
5 the respondent's responsibility to notify the
6 Department of State Police ~~Firearm Owner's~~
7 ~~Identification Card Office.~~

8 (b) If the respondent is a peace officer as
9 defined in Section 2-13 of the Criminal Code of 2012,
10 the court shall order that any firearms used by the
11 respondent in the performance of his or her duties as a
12 peace officer be surrendered to the chief law
13 enforcement executive of the agency in which the
14 respondent is employed, who shall retain the firearms
15 for safekeeping for the duration of the order of
16 protection.

17 (c) Upon expiration of the period of safekeeping,
18 if the firearms ~~or Firearm Owner's Identification Card~~
19 cannot be returned to respondent because respondent
20 cannot be located, fails to respond to requests to
21 retrieve the firearms, or is not lawfully eligible to
22 possess a firearm, upon petition from the local law
23 enforcement agency, the court may order the local law
24 enforcement agency to destroy the firearms, use the
25 firearms for training purposes, or for any other
26 application as deemed appropriate by the local law

1 enforcement agency; or that the firearms be turned
2 over to a third party who is lawfully eligible to
3 possess firearms, and who does not reside with
4 respondent.

5 (15) Prohibition of access to records. If an order of
6 protection prohibits respondent from having contact with
7 the minor child, or if petitioner's address is omitted
8 under subsection (b) of Section 203, or if necessary to
9 prevent abuse or wrongful removal or concealment of a
10 minor child, the order shall deny respondent access to,
11 and prohibit respondent from inspecting, obtaining, or
12 attempting to inspect or obtain, school or any other
13 records of the minor child who is in the care of
14 petitioner.

15 (16) Order for payment of shelter services. Order
16 respondent to reimburse a shelter providing temporary
17 housing and counseling services to the petitioner for the
18 cost of the services, as certified by the shelter and
19 deemed reasonable by the court.

20 (17) Order for injunctive relief. Enter injunctive
21 relief necessary or appropriate to prevent further abuse
22 of a family or household member or further abuse, neglect,
23 or exploitation of a high-risk adult with disabilities or
24 to effectuate one of the granted remedies, if supported by
25 the balance of hardships. If the harm to be prevented by
26 the injunction is abuse or any other harm that one of the

1 remedies listed in paragraphs (1) through (16) of this
2 subsection is designed to prevent, no further evidence is
3 necessary that the harm is an irreparable injury.

4 (18) Telephone services.

5 (A) Unless a condition described in subparagraph
6 (B) of this paragraph exists, the court may, upon
7 request by the petitioner, order a wireless telephone
8 service provider to transfer to the petitioner the
9 right to continue to use a telephone number or numbers
10 indicated by the petitioner and the financial
11 responsibility associated with the number or numbers,
12 as set forth in subparagraph (C) of this paragraph.
13 For purposes of this paragraph (18), the term
14 "wireless telephone service provider" means a provider
15 of commercial mobile service as defined in 47 U.S.C.
16 332. The petitioner may request the transfer of each
17 telephone number that the petitioner, or a minor child
18 in his or her custody, uses. The clerk of the court
19 shall serve the order on the wireless telephone
20 service provider's agent for service of process
21 provided to the Illinois Commerce Commission. The
22 order shall contain all of the following:

23 (i) The name and billing telephone number of
24 the account holder including the name of the
25 wireless telephone service provider that serves
26 the account.

1 (ii) Each telephone number that will be
2 transferred.

3 (iii) A statement that the provider transfers
4 to the petitioner all financial responsibility for
5 and right to the use of any telephone number
6 transferred under this paragraph.

7 (B) A wireless telephone service provider shall
8 terminate the respondent's use of, and shall transfer
9 to the petitioner use of, the telephone number or
10 numbers indicated in subparagraph (A) of this
11 paragraph unless it notifies the petitioner, within 72
12 hours after it receives the order, that one of the
13 following applies:

14 (i) The account holder named in the order has
15 terminated the account.

16 (ii) A difference in network technology would
17 prevent or impair the functionality of a device on
18 a network if the transfer occurs.

19 (iii) The transfer would cause a geographic or
20 other limitation on network or service provision
21 to the petitioner.

22 (iv) Another technological or operational
23 issue would prevent or impair the use of the
24 telephone number if the transfer occurs.

25 (C) The petitioner assumes all financial
26 responsibility for and right to the use of any

1 telephone number transferred under this paragraph. In
2 this paragraph, "financial responsibility" includes
3 monthly service costs and costs associated with any
4 mobile device associated with the number.

5 (D) A wireless telephone service provider may
6 apply to the petitioner its routine and customary
7 requirements for establishing an account or
8 transferring a number, including requiring the
9 petitioner to provide proof of identification,
10 financial information, and customer preferences.

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

15 (F) All wireless service providers that provide
16 services to residential customers shall provide to the
17 Illinois Commerce Commission the name and address of
18 an agent for service of orders entered under this
19 paragraph (18). Any change in status of the registered
20 agent must be reported to the Illinois Commerce
21 Commission within 30 days of such change.

22 (G) The Illinois Commerce Commission shall
23 maintain the list of registered agents for service for
24 each wireless telephone service provider on the
25 Commission's website. The Commission may consult with
26 wireless telephone service providers and the Circuit

1 Court Clerks on the manner in which this information
2 is provided and displayed.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific remedy,
5 other than payment of support, the court shall consider
6 relevant factors, including but not limited to the
7 following:

8 (i) the nature, frequency, severity, pattern and
9 consequences of the respondent's past abuse, neglect
10 or exploitation of the petitioner or any family or
11 household member, including the concealment of his or
12 her location in order to evade service of process or
13 notice, and the likelihood of danger of future abuse,
14 neglect, or exploitation to petitioner or any member
15 of petitioner's or respondent's family or household;
16 and

17 (ii) the danger that any minor child will be
18 abused or neglected or improperly relocated from the
19 jurisdiction, improperly concealed within the State or
20 improperly separated from the child's primary
21 caretaker.

22 (2) In comparing relative hardships resulting to the
23 parties from loss of possession of the family home, the
24 court shall consider relevant factors, including but not
25 limited to the following:

26 (i) availability, accessibility, cost, safety,

1 adequacy, location and other characteristics of
2 alternate housing for each party and any minor child
3 or dependent adult in the party's care;

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

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

8 (3) Subject to the exceptions set forth in paragraph
9 (4) of this subsection, the court shall make its findings
10 in an official record or in writing, and shall at a minimum
11 set forth the following:

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

15 (ii) Whether the conduct or actions of respondent,
16 unless prohibited, will likely cause irreparable harm
17 or continued abuse.

18 (iii) Whether it is necessary to grant the
19 requested relief in order to protect petitioner or
20 other alleged abused persons.

21 (4) For purposes of issuing an ex parte emergency
22 order of protection, the court, as an alternative to or as
23 a supplement to making the findings described in
24 paragraphs (c)(3)(i) through (c)(3)(iii) of this
25 subsection, may use the following procedure:

26 When a verified petition for an emergency order of

1 protection in accordance with the requirements of Sections
2 203 and 217 is presented to the court, the court shall
3 examine petitioner on oath or affirmation. An emergency
4 order of protection shall be issued by the court if it
5 appears from the contents of the petition and the
6 examination of petitioner that the averments are
7 sufficient to indicate abuse by respondent and to support
8 the granting of relief under the issuance of the emergency
9 order of protection.

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of
12 marriage attach to a putative father until a father and
13 child relationship has been established under the Illinois
14 Parentage Act of 1984, the Illinois Parentage Act of 2015,
15 the Illinois Public Aid Code, Section 12 of the Vital
16 Records Act, the Juvenile Court Act of 1987, the Probate
17 Act of 1975, the Revised Uniform Reciprocal Enforcement of
18 Support Act, 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 Illinois statute, or by any foreign
22 nation establishing the father and child relationship, any
23 other proceeding substantially in conformity with the
24 Personal Responsibility and Work Opportunity
25 Reconciliation Act of 1996 (Pub. L. 104-193), or where
26 both parties appeared in open court or at an

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

7 (6) Petitioner did not leave the residence or
8 household to avoid further abuse, neglect, or exploitation
9 by respondent;

10 (7) Conduct by any family or household member excused
11 the abuse, neglect, or exploitation by respondent, unless
12 that same conduct would have excused such abuse, neglect,
13 or exploitation if the parties had not been family or
14 household members.

15 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
16 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
17 100-923, eff. 1-1-19.)

18 Section 115. The Uniform Disposition of Unclaimed Property
19 Act is amended by changing Section 1 as follows:

20 (765 ILCS 1025/1) (from Ch. 141, par. 101)

21 Sec. 1. As used in this Act, unless the context otherwise
22 requires:

23 (a) "Banking organization" means any bank, trust company,
24 savings bank, industrial bank, land bank, safe deposit

1 company, or a private banker.

2 (b) "Business association" means any corporation, joint
3 stock company, business trust, partnership, or any
4 association, limited liability company, or other business
5 entity consisting of one or more persons, whether or not for
6 profit.

7 (c) "Financial organization" means any savings and loan
8 association, building and loan association, credit union,
9 currency exchange, co-operative bank, mutual funds, or
10 investment company.

11 (d) "Holder" means any person in possession of property
12 subject to this Act belonging to another, or who is trustee in
13 case of a trust, or is indebted to another on an obligation
14 subject to this Act.

15 (e) "Life insurance corporation" means any association or
16 corporation transacting the business of insurance on the lives
17 of persons or insurance appertaining thereto, including, but
18 not by way of limitation, endowments and annuities.

19 (f) "Owner" means a depositor in case of a deposit, a
20 beneficiary in case of a trust, a creditor, claimant, or payee
21 in case of other property, or any person having a legal or
22 equitable interest in property subject to this Act, or his
23 legal representative.

24 (g) "Person" means any individual, business association,
25 financial organization, government or political subdivision or
26 agency, public authority, estate, trust, or any other legal or

1 commercial entity.

2 (h) "Utility" means any person who owns or operates, for
3 public use, any plant, equipment, property, franchise, or
4 license for the transmission of communications or the
5 production, storage, transmission, sale, delivery, or
6 furnishing of electricity, water, steam, oil or gas.

7 (i) (Blank).

8 (j) "Insurance company" means any person transacting the
9 kinds of business enumerated in Section 4 of the Illinois
10 Insurance Code other than life insurance.

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

17 (l) "Reportable property" means property, tangible or
18 intangible, presumed abandoned under this Act that must be
19 appropriately and timely reported and remitted to the Office
20 of the State Treasurer under this Act. Interest, dividends,
21 stock splits, warrants, or other rights that become reportable
22 property under this Act include the underlying security or
23 commodity giving rise to the interest, dividend, split,
24 warrant, or other right to which the owner would be entitled.

25 (m) "Firearm" has the meaning ascribed to that term in
26 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~

1 ~~Identification Card Act.~~

2 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;
3 91-748, eff. 6-2-00.)

4 Section 120. The Revised Uniform Unclaimed Property Act is
5 amended by changing Section 15-705 as follows:

6 (765 ILCS 1026/15-705)

7 Sec. 15-705. Exceptions to the sale of tangible property.
8 The administrator shall dispose of tangible property
9 identified by this Section in accordance with this Section.

10 (a) Military medals or decorations. The administrator may
11 not sell a medal or decoration awarded for military service in
12 the armed forces of the United States. Instead, the
13 administrator, with the consent of the respective organization
14 under paragraph (1), agency under paragraph (2), or entity
15 under paragraph (3), may deliver a medal or decoration to be
16 held in custody for the owner, to:

17 (1) a military veterans organization qualified under
18 Section 501(c)(19) of the Internal Revenue Code;

19 (2) the agency that awarded the medal or decoration;
20 or

21 (3) a governmental entity.

22 After delivery, the administrator is not responsible for
23 the safekeeping of the medal or decoration.

24 (b) Property with historical value. Property that the

1 administrator reasonably believes may have historical value
2 may be, at his or her discretion, loaned to an accredited
3 museum in the United States where it will be kept until such
4 time as the administrator orders it to be returned to his or
5 her custody.

6 (c) Human remains. If human remains are delivered to the
7 administrator under this Act, the administrator shall deliver
8 those human remains to the coroner of the county in which the
9 human remains were abandoned for disposition under Section
10 3-3034 of the Counties Code. The only human remains that may be
11 delivered to the administrator under this Act and that the
12 administrator may receive are those that are reported and
13 delivered as contents of a safe deposit box.

14 (d) Evidence in a criminal investigation. Property that
15 may have been used in the commission of a crime or that may
16 assist in the investigation of a crime, as determined after
17 consulting with the Department of State Police, shall be
18 delivered to the Department of State Police or other
19 appropriate law enforcement authority to allow law enforcement
20 to determine whether a criminal investigation should take
21 place. Any such property delivered to a law enforcement
22 authority shall be held in accordance with existing statutes
23 and rules related to the gathering, retention, and release of
24 evidence.

25 (e) Firearms.

26 (1) The administrator, in cooperation with the

1 Department of State Police, shall develop a procedure to
2 determine whether a firearm delivered to the administrator
3 under this Act has been stolen or used in the commission of
4 a crime. The Department of State Police shall determine
5 the appropriate disposition of a firearm that has been
6 stolen or used in the commission of a crime. The
7 administrator shall attempt to return a firearm that has
8 not been stolen or used in the commission of a crime to the
9 rightful owner if the Department of State Police
10 determines that the owner may lawfully possess the
11 firearm.

12 (2) If the administrator is unable to return a firearm
13 to its owner, the administrator shall transfer custody of
14 the firearm to the Department of State Police. Legal title
15 to a firearm transferred to the Department of State Police
16 under this subsection (e) is vested in the Department of
17 State Police by operation of law if:

18 (i) the administrator cannot locate the owner of
19 the firearm;

20 (ii) the owner of the firearm may not lawfully
21 possess the firearm;

22 (iii) the apparent owner does not respond to
23 notice published under Section 15-503 of this Act; or

24 (iv) the apparent owner responds to notice
25 published under Section 15-502 and states that he or
26 she no longer claims an interest in the firearm.

1 (3) With respect to a firearm whose title is
2 transferred to the Department of State Police under this
3 subsection (e), the Department of State Police may:

4 (i) retain the firearm for use by the crime
5 laboratory system, for training purposes, or for any
6 other application as deemed appropriate by the
7 Department;

8 (ii) transfer the firearm to the Illinois State
9 Museum if the firearm has historical value; or

10 (iii) destroy the firearm if it is not retained
11 pursuant to subparagraph (i) or transferred pursuant
12 to subparagraph (ii).

13 As used in this subsection, "firearm" has the meaning
14 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
15 ~~Firearm Owners Identification Card Act.~~

16 (Source: P.A. 100-22, eff. 1-1-18.)

17 Section 999. Effective date. This Act takes effect January
18 1, 2022.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 140/7.5	
4	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
5	20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
6	20 ILCS 2605/2605-595	
7	20 ILCS 2605/2605-120	rep.
8	20 ILCS 2630/2.2	
9	30 ILCS 105/6z-99	
10	50 ILCS 710/1	from Ch. 85, par. 515
11	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
12	105 ILCS 5/10-27.1A	
13	105 ILCS 5/34-8.05	
14	225 ILCS 210/2005	from Ch. 96 1/2, par. 1-2005
15	225 ILCS 447/35-30	
16	225 ILCS 447/35-35	
17	405 ILCS 5/6-103.1	
18	405 ILCS 5/6-103.2	
19	405 ILCS 5/6-103.3	
20	410 ILCS 45/2	from Ch. 111 1/2, par. 1302
21	430 ILCS 65/Act	rep.
22	430 ILCS 66/25	
23	430 ILCS 66/30	
24	430 ILCS 66/40	
25	430 ILCS 66/70	

1	430 ILCS 66/80	
2	430 ILCS 66/105	
3	430 ILCS 68/5-20	
4	430 ILCS 68/5-25	
5	520 ILCS 5/3.2	from Ch. 61, par. 3.2
6	520 ILCS 5/3.2a	from Ch. 61, par. 3.2a
7	720 ILCS 5/2-7.1	
8	720 ILCS 5/2-7.5	
9	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
10	720 ILCS 5/16-0.1	
11	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
12	720 ILCS 5/24-1	from Ch. 38, par. 24-1
13	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
14	720 ILCS 5/24-1.6	
15	720 ILCS 5/24-1.8	
16	720 ILCS 5/24-2	
17	720 ILCS 5/24-3	from Ch. 38, par. 24-3
18	720 ILCS 5/24-3B	
19	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
20	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
21	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
22	720 ILCS 5/24-3.5	
23	720 ILCS 5/24-4.1	
24	720 ILCS 5/24-4.5 new	
25	720 ILCS 5/24-9	
26	720 ILCS 646/10	

1	725 ILCS 5/102-7.1	
2	725 ILCS 5/110-10	from Ch. 38, par. 110-10
3	725 ILCS 5/112A-11.1	
4	725 ILCS 5/112A-11.2	
5	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
6	725 ILCS 5/112A-14.7	
7	730 ILCS 5/5-4.5-110	
8	730 ILCS 5/5-5-3	
9	730 ILCS 5/5-5-3.2	
10	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
11	740 ILCS 21/80	
12	740 ILCS 110/12	from Ch. 91 1/2, par. 812
13	750 ILCS 60/210	from Ch. 40, par. 2312-10
14	750 ILCS 60/214	from Ch. 40, par. 2312-14
15	765 ILCS 1025/1	from Ch. 141, par. 101
16	765 ILCS 1026/15-705	