



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3245

Introduced 2/19/2021, by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Modifies definition of "clear and present danger". Provides that an applicant for the issuance or renewal of a Firearm Owner's Identification Card shall include a full set of his or her fingerprints in electronic format to the Illinois State Police, unless the applicant has previously provided a full set of his or her fingerprints to the Illinois State Police under the Act or the Firearm Concealed Carry Act. Provides that a Firearm Owner's Identification Card issued under the Act shall be valid for the person to whom it is issued for a period of 5 years (rather than 10 years) from the date of issuance, but provides that any person whose card was previously issued for a period of 10 years shall retain the 10-year issuance period until the next date of renewal, at which point the card shall be renewed for 5 years. Provides that any transfer of a surrendered firearm must be conducted under the firearm transfer provisions of the Firearm Owners Identification Card Act. Provides that the Firearm Disposition Record shall contain a statement to be signed by the transferee that the transferee: (1) is aware of, and will abide by, current law regarding the unlawful transfer of a firearm; (2) is aware of the penalties for violating the law as it pertains to unlawful transfer of a firearm; and (3) intends to retain possession of the firearm or firearms until it is determined that the transferor is legally eligible to possess a firearm and has an active Firearm Owners Identification Card, if applicable, or until a new person is chosen to hold the firearm or firearms. Amends various other Acts to make conforming changes. Effective immediately.

LRB102 13386 RLC 18730 b

1 AN ACT concerning firearms.

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

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

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

8 (5 ILCS 140/7.5)

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

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

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

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

1 has received.

2 (d) Information and records held by the Department of
3 Public Health and its authorized representatives relating
4 to known or suspected cases of sexually transmissible
5 disease or any information the disclosure of which is
6 restricted under the Illinois Sexually Transmissible
7 Disease Control Act.

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

10 (f) Firm performance evaluations under Section 55 of
11 the Architectural, Engineering, and Land Surveying
12 Qualifications Based Selection Act.

13 (g) Information the disclosure of which is restricted
14 and exempted under Section 50 of the Illinois Prepaid
15 Tuition Act.

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

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

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers
2 under the Emergency Telephone System Act.

3 (k) Law enforcement officer identification information
4 or driver identification information compiled by a law
5 enforcement agency or the Department of Transportation
6 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

22 (o) Information that is prohibited from being
23 disclosed under Section 4 of the Illinois Health and
24 Hazardous Substances Registry Act.

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of
3 the Regional Transportation Authority Act or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

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

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

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (w) Personally identifiable information which is
14 exempted from disclosure under subsection (g) of Section
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure
17 under Section 5-1014.3 of the Counties Code or Section
18 8-11-21 of the Illinois Municipal Code.

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

1 (z) Records and information provided to a fatality
2 review team or the Illinois Fatality Review Team Advisory
3 Council under Section 15 of the Adult Protective Services
4 Act.

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

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

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

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

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

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

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

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

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

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

6 (kk) Information prohibited from disclosure under the
7 Seizure and Forfeiture Reporting Act.

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

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

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

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

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

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

26 (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

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

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

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

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

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

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

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

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

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

24 (bbb) Records exempt from disclosure under Section
25 2605-304 of the Department of State Police Law of the
26 Civil Administrative Code of Illinois.

1 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
3 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
4 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
5 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
6 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
7 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
8 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
9 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
10 eff. 7-7-20.)

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

14 (20 ILCS 2605/2605-304 new)

15 Sec. 2605-304. Prohibited persons portal.

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

24 (b) The Illinois State Police shall include in the report

1 the reason the person's Firearm Owner's Identification Card
2 was subject to revocation or suspension, to the extent allowed
3 by law, consistent with Section 8 of the Firearm Owners
4 Identification Card Act.

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

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

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

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

24 (20 ILCS 2605/2605-605)

25 Sec. 2605-605. Violent Crime Intelligence Task Force. The

1 Director of State Police shall ~~may~~ establish a statewide
2 multi-jurisdictional Violent Crime Intelligence Task Force led
3 by the Department of State Police dedicated to combating gun
4 violence, gun-trafficking, and other violent crime with the
5 primary mission of preservation of life and reducing the
6 occurrence and the fear of crime. The objectives of the Task
7 Force shall include, but not be limited to, reducing and
8 preventing illegal possession and use of firearms,
9 firearm-related homicides, and other violent crimes.

10 (1) The Task Force may develop and acquire information,
11 training, tools, and resources necessary to implement a
12 data-driven approach to policing, with an emphasis on
13 intelligence development.

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

18 (3) The Task Force may recognize and utilize best
19 practices of community policing and may develop potential
20 partnerships with faith-based and community organizations to
21 achieve its goals.

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

25 (5) The Task Force may assist in violence suppression
26 strategies including, but not limited to, details in

1 identified locations that have shown to be the most prone to
2 gun violence and violent crime, focused deterrence against
3 violent gangs and groups considered responsible for the
4 violence in communities, and other intelligence driven methods
5 deemed necessary to interrupt cycles of violence or prevent
6 retaliation.

7 (6) In consultation with the Chief Procurement Officer,
8 the Department of State Police may obtain contracts for
9 software, commodities, resources, and equipment to assist the
10 Task Force with achieving this Act. Any contracts necessary to
11 support the delivery of necessary software, commodities,
12 resources, and equipment are not subject to the Illinois
13 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
14 20-160 and Article 50 of that Code, provided that the Chief
15 Procurement Officer may, in writing with justification, waive
16 any certification required under Article 50 of the Illinois
17 Procurement Code.

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

26 (8) The Task Force shall collaborate with local law

1 enforcement agencies to enforce provisions of the Firearm
2 Owners Identification Card Act, the Firearm Concealed Carry
3 Act, the Firearm Dealer License Certification Act, and Article
4 24 of the Criminal Code of 2012.

5 (9) The Director of the Illinois State Police may
6 establish intergovernmental contracts written and executed in
7 conformity with the Intergovernmental Cooperation Act.

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

9 Section 15. The State Finance Act is amended by changing
10 Section 6z-99 and by adding Sections 5.935 and 6z-124 as
11 follows:

12 (30 ILCS 105/5.935 new)

13 Sec. 5.935. The State Police Revocation Enforcement Fund.

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) The Illinois State Police may use moneys in the Fund to
11 hire and train State Police officers and other law enforcement
12 purposes.

13 (d) The State Police Revocation Enforcement Fund is not
14 subject to administrative chargebacks.

15 Section 20. The Firearm Owners Identification Card Act is
16 amended by changing Sections 1.1, 3, 3a, 3.1, 4, 5, 7, 8, 9.5,
17 and 14 and by adding Sections 7.5 and 8.4 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

19 Sec. 1.1. For purposes of this Act:

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

21 (1) convicted of an offense involving the use or
22 possession of cannabis, a controlled substance, or
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be

1 addicted to narcotics based upon federal law or federal
2 guidelines.

3 "Addicted to narcotics" does not include possession or use
4 of a prescribed controlled substance under the direction and
5 authority of a physician or other person authorized to
6 prescribe the controlled substance when the controlled
7 substance is used in the prescribed manner.

8 "Adjudicated as a person with a mental disability" means
9 the person is the subject of a determination by a court, board,
10 commission or other lawful authority that the person, as a
11 result of marked subnormal intelligence, or mental illness,
12 mental impairment, incompetency, condition, or disease:

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

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

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

20 (3.5) is guilty but mentally ill, as provided in
21 Section 5-2-6 of the Unified Code of Corrections;

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

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

26 (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment
2 Act;

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

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

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

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

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

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

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

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

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

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive
2 threats, actions, or other behavior, as determined by a
3 physician, clinical psychologist, qualified examiner,
4 school administrator, or law enforcement official,
5 including any act that is intended to cause or create a
6 risk and does cause or create a risk of death or great
7 bodily harm to one or more persons.

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

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

14 "Counterfeit" means to copy or imitate, without legal
15 authority, with intent to deceive.

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

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

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

1 (1.1) any pneumatic gun, spring gun, paint ball gun,
2 or B-B gun which expels breakable paint balls containing
3 washable marking colors;

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

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

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

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

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

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

26 "Gun show" means an event or function:

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

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

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

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

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun
3 show promoter for a fixed location from which to exhibit,
4 sell, offer for sale, transfer, or exchange any firearm.

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

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

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

22 "Patient" means:

23 (1) a person who is admitted as an inpatient or
24 resident of a public or private mental health facility for
25 mental health treatment under Chapter III of the Mental
26 Health and Developmental Disabilities Code as an informal

1 admission, a voluntary admission, a minor admission, an
2 emergency admission, or an involuntary admission, unless
3 the treatment was solely for an alcohol abuse disorder; or

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

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

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

25 "Person with an intellectual disability" means a person
26 with a significantly subaverage general intellectual

1 functioning which exists concurrently with impairment in
2 adaptive behavior and which originates before the age of 18
3 years.

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

6 "Qualified examiner" has the meaning provided in Section
7 1-122 of the Mental Health and Developmental Disabilities
8 Code.

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

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

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

18 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
19 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

20 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

21 Sec. 3. Requirements for firearm transfers.

22 (a) ~~A~~ ~~Except as provided in Section 3a, no person shall not~~
23 ~~may~~ knowingly transfer, or cause to be transferred, any
24 firearm, firearm ammunition, stun gun, or taser to any person
25 within this State unless the transferee with whom he or she

1 deals displays either: (1) a currently valid Firearm Owner's
2 Identification Card which has previously been issued in his or
3 her name by the Department of State Police under the
4 provisions of this Act; or (2) a currently valid license to
5 carry a concealed firearm which has previously been issued in
6 his or her name by the Department of State Police under the
7 Firearm Concealed Carry Act. In addition, all firearm, stun
8 gun, and taser transfers by federally licensed firearm dealers
9 are subject to Section 3.1.

10 (a-5) Beginning 90 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, notwithstanding
12 item (2) of subsection (a) of this Section, any person who is
13 not a federally licensed firearm dealer and who desires to
14 transfer or sell a firearm or firearms to any person who is not
15 a federally licensed firearm dealer shall do so only through a
16 federally licensed firearms dealer as follows:

17 (1) the seller or transferor shall give the firearm to
18 the federally licensed firearms dealer, who shall retain
19 possession of the firearm until every legal requirement
20 for the sale or transfer has been met;

21 (2) the federally licensed firearms dealer shall
22 process the sale or other transfer in compliance with any
23 federal, State, and local law, including a National
24 Instant Criminal Background Check System background check
25 on the buyer or transferee in accordance with 18 U.S.C.
26 922(t) and Section 3.1;

1 (A) if the transaction is not legally prohibited,
2 the federally licensed firearm dealer may then
3 complete transfer the firearm to the buyer or
4 transferee;

5 (B) if the transaction is legally prohibited, the
6 federally licensed firearm dealer shall conduct a
7 National Instant Criminal Background Check System
8 background check under paragraph (2) of this
9 subsection (a-5) on the transferor or seller before
10 returning the firearm;

11 (C) if the federally licensed firearm dealer
12 cannot return the firearm to either party, the dealer
13 shall notify a local law enforcement agency within 24
14 hours to take possession of the firearm;

15 (D) if there is a delay in completing a background
16 check, the federally licensed firearms dealer shall
17 maintain possession of the firearm until the
18 background check is completed;

19 (3) the federally licensed firearms dealer shall
20 ensure that all required documentation of the sale or
21 transfer are maintained in accordance with federal, State,
22 and local law, including, but not limited to, the
23 completion of the Bureau of Alcohol, Tobacco, Firearms,
24 and Explosives Firearm Transaction Record Form 4473 which
25 shall be open to inspection in accordance the Firearm
26 Dealer License Certification Act;

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

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

8 This subsection shall not apply to sales or transfers by

9 a:

10 (A) law enforcement, corrections, or active duty
11 military officer acting within the course of his or her
12 employment or official duties;

13 (B) person acting under operation of law or court
14 order;

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

17 (D) person acting on behalf of a common carrier or
18 other business for purposes of transportation or storage
19 in the ordinary course of his or her business;

20 (E) person who is loaned a firearm while on the
21 premises of a licensed shooting range for the sole purpose
22 of shooting at targets, if the firearm is kept within the
23 premises of the shooting range;

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

1 (G) person who acquires a firearm upon the death of
2 another person from a will, bequest, inheritance, or as a
3 bona fide gift from an immediate family member, as long as
4 he or she notifies the Illinois State Police under Section
5 3.1 within 60 days, at which time the Illinois State
6 Police shall conduct a National Instant Criminal
7 Background Check System background check on the person. In
8 this paragraph, "immediate family member" means a spouse,
9 domestic partner, children, step-children, parents, or
10 step-parents;

11 (H) person who transfers a firearm to a law
12 enforcement agency; or

13 (I) person who is loaned a firearm for lawful hunting
14 or sporting purposes while in the presence of the lawful
15 owner of the firearm.

16 ~~Any person who is not a federally licensed firearm dealer and~~
17 ~~who desires to transfer or sell a firearm while that~~
18 ~~person is on the grounds of a gun show must, before selling~~
19 ~~or transferring the firearm, request the Department of~~
20 ~~State Police to conduct a background check on the~~
21 ~~prospective recipient of the firearm in accordance with~~
22 ~~Section 3.1.~~

23 (a-10) The Illinois State Police shall publish, on its
24 website, information for holders of Firearm Owner's
25 Identification Cards that includes the changes included in
26 this amendatory Act of the 102nd General Assembly. Any Firearm

1 Owner's Identification Card issued or renewed beginning 180
2 days after the effective date of this amendatory Act of the
3 102nd General Assembly shall include a statement indicating
4 the changes pertinent in this amendatory Act of the 102nd
5 General Assembly for Firearm Owner's Identification Card
6 holders. ~~Notwithstanding item (2) of subsection (a) of this~~
7 ~~Section, any person who is not a federally licensed firearm~~
8 ~~dealer and who desires to transfer or sell a firearm or~~
9 ~~firearms to any person who is not a federally licensed firearm~~
10 ~~dealer shall, before selling or transferring the firearms,~~
11 ~~contact the Department of State Police with the transferee's~~
12 ~~or purchaser's Firearm Owner's Identification Card number to~~
13 ~~determine the validity of the transferee's or purchaser's~~
14 ~~Firearm Owner's Identification Card. This subsection shall not~~
15 ~~be effective until January 1, 2014. The Department of State~~
16 ~~Police may adopt rules concerning the implementation of this~~
17 ~~subsection. The Department of State Police shall provide the~~
18 ~~seller or transferor an approval number if the purchaser's~~
19 ~~Firearm Owner's Identification Card is valid. Approvals issued~~
20 ~~by the Department for the purchase of a firearm pursuant to~~
21 ~~this subsection are valid for 30 days from the date of issue.~~

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

24 ~~(1) transfers that occur at the place of business of a~~
25 ~~federally licensed firearm dealer, if the federally~~
26 ~~licensed firearm dealer conducts a background check on the~~

1 ~~prospective recipient of the firearm in accordance with~~
2 ~~Section 3.1 of this Act and follows all other applicable~~
3 ~~federal, State, and local laws as if he or she were the~~
4 ~~seller or transferor of the firearm, although the dealer~~
5 ~~is not required to accept the firearm into his or her~~
6 ~~inventory. The purchaser or transferee may be required by~~
7 ~~the federally licensed firearm dealer to pay a fee not to~~
8 ~~exceed \$10 per firearm, which the dealer may retain as~~
9 ~~compensation for performing the functions required under~~
10 ~~this paragraph, plus the applicable fees authorized by~~
11 ~~Section 3.1;~~

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

18 ~~(3) transfers by persons acting pursuant to operation~~
19 ~~of law or a court order;~~

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

22 ~~(5) the delivery of a firearm by its owner to a~~
23 ~~gunsmith for service or repair, the return of the firearm~~
24 ~~to its owner by the gunsmith, or the delivery of a firearm~~
25 ~~by a gunsmith to a federally licensed firearms dealer for~~
26 ~~service or repair and the return of the firearm to the~~

1 ~~gunsmith;~~

2 ~~(6) temporary transfers that occur while in the home~~
3 ~~of the unlicensed transferee, if the unlicensed transferee~~
4 ~~is not otherwise prohibited from possessing firearms and~~
5 ~~the unlicensed transferee reasonably believes that~~
6 ~~possession of the firearm is necessary to prevent imminent~~
7 ~~death or great bodily harm to the unlicensed transferee;~~

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

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

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

17 (a-20) (Blank). ~~The Department of State Police shall~~
18 ~~develop an Internet based system for individuals to determine~~
19 ~~the validity of a Firearm Owner's Identification Card prior to~~
20 ~~the sale or transfer of a firearm. The Department shall have~~
21 ~~the Internet based system completed and available for use by~~
22 ~~July 1, 2015. The Department shall adopt rules not~~
23 ~~inconsistent with this Section to implement this system.~~

24 (b) Any resident may purchase ammunition from a person
25 within or outside of this State if shipment is by United States
26 mail or by a private express carrier authorized by federal law

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

8 (b-1) Any person within this State who before the
9 provisions of subsection (a-5) become operative, transferred,
10 or caused ~~transfers or causes~~ to be transferred any firearm,
11 stun gun, or taser shall keep a record of such transfer for a
12 period of 10 years from the date of transfer. Such record shall
13 contain the date of the transfer; the description, serial
14 number or other information identifying the firearm, stun gun,
15 or taser if no serial number is available; and, if the transfer
16 was completed within this State, the transferee's Firearm
17 Owner's Identification Card number and any approval number or
18 documentation provided by the Department of State Police
19 ~~pursuant to subsection (a 10) of this Section;~~ if the transfer
20 was not completed within this State, the record shall contain
21 the name and address of the transferee. ~~The On or after January~~
22 ~~1, 2006,~~ the record shall contain the date of application for
23 transfer of the firearm. On demand of a peace officer such
24 transferor shall produce for inspection such record of
25 transfer. If the transfer or sale took place at a gun show, the
26 record shall include the unique identification number. Failure

1 to record the unique identification number or approval number
2 is a petty offense. For transfers of a firearm, stun gun, or
3 taser made on or after January 1, 2019 (the effective date of
4 Public Act 100--1178) and before the provisions of subsection
5 (a-5) become operative ~~this amendatory Act of the 100th~~
6 ~~General Assembly~~, failure by the private seller to maintain
7 the transfer records in accordance with this Section is a
8 Class A misdemeanor for the first offense and a Class 4 felony
9 for a second or subsequent offense. A transferee shall not be
10 criminally liable under this subsection (b-1) ~~Section~~ provided
11 that he or she provides the Department of State Police with the
12 transfer records in accordance with procedures established by
13 the Department. ~~The Department shall establish, by rule, a~~
14 ~~standard form on its website.~~

15 (b-5) (Blank). Any resident may purchase ammunition from a
16 person within or outside of Illinois if shipment is by United
17 States mail or by a private express carrier authorized by
18 federal law to ship ammunition. Any resident purchasing
19 ammunition within or outside the State of Illinois must
20 provide the seller with a copy of his or her valid Firearm
21 Owner's Identification Card or valid concealed carry license
22 and either his or her Illinois driver's license or Illinois
23 State Identification Card prior to the shipment of the
24 ammunition. The ammunition may be shipped only to an address
25 on either of those 2 documents.

26 (c) The provisions of this Section regarding the transfer

1 of firearm ammunition shall not apply to those persons
2 specified in paragraph (b) of Section 2 of this Act.

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

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

5 Sec. 3a. (a) Any resident of Illinois who has obtained a
6 firearm owner's identification card pursuant to this Act and
7 who is not otherwise prohibited from obtaining, possessing or
8 using a firearm may purchase or obtain a rifle or shotgun or
9 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
10 Wisconsin or Kentucky.

11 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
12 Kentucky or a non-resident with a valid non-resident hunting
13 license, who is 18 years of age or older and who is not
14 prohibited by the laws of Illinois, the state of his domicile,
15 or the United States from obtaining, possessing or using a
16 firearm, may purchase or obtain a rifle, shotgun or ammunition
17 for a rifle or shotgun in Illinois.

18 (b-5) Any non-resident who is participating in a
19 sanctioned competitive shooting event, who is 18 years of age
20 or older and who is not prohibited by the laws of Illinois, the
21 state of his or her domicile, or the United States from
22 obtaining, possessing, or using a firearm, may purchase or
23 obtain a shotgun or shotgun ammunition in Illinois for the
24 purpose of participating in that event. A person may purchase
25 or obtain a shotgun or shotgun ammunition under this

1 subsection only at the site where the sanctioned competitive
2 shooting event is being held.

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

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

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

23 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

24 Sec. 3.1. Firearm transfer inquiry program ~~Dial-up system.~~

25 (a) The Department of State Police shall provide a dial up

1 telephone system or utilize other existing technology which
2 shall be used by any federally licensed firearm dealer, ~~gun~~
3 ~~show promoter, or gun show vendor~~ who is to transfer a firearm,
4 stun gun, or taser under the provisions of this Act. The
5 Department of State Police may utilize existing technology
6 which allows the caller to be charged a fee not to exceed \$2.
7 Fees collected by the Department of State Police shall be
8 deposited in the State Police Services Fund and used to
9 provide the service.

10 (b) Upon receiving a request ~~from a federally licensed~~
11 ~~firearm dealer, gun show promoter, or gun show vendor,~~ the
12 Department of State Police shall immediately approve, or
13 within the time period established by Section 24-3 of the
14 Criminal Code of 2012 regarding the delivery of firearms, stun
15 guns, and tasers notify the inquiring dealer, gun show
16 promoter, or gun show vendor of any objection that would
17 disqualify the transferee from acquiring or possessing a
18 firearm, stun gun, or taser. In conducting the inquiry, the
19 Department of State Police shall initiate and complete an
20 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 prohibiting information ~~felony conviction~~ or
26 patient hospitalization information which would disqualify a

1 person from obtaining or require revocation of a currently
2 valid Firearm Owner's Identification Card.

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

6 (1) assign a unique identification number to the
7 transfer; and

8 (2) provide the licensee, gun show promoter, or gun
9 show vendor with the number.

10 (d) Approvals issued by the Department of State Police for
11 the purchase of a firearm are valid for 30 days from the date
12 of issue.

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

16 (2) The Department of State Police and the Department of
17 Human Services shall, in accordance with State and federal law
18 regarding confidentiality, enter into a memorandum of
19 understanding with the Federal Bureau of Investigation for the
20 purpose of implementing the National Instant Criminal
21 Background Check System in the State. The Department of State
22 Police shall report the name, date of birth, and physical
23 description of any person prohibited from possessing a firearm
24 pursuant to the Firearm Owners Identification Card Act or 18
25 U.S.C. 922(g) and (n) to the National Instant Criminal
26 Background Check System Index, Denied Persons Files.

1 (3) The Department of State Police shall provide notice of
2 the disqualification of a person under subsection (b) of this
3 Section or the revocation of a person's Firearm Owner's
4 Identification Card under Section 8 or Section 8.2 of this
5 Act, and the reason for the disqualification or revocation, to
6 all law enforcement agencies with jurisdiction to assist with
7 the seizure of the person's Firearm Owner's Identification
8 Card.

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

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

12 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

13 Sec. 4. Application for Firearm Owner's Identification
14 Cards.

15 (a) Each applicant for a Firearm Owner's Identification
16 Card must:

17 (1) Make application on blank forms prepared and
18 furnished at convenient locations throughout the State by
19 the Department of State Police, or by electronic means, if
20 and when made available by the Department of State Police;
21 and

22 (2) Submit evidence to the Department of State Police
23 that:

24 (i) This subparagraph (i) applies through the
25 180th day following the effective date of this

1 amendatory Act of the 101st General Assembly. He or
2 she is 21 years of age or over, or if he or she is
3 under 21 years of age that he or she has the written
4 consent of his or her parent or legal guardian to
5 possess and acquire firearms and firearm ammunition
6 and that he or she has never been convicted of a
7 misdemeanor other than a traffic offense or adjudged
8 delinquent, provided, however, that such parent or
9 legal guardian is not an individual prohibited from
10 having a Firearm Owner's Identification Card and files
11 an affidavit with the Department as prescribed by the
12 Department stating that he or she is not an individual
13 prohibited from having a Card;

14 (i-5) This subparagraph (i-5) applies on and after
15 the 181st day following the effective date of this
16 amendatory Act of the 101st General Assembly. He or
17 she is 21 years of age or over, or if he or she is
18 under 21 years of age that he or she has never been
19 convicted of a misdemeanor other than a traffic
20 offense or adjudged delinquent and is an active duty
21 member of the United States Armed Forces or has the
22 written consent of his or her parent or legal guardian
23 to possess and acquire firearms and firearm
24 ammunition, provided, however, that such parent or
25 legal guardian is not an individual prohibited from
26 having a Firearm Owner's Identification Card and files

1 an affidavit with the Department as prescribed by the
2 Department stating that he or she is not an individual
3 prohibited from having a Card or the active duty
4 member of the United States Armed Forces under 21
5 years of age annually submits proof to the Department
6 of State Police, in a manner prescribed by the
7 Department;

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

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

11 (iv) He or she has not been a patient in a mental
12 health facility within the past 5 years or, if he or
13 she has been a patient in a mental health facility more
14 than 5 years ago submit the certification required
15 under subsection (u) of Section 8 of this Act;

16 (v) He or she is not a person with an intellectual
17 disability;

18 (vi) He or she is not an alien who is unlawfully
19 present in the United States under the laws of the
20 United States;

21 (vii) He or she is not subject to an existing order
22 of protection prohibiting him or her from possessing a
23 firearm;

24 (viii) He or she has not been convicted within the
25 past 5 years of battery, assault, aggravated assault,
26 violation of an order of protection, or a

1 substantially similar offense in another jurisdiction,
2 in which a firearm was used or possessed;

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

19 (x) (Blank);

20 (xi) He or she is not an alien who has been
21 admitted to the United States under a non-immigrant
22 visa (as that term is defined in Section 101(a) (26) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a) (26))), or that he or she is an alien who has
25 been lawfully admitted to the United States under a
26 non-immigrant visa if that alien is:

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

3 (2) an official representative of a foreign
4 government who is:

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

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

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

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

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

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

25 (xiii) He or she is not an adult who had been
26 adjudicated a delinquent minor under the Juvenile

1 Court Act of 1987 for the commission of an offense that
2 if committed by an adult would be a felony;

3 (xiv) He or she is a resident of the State of
4 Illinois;

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

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

9 (xvii) He or she is not a person with a
10 developmental disability; and

11 (3) Upon request by the Department of State Police,
12 sign a release on a form prescribed by the Department of
13 State Police waiving any right to confidentiality and
14 requesting the disclosure to the Department of State
15 Police of limited mental health institution admission
16 information from another state, the District of Columbia,
17 any other territory of the United States, or a foreign
18 nation concerning the applicant for the sole purpose of
19 determining whether the applicant is or was a patient in a
20 mental health institution and disqualified because of that
21 status from receiving a Firearm Owner's Identification
22 Card. No mental health care or treatment records may be
23 requested. The information received shall be destroyed
24 within one year of receipt.

25 (a-5) Each applicant for a Firearm Owner's Identification
26 Card who is over the age of 18 shall furnish to the Department

1 of State Police either his or her Illinois driver's license
2 number or Illinois Identification Card number, except as
3 provided in subsection (a-10).

4 (a-10) Each applicant for a Firearm Owner's Identification
5 Card, who is employed as a law enforcement officer, an armed
6 security officer in Illinois, or by the United States Military
7 permanently assigned in Illinois and who is not an Illinois
8 resident, shall furnish to the Department of State Police his
9 or her driver's license number or state identification card
10 number from his or her state of residence. The Department of
11 State Police may adopt rules to enforce the provisions of this
12 subsection (a-10).

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

18 (a-20) Each applicant for a Firearm Owner's Identification
19 Card shall furnish to the Department of State Police his or her
20 photograph. An applicant who is 21 years of age or older
21 seeking a religious exemption to the photograph requirement
22 must furnish with the application an approved copy of United
23 States Department of the Treasury Internal Revenue Service
24 Form 4029. In lieu of a photograph, an applicant regardless of
25 age seeking a religious exemption to the photograph
26 requirement shall submit fingerprints on a form and manner

1 prescribed by the Department with his or her application.

2 (a-25) Beginning 180 days after the effective date of this
3 amendatory Act of the 102nd General Assembly, each applicant
4 for the issuance or renewal of a Firearm Owner's
5 Identification Card shall include a full set of his or her
6 fingerprints in electronic format to the Illinois State
7 Police, unless the applicant has previously provided a full
8 set of his or her fingerprints to the Illinois State Police
9 under this Act or the Firearm Concealed Carry Act.

10 (1) The fingerprints must be transmitted through a
11 live scan fingerprint vendor licensed by the Department of
12 Financial and Professional Regulation. These fingerprints
13 shall be checked against the fingerprint records now and
14 hereafter filed in the Illinois State Police and Federal
15 Bureau of Investigation criminal history records
16 databases, including all available state and local
17 criminal history record information files. A live scan
18 fingerprint vendor may not charge more than \$30 per set of
19 fingerprints reviewed under this Section.

20 (2) The Illinois State Police shall charge applicants
21 a one-time fee for conducting the criminal history record
22 check, which shall be deposited in the State Police
23 Services Fund and shall not exceed the actual cost of the
24 State and national criminal history record check.

25 (a-30) The Illinois State Police shall deny the
26 application of any person who fails to submit evidence

1 required by this Section.

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

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

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

13 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

14 Sec. 5. Application and renewal.

15 (a) The Department of State Police shall either approve or
16 deny all complete applications within 30 business days from
17 the date they are received, except as provided in subsection
18 (b) of this Section, and every applicant found qualified under
19 Section 8 of this Act by the Department shall be entitled to a
20 Firearm Owner's Identification Card upon the payment of a \$20
21 ~~\$10~~ fee, and applicable processing fees. Any applicant who is
22 an active duty member of the Armed Forces of the United States,
23 a member of the Illinois National Guard, or a member of the
24 Reserve Forces of the United States is exempt from the
25 application fee. \$15 of each fee derived from the issuance of

1 Firearm Owner's Identification Cards, or renewals thereof,
2 shall be deposited in the State Police Firearm Services Fund;
3 and \$5 of the fee shall be deposited in the State Police
4 Revocation Enforcement Fund ~~\$6 of each fee derived from the~~
5 ~~issuance of Firearm Owner's Identification Cards, or renewals~~
6 ~~thereof, shall be deposited in the Wildlife and Fish Fund in~~
7 ~~the State Treasury; \$1 of the fee shall be deposited in the~~
8 ~~State Police Services Fund and \$3 of the fee shall be deposited~~
9 ~~in the State Police Firearm Services Fund.~~

10 (b) Complete renewal ~~Renewal~~ applications shall be
11 approved or denied within 60 business days, provided the
12 applicant submitted his or her renewal application prior to
13 the expiration of his or her Firearm Owner's Identification
14 Card. If a renewal application has been submitted prior to the
15 expiration date of the applicant's Firearm Owner's
16 Identification Card, the Firearm Owner's Identification Card
17 shall remain valid while the Department processes the
18 application, unless the person is subject to or becomes
19 subject to revocation under this Act. The cost for a renewal
20 application shall be \$20 and applicable processing fees, of
21 ~~\$10~~ which \$15 shall be deposited into the State Police Firearm
22 Services Fund; and \$5 shall be deposited into the State Police
23 Revocation Enforcement Fund.

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

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

2 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

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

4 (a) Except as provided in Section 8 of this Act or
5 subsection (b) of this Section, a Firearm Owner's
6 Identification Card issued under the provisions of this Act
7 shall be valid for the person to whom it is issued for a period
8 of 5 ~~10~~ years from the date of issuance. Any person whose card
9 was previously issued for a period of 10 years shall retain the
10 10-year issuance period until the next date of renewal, at
11 which point the card shall be renewed for 5 years.

12 (b) If a renewal application is submitted to the
13 Department before the expiration date of the applicant's
14 current Firearm Owner's Identification Card, the Firearm
15 Owner's Identification Card shall remain valid for a period of
16 60 business days, unless the person is subject to or becomes
17 subject to revocation under this Act.

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

19 (430 ILCS 65/7.5 new)

20 Sec. 7.5. Email notifications. A person subject to this
21 Act may notify the Illinois State Police upon application or
22 at any time thereafter that he or she would like to receive
23 correspondence from the Illinois State Police via email rather
24 than by mail.

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

2 Sec. 8. Grounds for denial and revocation. The Department
3 of State Police has authority to deny an application for or to
4 revoke and seize a Firearm Owner's Identification Card
5 previously issued under this Act only if the Department finds
6 that the applicant or the person to whom such card was issued
7 is or was at the time of issuance:

8 (a) A person under 21 years of age who has been
9 convicted of a misdemeanor other than a traffic offense or
10 adjudged delinquent;

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

19 (b-5) This subsection (b-5) applies on and after the
20 181st day following the effective date of this amendatory
21 Act of the 101st General Assembly. A person under 21 years
22 of age who is not an active duty member of the United
23 States Armed Forces and does not have the written consent
24 of his or her parent or guardian to acquire and possess
25 firearms and firearm ammunition, or whose parent or

1 guardian has revoked such written consent, or where such
2 parent or guardian does not qualify to have a Firearm
3 Owner's Identification Card;

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

6 (d) A person addicted to narcotics;

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

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

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

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

26 (i) An alien who is unlawfully present in the United

1 States under the laws of the United States;

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

9 (1) admitted to the United States for lawful
10 hunting or sporting purposes;

11 (2) an official representative of a foreign
12 government who is:

13 (A) accredited to the United States Government
14 or the Government's mission to an international
15 organization having its headquarters in the United
16 States; or

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

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

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

25 (5) one who has received a waiver from the
26 Attorney General of the United States pursuant to 18

1 U.S.C. 922(y) (3);

2 (j) (Blank);

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

8 (l) A person who has been convicted of domestic
9 battery, aggravated domestic battery, or a substantially
10 similar offense in another jurisdiction committed before,
11 on or after January 1, 2012 (the effective date of Public
12 Act 97-158). If the applicant or person who has been
13 previously issued a Firearm Owner's Identification Card
14 under this Act knowingly and intelligently waives the
15 right to have an offense described in this paragraph (l)
16 tried by a jury, and by guilty plea or otherwise, results
17 in a conviction for an offense in which a domestic
18 relationship is not a required element of the offense but
19 in which a determination of the applicability of 18 U.S.C.
20 922(g) (9) is made under Section 112A-11.1 of the Code of
21 Criminal Procedure of 1963, an entry by the court of a
22 judgment of conviction for that offense shall be grounds
23 for denying an application for and for revoking and
24 seizing a Firearm Owner's Identification Card previously
25 issued to the person under this Act;

26 (m) (Blank);

1 (n) A person who is prohibited from acquiring or
2 possessing firearms or firearm ammunition by any Illinois
3 State statute or by federal law;

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

8 (p) An adult who had been adjudicated a delinquent
9 minor under the Juvenile Court Act of 1987 for the
10 commission of an offense that if committed by an adult
11 would be a felony;

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

15 (r) A person who has been adjudicated as a person with
16 a mental disability;

17 (s) A person who has been found to have a
18 developmental disability;

19 (t) A person involuntarily admitted into a mental
20 health facility; or

21 (u) A person who has had his or her Firearm Owner's
22 Identification Card revoked or denied under subsection (e)
23 of this Section or item (iv) of paragraph (2) of
24 subsection (a) of Section 4 of this Act because he or she
25 was a patient in a mental health facility as provided in
26 subsection (e) of this Section, shall not be permitted to

1 obtain a Firearm Owner's Identification Card, after the
2 5-year period has lapsed, unless he or she has received a
3 mental health evaluation by a physician, clinical
4 psychologist, or qualified examiner as those terms are
5 defined in the Mental Health and Developmental
6 Disabilities Code, and has received a certification that
7 he or she is not a clear and present danger to himself,
8 herself, or others. The physician, clinical psychologist,
9 or qualified examiner making the certification and his or
10 her employer shall not be held criminally, civilly, or
11 professionally liable for making or not making the
12 certification required under this subsection, except for
13 willful or wanton misconduct. This subsection does not
14 apply to a person whose firearm possession rights have
15 been restored through administrative or judicial action
16 under Section 10 or 11 of this Act; or -

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

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

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

24 (430 ILCS 65/8.4 new)

25 Sec. 8.4. Cancellation of Firearm Owner's Identification

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

12 (430 ILCS 65/9.5)

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

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

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

24 (2) complete a Firearm Disposition Record on a form
25 prescribed by the Department of State Police and place his

1 or her firearms in the location or with the person
2 reported in the Firearm Disposition Record. The form shall
3 require the person to disclose:

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

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

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

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

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

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

19 (3) intends to retain possession of the firearm or
20 firearms until it is determined that the transferor is
21 legally eligible to possess a firearm and has an active
22 Firearm Owner's Identification Card, if applicable, or
23 until a new person is chosen to hold the firearm or
24 firearms.

25 (b) The local law enforcement agency shall provide a copy
26 of the Firearm Disposition Record to the person whose Firearm

1 Owner's Identification Card has been revoked or suspended, the
2 transferee, and to the Department of State Police.

3 (c) The Illinois State Police shall conduct enforcement
4 operations against persons whose Firearm Owner's
5 Identification Cards have been revoked or suspended and
6 persons who fail to comply with the requirements of this
7 Section, prioritizing individuals presenting a clear and
8 present danger to themselves or to others under paragraph (2)
9 of subsection (d) of Section 8.1. If the person whose Firearm
10 Owner's Identification Card has been revoked or suspended
11 fails to comply with the requirements of this Section, the
12 sheriff or law enforcement agency where the person resides may
13 petition the circuit court to issue a warrant to search for and
14 seize the Firearm Owner's Identification Card and firearms in
15 the possession or under the custody or control of the person
16 whose Firearm Owner's Identification Card has been revoked or
17 suspended.

18 (d) A violation of subsection (a) of this Section is a
19 Class A misdemeanor.

20 (e) The observation of a Firearm Owner's Identification
21 Card in the possession of a person whose Firearm Owner's
22 Identification Card has been revoked or suspended constitutes
23 a sufficient basis for the arrest of that person for violation
24 of this Section.

25 (f) Within 30 days after the effective date of this
26 amendatory Act of the 98th General Assembly, the Department of

1 State Police shall provide written notice of the requirements
2 of this Section to persons whose Firearm Owner's
3 Identification Cards have been revoked, suspended, or expired
4 and who have failed to surrender their cards to the
5 Department.

6 (g) A person whose Firearm Owner's Identification Card has
7 been revoked or suspended and who received notice under
8 subsection (f) shall comply with the requirements of this
9 Section within 48 hours of receiving notice.

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

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

16 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

17 Sec. 14. Sentence.

18 (a) Except as provided in subsection (a-5), a violation of
19 paragraph (1) of subsection (a) of Section 2, when the
20 person's Firearm Owner's Identification Card is expired but
21 the person is not otherwise disqualified from renewing the
22 card, is a Class A misdemeanor.

23 (a-5) A violation of paragraph (1) of subsection (a) of
24 Section 2, when the person's Firearm Owner's Identification
25 Card is expired but the person is not otherwise disqualified

1 from owning, purchasing, or possessing firearms, is a petty
2 offense if the card was expired for 6 months or less from the
3 date of expiration.

4 (b) Except as provided in subsection (a) with respect to
5 an expired card, a violation of paragraph (1) of subsection
6 (a) of Section 2 is a Class A misdemeanor when the person does
7 not possess a currently valid Firearm Owner's Identification
8 Card, but is otherwise eligible under this Act. A second or
9 subsequent violation is a Class 4 felony.

10 (c) A violation of paragraph (1) of subsection (a) of
11 Section 2 is a Class 3 felony when:

12 (1) the person's Firearm Owner's Identification Card
13 is revoked or subject to revocation under Section 8; or

14 (2) the person's Firearm Owner's Identification Card
15 is expired and not otherwise eligible for renewal under
16 this Act; or

17 (3) the person does not possess a currently valid
18 Firearm Owner's Identification Card, and the person is not
19 otherwise eligible under this Act.

20 (d) A violation of subsection (a) or (a-5) of Section 3 is
21 a Class 4 felony, except that a violation of item (G) of
22 subsection (a-5) of Section 3 is a Class A misdemeanor. A third
23 or subsequent conviction is a Class 1 felony.

24 (d-5) Any person who knowingly enters false information on
25 an application for a Firearm Owner's Identification Card, who
26 knowingly gives a false answer to any question on the

1 application, or who knowingly submits false evidence in
2 connection with an application is guilty of a Class 2 felony.

3 (e) Except as provided by Section 6.1 of this Act, any
4 other violation of this Act is a Class A misdemeanor.

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

6 Section 25. The Firearm Concealed Carry Act is amended by
7 changing Sections 30 and 50 and by adding Section 13 as
8 follows:

9 (430 ILCS 66/13 new)

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

15 (430 ILCS 66/30)

16 Sec. 30. Contents of license application.

17 (a) The license application shall be in writing, under
18 penalty of perjury, on a standard form adopted by the
19 Department and shall be accompanied by the documentation
20 required in this Section and the applicable fee. Each
21 application form shall include the following statement printed
22 in bold type: "Warning: Entering false information on this
23 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 possesses a
25 currently valid Firearm Owner's Identification Card and
26 card number if possessed or notice the applicant is

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

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

5 (A) a felony;

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

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

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

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

22 (8) a full set of fingerprints submitted to the
23 Department in electronic format in a form and manner
24 prescribed by the Illinois State Police, unless the
25 applicant has previously provided a full set of his or her
26 fingerprints to the Illinois State Police under the

1 Firearm Owners Identification Card Act; ~~, provided the~~
2 ~~Department may accept an application submitted without a~~
3 ~~set of fingerprints in which case the Department shall be~~
4 ~~granted 30 days in addition to the 90 days provided under~~
5 ~~subsection (c) of Section 10 of this Act to issue or deny a~~
6 ~~license;~~

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

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

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

14 (430 ILCS 66/50)

15 Sec. 50. License renewal.

16 (a) This subsection (a) applies through the 180th day
17 following the effective date of this amendatory Act of the
18 101st General Assembly. Applications for renewal of a license
19 shall be made to the Department. A license shall be renewed for
20 a period of 5 years upon receipt of a completed renewal
21 application, completion of 3 hours of training required under
22 Section 75 of this Act, payment of the applicable renewal fee,
23 and completion of an investigation under Section 35 of this
24 Act. The renewal application shall contain the information
25 required in Section 30 of this Act, except that the applicant

1 need not resubmit a full set of fingerprints if the applicant
2 has previously provided a full set of his or her fingerprints
3 to the Illinois State Police under this Act or the Firearm
4 Owners Identification Card Act.

5 (b) This subsection (b) applies on and after the 181st day
6 following the effective date of this amendatory Act of the
7 101st General Assembly. Applications for renewal of a license
8 shall be made to the Department. A license shall be renewed for
9 a period of 5 years from the date of expiration on the
10 applicant's current license upon the receipt of a completed
11 renewal application, completion of 3 hours of training
12 required under Section 75 of this Act, payment of the
13 applicable renewal fee, and completion of an investigation
14 under Section 35 of this Act. The renewal application shall
15 contain the information required in Section 30 of this Act,
16 except that the applicant need not resubmit a full set of
17 fingerprints.

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

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

21 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

23 (A) A person commits the offense of unlawful sale or
24 delivery of firearms when he or she knowingly does any of the

1 following:

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

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

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

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

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

15 "Mental institution" means any hospital,
16 institution, clinic, evaluation facility, mental
17 health center, or part thereof, which is used
18 primarily for the care or treatment of persons with
19 mental illness.

20 "Patient in a mental institution" means the person
21 was admitted, either voluntarily or involuntarily, to
22 a mental institution for mental health treatment,
23 unless the treatment was voluntary and solely for an
24 alcohol abuse disorder and no other secondary
25 substance abuse disorder or mental illness.

26 (f) Sells or gives any firearms to any person who is a

1 person with an intellectual disability.

2 (g) Delivers any firearm, incidental to a sale,
3 without withholding delivery of the firearm for at least
4 72 hours after application for its purchase has been made,
5 or delivers a stun gun or taser, incidental to a sale,
6 without withholding delivery of the stun gun or taser for
7 at least 24 hours after application for its purchase has
8 been made. However, this paragraph (g) does not apply to:

9 (1) the sale of a firearm to a law enforcement officer if
10 the seller of the firearm knows that the person to whom he
11 or she is selling the firearm is a law enforcement officer
12 or the sale of a firearm to a person who desires to
13 purchase a firearm for use in promoting the public
14 interest incident to his or her employment as a bank
15 guard, armed truck guard, or other similar employment; (2)
16 a mail order sale of a firearm from a federally licensed
17 firearms dealer to a nonresident of Illinois under which
18 the firearm is mailed to a federally licensed firearms
19 dealer outside the boundaries of Illinois; (3) (blank);
20 (4) the sale of a firearm to a dealer licensed as a federal
21 firearms dealer under Section 923 of the federal Gun
22 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
23 sale of any rifle, shotgun, or other long gun to a resident
24 registered competitor or attendee or non-resident
25 registered competitor or attendee by any dealer licensed
26 as a federal firearms dealer under Section 923 of the

1 federal Gun Control Act of 1968 at competitive shooting
2 events held at the World Shooting Complex sanctioned by a
3 national governing body. For purposes of transfers or
4 sales under subparagraph (5) of this paragraph (g), the
5 Department of Natural Resources shall give notice to the
6 Department of State Police at least 30 calendar days prior
7 to any competitive shooting events at the World Shooting
8 Complex sanctioned by a national governing body. The
9 notification shall be made on a form prescribed by the
10 Department of State Police. The sanctioning body shall
11 provide a list of all registered competitors and attendees
12 at least 24 hours before the events to the Department of
13 State Police. Any changes to the list of registered
14 competitors and attendees shall be forwarded to the
15 Department of State Police as soon as practicable. The
16 Department of State Police must destroy the list of
17 registered competitors and attendees no later than 30 days
18 after the date of the event. Nothing in this paragraph (g)
19 relieves a federally licensed firearm dealer from the
20 requirements of conducting a NICS background check through
21 the Illinois Point of Contact under 18 U.S.C. 922(t). For
22 purposes of this paragraph (g), "application" means when
23 the buyer and seller reach an agreement to purchase a
24 firearm. For purposes of this paragraph (g), "national
25 governing body" means a group of persons who adopt rules
26 and formulate policy on behalf of a national firearm

1 sporting organization.

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

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

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

23 A person "engaged in the business" means a person who
24 devotes time, attention, and labor to engaging in the
25 activity as a regular course of trade or business with the
26 principal objective of livelihood and profit, but does not

1 include a person who makes occasional repairs of firearms
2 or who occasionally fits special barrels, stocks, or
3 trigger mechanisms to firearms.

4 "With the principal objective of livelihood and
5 profit" means that the intent underlying the sale or
6 disposition of firearms is predominantly one of obtaining
7 livelihood and pecuniary gain, as opposed to other
8 intents, such as improving or liquidating a personal
9 firearms collection; however, proof of profit shall not be
10 required as to a person who engages in the regular and
11 repetitive purchase and disposition of firearms for
12 criminal purposes or terrorism.

13 (k) Sells or transfers ownership of a firearm to a
14 person in violation of Section 3 of the Firearm Owners
15 Identification Card Act ~~who does not display to the seller~~
16 ~~or transferor of the firearm either: (1) a currently valid~~
17 ~~Firearm Owner's Identification Card that has previously~~
18 ~~been issued in the transferee's name by the Department of~~
19 ~~State Police under the provisions of the Firearm Owners~~
20 ~~Identification Card Act; or (2) a currently valid license~~
21 ~~to carry a concealed firearm that has previously been~~
22 ~~issued in the transferee's name by the Department of State~~
23 ~~Police under the Firearm Concealed Carry Act. This~~
24 ~~paragraph (k) does not apply to the transfer of a firearm~~
25 ~~to a person who is exempt from the requirement of~~
26 ~~possessing a Firearm Owner's Identification Card under~~

1 ~~Section 2 of the Firearm Owners Identification Card Act.~~
2 ~~For the purposes of this Section, a currently valid~~
3 ~~Firearm Owner's Identification Card means (i) a Firearm~~
4 ~~Owner's Identification Card that has not expired or (ii)~~
5 ~~an approval number issued in accordance with subsection~~
6 ~~(a 10) of subsection 3 or Section 3.1 of the Firearm~~
7 ~~Owners Identification Card Act shall be proof that the~~
8 ~~Firearm Owner's Identification Card was valid.~~

9 (1) (Blank). ~~In addition to the other requirements~~
10 ~~of this paragraph (k), all persons who are not~~
11 ~~federally licensed firearms dealers must also have~~
12 ~~complied with subsection (a 10) of Section 3 of the~~
13 ~~Firearm Owners Identification Card Act by determining~~
14 ~~the validity of a purchaser's Firearm Owner's~~
15 ~~Identification Card.~~

16 (2) All sellers or transferors who have complied
17 with the requirements of ~~subparagraph (1)~~ of this
18 paragraph (k) shall not be liable for damages in any
19 civil action arising from the use or misuse by the
20 transferee of the firearm transferred, except for
21 willful or wanton misconduct on the part of the seller
22 or transferor.

23 (1) Not being entitled to the possession of a firearm,
24 delivers the firearm, knowing it to have been stolen or
25 converted. It may be inferred that a person who possesses
26 a firearm with knowledge that its serial number has been

1 removed or altered has knowledge that the firearm is
2 stolen or converted.

3 (B) Paragraph (h) of subsection (A) does not include
4 firearms sold within 6 months after enactment of Public Act
5 78-355 (approved August 21, 1973, effective October 1, 1973),
6 nor is any firearm legally owned or possessed by any citizen or
7 purchased by any citizen within 6 months after the enactment
8 of Public Act 78-355 subject to confiscation or seizure under
9 the provisions of that Public Act. Nothing in Public Act
10 78-355 shall be construed to prohibit the gift or trade of any
11 firearm if that firearm was legally held or acquired within 6
12 months after the enactment of that Public Act.

13 (C) Sentence.

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

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

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

23 (4) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a), (b), or (i) of
25 subsection (A) in any school, on the real property
26 comprising a school, within 1,000 feet of the real

1 property comprising a school, at a school related
2 activity, or on or within 1,000 feet of any conveyance
3 owned, leased, or contracted by a school or school
4 district to transport students to or from school or a
5 school related activity, regardless of the time of day or
6 time of year at which the offense was committed, commits a
7 Class 1 felony. Any person convicted of a second or
8 subsequent violation of unlawful sale or delivery of
9 firearms in violation of paragraph (a), (b), or (i) of
10 subsection (A) in any school, on the real property
11 comprising a school, within 1,000 feet of the real
12 property comprising a school, at a school related
13 activity, or on or within 1,000 feet of any conveyance
14 owned, leased, or contracted by a school or school
15 district to transport students to or from school or a
16 school related activity, regardless of the time of day or
17 time of year at which the offense was committed, commits a
18 Class 1 felony for which the sentence shall be a term of
19 imprisonment of no less than 5 years and no more than 15
20 years.

21 (5) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a) or (i) of
23 subsection (A) in residential property owned, operated, or
24 managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or mixed-income
26 development, in a public park, in a courthouse, on

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development,
4 on the real property comprising any public park, on the
5 real property comprising any courthouse, or on any public
6 way within 1,000 feet of the real property comprising any
7 public park, courthouse, or residential property owned,
8 operated, or managed by a public housing agency or leased
9 by a public housing agency as part of a scattered site or
10 mixed-income development commits a Class 2 felony.

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

15 (7) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (k) of subsection
17 (A) commits a Class 4 felony, except that a violation of
18 item (G) of subsection (a-5) of Section 3 of the Firearm
19 Owners Identification Card Act is a Class A misdemeanor
20 ~~subparagraph (1) of paragraph (k) of subsection (A) shall~~
21 ~~not be punishable as a crime or petty offense.~~ A third or
22 subsequent conviction for a violation of paragraph (k) of
23 subsection (A) is a Class 1 felony.

24 (8) A person 18 years of age or older convicted of
25 unlawful sale or delivery of firearms in violation of
26 paragraph (a) or (i) of subsection (A), when the firearm

1 that was sold or given to another person under 18 years of
2 age was used in the commission of or attempt to commit a
3 forcible felony, shall be fined or imprisoned, or both,
4 not to exceed the maximum provided for the most serious
5 forcible felony so committed or attempted by the person
6 under 18 years of age who was sold or given the firearm.

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

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

1 term of imprisonment of not less than 6 years and not more
2 than 40 years if the delivery is of not less than 11 and
3 not more than 20 firearms at the same time or within a 3
4 year period. Any person convicted of unlawful sale or
5 delivery of firearms in violation of paragraph (l) of
6 subsection (A) commits a Class X felony for which he or she
7 shall be sentenced to a term of imprisonment of not less
8 than 6 years and not more than 50 years if the delivery is
9 of not less than 21 and not more than 30 firearms at the
10 same time or within a 4 year period. Any person convicted
11 of unlawful sale or delivery of firearms in violation of
12 paragraph (l) of subsection (A) commits a Class X felony
13 for which he or she shall be sentenced to a term of
14 imprisonment of not less than 6 years and not more than 60
15 years if the delivery is of 31 or more firearms at the same
16 time or within a 5 year period.

17 (D) For purposes of this Section:

18 "School" means a public or private elementary or secondary
19 school, community college, college, or university.

20 "School related activity" means any sporting, social,
21 academic, or other activity for which students' attendance or
22 participation is sponsored, organized, or funded in whole or
23 in part by a school or school district.

24 (E) A prosecution for a violation of paragraph (k) of
25 subsection (A) of this Section may be commenced within 6 years
26 after the commission of the offense. A prosecution for a

1 violation of this Section other than paragraph (g) of
2 subsection (A) of this Section may be commenced within 5 years
3 after the commission of the offense defined in the particular
4 paragraph.

5 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
6 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

7 Section 35. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 110-10 as follows:

9 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

18 (2) Submit himself or herself to the orders and
19 process of the court;

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

21 (4) Not violate any criminal statute of any
22 jurisdiction;

23 (5) At a time and place designated by the court, the
24 defendant shall physically surrender all firearms in his

1 or her possession to a law enforcement agency designated
2 by the court to take custody of and impound the firearms
3 and physically surrender his or her Firearm Owner's
4 Identification Card to the law enforcement agency as a
5 condition of remaining on bond pending trial ~~surrender all~~
6 ~~firearms in his or her possession to a law enforcement~~
7 ~~officer designated by the court to take custody of and~~
8 ~~impound the firearms and physically surrender his or her~~
9 ~~Firearm Owner's Identification Card to the clerk of the~~
10 ~~circuit court~~ when the offense the person has been charged
11 with is a forcible felony, stalking, aggravated stalking,
12 domestic battery, any violation of the Illinois Controlled
13 Substances Act, the Methamphetamine Control and Community
14 Protection Act, or the Cannabis Control Act that is
15 classified as a Class 2 or greater felony, or any felony
16 violation of Article 24 of the Criminal Code of 1961 or the
17 Criminal Code of 2012. A defendant whose Firearm Owner's
18 Identification Card has been revoked or suspended may
19 petition the court to transfer the defendant's firearm to
20 a person who is lawfully able to possess the firearm if the
21 person does not reside at the same address as the
22 defendant. Any transfer must be conducted under Section 3
23 of the Firearm Owners Identification Card Act. The
24 transferee who receives the defendant's firearms must
25 swear or affirm by affidavit that he or she shall not
26 transfer the firearm to the defendant or to anyone

1 residing in the same residence as the defendant, until the
2 defendant's Firearm Owner's Identification Card has been
3 reinstated. The law enforcement agency, upon transfer of
4 the firearms, shall require the defendant to complete a
5 Firearm Disposition Record under Section 9.5 of the
6 Firearm Owners Identification Card Act and provide a copy
7 to the Illinois State Police along with the defendant's
8 Firearm Owner's Identification Card; the court may,
9 however, forgo the imposition of this condition when the
10 defendant has provided proof to the court that he or she
11 has legally disposed or transferred his or her firearms
12 and returned his or her Firearm Owner's Identification
13 Card to the Illinois State Police. If the court finds the
14 circumstances of the case clearly do not warrant it or
15 when its imposition would be impractical, the court shall
16 indicate on the record and in writing and the court's
17 basis for making the determination ~~when the circumstances~~
18 ~~of the case clearly do not warrant it or when its~~
19 ~~imposition would be impractical;~~ all legally possessed
20 firearms shall be returned to the person upon proof being
21 provided to the law enforcement agency of the
22 reinstatement of the person's Firearm Owner's
23 Identification Card; ~~if the Firearm Owner's Identification~~
24 ~~Card is confiscated, the clerk of the circuit court shall~~
25 ~~mail the confiscated card to the Illinois State Police;~~
26 ~~all legally possessed firearms shall be returned to the~~

1 ~~person upon the charges being dismissed, or if the person~~
2 ~~is found not guilty, unless the finding of not guilty is by~~
3 ~~reason of insanity;~~ and

4 (6) At a time and place designated by the court,
5 submit to a psychological evaluation when the person has
6 been charged with a violation of item (4) of subsection
7 (a) of Section 24-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 and that violation occurred in a
9 school or in any conveyance owned, leased, or contracted
10 by a school to transport students to or from school or a
11 school-related activity, or on any public way within 1,000
12 feet of real property comprising any school.

13 Psychological evaluations ordered pursuant to this Section
14 shall be completed promptly and made available to the State,
15 the defendant, and the court. As a further condition of bail
16 under these circumstances, the court shall order the defendant
17 to refrain from entering upon the property of the school,
18 including any conveyance owned, leased, or contracted by a
19 school to transport students to or from school or a
20 school-related activity, or on any public way within 1,000
21 feet of real property comprising any school. Upon receipt of
22 the psychological evaluation, either the State or the
23 defendant may request a change in the conditions of bail,
24 pursuant to Section 110-6 of this Code. The court may change
25 the conditions of bail to include a requirement that the
26 defendant follow the recommendations of the psychological

1 evaluation, including undergoing psychiatric treatment. The
2 conclusions of the psychological evaluation and any statements
3 elicited from the defendant during its administration are not
4 admissible as evidence of guilt during the course of any trial
5 on the charged offense, unless the defendant places his or her
6 mental competency in issue.

7 (b) The court may impose other conditions, such as the
8 following, if the court finds that such conditions are
9 reasonably necessary to assure the defendant's appearance in
10 court, protect the public from the defendant, or prevent the
11 defendant's unlawful interference with the orderly
12 administration of justice:

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

15 (2) Refrain from possessing a firearm or other
16 dangerous weapon;

17 (3) Refrain from approaching or communicating with
18 particular persons or classes of persons;

19 (4) Refrain from going to certain described
20 geographical areas or premises;

21 (5) Refrain from engaging in certain activities or
22 indulging in intoxicating liquors or in certain drugs;

23 (6) Undergo treatment for drug addiction or
24 alcoholism;

25 (7) Undergo medical or psychiatric treatment;

26 (8) Work or pursue a course of study or vocational

1 training;

2 (9) Attend or reside in a facility designated by the
3 court;

4 (10) Support his or her dependents;

5 (11) If a minor resides with his or her parents or in a
6 foster home, attend school, attend a non-residential
7 program for youths, and contribute to his or her own
8 support at home or in a foster home;

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

10 (13) Remain in the custody of such designated person
11 or organization agreeing to supervise his release. Such
12 third party custodian shall be responsible for notifying
13 the court if the defendant fails to observe the conditions
14 of release which the custodian has agreed to monitor, and
15 shall be subject to contempt of court for failure so to
16 notify the court;

17 (14) Be placed under direct supervision of the
18 Pretrial Services Agency, Probation Department or Court
19 Services Department in a pretrial bond home supervision
20 capacity with or without the use of an approved electronic
21 monitoring device subject to Article 8A of Chapter V of
22 the Unified Code of Corrections;

23 (14.1) The court shall impose upon a defendant who is
24 charged with any alcohol, cannabis, methamphetamine, or
25 controlled substance violation and is placed under direct
26 supervision of the Pretrial Services Agency, Probation

1 Department or Court Services Department in a pretrial bond
2 home supervision capacity with the use of an approved
3 monitoring device, as a condition of such bail bond, a fee
4 that represents costs incidental to the electronic
5 monitoring for each day of such bail supervision ordered
6 by the court, unless after determining the inability of
7 the defendant to pay the fee, the court assesses a lesser
8 fee or no fee as the case may be. The fee shall be
9 collected by the clerk of the circuit court, except as
10 provided in an administrative order of the Chief Judge of
11 the circuit court. The clerk of the circuit court shall
12 pay all monies collected from this fee to the county
13 treasurer for deposit in the substance abuse services fund
14 under Section 5-1086.1 of the Counties Code, except as
15 provided in an administrative order of the Chief Judge of
16 the circuit court.

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

1 The Chief Judge of the circuit court may suspend any
2 additional charges or fees for late payment, interest, or
3 damage to any device;

4 (14.2) The court shall impose upon all defendants,
5 including those defendants subject to paragraph (14.1)
6 above, placed under direct supervision of the Pretrial
7 Services Agency, Probation Department or Court Services
8 Department in a pretrial bond home supervision capacity
9 with the use of an approved monitoring device, as a
10 condition of such bail bond, a fee which shall represent
11 costs incidental to such electronic monitoring for each
12 day of such bail supervision ordered by the court, unless
13 after determining the inability of the defendant to pay
14 the fee, the court assesses a lesser fee or no fee as the
15 case may be. The fee shall be collected by the clerk of the
16 circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The clerk of
18 the circuit court shall pay all monies collected from this
19 fee to the county treasurer who shall use the monies
20 collected to defray the costs of corrections. The county
21 treasurer shall deposit the fee collected in the county
22 working cash fund under Section 6-27001 or Section 6-29002
23 of the Counties Code, as the case may be, except as
24 provided in an administrative order of the Chief Judge of
25 the circuit court.

26 The Chief Judge of the circuit court of the county may

1 by administrative order establish a program for electronic
2 monitoring of offenders with regard to drug-related and
3 alcohol-related offenses, in which a vendor supplies and
4 monitors the operation of the electronic monitoring
5 device, and collects the fees on behalf of the county. The
6 program shall include provisions for indigent offenders
7 and the collection of unpaid fees. The program shall not
8 unduly burden the offender and shall be subject to review
9 by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any
11 additional charges or fees for late payment, interest, or
12 damage to any device;

13 (14.3) The Chief Judge of the Judicial Circuit may
14 establish reasonable fees to be paid by a person receiving
15 pretrial services while under supervision of a pretrial
16 services agency, probation department, or court services
17 department. Reasonable fees may be charged for pretrial
18 services including, but not limited to, pretrial
19 supervision, diversion programs, electronic monitoring,
20 victim impact services, drug and alcohol testing, DNA
21 testing, GPS electronic monitoring, assessments and
22 evaluations related to domestic violence and other
23 victims, and victim mediation services. The person
24 receiving pretrial services may be ordered to pay all
25 costs incidental to pretrial services in accordance with
26 his or her ability to pay those costs;

1 (14.4) For persons charged with violating Section
2 11-501 of the Illinois Vehicle Code, refrain from
3 operating a motor vehicle not equipped with an ignition
4 interlock device, as defined in Section 1-129.1 of the
5 Illinois Vehicle Code, pursuant to the rules promulgated
6 by the Secretary of State for the installation of ignition
7 interlock devices. Under this condition the court may
8 allow a defendant who is not self-employed to operate a
9 vehicle owned by the defendant's employer that is not
10 equipped with an ignition interlock device in the course
11 and scope of the defendant's employment;

12 (15) Comply with the terms and conditions of an order
13 of protection issued by the court under the Illinois
14 Domestic Violence Act of 1986 or an order of protection
15 issued by the court of another state, tribe, or United
16 States territory;

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

19 (17) Such other reasonable conditions as the court may
20 impose.

21 (c) When a person is charged with an offense under Section
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
23 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, involving a victim who is a minor under
25 18 years of age living in the same household with the defendant
26 at the time of the offense, in granting bail or releasing the

1 defendant on his own recognizance, the judge shall impose
2 conditions to restrict the defendant's access to the victim
3 which may include, but are not limited to conditions that he
4 will:

5 1. Vacate the household.

6 2. Make payment of temporary support to his
7 dependents.

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

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release on bond that restrict the defendant's
14 access to the victim. Unless provided otherwise by the court,
15 the restrictions shall include requirements that the defendant
16 do the following:

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

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

23 (e) Local law enforcement agencies shall develop
24 standardized bond forms for use in cases involving family or
25 household members as defined in Article 112A, including
26 specific conditions of bond as provided in subsection (d).

1 Failure of any law enforcement department to develop or use
2 those forms shall in no way limit the applicability and
3 enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail after conviction
5 the conditions of the bail bond shall be that he will, in
6 addition to the conditions set forth in subsections (a) and
7 (b) hereof:

8 (1) Duly prosecute his appeal;

9 (2) Appear at such time and place as the court may
10 direct;

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

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

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

17 (g) Upon a finding of guilty for any felony offense, the
18 defendant shall physically surrender, at a time and place
19 designated by the court, all firearms in his or her possession
20 to a law enforcement officer designated by the court to take
21 custody of and impound the firearms and physically surrender
22 his or her Firearm Owner's Identification Card to the law
23 enforcement agency as a condition of remaining on bond pending
24 sentencing. A defendant whose Firearm Owner's Identification
25 Card has been revoked or suspended may petition the court to
26 transfer the defendant's firearm to a person who is lawfully

1 able to possess the firearm if the person does not reside at
2 the same address as the defendant. Any transfer must be
3 conducted under Section 3 of the Firearm Owners Identification
4 Card Act. The transferee who receives the defendant's firearms
5 must swear or affirm by affidavit that he or she shall not
6 transfer the firearm to the defendant or to anyone residing in
7 the same residence as the defendant, until the defendant's
8 Firearm Owner's Identification Card has been reinstated. The
9 law enforcement agency, upon transfer of the firearms, shall
10 require the defendant to complete a Firearm Disposition Record
11 under Section 9.5 of the Firearm Owners Identification Card
12 Act and provide a copy to the Illinois State Police along with
13 the defendant's Firearm Owner's Identification Card ~~the~~
14 ~~defendant shall physically surrender, at a time and place~~
15 ~~designated by the court, any and all firearms in his or her~~
16 ~~possession and his or her Firearm Owner's Identification Card~~
17 as a condition of remaining on bond pending sentencing.

18 (h) Upon indictment for any felony offense, the defendant
19 shall physically surrender, at a time and place designated by
20 the court, all firearms in his or her possession to a law
21 enforcement officer designated by the court to take custody of
22 and impound the firearms and physically surrender his or her
23 Firearm Owner's Identification Card to the law enforcement
24 agency as a condition of remaining on bond pending trial. A
25 defendant whose Firearm Owner's Identification Card has been
26 revoked or suspended may petition the court to transfer the

1 defendant's firearm to a person who is lawfully able to
2 possess the firearm if the person does not reside at the same
3 address as the defendant. Any transfer must be conducted under
4 Section 3 of the Firearm Owners Identification Card Act. The
5 transferee who receives the defendant's firearms must swear or
6 affirm by affidavit that he or she shall not transfer the
7 firearm to the defendant or to anyone residing in the same
8 residence as the defendant, until the defendant's Firearm
9 Owner's Identification Card has been reinstated. The law
10 enforcement agency upon transfer of the firearms shall require
11 the defendant to complete a Firearm Disposition Record under
12 Section 9.5 of the Firearm Owners Identification Card Act and
13 provide a copy to the Illinois State Police along with the
14 defendants Firearm Owner's Identification Card. All legally
15 possessed firearms shall be returned to the person upon proof
16 being provided to the law enforcement agency of the
17 reinstatement of the person's Firearm Owner's Identification
18 Card.

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

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

24 Section 40. The Unified Code of Corrections is amended by
25 changing Section 5-6-3 as follows:

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

2 Sec. 5-6-3. Conditions of probation and of conditional
3 discharge.

4 (a) The conditions of probation and of conditional
5 discharge shall be that the person:

6 (1) not violate any criminal statute of any
7 jurisdiction;

8 (2) report to or appear in person before such person
9 or agency as directed by the court;

10 (3) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a felony or, if a
12 misdemeanor, the offense involved the intentional or
13 knowing infliction of bodily harm or threat of bodily
14 harm;

15 (4) not leave the State without the consent of the
16 court or, in circumstances in which the reason for the
17 absence is of such an emergency nature that prior consent
18 by the court is not possible, without the prior
19 notification and approval of the person's probation
20 officer. Transfer of a person's probation or conditional
21 discharge supervision to another state is subject to
22 acceptance by the other state pursuant to the Interstate
23 Compact for Adult Offender Supervision;

24 (5) permit the probation officer to visit him at his
25 home or elsewhere to the extent necessary to discharge his

1 duties;

2 (6) perform no less than 30 hours of community service
3 and not more than 120 hours of community service, if
4 community service is available in the jurisdiction and is
5 funded and approved by the county board where the offense
6 was committed, where the offense was related to or in
7 furtherance of the criminal activities of an organized
8 gang and was motivated by the offender's membership in or
9 allegiance to an organized gang. The community service
10 shall include, but not be limited to, the cleanup and
11 repair of any damage caused by a violation of Section
12 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
13 2012 and similar damage to property located within the
14 municipality or county in which the violation occurred.
15 When possible and reasonable, the community service should
16 be performed in the offender's neighborhood. For purposes
17 of this Section, "organized gang" has the meaning ascribed
18 to it in Section 10 of the Illinois Streetgang Terrorism
19 Omnibus Prevention Act. The court may give credit toward
20 the fulfillment of community service hours for
21 participation in activities and treatment as determined by
22 court services;

23 (7) if he or she is at least 17 years of age and has
24 been sentenced to probation or conditional discharge for a
25 misdemeanor or felony in a county of 3,000,000 or more
26 inhabitants and has not been previously convicted of a

1 misdemeanor or felony, may be required by the sentencing
2 court to attend educational courses designed to prepare
3 the defendant for a high school diploma and to work toward
4 a high school diploma or to work toward passing high
5 school equivalency testing or to work toward completing a
6 vocational training program approved by the court. The
7 person on probation or conditional discharge must attend a
8 public institution of education to obtain the educational
9 or vocational training required by this paragraph (7). The
10 court shall revoke the probation or conditional discharge
11 of a person who wilfully fails to comply with this
12 paragraph (7). The person on probation or conditional
13 discharge shall be required to pay for the cost of the
14 educational courses or high school equivalency testing if
15 a fee is charged for those courses or testing. The court
16 shall resentence the offender whose probation or
17 conditional discharge has been revoked as provided in
18 Section 5-6-4. This paragraph (7) does not apply to a
19 person who has a high school diploma or has successfully
20 passed high school equivalency testing. This paragraph (7)
21 does not apply to a person who is determined by the court
22 to be a person with a developmental disability or
23 otherwise mentally incapable of completing the educational
24 or vocational program;

25 (8) if convicted of possession of a substance
26 prohibited by the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act after a previous conviction
3 or disposition of supervision for possession of a
4 substance prohibited by the Cannabis Control Act or
5 Illinois Controlled Substances Act or after a sentence of
6 probation under Section 10 of the Cannabis Control Act,
7 Section 410 of the Illinois Controlled Substances Act, or
8 Section 70 of the Methamphetamine Control and Community
9 Protection Act and upon a finding by the court that the
10 person is addicted, undergo treatment at a substance abuse
11 program approved by the court;

12 (8.5) if convicted of a felony sex offense as defined
13 in the Sex Offender Management Board Act, the person shall
14 undergo and successfully complete sex offender treatment
15 by a treatment provider approved by the Board and
16 conducted in conformance with the standards developed
17 under the Sex Offender Management Board Act;

18 (8.6) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing
20 at the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders;

3 (8.7) if convicted for an offense committed on or
4 after June 1, 2008 (the effective date of Public Act
5 95-464) that would qualify the accused as a child sex
6 offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961 or the Criminal Code of 2012,
8 refrain from communicating with or contacting, by means of
9 the Internet, a person who is not related to the accused
10 and whom the accused reasonably believes to be under 18
11 years of age; for purposes of this paragraph (8.7),
12 "Internet" has the meaning ascribed to it in Section
13 16-0.1 of the Criminal Code of 2012; and a person is not
14 related to the accused if the person is not: (i) the
15 spouse, brother, or sister of the accused; (ii) a
16 descendant of the accused; (iii) a first or second cousin
17 of the accused; or (iv) a step-child or adopted child of
18 the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 or any attempt to commit any of these offenses, committed
24 on or after June 1, 2009 (the effective date of Public Act
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the offender's probation officer,
3 except in connection with the offender's employment or
4 search for employment with the prior approval of the
5 offender's probation officer;

6 (ii) submit to periodic unannounced examinations
7 of the offender's computer or any other device with
8 Internet capability by the offender's probation
9 officer, a law enforcement officer, or assigned
10 computer or information technology specialist,
11 including the retrieval and copying of all data from
12 the computer or device and any internal or external
13 peripherals and removal of such information,
14 equipment, or device to conduct a more thorough
15 inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or
19 software systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the
25 Sex Offender Registration Act committed on or after
26 January 1, 2010 (the effective date of Public Act 96-262),

1 refrain from accessing or using a social networking
2 website as defined in Section 17-0.5 of the Criminal Code
3 of 2012;

4 (9) if convicted ~~of a felony or~~ of any misdemeanor
5 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
6 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
7 2012 that was determined, pursuant to Section 112A-11.1 of
8 the Code of Criminal Procedure of 1963, to trigger the
9 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
10 physically surrender, at a time and place designated by
11 the court, all firearms in his or her possession to a law
12 enforcement officer designated by the court to take
13 custody of and impound the firearms and physically
14 surrender his or her Firearm Owner's Identification Card
15 to the law enforcement agency as a condition of remaining
16 on bond pending sentencing. A defendant whose Firearm
17 Owner's Identification Card has been revoked or suspended
18 may petition the court to transfer the defendant's firearm
19 to a person who is lawfully able to possess the firearm if
20 the person does not reside at the same address as the
21 defendant. Any transfer must be conducted under Section 3
22 of the Firearm Owners Identification Card Act. The
23 transferee who receives the defendant's firearms must
24 swear or affirm by affidavit that he or she shall not
25 transfer the firearm to the defendant or to anyone
26 residing in the same residence as the defendant, until the

1 defendant's Firearm Owner's Identification Card has been
2 reinstated. The law enforcement agency, upon transfer of
3 the firearms, shall require the defendant to complete a
4 Firearm Disposition Record under Section 9.5 of the
5 Firearm Owner's Identification Card Act and provide a copy
6 to the Illinois State Police along with the defendants
7 Firearm Owner's Identification Card ~~physically surrender~~
8 ~~at a time and place designated by the court, his or her~~
9 ~~Firearm Owner's Identification Card and any and all~~
10 ~~firearms in his or her possession. The Court shall return~~
11 ~~to the Department of State Police Firearm Owner's~~
12 ~~Identification Card Office the person's Firearm Owner's~~
13 ~~Identification Card;~~

14 (10) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial
18 minors are present, not participate in a holiday event
19 involving children under 18 years of age, such as
20 distributing candy or other items to children on
21 Halloween, wearing a Santa Claus costume on or preceding
22 Christmas, being employed as a department store Santa
23 Claus, or wearing an Easter Bunny costume on or preceding
24 Easter;

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed

1 on or after January 1, 2010 (the effective date of Public
2 Act 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any
4 computer scrub software on any computer that the sex
5 offender uses;

6 (12) if convicted of a violation of the
7 Methamphetamine Control and Community Protection Act, the
8 Methamphetamine Precursor Control Act, or a
9 methamphetamine related offense:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate; ~~and~~

16 (13) if convicted of a hate crime involving the
17 protected class identified in subsection (a) of Section
18 12-7.1 of the Criminal Code of 2012 that gave rise to the
19 offense the offender committed, perform public or
20 community service of no less than 200 hours and enroll in
21 an educational program discouraging hate crimes that
22 includes racial, ethnic, and cultural sensitivity training
23 ordered by the court; ~~and~~

24 (14) if convicted of a felony, the defendant shall
25 physically surrender, at a time and place designated by
26 the court, all firearms in his or her possession to a law

1 enforcement officer designated by the court to take
2 custody of and impound the firearms and physically
3 surrender his or her Firearm Owner's Identification Card
4 to the law enforcement agency as a condition of remaining
5 on bond pending sentencing. A defendant whose Firearm
6 Owner's Identification Card has been revoked or suspended
7 may petition the court to transfer the defendant's firearm
8 to a person who is lawfully able to possess the firearm if
9 the person does not reside at the same address as the
10 defendant. Any transfer must be conducted under Section 3
11 of the Firearm Owners Identification Card Act. The
12 transferee who receives the defendant's firearms must
13 swear or affirm by affidavit that he or she shall not
14 transfer the firearm to the defendant or to anyone
15 residing in the same residence as the defendant, until the
16 defendant's Firearm Owner's Identification Card has been
17 reinstated. The law enforcement agency, upon transfer of
18 the firearms, shall require the defendant to complete a
19 Firearm Disposition Record under Section 9.5 of the
20 Firearm Owners Identification Card Act and provide a copy
21 to the Illinois State Police along with the defendants
22 Firearm Owner's Identification Card; and

23 (15) if the person is under 21 years of age and has
24 been convicted of a misdemeanor offense other than a
25 traffic offense, the defendant shall physically surrender,
26 at a time and place designated by the court, all firearms

1 in his or her possession to a law enforcement officer
2 designated by the court to take custody of and impound the
3 firearms and physically surrender his or her Firearm
4 Owner's Identification Card to the law enforcement agency
5 as a condition of remaining on bond pending sentencing. A
6 defendant whose Firearm Owner's Identification Card has
7 been revoked or suspended may petition the court to
8 transfer the defendant's firearm to a person who is
9 lawfully able to possess the firearm if the person does
10 not reside at the same address as the defendant. Any
11 transfer must be conducted under Section 3 of the Firearm
12 Owners Identification Card Act. The transferee who
13 receives the defendant's firearms must swear or affirm by
14 affidavit that he or she shall not transfer the firearm to
15 the defendant or to anyone residing in the same residence
16 as the defendant, until the defendant's Firearm Owner's
17 Identification Card has been reinstated. The law
18 enforcement agency, upon transfer of the firearms, shall
19 require the defendant to complete a Firearm Disposition
20 Record under Section 9.5 of the Firearm Owners
21 Identification Card Act and provide a copy to the Illinois
22 State Police along with the defendants Firearm Owner's
23 Identification Card.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under
4 Article 7 for a period not to exceed that specified in
5 paragraph (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of
3 this Code;

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be
9 that the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or
18 the Probation or Court Services Department, be placed
19 on an approved electronic monitoring device, subject
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer for
11 deposit in the substance abuse services fund under
12 Section 5-1086.1 of the Counties Code, except as
13 provided in an administrative order of the Chief Judge
14 of the circuit court.

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

24 The Chief Judge of the circuit court may suspend
25 any additional charges or fees for late payment,
26 interest, or damage to any device; and

1 (v) for persons convicted of offenses other than
2 those referenced in clause (iv) above and who are
3 placed on an approved monitoring device as a condition
4 of probation or conditional discharge, the court shall
5 impose a reasonable fee for each day of the use of the
6 device, as established by the county board in
7 subsection (g) of this Section, unless after
8 determining the inability of the defendant to pay the
9 fee, the court assesses a lesser fee or no fee as the
10 case may be. This fee shall be imposed in addition to
11 the fees imposed under subsections (g) and (i) of this
12 Section. The fee shall be collected by the clerk of the
13 circuit court, except as provided in an administrative
14 order of the Chief Judge of the circuit court. The
15 clerk of the circuit court shall pay all monies
16 collected from this fee to the county treasurer who
17 shall use the monies collected to defray the costs of
18 corrections. The county treasurer shall deposit the
19 fee collected in the probation and court services
20 fund. The Chief Judge of the circuit court of the
21 county may by administrative order establish a program
22 for electronic monitoring of offenders, in which a
23 vendor supplies and monitors the operation of the
24 electronic monitoring device, and collects the fees on
25 behalf of the county. The program shall include
26 provisions for indigent offenders and the collection

1 of unpaid fees. The program shall not unduly burden
2 the offender and shall be subject to review by the
3 Chief Judge.

4 The Chief Judge of the circuit court may suspend
5 any additional charges or fees for late payment,
6 interest, or damage to any device.

7 (11) comply with the terms and conditions of an order
8 of protection issued by the court pursuant to the Illinois
9 Domestic Violence Act of 1986, as now or hereafter
10 amended, or an order of protection issued by the court of
11 another state, tribe, or United States territory. A copy
12 of the order of protection shall be transmitted to the
13 probation officer or agency having responsibility for the
14 case;

15 (12) reimburse any "local anti-crime program" as
16 defined in Section 7 of the Anti-Crime Advisory Council
17 Act for any reasonable expenses incurred by the program on
18 the offender's case, not to exceed the maximum amount of
19 the fine authorized for the offense for which the
20 defendant was sentenced;

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses
26 under the jurisdiction of the Department of Natural

1 Resources, to the fund established by the Department of
2 Natural Resources for the purchase of evidence for
3 investigation purposes and to conduct investigations as
4 outlined in Section 805-105 of the Department of Natural
5 Resources (Conservation) Law;

6 (14) refrain from entering into a designated
7 geographic area except upon such terms as the court finds
8 appropriate. Such terms may include consideration of the
9 purpose of the entry, the time of day, other persons
10 accompanying the defendant, and advance approval by a
11 probation officer, if the defendant has been placed on
12 probation or advance approval by the court, if the
13 defendant was placed on conditional discharge;

14 (15) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of persons, including but not limited to members of
17 street gangs and drug users or dealers;

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or
21 the Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of
23 his or her blood or urine or both for tests to determine
24 the presence of any illicit drug;

25 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464)

1 that would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom
6 the accused reasonably believes to be under 18 years of
7 age; for purposes of this paragraph (17), "Internet" has
8 the meaning ascribed to it in Section 16-0.1 of the
9 Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

14 (18) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983)
16 that would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a misdemeanor that
18 did not involve the intentional or knowing infliction of
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or
2 conditional discharge, except as may be necessary in the
3 course of the minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or
8 subsequent violation of subsection (c) of Section 6-303 of the
9 Illinois Vehicle Code, the court shall not require as a
10 condition of the sentence of probation or conditional
11 discharge that the offender be committed to a period of
12 imprisonment in excess of 6 months. This 6-month limit shall
13 not include periods of confinement given pursuant to a
14 sentence of county impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic
19 imprisonment under Article 7 or a sentence to a county impact
20 incarceration program under Article 8 with a sentence of
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes
24 mandatory drug or alcohol testing, or both, or is assigned to
25 be placed on an approved electronic monitoring device, shall
26 be ordered to pay all costs incidental to such mandatory drug

1 or alcohol testing, or both, and all costs incidental to such
2 approved electronic monitoring in accordance with the
3 defendant's ability to pay those costs. The county board with
4 the concurrence of the Chief Judge of the judicial circuit in
5 which the county is located shall establish reasonable fees
6 for the cost of maintenance, testing, and incidental expenses
7 related to the mandatory drug or alcohol testing, or both, and
8 all costs incidental to approved electronic monitoring,
9 involved in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of the
14 circuit court shall pay all moneys collected from these fees
15 to the county treasurer who shall use the moneys collected to
16 defray the costs of drug testing, alcohol testing, and
17 electronic monitoring. The county treasurer shall deposit the
18 fees collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the case
20 may be. The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders, in which a vendor supplies and
23 monitors the operation of the electronic monitoring device,
24 and collects the fees on behalf of the county. The program
25 shall include provisions for indigent offenders and the
26 collection of unpaid fees. The program shall not unduly burden

1 the offender and shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any
3 additional charges or fees for late payment, interest, or
4 damage to any device.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers
8 of jurisdiction are also authorized in the same manner. The
9 court to which jurisdiction has been transferred shall have
10 the same powers as the sentencing court. The probation
11 department within the circuit to which jurisdiction has been
12 transferred, or which has agreed to provide supervision, may
13 impose probation fees upon receiving the transferred offender,
14 as provided in subsection (i). For all transfer cases, as
15 defined in Section 9b of the Probation and Probation Officers
16 Act, the probation department from the original sentencing
17 court shall retain all probation fees collected prior to the
18 transfer. After the transfer, all probation fees shall be paid
19 to the probation department within the circuit to which
20 jurisdiction has been transferred.

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee

1 of \$50 for each month of probation or conditional discharge
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 sentenced to probation or conditional discharge or supervised
5 community service to pay the fee, the court assesses a lesser
6 fee. The court may not impose the fee on a minor who is placed
7 in the guardianship or custody of the Department of Children
8 and Family Services under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers
16 Act.

17 A circuit court may not impose a probation fee under this
18 subsection (i) in excess of \$25 per month unless the circuit
19 court has adopted, by administrative order issued by the chief
20 judge, a standard probation fee guide determining an
21 offender's ability to pay. Of the amount collected as a
22 probation fee, up to \$5 of that fee collected per month may be
23 used to provide services to crime victims and their families.

24 The Court may only waive probation fees based on an
25 offender's ability to pay. The probation department may
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the
2 Chief Probation Officer, adjust the monthly fee amount. An
3 offender may elect to pay probation fees due in a lump sum. Any
4 offender that has been assigned to the supervision of a
5 probation department, or has been transferred either under
6 subsection (h) of this Section or under any interstate
7 compact, shall be required to pay probation fees to the
8 department supervising the offender, based on the offender's
9 ability to pay.

10 Public Act 93-970 deletes the \$10 increase in the fee
11 under this subsection that was imposed by Public Act 93-616.
12 This deletion is intended to control over any other Act of the
13 93rd General Assembly that retains or incorporates that fee
14 increase.

15 (i-5) In addition to the fees imposed under subsection (i)
16 of this Section, in the case of an offender convicted of a
17 felony sex offense (as defined in the Sex Offender Management
18 Board Act) or an offense that the court or probation
19 department has determined to be sexually motivated (as defined
20 in the Sex Offender Management Board Act), the court or the
21 probation department shall assess additional fees to pay for
22 all costs of treatment, assessment, evaluation for risk and
23 treatment, and monitoring the offender, based on that
24 offender's ability to pay those costs either as they occur or
25 under a payment plan.

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
2 Code, or a similar provision of a local ordinance, and any
3 violation of the Child Passenger Protection Act, or a similar
4 provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under the Criminal
6 and Traffic Assessment Act.

7 (k) Any offender who is sentenced to probation or
8 conditional discharge for a felony sex offense as defined in
9 the Sex Offender Management Board Act or any offense that the
10 court or probation department has determined to be sexually
11 motivated as defined in the Sex Offender Management Board Act
12 shall be required to refrain from any contact, directly or
13 indirectly, with any persons specified by the court and shall
14 be available for all evaluations and treatment programs
15 required by the court or the probation department.

16 (l) The court may order an offender who is sentenced to
17 probation or conditional discharge for a violation of an order
18 of protection be placed under electronic surveillance as
19 provided in Section 5-8A-7 of this Code.

20 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
21 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
22 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

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5	20 ILCS 2605/2605-605	
6	30 ILCS 105/5.935 new	
7	30 ILCS 105/6z-99	
8	30 ILCS 105/6z-124 new	
9	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
10	430 ILCS 65/3	from Ch. 38, par. 83-3
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