

HB3364



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3364

Introduced 2/22/2021, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

See Index

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

LRB102 16971 RLC 22389 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) (Blank).

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

15 (3) (Blank).

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

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

22 (6) (Blank).

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

1 ~~Identification Card Act.~~

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

5 (8) Exercise the rights, powers, and duties vested by
6 law in the Department by the Criminal Identification Act.
7 (Source: P.A. 101-378, eff. 1-1-20.)

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)
9 Sec. 2605-300. Records; crime laboratories; personnel. To
10 do the following:

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

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

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

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

20 (5) Establish general and field crime laboratories.

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

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

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

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

8 (20 ILCS 2605/2605-595)

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

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

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

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

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

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

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

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

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

16 (20 ILCS 2630/2.2)

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

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

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

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

17 (30 ILCS 105/6z-99)

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

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

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

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

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

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

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

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

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

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

1 weapon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

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

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

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

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

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

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

1 (105 ILCS 5/34-8.05)

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

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

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

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

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

2 Sec. 2005. Qualifications for licensure.

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

4 (1) is under 21 years of age;

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

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

9 (4) is a fugitive from justice;

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

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

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

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

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

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

4 (225 ILCS 447/35-30)

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

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

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

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

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

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

1 process of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 every employee who terminates employment with him or her.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (225 ILCS 447/35-35)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (405 ILCS 5/6-103.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (405 ILCS 5/6-103.2)

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

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

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

1 Section, except for willful or wanton misconduct.

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

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

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

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

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

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

2 (405 ILCS 5/6-103.3)

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

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

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

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

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

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

1 official.

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

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

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

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

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

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

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

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

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

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

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to determine the presence of lead-based paint.

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

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

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

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

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

26 "Lead training program provider" means any person

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

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

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

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

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

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

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

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

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

1 (430 ILCS 65/Act rep.)

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

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

6 (430 ILCS 66/25)

7 Sec. 25. Qualifications for a license.

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

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

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

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

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

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

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

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

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

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

17 (430 ILCS 66/30)

18 Sec. 30. Contents of license application.

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

1 Criminal Code of 2012."

2 (b) The application shall contain the following:

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

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

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

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

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

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

7 (A) a felony;

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

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

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

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

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

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

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

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

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

12 (430 ILCS 66/40)

13 Sec. 40. Non-resident license applications.

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

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

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

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

4 The applicant shall submit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (430 ILCS 66/70)

6 Sec. 70. Violations.

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

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

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

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

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

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

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

1 plus any applicable court costs or fees.

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

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

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

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

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

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

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

1 (430 ILCS 66/80)

2 Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

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

1 equivalency certificate; and

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

4 (A) certification from a law enforcement agency;

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

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

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

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

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

21 (430 ILCS 66/105)

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

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

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

12 Section 66. The Firearms Restraining Order Act is amended
13 by changing Sections 35 and 40 as follows:

14 (430 ILCS 67/35)

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

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

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

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

22 (d) An emergency firearms restraining order shall be
23 issued on an ex parte basis, that is, without notice to the
24 respondent.

25 (e) An emergency hearing held on an ex parte basis shall be
26 held the same day that the petition is filed or the next day

1 that the court is in session.

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

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

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

17 (1) the respondent to refrain from having in his or
18 her custody or control, purchasing, possessing, or
19 receiving additional firearms for the duration of the
20 order; and

21 (2) the respondent to turn over to the local law
22 enforcement agency any ~~Firearm Owner's Identification Card~~
23 ~~and~~ concealed carry license in his or her possession. The
24 local law enforcement agency shall immediately mail the
25 ~~card and~~ concealed carry license to the Department of
26 State Police Firearm Services Bureau for safekeeping. The

1 firearm or firearms ~~and Firearm Owner's Identification~~
2 ~~Card~~ and concealed carry license, if unexpired, shall be
3 returned to the respondent after the firearms restraining
4 order is terminated or expired.

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

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

1 respondent's firearms must swear or affirm by affidavit that
2 he or she shall not transfer the firearm to the respondent or
3 to anyone residing in the same residence as the respondent.

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

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

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

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

24 (i) In accordance with subsection (e) of this Section, the
25 court shall schedule a full hearing as soon as possible, but no
26 longer than 14 days from the issuance of an ex parte firearms

1 restraining order, to determine if a 6-month firearms
2 restraining order shall be issued. The court may extend an ex
3 parte order as needed, but not to exceed 14 days, to effectuate
4 service of the order or if necessary to continue protection.
5 The court may extend the order for a greater length of time by
6 mutual agreement of the parties.

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

8 (430 ILCS 67/40)

9 Sec. 40. Six-month orders.

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

19 (b) If the respondent is alleged to pose a significant
20 danger of causing personal injury to an intimate partner, or
21 an intimate partner is alleged to have been the target of a
22 threat or act of violence by the respondent, the petitioner
23 shall make a good faith effort to provide notice to any and all
24 intimate partners of the respondent. The notice must include
25 that the petitioner intends to petition the court for a

1 6-month firearms restraining order, and, if the petitioner is
2 a law enforcement officer, referral to relevant domestic
3 violence or stalking advocacy or counseling resources, if
4 appropriate. The petitioner shall attest to having provided
5 the notice in the filed affidavit or verified pleading. If,
6 after making a good faith effort, the petitioner is unable to
7 provide notice to any or all intimate partners, the affidavit
8 or verified pleading should describe what efforts were made.

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

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

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

20 (1) The unlawful and reckless use, display, or
21 brandishing of a firearm by the respondent.

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

25 (3) Any prior arrest of the respondent for a felony
26 offense.

1 (4) Evidence of the abuse of controlled substances or
2 alcohol by the respondent.

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

6 (6) A violation of an emergency order of protection
7 issued under Section 217 of the Illinois Domestic Violence
8 Act of 1986 or Section 112A-17 of the Code of Criminal
9 Procedure of 1963 or of an order of protection issued
10 under Section 214 of the Illinois Domestic Violence Act of
11 1986 or Section 112A-14 of the Code of Criminal Procedure
12 of 1963.

13 (7) A pattern of violent acts or violent threats,
14 including, but not limited to, threats of violence or acts
15 of violence by the respondent directed toward himself,
16 herself, or another.

17 (f) At the hearing, the petitioner shall have the burden
18 of proving, by clear and convincing evidence, that the
19 respondent poses a significant danger of personal injury to
20 himself, herself, or another by having in his or her custody or
21 control, purchasing, possessing, or receiving a firearm.

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

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

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

10 (1) the respondent to refrain from having in his or
11 her custody or control, purchasing, possessing, or
12 receiving additional firearms for the duration of the
13 order; and

14 (2) the respondent to turn over to the local law
15 enforcement agency any firearm ~~or Firearm Owner's~~
16 ~~Identification Card~~ and concealed carry license in his or
17 her possession. The local law enforcement agency shall
18 immediately mail the ~~card and~~ concealed carry license to
19 the Department of State Police Firearm Services Bureau for
20 safekeeping. The firearm or firearms ~~and Firearm Owner's~~
21 ~~Identification Card~~ and concealed carry license, if
22 unexpired, shall be returned to the respondent after the
23 firearms restraining order is terminated or expired.

24 (i) Except as otherwise provided in subsection (i-5) of
25 this Section, upon expiration of the period of safekeeping, if
26 the firearms ~~or Firearm Owner's Identification Card~~ cannot be

1 returned to the respondent because the respondent cannot be
2 located, fails to respond to requests to retrieve the
3 firearms, or is not lawfully eligible to possess a firearm,
4 upon petition from the local law enforcement agency, the court
5 may order the local law enforcement agency to destroy the
6 firearms, use the firearms for training purposes, or use the
7 firearms for any other application as deemed appropriate by
8 the local law enforcement agency.

9 (i-5) A respondent whose firearms have been turned over to
10 a local law enforcement agency ~~Firearm Owner's Identification~~
11 ~~Card has been revoked or suspended~~ may petition the court, if
12 the petitioner is present in court or has notice of the
13 respondent's petition, to transfer the respondent's firearm to
14 a person who is lawfully able to possess the firearm if the
15 person does not reside at the same address as the respondent.
16 Notice of the petition shall be served upon the person
17 protected by the emergency firearms restraining order. While
18 the order is in effect, the transferee who receives the
19 respondent's firearms must swear or affirm by affidavit that
20 he or she shall not transfer the firearm to the respondent or
21 to anyone residing in the same residence as the respondent.

22 (i-6) If a person other than the respondent claims title
23 to any firearms surrendered under this Section, he or she may
24 petition the court, if the petitioner is present in court or
25 has notice of the petition, to have the firearm returned to him
26 or her. If the court determines that person to be the lawful

1 owner of the firearm, the firearm shall be returned to him or
2 her, provided that:

3 (1) the firearm is removed from the respondent's
4 custody, control, or possession and the lawful owner
5 agrees to store the firearm in a manner such that the
6 respondent does not have access to or control of the
7 firearm; and

8 (2) the firearm is not otherwise unlawfully possessed
9 by the owner.

10 The person petitioning for the return of his or her
11 firearm must swear or affirm by affidavit that he or she: (i)
12 is the lawful owner of the firearm; (ii) shall not transfer the
13 firearm to the respondent; and (iii) will store the firearm in
14 a manner that the respondent does not have access to or control
15 of the firearm.

16 (j) If the court does not issue a firearms restraining
17 order at the hearing, the court shall dissolve any emergency
18 firearms restraining order then in effect.

19 (k) When the court issues a firearms restraining order
20 under this Section, the court shall inform the respondent that
21 he or she is entitled to one hearing during the period of the
22 order to request a termination of the order, under Section 45
23 of this Act, and shall provide the respondent with a form to
24 request a hearing.

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

1 Section 67. The Firearm Dealer License Certification Act
2 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
3 follows:

4 (430 ILCS 68/5-20)

5 Sec. 5-20. Additional licensee requirements.

6 (a) A certified licensee shall make a photo copy of a
7 buyer's or transferee's valid photo identification card
8 whenever a firearm sale transaction takes place. The photo
9 copy shall be attached to the documentation detailing the
10 record of sale.

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

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

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

20 (B) sell or transfer your firearm to someone else
21 without receiving approval for the transfer from the
22 Department of State Police, or

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

25 This sign shall be created by the Department and made

1 available for printing or downloading from the Department's
2 website.

3 (c) No retail location established after the effective
4 date of this Act shall be located within 500 feet of any
5 school, pre-school, or day care facility in existence at its
6 location before the retail location is established as measured
7 from the nearest corner of the building holding the retail
8 location to the corner of the school, pre-school, or day care
9 facility building nearest the retail location at the time the
10 retail location seeks licensure.

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

12 (430 ILCS 68/5-25)

13 Sec. 5-25. Exemptions. The provisions of this Act related
14 to the certification of a license do not apply to a person or
15 entity that engages in the following activities:

16 (1) temporary transfers of firearms solely for use at
17 the location or on the premises where the transfer takes
18 place, such as transfers at a shooting range for use at
19 that location;

20 (2) temporary transfers of firearms solely for use
21 while in the presence of the transferor or transfers for
22 the purposes of firearm safety training by a firearms
23 safety training instructor;

24 (3) transfers of firearms among immediate family or
25 household members, as "immediate family or household

1 member" is defined in Section 3-2.7-10 of the Unified Code
2 of Corrections, provided that both the transferor and
3 transferee are not prohibited from possessing a firearm
4 under federal or State law ~~have a currently valid Firearm~~
5 ~~Owner's Identification Card; however, this paragraph (3)~~
6 ~~does not limit the familial gift exemption under paragraph~~
7 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
8 ~~Owners Identification Card Act;~~

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

11 (5) transfers by persons or entities liquidating all
12 or part of a collection. For purposes of this paragraph
13 (5), "collection" means 2 or more firearms which are of
14 special interest to collectors by reason of some quality
15 other than is associated with firearms intended for
16 sporting use or as offensive or defensive weapons;

17 (6) transfers of firearms that have been rendered
18 permanently inoperable to a nonprofit historical society,
19 museum, or institutional collection;

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

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

26 (9) transfers of curios and relics, as defined under

1 federal law, between collectors licensed under subsection
2 (b) of Section 923 of the federal Gun Control Act of 1968;

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

5 (10.5) transfers of firearms to a resident registered
6 competitor or attendee or non-resident registered
7 competitor or attendee by a licensed federal firearms
8 dealer under Section 923 of the federal Gun Control Act of
9 1968 at a competitive shooting event held at the World
10 Shooting and Recreational Complex that is sanctioned by a
11 national governing body; or

12 (11) transfers between a pawnshop and a customer which
13 amount to a bailment. For purposes of this paragraph (11),
14 "bailment" means the act of placing property in the
15 custody and control of another, by agreement in which the
16 holder is responsible for the safekeeping and return of
17 the property.

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

19 (430 ILCS 68/5-40)

20 Sec. 5-40. Qualifications for operation.

21 (a) Each certified licensee shall submit with each
22 application for certification or renewal an affidavit to the
23 Department stating that each owner, employee, or other agent
24 of the certified licensee who sells or conducts transfers of
25 firearms for the certified licensee is at least 21 years of

1 ~~age, has a currently valid Firearm Owner's Identification Card~~
2 and, for a renewal, has completed the training required under
3 Section 5-30. The affidavit must also contain the name ~~and~~
4 ~~Firearm Owner's Identification Card number~~ of each owner,
5 employee, or other agent who sells or conducts transfers of
6 firearms for the certified licensee. If an owner, employee, or
7 other agent of the certified licensee is not otherwise a
8 resident of this State, the certified licensee shall submit an
9 affidavit stating that the owner, employee, or other agent has
10 undergone a background check and is not prohibited from owning
11 or possessing firearms.

12 (b) In addition to the affidavit required under subsection
13 (a), within 30 days of a new owner, employee, or other agent
14 beginning selling or conducting transfers of firearms for the
15 certified licensee, the certified licensee shall submit an
16 affidavit to the Department stating the date that the new
17 owner, employee, or other agent began selling or conducting
18 transfers of firearms for the certified licensee, and
19 providing the information required in subsection (a) for that
20 new owner, employee, or other agent.

21 (c) If a certified licensee has a license, certificate, or
22 permit to sell, lease, transfer, purchase, or possess firearms
23 issued by the federal government or the government of any
24 state revoked or suspended for good cause within the preceding
25 4 years, the Department may consider revoking or suspending
26 the certified licenses in this State. In making a

1 determination of whether or not to revoke or suspend a
2 certified license in this State, the Department shall consider
3 the number of retail locations the certified licensee or any
4 related person or entity operates in this State or in other
5 states under the same or different business names, and the
6 severity of the infraction in the state in which a license was
7 revoked or suspended.

8 (d) Applications and affidavits required under this
9 Section are not subject to disclosure by the Department under
10 the Freedom of Information Act.

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

12 (430 ILCS 68/5-85)

13 Sec. 5-85. Disciplinary sanctions.

14 (a) For violations of this Act not penalized under Section
15 5-15, the Department may refuse to renew or restore, or may
16 reprimand, place on probation, suspend, revoke, or take other
17 disciplinary or non-disciplinary action against any licensee,
18 and may impose a fine commensurate with the severity of the
19 violation not to exceed \$10,000 for each violation for any of
20 the following, consistent with the Protection of Lawful
21 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

22 (1) Violations of this Act, or any law applicable to
23 the sale or transfer of firearms.

24 (2) A pattern of practice or other behavior which
25 demonstrates incapacity or incompetency to practice under

1 this Act.

2 (3) Aiding or assisting another person in violating
3 any provision of this Act or rules adopted under this Act.

4 (4) Failing, within 60 days, to provide information in
5 response to a written request made by the Department.

6 (5) Conviction of, plea of guilty to, or plea of nolo
7 contendere to any crime that disqualifies the person from
8 obtaining a firearm ~~valid Firearm Owner's Identification~~
9 ~~Card~~.

10 (6) Continued practice, although the person has become
11 unfit to practice due to any of the following:

12 (A) Any circumstance that disqualifies the person
13 from obtaining a firearm ~~valid Firearm Owner's~~
14 ~~Identification Card~~ or concealed carry license.

15 (B) Habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, alcohol, or
17 any other substance that results in the inability to
18 practice with reasonable judgment, skill, or safety.

19 (7) Receiving, directly or indirectly, compensation
20 for any firearms sold or transferred illegally.

21 (8) Discipline by another United States jurisdiction,
22 foreign nation, or governmental agency, if at least one of
23 the grounds for the discipline is the same or
24 substantially equivalent to those set forth in this Act.

25 (9) Violation of any disciplinary order imposed on a
26 licensee by the Department.

1 (10) A finding by the Department that the licensee,
2 after having his or her certified license placed on
3 probationary status, has violated the terms of probation.

4 (11) A fraudulent or material misstatement in the
5 completion of an affirmative obligation or inquiry by law
6 enforcement.

7 (b) All fines imposed under this Section shall be paid
8 within 90 days after the effective date of the final order
9 imposing the fine.

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

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

13 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

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

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

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

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

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

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

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

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

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

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

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

1 person or affixed to his license or permit in a space
2 designated by the Department for that purpose.

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

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

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

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

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

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

1 sheriff, deputy sheriff, or any other peace officer making a
2 demand for it. This provision shall not apply to Department
3 owned or managed sites where it is required that all hunters
4 deposit their license or ~~7~~ permit, ~~or~~ ~~Firearm Owner's~~
5 ~~Identification Card~~ at the check station upon entering the
6 hunting areas.

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

8 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

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

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

20 Section 75. The Criminal Code of 2012 is amended by
21 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
22 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,
23 24-3.5, 24-3B, 24-4.1, and 24-9 and adding Section 24-4.5 as
24 follows:

1 (720 ILCS 5/2-7.1)

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

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

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

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

16 (720 ILCS 5/2-7.5)

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

22 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
23 gun which expels a single globular projectile not exceeding
24 .18 inch in diameter or which has a maximum muzzle velocity of

1 less than 700 feet per second;

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

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

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

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

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

19 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

20 Sec. 12-3.05. Aggravated battery.

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

25 (1) Causes great bodily harm or permanent disability

1 or disfigurement.

2 (2) Causes severe and permanent disability, great
3 bodily harm, or disfigurement by means of a caustic or
4 flammable substance, a poisonous gas, a deadly biological
5 or chemical contaminant or agent, a radioactive substance,
6 or a bomb or explosive compound.

7 (3) Causes great bodily harm or permanent disability
8 or disfigurement to an individual whom the person knows to
9 be a peace officer, community policing volunteer, fireman,
10 private security officer, correctional institution
11 employee, or Department of Human Services employee
12 supervising or controlling sexually dangerous persons or
13 sexually violent persons:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (4) Causes great bodily harm or permanent disability
20 or disfigurement to an individual 60 years of age or
21 older.

22 (5) Strangles another individual.

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

1 means:

2 (1) causes great bodily harm or permanent disability
3 or disfigurement to any child under the age of 13 years, or
4 to any person with a severe or profound intellectual
5 disability; or

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

9 (c) Offense based on location of conduct. A person commits
10 aggravated battery when, in committing a battery, other than
11 by the discharge of a firearm, he or she is or the person
12 battered is on or about a public way, public property, a public
13 place of accommodation or amusement, a sports venue, or a
14 domestic violence shelter, or in a church, synagogue, mosque,
15 or other building, structure, or place used for religious
16 worship.

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

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

22 (2) A person who is pregnant or has a physical
23 disability.

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

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

6 (i) performing his or her official duties;

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

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

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

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

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

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

23 (8) A taxi driver on duty.

24 (9) A merchant who detains the person for an alleged
25 commission of retail theft under Section 16-26 of this
26 Code and the person without legal justification by any

1 means causes bodily harm to the merchant.

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

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

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

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

22 (1) Discharges a firearm, other than a machine gun or
23 a firearm equipped with a silencer, and causes any injury
24 to another person.

25 (2) Discharges a firearm, other than a machine gun or
26 a firearm equipped with a silencer, and causes any injury

1 to a person he or she knows to be a peace officer,
2 community policing volunteer, person summoned by a police
3 officer, fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

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

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

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

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (4) Discharges a firearm and causes any injury to a
20 person he or she knows to be a teacher, a student in a
21 school, or a school employee, and the teacher, student, or
22 employee is upon school grounds or grounds adjacent to a
23 school or in any part of a building used for school
24 purposes.

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

1 (6) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to a person he or
3 she knows to be a peace officer, community policing
4 volunteer, person summoned by a police officer, fireman,
5 private security officer, correctional institution
6 employee or emergency management worker:

7 (i) performing his or her official duties;

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

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

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

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (8) Discharges a machine gun or a firearm equipped
21 with a silencer, and causes any injury to a person he or
22 she knows to be a teacher, or a student in a school, or a
23 school employee, and the teacher, student, or employee is
24 upon school grounds or grounds adjacent to a school or in
25 any part of a building used for school purposes.

26 (f) Offense based on use of a weapon or device. A person

1 commits aggravated battery when, in committing a battery, he
2 or she does any of the following:

3 (1) Uses a deadly weapon other than by discharge of a
4 firearm, or uses an air rifle as defined in Section
5 24.8-0.1 of this Code.

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

8 (3) Knowingly and without lawful justification shines
9 or flashes a laser gunsight or other laser device attached
10 to a firearm, or used in concert with a firearm, so that
11 the laser beam strikes upon or against the person of
12 another.

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

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

18 (1) Violates Section 401 of the Illinois Controlled
19 Substances Act by unlawfully delivering a controlled
20 substance to another and any user experiences great bodily
21 harm or permanent disability as a result of the injection,
22 inhalation, or ingestion of any amount of the controlled
23 substance.

24 (2) Knowingly administers to an individual or causes
25 him or her to take, without his or her consent or by threat
26 or deception, and for other than medical purposes, any

1 intoxicating, poisonous, stupefying, narcotic,
2 anesthetic, or controlled substance, or gives to another
3 person any food containing any substance or object
4 intended to cause physical injury if eaten.

5 (3) Knowingly causes or attempts to cause a
6 correctional institution employee or Department of Human
7 Services employee to come into contact with blood, seminal
8 fluid, urine, or feces by throwing, tossing, or expelling
9 the fluid or material, and the person is an inmate of a
10 penal institution or is a sexually dangerous person or
11 sexually violent person in the custody of the Department
12 of Human Services.

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

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

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

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

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 2 felony when the person causes great bodily harm or
2 permanent disability to an individual whom the person knows to
3 be a member of a congregation engaged in prayer or other
4 religious activities at a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

6 Aggravated battery under subdivision (a)(5) is a Class 1
7 felony if:

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

10 (B) the person caused great bodily harm or permanent
11 disability or disfigurement to the other person while
12 committing the offense; or

13 (C) the person has been previously convicted of a
14 violation of subdivision (a)(5) under the laws of this
15 State or laws similar to subdivision (a)(5) of any other
16 state.

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

19 Aggravated battery as defined in subdivision (a)(2) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 6 years and a maximum of 45
22 years.

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

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

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

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

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

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

17 (3) if, during the commission of the offense, the
18 person personally discharged a firearm that proximately
19 caused great bodily harm, permanent disability, permanent
20 disfigurement, or death to another person, 25 years or up
21 to a term of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (i) Definitions. In this Section:

24 "Building or other structure used to provide shelter" has
25 the meaning ascribed to "shelter" in Section 1 of the Domestic
26 Violence Shelters Act.

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

3 "Domestic violence shelter" means any building or other
4 structure used to provide shelter or other services to victims
5 or to the dependent children of victims of domestic violence
6 pursuant to the Illinois Domestic Violence Act of 1986 or the
7 Domestic Violence Shelters Act, or any place within 500 feet
8 of such a building or other structure in the case of a person
9 who is going to or from such a building or other structure.

10 "Firearm" has the meaning provided under Section 2-7.5 of
11 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
12 and does not include an air rifle as defined by Section
13 24.8-0.1 of this Code.

14 "Machine gun" has the meaning ascribed to it in Section
15 24-1 of this Code.

16 "Merchant" has the meaning ascribed to it in Section
17 16-0.1 of this Code.

18 "Strangle" means intentionally impeding the normal
19 breathing or circulation of the blood of an individual by
20 applying pressure on the throat or neck of that individual or
21 by blocking the nose or mouth of that individual.

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

23 (720 ILCS 5/16-0.1)

24 Sec. 16-0.1. Definitions. In this Article, unless the
25 context clearly requires otherwise, the following terms are

1 defined as indicated:

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

5 "Coin-operated machine" includes any automatic vending
6 machine or any part thereof, parking meter, coin telephone,
7 coin-operated transit turnstile, transit fare box, coin
8 laundry machine, coin dry cleaning machine, amusement machine,
9 music machine, vending machine dispensing goods or services,
10 or money changer.

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

1 transmissions, signals, or services.

2 "Communication service" means any service lawfully
3 provided for a charge or compensation to facilitate the lawful
4 origination, transmission, emission, or reception of signs,
5 signals, data, writings, images, and sounds or intelligence of
6 any nature by telephone, including cellular telephones or a
7 wire, wireless, radio, electromagnetic, photo-electronic or
8 photo-optical system; and also any service lawfully provided
9 by any radio, telephone, cable television, fiber optic,
10 satellite, microwave, Internet-based or wireless distribution
11 network, system, facility or technology, including, but not
12 limited to, any and all electronic, data, video, audio,
13 Internet access, telephonic, microwave and radio
14 communications, transmissions, signals and services, and any
15 such communications, transmissions, signals and services
16 lawfully provided directly or indirectly by or through any of
17 those networks, systems, facilities or technologies.

18 "Communication service provider" means: (1) any person or
19 entity providing any communication service, whether directly
20 or indirectly, as a reseller, including, but not limited to, a
21 cellular, paging or other wireless communications company or
22 other person or entity which, for a fee, supplies the
23 facility, cell site, mobile telephone switching office or
24 other equipment or communication service; (2) any person or
25 entity owning or operating any cable television, fiber optic,
26 satellite, telephone, wireless, microwave, radio, data

1 transmission or Internet-based distribution network, system or
2 facility; and (3) any person or entity providing any
3 communication service directly or indirectly by or through any
4 such distribution system, network or facility.

5 "Computer" means a device that accepts, processes, stores,
6 retrieves or outputs data, and includes but is not limited to
7 auxiliary storage and telecommunications devices connected to
8 computers.

9 "Continuing course of conduct" means a series of acts, and
10 the accompanying mental state necessary for the crime in
11 question, irrespective of whether the series of acts are
12 continuous or intermittent.

13 "Delivery container" means any bakery basket of wire or
14 plastic used to transport or store bread or bakery products,
15 any dairy case of wire or plastic used to transport or store
16 dairy products, and any dolly or cart of 2 or 4 wheels used to
17 transport or store any bakery or dairy product.

18 "Document-making implement" means any implement,
19 impression, template, computer file, computer disc, electronic
20 device, computer hardware, computer software, instrument, or
21 device that is used to make a real or fictitious or fraudulent
22 personal identification document.

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

- 24 (1) An electronic funds transfer card.
25 (2) A credit card.
26 (3) A debit card.

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

2 (5) Any instrument, device, card, plate, code, account
3 number, personal identification number, or a record or
4 copy of a code, account number, or personal identification
5 number or other means of access to a credit account or
6 deposit account, or a driver's license or State
7 identification card used to access a proprietary account,
8 other than access originated solely by a paper instrument,
9 that can be used alone or in conjunction with another
10 access device, for any of the following purposes:

11 (A) Obtaining money, cash refund or credit
12 account, credit, goods, services, or any other thing
13 of value.

14 (B) Certifying or guaranteeing to a person or
15 business the availability to the device holder of
16 funds on deposit to honor a draft or check payable to
17 the order of that person or business.

18 (C) Providing the device holder access to a
19 deposit account for the purpose of making deposits,
20 withdrawing funds, transferring funds between deposit
21 accounts, obtaining information pertaining to a
22 deposit account, or making an electronic funds
23 transfer.

24 "Full retail value" means the merchant's stated or
25 advertised price of the merchandise. "Full retail value"
26 includes the aggregate value of property obtained from retail

1 thefts committed by the same person as part of a continuing
2 course of conduct from one or more mercantile establishments
3 in a single transaction or in separate transactions over a
4 period of one year.

5 "Internet" means an interactive computer service or system
6 or an information service, system, or access software provider
7 that provides or enables computer access by multiple users to
8 a computer server, and includes, but is not limited to, an
9 information service, system, or access software provider that
10 provides access to a network system commonly known as the
11 Internet, or any comparable system or service and also
12 includes, but is not limited to, a World Wide Web page,
13 newsgroup, message board, mailing list, or chat area on any
14 interactive computer service or system or other online
15 service.

16 "Library card" means a card or plate issued by a library
17 facility for purposes of identifying the person to whom the
18 library card was issued as authorized to borrow library
19 material, subject to all limitations and conditions imposed on
20 the borrowing by the library facility issuing such card.

21 "Library facility" includes any public library or museum,
22 or any library or museum of an educational, historical or
23 eleemosynary institution, organization or society.

24 "Library material" includes any book, plate, picture,
25 photograph, engraving, painting, sculpture, statue, artifact,
26 drawing, map, newspaper, pamphlet, broadside, magazine,

1 manuscript, document, letter, microfilm, sound recording,
2 audiovisual material, magnetic or other tape, electronic data
3 processing record or other documentary, written or printed
4 material regardless of physical form or characteristics, or
5 any part thereof, belonging to, or on loan to or otherwise in
6 the custody of a library facility.

7 "Manufacture or assembly of an unlawful access device"
8 means to make, produce or assemble an unlawful access device
9 or to modify, alter, program or re-program any instrument,
10 device, machine, equipment or software so that it is capable
11 of defeating or circumventing any technology, device or
12 software used by the provider, owner or licensee of a
13 communication service or of any data, audio or video programs
14 or transmissions to protect any such communication, data,
15 audio or video services, programs or transmissions from
16 unauthorized access, acquisition, disclosure, receipt,
17 decryption, communication, transmission or re-transmission.

18 "Manufacture or assembly of an unlawful communication
19 device" means to make, produce or assemble an unlawful
20 communication or wireless device or to modify, alter, program
21 or reprogram a communication or wireless device to be capable
22 of acquiring, disrupting, receiving, transmitting, decrypting,
23 or facilitating the acquisition, disruption, receipt,
24 transmission or decryption of, a communication service without
25 the express consent or express authorization of the
26 communication service provider, or to knowingly assist others

1 in those activities.

2 "Master sound recording" means the original physical
3 object on which a given set of sounds were first recorded and
4 which the original object from which all subsequent sound
5 recordings embodying the same set of sounds are directly or
6 indirectly derived.

7 "Merchandise" means any item of tangible personal
8 property, including motor fuel.

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

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

22 "Online" means the use of any electronic or wireless
23 device to access the Internet.

24 "Payment card" means a credit card, charge card, debit
25 card, or any other card that is issued to an authorized card
26 user and that allows the user to obtain, purchase, or receive

1 goods, services, money, or anything else of value from a
2 merchant.

3 "Person with a disability" means a person who suffers from
4 a physical or mental impairment resulting from disease,
5 injury, functional disorder or congenital condition that
6 impairs the individual's mental or physical ability to
7 independently manage his or her property or financial
8 resources, or both.

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

26 "Personal identifying information" means any of the

1 following information:

2 (1) A person's name.

3 (2) A person's address.

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

5 (4) A person's telephone number.

6 (5) A person's driver's license number or State of
7 Illinois identification card as assigned by the Secretary
8 of State of the State of Illinois or a similar agency of
9 another state.

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

11 (7) A person's public, private, or government
12 employer, place of employment, or employment
13 identification number.

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

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

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

22 (11) Personal identification numbers.

23 (12) Electronic identification numbers.

24 (13) Digital signals.

25 (14) User names, passwords, and any other word,
26 number, character or combination of the same usable in

1 whole or part to access information relating to a specific
2 individual, or to the actions taken, communications made
3 or received, or other activities or transactions of a
4 specific individual.

5 (15) Any other numbers or information which can be
6 used to access a person's financial resources, or to
7 identify a specific individual, or the actions taken,
8 communications made or received, or other activities or
9 transactions of a specific individual.

10 "Premises of a retail mercantile establishment" includes,
11 but is not limited to, the retail mercantile establishment;
12 any common use areas in shopping centers; and all parking
13 areas set aside by a merchant or on behalf of a merchant for
14 the parking of vehicles for the convenience of the patrons of
15 such retail mercantile establishment.

16 "Public water, gas, or power supply, or other public
17 services" mean any service subject to regulation by the
18 Illinois Commerce Commission; any service furnished by a
19 public utility that is owned and operated by any political
20 subdivision, public institution of higher education or
21 municipal corporation of this State; any service furnished by
22 any public utility that is owned by such political
23 subdivision, public institution of higher education, or
24 municipal corporation and operated by any of its lessees or
25 operating agents; any service furnished by an electric
26 cooperative as defined in Section 3.4 of the Electric Supplier

1 Act; or wireless service or other service regulated by the
2 Federal Communications Commission.

3 "Publish" means to communicate or disseminate information
4 to any one or more persons, either orally, in person, or by
5 telephone, radio or television or in writing of any kind,
6 including, without limitation, a letter or memorandum,
7 circular or handbill, newspaper or magazine article or book.

8 "Radio frequency identification device" means any
9 implement, computer file, computer disc, electronic device,
10 computer hardware, computer software, or instrument that is
11 used to activate, read, receive, or decode information stored
12 on a RFID tag or transponder attached to a personal
13 identification document.

14 "RFID tag or transponder" means a chip or device that
15 contains personal identifying information from which the
16 personal identifying information can be read or decoded by
17 another device emitting a radio frequency that activates or
18 powers a radio frequency emission response from the chip or
19 transponder.

20 "Reencoder" means an electronic device that places encoded
21 information from the magnetic strip or stripe of a payment
22 card onto the magnetic strip or stripe of a different payment
23 card.

24 "Retail mercantile establishment" means any place where
25 merchandise is displayed, held, stored or offered for sale to
26 the public.

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

5 "Shopping cart" means those push carts of the type or
6 types which are commonly provided by grocery stores, drug
7 stores or other retail mercantile establishments for the use
8 of the public in transporting commodities in stores and
9 markets and, incidentally, from the stores to a place outside
10 the store.

11 "Sound or audio visual recording" means any sound or audio
12 visual phonograph record, disc, pre-recorded tape, film, wire,
13 magnetic tape or other object, device or medium, now known or
14 hereafter invented, by which sounds or images may be
15 reproduced with or without the use of any additional machine,
16 equipment or device.

17 "Theft detection device remover" means any tool or device
18 specifically designed and intended to be used to remove any
19 theft detection device from any merchandise.

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

23 "Unidentified sound or audio visual recording" means a
24 sound or audio visual recording without the actual name and
25 full and correct street address of the manufacturer, and the
26 name of the actual performers or groups prominently and

1 legibly printed on the outside cover or jacket and on the label
2 of such sound or audio visual recording.

3 "Unlawful access device" means any type of instrument,
4 device, machine, equipment, technology, or software which is
5 primarily possessed, used, designed, assembled, manufactured,
6 sold, distributed or offered, promoted or advertised for the
7 purpose of defeating or circumventing any technology, device
8 or software, or any component or part thereof, used by the
9 provider, owner or licensee of any communication service or of
10 any data, audio or video programs or transmissions to protect
11 any such communication, audio or video services, programs or
12 transmissions from unauthorized access, acquisition, receipt,
13 decryption, disclosure, communication, transmission or
14 re-transmission.

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

1 (1) any phone altered to obtain service without the
2 express consent or express authorization of the
3 communication service provider, tumbler phone, counterfeit
4 or clone phone, tumbler microchip, counterfeit or clone
5 microchip, scanning receiver of wireless communication
6 service or other instrument capable of disguising its
7 identity or location or of gaining unauthorized access to
8 a communications or wireless system operated by a
9 communication service provider; and

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

1 "Vehicle" means a motor vehicle, motorcycle, or farm
2 implement that is self-propelled and that uses motor fuel for
3 propulsion.

4 "Wireless device" includes any type of instrument, device,
5 machine, or equipment that is capable of transmitting or
6 receiving telephonic, electronic or radio communications, or
7 any part of such instrument, device, machine, or equipment, or
8 any computer circuit, computer chip, electronic mechanism, or
9 other component that is capable of facilitating the
10 transmission or reception of telephonic, electronic, or radio
11 communications.

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

14 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

15 Sec. 17-30. Defaced, altered, or removed manufacturer or
16 owner identification number.

17 (a) Unlawful sale of household appliances. A person
18 commits unlawful sale of household appliances when he or she
19 knowingly, with the intent to defraud or deceive another,
20 keeps for sale, within any commercial context, any household
21 appliance with a missing, defaced, obliterated, or otherwise
22 altered manufacturer's identification number.

23 (b) Construction equipment identification defacement. A
24 person commits construction equipment identification
25 defacement when he or she knowingly changes, alters, removes,

1 mutilates, or obliterates a permanently affixed serial number,
2 product identification number, part number, component
3 identification number, owner-applied identification, or other
4 mark of identification attached to or stamped, inscribed,
5 molded, or etched into a machine or other equipment, whether
6 stationary or mobile or self-propelled, or a part of such
7 machine or equipment, used in the construction, maintenance,
8 or demolition of buildings, structures, bridges, tunnels,
9 sewers, utility pipes or lines, ditches or open cuts, roads,
10 highways, dams, airports, or waterways or in material handling
11 for such projects.

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

1 (c) Defacement of manufacturer's serial number or
2 identification mark. A person commits defacement of a
3 manufacturer's serial number or identification mark when he or
4 she knowingly removes, alters, defaces, covers, or destroys
5 the manufacturer's serial number or any other manufacturer's
6 number or distinguishing identification mark upon any machine
7 or other article of merchandise, other than a motor vehicle as
8 defined in Section 1-146 of the Illinois Vehicle Code or a
9 firearm ~~as defined in the Firearm Owners Identification Card~~
10 ~~Act~~, with the intent of concealing or destroying the identity
11 of such machine or other article of merchandise.

12 (d) Sentence.

13 (1) A violation of subsection (a) of this Section is a
14 Class 4 felony if the value of the appliance or appliances
15 exceeds \$1,000 and a Class B misdemeanor if the value of
16 the appliance or appliances is \$1,000 or less.

17 (2) A violation of subsection (b) of this Section is a
18 Class A misdemeanor.

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

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

23 (f) Definitions. In this Section:

24 "Commercial context" means a continuing business
25 enterprise conducted for profit by any person whose primary
26 business is the wholesale or retail marketing of household

1 appliances, or a significant portion of whose business or
2 inventory consists of household appliances kept or sold on a
3 wholesale or retail basis.

4 "Household appliance" means any gas or electric device or
5 machine marketed for use as home entertainment or for
6 facilitating or expediting household tasks or chores. The term
7 shall include but not necessarily be limited to refrigerators,
8 freezers, ranges, radios, television sets, vacuum cleaners,
9 toasters, dishwashers, and other similar household items.

10 "Manufacturer's identification number" means any serial
11 number or other similar numerical or alphabetical designation
12 imprinted upon or attached to or placed, stamped, or otherwise
13 imprinted upon or attached to a household appliance or item by
14 the manufacturer for purposes of identifying a particular
15 appliance or item individually or by lot number.

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

17 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

21 (1) Sells, manufactures, purchases, possesses or
22 carries any bludgeon, black-jack, slung-shot, sand-club,
23 sand-bag, metal knuckles or other knuckle weapon
24 regardless of its composition, throwing star, or any
25 knife, commonly referred to as a switchblade knife, which

1 has a blade that opens automatically by hand pressure
2 applied to a button, spring or other device in the handle
3 of the knife, or a ballistic knife, which is a device that
4 propels a knifelike blade as a projectile by means of a
5 coil spring, elastic material or compressed gas; or

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

11 (2.5) Carries or possesses with intent to use the same
12 unlawfully against another, any firearm in a church,
13 synagogue, mosque, or other building, structure, or place
14 used for religious worship; or

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

21 (4) Carries or possesses in any vehicle or concealed
22 on or about his person except when on his land or in his
23 own abode, legal dwelling, or fixed place of business, or
24 on the land or in the legal dwelling of another person as
25 an invitee with that person's permission, any pistol,
26 revolver, stun gun or taser or other firearm, except that

1 this subsection (a) (4) does not apply to or affect
2 transportation of weapons that meet one of the following
3 conditions:

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

5 (ii) are not immediately accessible; or

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

11 (iv) are carried or possessed in accordance with
12 the Firearm Concealed Carry Act by a person who has
13 been issued a currently valid license under the
14 Firearm Concealed Carry Act; or

15 (5) Sets a spring gun; or

16 (6) Possesses any device or attachment of any kind
17 designed, used or intended for use in silencing the report
18 of any firearm; or

19 (7) Sells, manufactures, purchases, possesses or
20 carries:

21 (i) a machine gun, which shall be defined for the
22 purposes of this subsection as any weapon, which
23 shoots, is designed to shoot, or can be readily
24 restored to shoot, automatically more than one shot
25 without manually reloading by a single function of the
26 trigger, including the frame or receiver of any such

1 weapon, or sells, manufactures, purchases, possesses,
2 or carries any combination of parts designed or
3 intended for use in converting any weapon into a
4 machine gun, or any combination or parts from which a
5 machine gun can be assembled if such parts are in the
6 possession or under the control of a person;

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

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

19 (8) Carries or possesses any firearm, stun gun or
20 taser or other deadly weapon in any place which is
21 licensed to sell intoxicating beverages, or at any public
22 gathering held pursuant to a license issued by any
23 governmental body or any public gathering at which an
24 admission is charged, excluding a place where a showing,
25 demonstration or lecture involving the exhibition of
26 unloaded firearms is conducted.

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

5 (9) Carries or possesses in a vehicle or on or about
6 his or her person any pistol, revolver, stun gun or taser
7 or firearm or ballistic knife, when he or she is hooded,
8 robed or masked in such manner as to conceal his or her
9 identity; or

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

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

24 (ii) are not immediately accessible; or

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

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

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

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

20 (11) Sells, manufactures, or purchases any explosive
21 bullet. For purposes of this paragraph (a) "explosive
22 bullet" means the projectile portion of an ammunition
23 cartridge which contains or carries an explosive charge
24 which will explode upon contact with the flesh of a human
25 or an animal. "Cartridge" means a tubular metal case
26 having a projectile affixed at the front thereof and a cap

1 or primer at the rear end thereof, with the propellant
2 contained in such tube between the projectile and the cap;
3 or

4 (12) (Blank); or

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

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

1 second or subsequent violation of subsection 24-1(a)(4),
2 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
3 felony. A person convicted of a violation of subsection
4 24-1(a)(2.5) commits a Class 2 felony. The possession of each
5 weapon in violation of this Section constitutes a single and
6 separate violation.

7 (c) Violations in specific places.

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

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

6 (1.5) A person who violates subsection 24-1(a)(4),
7 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
8 the time of day or the time of year, in residential
9 property owned, operated, or managed by a public housing
10 agency or leased by a public housing agency as part of a
11 scattered site or mixed-income development, in a public
12 park, in a courthouse, on the real property comprising any
13 school, regardless of the time of day or the time of year,
14 on residential property owned, operated, or managed by a
15 public housing agency or leased by a public housing agency
16 as part of a scattered site or mixed-income development,
17 on the real property comprising any public park, on the
18 real property comprising any courthouse, in any conveyance
19 owned, leased, or contracted by a school to transport
20 students to or from school or a school related activity,
21 in any conveyance owned, leased, or contracted by a public
22 transportation agency, or on any public way within 1,000
23 feet of the real property comprising any school, public
24 park, courthouse, public transportation facility, or
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development
2 commits a Class 3 felony.

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

1 of this State for the conduct of official business.

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

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

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

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

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

8 (e) Exemptions.

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

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

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

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

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

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

1 relief from the prohibition. The Director or court may grant
2 the relief if it is established by the petitioner to the
3 court's or Director's satisfaction that:

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

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

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

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

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

25 (b) It is unlawful for any person confined in a penal
26 institution, which is a facility of the Illinois Department of

1 Corrections, to possess any weapon prohibited under Section
2 24-1 of this Code or any firearm or firearm ammunition,
3 regardless of the intent with which he possesses it.

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

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

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

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

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

1 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

1 (A-5) the pistol, revolver, or handgun possessed
2 was uncased, loaded, and immediately accessible at the
3 time of the offense and the person possessing the
4 pistol, revolver, or handgun has not been issued a
5 currently valid license under the Firearm Concealed
6 Carry Act; or

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

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

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

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

25 (E) the person possessing the weapon was engaged
26 in a misdemeanor violation of the Cannabis Control

1 Act, in a misdemeanor violation of the Illinois
2 Controlled Substances Act, or in a misdemeanor
3 violation of the Methamphetamine Control and Community
4 Protection Act; or

5 (F) (blank); or

6 (G) the person possessing the weapon had an order
7 of protection issued against him or her within the
8 previous 2 years; or

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

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun, unless the
15 person under 21 is engaged in lawful activities under
16 the Wildlife Code or described in subsection
17 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a person
2 is eligible under State and federal law to possess a
3 firearm ~~who has been issued a currently valid Firearm~~
4 ~~Owner's Identification Card.~~

5 (d) Sentence.

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

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

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

1 Unified Code of Corrections.

2 (4) Aggravated unlawful use of a weapon while wearing
3 or in possession of body armor as defined in Section 33F-1
4 by a person who is prohibited under State or federal law
5 from possessing a firearm ~~has not been issued a valid~~
6 ~~Firearms Owner's Identification Card in accordance with~~
7 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
8 a Class X felony.

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

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

12 (720 ILCS 5/24-1.8)

13 Sec. 24-1.8. Unlawful possession of a firearm by a street
14 gang member.

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

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

24 (2) possesses or carries in any vehicle a firearm and
25 firearm ammunition which are both immediately accessible

1 at the time of the offense while on any street, road,
2 alley, or any other lands, except when inside his or her
3 own abode or garage, ~~and has not been issued a currently~~
4 ~~valid Firearm Owner's Identification Card~~ and is a member
5 of a street gang.

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

16 (c) For purposes of this Section:

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

20 "Street gang member" or "gang member" has the meaning
21 ascribed to it in Section 10 of the Illinois Streetgang
22 Terrorism Omnibus Prevention Act.

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

24 (720 ILCS 5/24-2)

25 Sec. 24-2. Exemptions.

1 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
2 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
3 the following:

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

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

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

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

23 (5) Persons licensed as private security contractors,
24 private detectives, or private alarm contractors, or
25 employed by a private security contractor, private
26 detective, or private alarm contractor agency licensed by

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

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

1 of a concealable weapon permitted by his or her firearm
2 control card.

3 (7) Agents and investigators of the Illinois
4 Legislative Investigating Commission authorized by the
5 Commission to carry the weapons specified in subsections
6 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
7 any investigation for the Commission.

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

1 Conditions for renewal of firearm control cards issued
2 under the provisions of this Section shall be the same as
3 for those issued under the provisions of the Private
4 Detective, Private Alarm, Private Security, Fingerprint
5 Vendor, and Locksmith Act of 2004. The firearm control
6 card shall be carried by the security guard at all times
7 when he or she is in possession of a concealable weapon
8 permitted by his or her firearm control card. For purposes
9 of this subsection, "financial institution" means a bank,
10 savings and loan association, credit union or company
11 providing armored car services.

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

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

18 (11) Investigators of the Office of the State's
19 Attorneys Appellate Prosecutor authorized by the board of
20 governors of the Office of the State's Attorneys Appellate
21 Prosecutor to carry weapons pursuant to Section 7.06 of
22 the State's Attorneys Appellate Prosecutor's Act.

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

25 (12.5) Probation officers while in the performance of
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part
2 of their assigned duties, with the consent of the chief
3 judge of the circuit for which they are employed, if they
4 have received weapons training according to requirements
5 of the Peace Officer and Probation Officer Firearm
6 Training Act.

7 (13) Court Security Officers while in the performance
8 of their official duties, or while commuting between their
9 homes and places of employment, with the consent of the
10 Sheriff.

11 (13.5) A person employed as an armed security guard at
12 a nuclear energy, storage, weapons or development site or
13 facility regulated by the Nuclear Regulatory Commission
14 who has completed the background screening and training
15 mandated by the rules and regulations of the Nuclear
16 Regulatory Commission.

17 (14) Manufacture, transportation, or sale of weapons
18 to persons authorized under subdivisions (1) through
19 (13.5) of this subsection to possess those weapons.

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

25 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
26 to or affect a qualified current or retired law enforcement

1 officer qualified under the laws of this State or under the
2 federal Law Enforcement Officers Safety Act.

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

5 (1) Members of any club or organization organized for
6 the purpose of practicing shooting at targets upon
7 established target ranges, whether public or private, and
8 patrons of such ranges, while such members or patrons are
9 using their firearms on those target ranges.

10 (2) Duly authorized military or civil organizations
11 while parading, with the special permission of the
12 Governor.

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

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

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

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

23 (1) Peace officers while in performance of their
24 official duties.

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense.

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

5 (4) Manufacture, transportation, or sale of machine
6 guns to persons authorized under subdivisions (1) through
7 (3) of this subsection to possess machine guns, if the
8 machine guns are broken down in a non-functioning state or
9 are not immediately accessible.

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

24 During transportation, such weapons shall be broken
25 down in a non-functioning state or not immediately
26 accessible.

1 (6) The manufacture, transport, testing, delivery,
2 transfer or sale, and all lawful commercial or
3 experimental activities necessary thereto, of rifles,
4 shotguns, and weapons made from rifles or shotguns, or
5 ammunition for such rifles, shotguns or weapons, where
6 engaged in by a person operating as a contractor or
7 subcontractor pursuant to a contract or subcontract for
8 the development and supply of such rifles, shotguns,
9 weapons or ammunition to the United States government or
10 any branch of the Armed Forces of the United States, when
11 such activities are necessary and incident to fulfilling
12 the terms of such contract.

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

19 (7) A person possessing a rifle with a barrel or
20 barrels less than 16 inches in length if: (A) the person
21 has been issued a Curios and Relics license from the U.S.
22 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
23 (B) the person is an active member of a bona fide,
24 nationally recognized military re-enacting group and the
25 modification is required and necessary to accurately
26 portray the weapon for historical re-enactment purposes;

1 the re-enactor is in possession of a valid and current
2 re-enacting group membership credential; and the overall
3 length of the weapon as modified is not less than 26
4 inches.

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

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

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

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

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

21 (2) Bonafide collectors of antique or surplus military
22 ordnance.

23 (3) Laboratories having a department of forensic
24 ballistics, or specializing in the development of
25 ammunition or explosive ordnance.

26 (4) Commerce, preparation, assembly or possession of

1 explosive bullets by manufacturers of ammunition licensed
2 by the federal government, in connection with the supply
3 of those organizations and persons exempted by subdivision
4 (g)(1) of this Section, or like organizations and persons
5 outside this State, or the transportation of explosive
6 bullets to any organization or person exempted in this
7 Section by a common carrier or by a vehicle owned or leased
8 by an exempted manufacturer.

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

26 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any parole agent or parole
2 supervisor who meets the qualifications and conditions
3 prescribed in Section 3-14-1.5 of the Unified Code of
4 Corrections.

5 (g-7) Subsection 24-1(a)(6) does not apply to a peace
6 officer while serving as a member of a tactical response team
7 or special operations team. A peace officer may not personally
8 own or apply for ownership of a device or attachment of any
9 kind designed, used, or intended for use in silencing the
10 report of any firearm. These devices shall be owned and
11 maintained by lawfully recognized units of government whose
12 duties include the investigation of criminal acts.

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

24 (h) An information or indictment based upon a violation of
25 any subsection of this Article need not negative any
26 exemptions contained in this Article. The defendant shall have

1 the burden of proving such an exemption.

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

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

19 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

24 (a) Sells or gives any firearm of a size which may be
25 concealed upon the person to any person under 18 years of

1 age.

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

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

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

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

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

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

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

25 (g) Delivers any firearm, incidental to a sale,
26 without withholding delivery of the firearm for at least

1 72 hours after application for its purchase has been made,
2 or delivers a stun gun or taser, incidental to a sale,
3 without withholding delivery of the stun gun or taser for
4 at least 24 hours after application for its purchase has
5 been made. However, this paragraph (g) does not apply to:
6 (1) the sale of a firearm to a law enforcement officer if
7 the seller of the firearm knows that the person to whom he
8 or she is selling the firearm is a law enforcement officer
9 or the sale of a firearm to a person who desires to
10 purchase a firearm for use in promoting the public
11 interest incident to his or her employment as a bank
12 guard, armed truck guard, or other similar employment; (2)
13 a mail order sale of a firearm from a federally licensed
14 firearms dealer to a nonresident of Illinois under which
15 the firearm is mailed to a federally licensed firearms
16 dealer outside the boundaries of Illinois; (3) (blank);
17 (4) the sale of a firearm to a dealer licensed as a federal
18 firearms dealer under Section 923 of the federal Gun
19 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
20 sale of any rifle, shotgun, or other long gun to a resident
21 registered competitor or attendee or non-resident
22 registered competitor or attendee by any dealer licensed
23 as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 at competitive shooting
25 events held at the World Shooting Complex sanctioned by a
26 national governing body. For purposes of transfers or

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

25 (h) While holding any license as a dealer, importer,
26 manufacturer or pawnbroker under the federal Gun Control

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

12 (i) Sells or gives a firearm of any size to any person
13 under 18 years of age who is not eligible under State or
14 federal law to possess a firearm ~~does not possess a valid~~
15 ~~Firearm Owner's Identification Card.~~

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

21 A person "engaged in the business" means a person who
22 devotes time, attention, and labor to engaging in the
23 activity as a regular course of trade or business with the
24 principal objective of livelihood and profit, but does not
25 include a person who makes occasional repairs of firearms
26 or who occasionally fits special barrels, stocks, or

1 trigger mechanisms to firearms.

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

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

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

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

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

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

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act
2 78-355 (approved August 21, 1973, effective October 1, 1973),
3 nor is any firearm legally owned or possessed by any citizen or
4 purchased by any citizen within 6 months after the enactment
5 of Public Act 78-355 subject to confiscation or seizure under
6 the provisions of that Public Act. Nothing in Public Act
7 78-355 shall be construed to prohibit the gift or trade of any
8 firearm if that firearm was legally held or acquired within 6
9 months after the enactment of that Public Act.

10 (C) Sentence.

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

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

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

20 (4) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (a), (b), or (i) of
22 subsection (A) in any school, on the real property
23 comprising a school, within 1,000 feet of the real
24 property comprising a school, at a school related
25 activity, or on or within 1,000 feet of any conveyance
26 owned, leased, or contracted by a school or school

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

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

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

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

12 (7) (Blank). ~~Any person convicted of unlawful sale or~~
13 ~~delivery of firearms in violation of paragraph (k) of~~
14 ~~subsection (A) commits a Class 4 felony, except that a~~
15 ~~violation of subparagraph (1) of paragraph (k) of~~
16 ~~subsection (A) shall not be punishable as a crime or petty~~
17 ~~offense. A third or subsequent conviction for a violation~~
18 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

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

1 under 18 years of age who was sold or given the firearm.

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

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

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

12 (D) For purposes of this Section:

13 "School" means a public or private elementary or secondary
14 school, community college, college, or university.

15 "School related activity" means any sporting, social,
16 academic, or other activity for which students' attendance or
17 participation is sponsored, organized, or funded in whole or
18 in part by a school or school district.

19 ~~(E) A prosecution for a violation of paragraph (k) of~~
20 ~~subsection (A) of this Section may be commenced within 6 years~~
21 ~~after the commission of the offense.~~ A prosecution for a
22 violation of this Section other than paragraph (g) of
23 subsection (A) of this Section may be commenced within 5 years
24 after the commission of the offense defined in the particular
25 paragraph.

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

1 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

2 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

3 Sec. 24-3.1. Unlawful possession of firearms and firearm
4 ammunition.

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

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

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

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

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

20 "Mental institution" means any hospital,
21 institution, clinic, evaluation facility, mental
22 health center, or part thereof, which is used
23 primarily for the care or treatment of persons with
24 mental illness.

25 "Patient in a mental institution" means the person

1 was admitted, either voluntarily or involuntarily, to
2 a mental institution for mental health treatment,
3 unless the treatment was voluntary and solely for an
4 alcohol abuse disorder and no other secondary
5 substance abuse disorder or mental illness; or

6 (5) He is a person with an intellectual disability and
7 has any firearms or firearm ammunition in his possession;
8 or

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

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

18 (a-5) A person prohibited from possessing a firearm under
19 this Section may petition the Director of State Police for a
20 hearing and relief from the prohibition, unless the
21 prohibition was based upon a forcible felony, stalking,
22 aggravated stalking, domestic battery, any violation of the
23 Illinois Controlled Substances Act, the Methamphetamine
24 Control and Community Protection Act, or the Cannabis Control
25 Act that is classified as a Class 2 or greater felony, any
26 felony violation of Article 24 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or any adjudication as a delinquent
2 minor for the commission of an offense that if committed by an
3 adult would be a felony, in which case the person may petition
4 the circuit court in writing in the county of his or her
5 residence for a hearing and relief from the prohibition. The
6 Director or court may grant the relief if it is established by
7 the petitioner to the court's or Director's satisfaction that:

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

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

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

24 (4) granting relief would not be contrary to the
25 public interest; and

26 (5) granting relief would not be contrary to federal

1 law.

2 (b) Sentence.

3 Unlawful possession of firearms, other than handguns, and
4 firearm ammunition is a Class A misdemeanor. Unlawful
5 possession of handguns is a Class 4 felony. The possession of
6 each firearm or firearm ammunition in violation of this
7 Section constitutes a single and separate violation.

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

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

16 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

18 (a) A person commits the offense of unlawful discharge of
19 firearm projectiles when he or she knowingly or recklessly
20 uses an armor piercing bullet, dragon's breath shotgun shell,
21 bolo shell, or flechette shell in violation of this Section.

22 For purposes of this Section:

23 "Armor piercing bullet" means any handgun bullet or
24 handgun ammunition with projectiles or projectile cores
25 constructed entirely (excluding the presence of traces of

1 other substances) from tungsten alloys, steel, iron, brass,
2 bronze, beryllium copper or depleted uranium, or fully
3 jacketed bullets larger than 22 caliber whose jacket has a
4 weight of more than 25% of the total weight of the projectile,
5 and excluding those handgun projectiles whose cores are
6 composed of soft materials such as lead or lead alloys, zinc or
7 zinc alloys, frangible projectiles designed primarily for
8 sporting purposes, and any other projectiles or projectile
9 cores that the U. S. Secretary of the Treasury finds to be
10 primarily intended to be used for sporting purposes or
11 industrial purposes or that otherwise does not constitute
12 "armor piercing ammunition" as that term is defined by federal
13 law.

14 "Dragon's breath shotgun shell" means any shotgun shell
15 that contains exothermic pyrophoric mesh metal as the
16 projectile and is designed for the purpose of throwing or
17 spewing a flame or fireball to simulate a flame-thrower.

18 "Bolo shell" means any shell that can be fired in a firearm
19 and expels as projectiles 2 or more metal balls connected by
20 solid metal wire.

21 "Flechette shell" means any shell that can be fired in a
22 firearm and expels 2 or more pieces of fin-stabilized solid
23 metal wire or 2 or more solid dart-type projectiles.

24 (b) A person commits a Class X felony when he or she,
25 knowing that a firearm, ~~as defined in Section 1.1 of the~~
26 ~~Firearm Owners Identification Card Act,~~ is loaded with an

1 armor piercing bullet, dragon's breath shotgun shell, bolo
2 shell, or flechette shell, intentionally or recklessly
3 discharges such firearm and such bullet or shell strikes any
4 other person.

5 (c) Any person who possesses, concealed on or about his or
6 her person, an armor piercing bullet, dragon's breath shotgun
7 shell, bolo shell, or flechette shell and a firearm suitable
8 for the discharge thereof is guilty of a Class 2 felony.

9 (d) This Section does not apply to or affect any of the
10 following:

11 (1) Peace officers;

12 (2) Wardens, superintendents and keepers of prisons,
13 penitentiaries, jails and other institutions for the
14 detention of persons accused or convicted of an offense;

15 (3) Members of the Armed Services or Reserve Forces of
16 the United States or the Illinois National Guard while in
17 the performance of their official duties;

18 (4) Federal officials required to carry firearms,
19 while engaged in the performance of their official duties;

20 (5) United States Marshals, while engaged in the
21 performance of their official duties.

22 (Source: P.A. 92-423, eff. 1-1-02.)

23 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

24 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

25 (a) It shall be unlawful for any person who holds a license

1 to sell at retail any alcoholic liquor issued by the Illinois
2 Liquor Control Commission or local liquor control commissioner
3 under the Liquor Control Act of 1934 or an agent or employee of
4 the licensee to sell or deliver to any other person a firearm
5 in or on the real property of the establishment where the
6 licensee is licensed to sell alcoholic liquors unless the sale
7 or delivery of the firearm is otherwise lawful under this
8 Article ~~and under the Firearm Owners Identification Card Act.~~

9 (b) Sentence. A violation of subsection (a) of this
10 Section is a Class 4 felony.

11 (Source: P.A. 87-591.)

12 (720 ILCS 5/24-3B)

13 Sec. 24-3B. Firearms trafficking.

14 (a) A person commits firearms trafficking when he or she
15 is prohibited under federal or State law from possessing a
16 firearm ~~has not been issued a currently valid Firearm Owner's~~
17 ~~Identification Card~~ and knowingly:

18 (1) brings, or causes to be brought, into this State,
19 a firearm or firearm ammunition for the purpose of sale,
20 delivery, or transfer to any other person or with the
21 intent to sell, deliver, or transfer the firearm or
22 firearm ammunition to any other person; or

23 (2) brings, or causes to be brought, into this State,
24 a firearm and firearm ammunition for the purpose of sale,
25 delivery, or transfer to any other person or with the

1 intent to sell, deliver, or transfer the firearm and
2 firearm ammunition to any other person.

3 (a-5) (Blank). ~~This Section does not apply to:~~

4 ~~(1) a person exempt under Section 2 of the Firearm~~
5 ~~Owners Identification Card Act from the requirement of~~
6 ~~having possession of a Firearm Owner's Identification Card~~
7 ~~previously issued in his or her name by the Department of~~
8 ~~State Police in order to acquire or possess a firearm or~~
9 ~~firearm ammunition;~~

10 ~~(2) a common carrier under subsection (i) of Section~~
11 ~~24-2 of this Code; or~~

12 ~~(3) a non-resident who may lawfully possess a firearm~~
13 ~~in his or her resident state.~~

14 (b) Sentence.

15 (1) Firearms trafficking is a Class 1 felony for which
16 the person, if sentenced to a term of imprisonment, shall
17 be sentenced to not less than 4 years and not more than 20
18 years.

19 (2) Firearms trafficking by a person who has been
20 previously convicted of firearms trafficking, gunrunning,
21 or a felony offense for the unlawful sale, delivery, or
22 transfer of a firearm or firearm ammunition in this State
23 or another jurisdiction is a Class X felony.

24 (Source: P.A. 99-885, eff. 8-23-16.)

25 (720 ILCS 5/24-3.5)

1 Sec. 24-3.5. Unlawful purchase of a firearm.

2 (a) For purposes of this Section, "firearms transaction
3 record form" means a form:

4 (1) executed by a transferee of a firearm stating: (i)
5 the transferee's name and address (including county or
6 similar political subdivision); (ii) whether the
7 transferee is a citizen of the United States; (iii) the
8 transferee's State of residence; and (iv) the date and
9 place of birth, height, weight, and race of the
10 transferee; and

11 (2) on which the transferee certifies that he or she
12 is not prohibited by federal law from transporting or
13 shipping a firearm in interstate or foreign commerce or
14 receiving a firearm that has been shipped or transported
15 in interstate or foreign commerce or possessing a firearm
16 in or affecting commerce.

17 (b) A person commits the offense of unlawful purchase of a
18 firearm who knowingly purchases or attempts to purchase a
19 firearm with the intent to deliver that firearm to another
20 person who is prohibited by federal or State law from
21 possessing a firearm.

22 (c) A person commits the offense of unlawful purchase of a
23 firearm when he or she, in purchasing or attempting to
24 purchase a firearm, intentionally provides false or misleading
25 information on a United States Department of the Treasury,
26 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

2 (d) Exemption. It is not a violation of subsection (b) of
3 this Section for a person to make a gift or loan of a firearm
4 to a person who is not prohibited by federal or State law from
5 possessing a firearm ~~if the transfer of the firearm is made in~~
6 ~~accordance with Section 3 of the Firearm Owners Identification~~
7 ~~Card Act.~~

8 (e) Sentence.

9 (1) A person who commits the offense of unlawful
10 purchase of a firearm:

11 (A) is guilty of a Class 2 felony for purchasing or
12 attempting to purchase one firearm;

13 (B) is guilty of a Class 1 felony for purchasing or
14 attempting to purchase not less than 2 firearms and
15 not more than 5 firearms at the same time or within a
16 one year period;

17 (C) is guilty of a Class X felony for which the
18 offender shall be sentenced to a term of imprisonment
19 of not less than 9 years and not more than 40 years for
20 purchasing or attempting to purchase not less than 6
21 firearms at the same time or within a 2 year period.

22 (2) In addition to any other penalty that may be
23 imposed for a violation of this Section, the court may
24 sentence a person convicted of a violation of subsection
25 (c) of this Section to a fine not to exceed \$250,000 for
26 each violation.

1 (f) A prosecution for unlawful purchase of a firearm may
2 be commenced within 6 years after the commission of the
3 offense.

4 (Source: P.A. 95-882, eff. 1-1-09.)

5 (720 ILCS 5/24-4.1)

6 Sec. 24-4.1. Report of lost or stolen firearms.

7 (a) If a person ~~who possesses a valid Firearm Owner's~~
8 ~~Identification Card and~~ who possesses or acquires a firearm
9 thereafter loses the firearm, or if the firearm is stolen from
10 the person, the person must report the loss or theft to the
11 local law enforcement agency within 72 hours after obtaining
12 knowledge of the loss or theft.

13 (b) A law enforcement agency having jurisdiction shall
14 take a written report and shall, as soon as practical, enter
15 the firearm's serial number as stolen into the Law Enforcement
16 Agencies Data System (LEADS).

17 (c) A person shall not be in violation of this Section if:

18 (1) the failure to report is due to an act of God, act
19 of war, or inability of a law enforcement agency to
20 receive the report;

21 (2) the person is hospitalized, in a coma, or is
22 otherwise seriously physically or mentally impaired as to
23 prevent the person from reporting; or

24 (3) the person's designee makes a report if the person
25 is unable to make the report.

1 (d) Sentence. A person who violates this Section is guilty
2 of a petty offense for a first violation. A second or
3 subsequent violation of this Section is a Class A misdemeanor.
4 (Source: P.A. 98-508, eff. 8-19-13.)

5 (720 ILCS 5/24-4.5 new)

6 Sec. 24-4.5. Dial up system.

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

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

1 initiate and complete an automated search of its criminal
2 history record information files and those of the Federal
3 Bureau of Investigation, including the National Instant
4 Criminal Background Check System, and of the files of the
5 Department of Human Services relating to mental health and
6 developmental disabilities to obtain any felony conviction or
7 patient hospitalization information which would disqualify a
8 person from obtaining a firearm.

9 (c) If receipt of a firearm would not violate Section 24-3
10 of this Code or federal law, the Department of State Police
11 shall:

12 (1) assign a unique identification number to the
13 transfer; and

14 (2) provide the licensee, gun show promoter, or gun
15 show vendor with the number.

16 (d) Approvals issued by the Department of State Police for
17 the purchase of a firearm are valid for 30 days from the date
18 of issue.

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

22 (2) The Department of State Police and the Department of
23 Human Services shall, in accordance with State and federal law
24 regarding confidentiality, enter into a memorandum of
25 understanding with the Federal Bureau of Investigation for the
26 purpose of implementing the National Instant Criminal

1 Background Check System in the State. The Department of State
2 Police shall report the name, date of birth, and physical
3 description of any person prohibited from possessing a firearm
4 under this Code or 18 U.S.C. 922(g) and (n) to the National
5 Instant Criminal Background Check System Index, Denied Persons
6 Files.

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

9 (720 ILCS 5/24-9)

10 Sec. 24-9. Firearms; Child Protection.

11 (a) Except as provided in subsection (c), it is unlawful
12 for any person to store or leave, within premises under his or
13 her control, a firearm if the person knows or has reason to
14 believe that a minor under the age of 14 years ~~who does not~~
15 ~~have a Firearm Owners Identification Card~~ is likely to gain
16 access to the firearm without the lawful permission of the
17 person possessing the firearm, minor's parent, guardian, or
18 person having charge of the minor, and the minor causes death
19 or great bodily harm with the firearm, unless the firearm is:

20 (1) secured by a device or mechanism, other than the
21 firearm safety, designed to render a firearm temporarily
22 inoperable; or

23 (2) placed in a securely locked box or container; or

24 (3) placed in some other location that a reasonable
25 person would believe to be secure from a minor under the

1 age of 14 years.

2 (b) Sentence. A person who violates this Section is guilty
3 of a Class C misdemeanor and shall be fined not less than
4 \$1,000. A second or subsequent violation of this Section is a
5 Class A misdemeanor.

6 (c) Subsection (a) does not apply:

7 (1) if the minor under 14 years of age gains access to
8 a firearm and uses it in a lawful act of self-defense or
9 defense of another; or

10 (2) to any firearm obtained by a minor under the age of
11 14 because of an unlawful entry of the premises by the
12 minor or another person.

13 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
14 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
15 ~~Owners Identification Card Act.~~

16 (Source: P.A. 91-18, eff. 1-1-00.)

17 Section 80. The Methamphetamine Control and Community
18 Protection Act is amended by changing Section 10 as follows:

19 (720 ILCS 646/10)

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

21 "Anhydrous ammonia" has the meaning provided in subsection
22 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

23 "Anhydrous ammonia equipment" means all items used to
24 store, hold, contain, handle, transfer, transport, or apply

1 anhydrous ammonia for lawful purposes.

2 "Booby trap" means any device designed to cause physical
3 injury when triggered by an act of a person approaching,
4 entering, or moving through a structure, a vehicle, or any
5 location where methamphetamine has been manufactured, is being
6 manufactured, or is intended to be manufactured.

7 "Deliver" or "delivery" has the meaning provided in
8 subsection (h) of Section 102 of the Illinois Controlled
9 Substances Act.

10 "Director" means the Director of State Police or the
11 Director's designated agents.

12 "Dispose" or "disposal" means to abandon, discharge,
13 release, deposit, inject, dump, spill, leak, or place
14 methamphetamine waste onto or into any land, water, or well of
15 any type so that the waste has the potential to enter the
16 environment, be emitted into the air, or be discharged into
17 the soil or any waters, including groundwater.

18 "Emergency response" means the act of collecting evidence
19 from or securing a methamphetamine laboratory site,
20 methamphetamine waste site or other methamphetamine-related
21 site and cleaning up the site, whether these actions are
22 performed by public entities or private contractors paid by
23 public entities.

24 "Emergency service provider" means a local, State, or
25 federal peace officer, firefighter, emergency medical
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, or other medical or
3 first aid personnel rendering aid, or any agent or designee of
4 the foregoing.

5 "Finished methamphetamine" means methamphetamine in a form
6 commonly used for personal consumption.

7 "Firearm" has the meaning provided in Section 2-7.5 of the
8 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
9 ~~Card Act.~~

10 "Manufacture" means to produce, prepare, compound,
11 convert, process, synthesize, concentrate, purify, separate,
12 extract, or package any methamphetamine, methamphetamine
13 precursor, methamphetamine manufacturing catalyst,
14 methamphetamine manufacturing reagent, methamphetamine
15 manufacturing solvent, or any substance containing any of the
16 foregoing.

17 "Methamphetamine" means the chemical methamphetamine (a
18 Schedule II controlled substance under the Illinois Controlled
19 Substances Act) or any salt, optical isomer, salt of optical
20 isomer, or analog thereof, with the exception of
21 3,4-Methylenedioxymethamphetamine (MDMA) or any other
22 scheduled substance with a separate listing under the Illinois
23 Controlled Substances Act.

24 "Methamphetamine manufacturing catalyst" means any
25 substance that has been used, is being used, or is intended to
26 be used to activate, accelerate, extend, or improve a chemical

1 reaction involved in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing environment" means a
3 structure or vehicle in which:

4 (1) methamphetamine is being or has been manufactured;

5 (2) chemicals that are being used, have been used, or
6 are intended to be used to manufacture methamphetamine are
7 stored;

8 (3) methamphetamine manufacturing materials that have
9 been used to manufacture methamphetamine are stored; or

10 (4) methamphetamine manufacturing waste is stored.

11 "Methamphetamine manufacturing material" means any
12 methamphetamine precursor, substance containing any
13 methamphetamine precursor, methamphetamine manufacturing
14 catalyst, substance containing any methamphetamine
15 manufacturing catalyst, methamphetamine manufacturing
16 reagent, substance containing any methamphetamine
17 manufacturing reagent, methamphetamine manufacturing solvent,
18 substance containing any methamphetamine manufacturing
19 solvent, or any other chemical, substance, ingredient,
20 equipment, apparatus, or item that is being used, has been
21 used, or is intended to be used in the manufacture of
22 methamphetamine.

23 "Methamphetamine manufacturing reagent" means any
24 substance other than a methamphetamine manufacturing catalyst
25 that has been used, is being used, or is intended to be used to
26 react with and chemically alter any methamphetamine precursor.

1 "Methamphetamine manufacturing solvent" means any
2 substance that has been used, is being used, or is intended to
3 be used as a medium in which any methamphetamine precursor,
4 methamphetamine manufacturing catalyst, methamphetamine
5 manufacturing reagent, or any substance containing any of the
6 foregoing is dissolved, diluted, or washed during any part of
7 the methamphetamine manufacturing process.

8 "Methamphetamine manufacturing waste" means any chemical,
9 substance, ingredient, equipment, apparatus, or item that is
10 left over from, results from, or is produced by the process of
11 manufacturing methamphetamine, other than finished
12 methamphetamine.

13 "Methamphetamine precursor" means ephedrine,
14 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
15 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
16 isomer, or salt of an optical isomer of any of these chemicals.

17 "Multi-unit dwelling" means a unified structure used or
18 intended for use as a habitation, home, or residence that
19 contains 2 or more condominiums, apartments, hotel rooms,
20 motel rooms, or other living units.

21 "Package" means an item marked for retail sale that is not
22 designed to be further broken down or subdivided for the
23 purpose of retail sale.

24 "Participate" or "participation" in the manufacture of
25 methamphetamine means to produce, prepare, compound, convert,
26 process, synthesize, concentrate, purify, separate, extract,

1 or package any methamphetamine, methamphetamine precursor,
2 methamphetamine manufacturing catalyst, methamphetamine
3 manufacturing reagent, methamphetamine manufacturing solvent,
4 or any substance containing any of the foregoing, or to assist
5 in any of these actions, or to attempt to take any of these
6 actions, regardless of whether this action or these actions
7 result in the production of finished methamphetamine.

8 "Person with a disability" means a person who suffers from
9 a permanent physical or mental impairment resulting from
10 disease, injury, functional disorder, or congenital condition
11 which renders the person incapable of adequately providing for
12 his or her own health and personal care.

13 "Procure" means to purchase, steal, gather, or otherwise
14 obtain, by legal or illegal means, or to cause another to take
15 such action.

16 "Second or subsequent offense" means an offense under this
17 Act committed by an offender who previously committed an
18 offense under this Act, the Illinois Controlled Substances
19 Act, the Cannabis Control Act, or another Act of this State,
20 another state, or the United States relating to
21 methamphetamine, cannabis, or any other controlled substance.

22 "Standard dosage form", as used in relation to any
23 methamphetamine precursor, means that the methamphetamine
24 precursor is contained in a pill, tablet, capsule, caplet, gel
25 cap, or liquid cap that has been manufactured by a lawful
26 entity and contains a standard quantity of methamphetamine

1 precursor.

2 "Unauthorized container", as used in relation to anhydrous
3 ammonia, means any container that is not designed for the
4 specific and sole purpose of holding, storing, transporting,
5 or applying anhydrous ammonia. "Unauthorized container"
6 includes, but is not limited to, any propane tank, fire
7 extinguisher, oxygen cylinder, gasoline can, food or beverage
8 cooler, or compressed gas cylinder used in dispensing fountain
9 drinks. "Unauthorized container" does not encompass anhydrous
10 ammonia manufacturing plants, refrigeration systems where
11 anhydrous ammonia is used solely as a refrigerant, anhydrous
12 ammonia transportation pipelines, anhydrous ammonia tankers,
13 or anhydrous ammonia barges.

14 (Source: P.A. 97-434, eff. 1-1-12.)

15 Section 85. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 102-7.1, 110-10, 112A-11.1,
17 112A-11.2, and 112A-14 as follows:

18 (725 ILCS 5/102-7.1)

19 Sec. 102-7.1. "Category A offense". "Category A offense"
20 means a Class 1 felony, Class 2 felony, Class X felony, first
21 degree murder, a violation of Section 11-204 of the Illinois
22 Vehicle Code, a second or subsequent violation of Section
23 11-501 of the Illinois Vehicle Code, a violation of subsection
24 (d) of Section 11-501 of the Illinois Vehicle Code, a

1 violation of Section 11-401 of the Illinois Vehicle Code if
2 the accident results in injury and the person failed to report
3 the accident within 30 minutes, a violation of Section 9-3,
4 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
5 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
6 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
7 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
8 second or subsequent violation of 12-3.2 or 12-3.4 of the
9 Criminal Code of 2012, a violation of paragraph (5) or (6) of
10 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
11 violation of subsection (b) or (c) or paragraph (1) or (2) of
12 subsection (a) of Section 11-1.50 of the Criminal Code of
13 2012, a violation of Section 12-7 of the Criminal Code of 2012
14 if the defendant inflicts bodily harm on the victim to obtain a
15 confession, statement, or information, a violation of Section
16 12-7.5 of the Criminal Code of 2012 if the action results in
17 bodily harm, a violation of paragraph (3) of subsection (b) of
18 Section 17-2 of the Criminal Code of 2012, a violation of
19 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
20 2012, a violation of paragraph (6) of subsection (a) of
21 Section 24-1 of the Criminal Code of 2012, a first violation of
22 Section 24-1.6 of the Criminal Code of 2012 by a person 18
23 years of age or older where the factors listed in both items
24 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
25 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
26 are present, a Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners
2 Identification Card Act committed before the effective date of
3 this amendatory Act of the 102nd General Assembly, or a
4 violation of Section 10 of the Sex Offender Registration Act.
5 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

15 (2) Submit himself or herself to the orders and
16 process of the court;

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

18 (4) Not violate any criminal statute of any
19 jurisdiction;

20 (5) At a time and place designated by the court,
21 surrender all firearms in his or her possession to a law
22 enforcement officer designated by the court to take
23 custody of and impound the firearms ~~and physically~~
24 ~~surrender his or her Firearm Owner's Identification Card~~
25 ~~to the clerk of the circuit court~~ when the offense the

1 person has been charged with is a forcible felony,
2 stalking, aggravated stalking, domestic battery, any
3 violation of the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or
5 the Cannabis Control Act that is classified as a Class 2 or
6 greater felony, or any felony violation of Article 24 of
7 the Criminal Code of 1961 or the Criminal Code of 2012; the
8 court may, however, forgo the imposition of this condition
9 when the circumstances of the case clearly do not warrant
10 it or when its imposition would be impractical; ~~if the~~
11 ~~Firearm Owner's Identification Card is confiscated, the~~
12 ~~clerk of the circuit court shall mail the confiscated card~~
13 ~~to the Illinois State Police;~~ all legally possessed
14 firearms shall be returned to the person upon the charges
15 being dismissed, or if the person is found not guilty,
16 unless the finding of not guilty is by reason of insanity;
17 and

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

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

21 (b) The court may impose other conditions, such as the
22 following, if the court finds that such conditions are
23 reasonably necessary to assure the defendant's appearance in
24 court, protect the public from the defendant, or prevent the
25 defendant's unlawful interference with the orderly
26 administration of justice:

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

3 (2) Refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) Refrain from approaching or communicating with
6 particular persons or classes of persons;

7 (4) Refrain from going to certain described
8 geographical areas or premises;

9 (5) Refrain from engaging in certain activities or
10 indulging in intoxicating liquors or in certain drugs;

11 (6) Undergo treatment for drug addiction or
12 alcoholism;

13 (7) Undergo medical or psychiatric treatment;

14 (8) Work or pursue a course of study or vocational
15 training;

16 (9) Attend or reside in a facility designated by the
17 court;

18 (10) Support his or her dependents;

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

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

24 (13) Remain in the custody of such designated person
25 or organization agreeing to supervise his release. Such
26 third party custodian shall be responsible for notifying

1 the court if the defendant fails to observe the conditions
2 of release which the custodian has agreed to monitor, and
3 shall be subject to contempt of court for failure so to
4 notify the court;

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

11 (14.1) The court shall impose upon a defendant who is
12 charged with any alcohol, cannabis, methamphetamine, or
13 controlled substance violation and is placed under direct
14 supervision of the Pretrial Services Agency, Probation
15 Department or Court Services Department in a pretrial bond
16 home supervision capacity with the use of an approved
17 monitoring device, as a condition of such bail bond, a fee
18 that represents costs incidental to the electronic
19 monitoring for each day of such bail supervision ordered
20 by the court, unless after determining the inability of
21 the defendant to pay the fee, the court assesses a lesser
22 fee or no fee as the case may be. The fee shall be
23 collected by the clerk of the circuit court, except as
24 provided in an administrative order of the Chief Judge of
25 the circuit court. The clerk of the circuit court shall
26 pay all monies collected from this fee to the county

1 treasurer for deposit in the substance abuse services fund
2 under Section 5-1086.1 of the Counties Code, except as
3 provided in an administrative order of the Chief Judge of
4 the circuit court.

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

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

18 (14.2) The court shall impose upon all defendants,
19 including those defendants subject to paragraph (14.1)
20 above, placed under direct supervision of the Pretrial
21 Services Agency, Probation Department or Court Services
22 Department in a pretrial bond home supervision capacity
23 with the use of an approved monitoring device, as a
24 condition of such bail bond, a fee which shall represent
25 costs incidental to such electronic monitoring for each
26 day of such bail supervision ordered by the court, unless

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

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

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

1 (14.3) The Chief Judge of the Judicial Circuit may
2 establish reasonable fees to be paid by a person receiving
3 pretrial services while under supervision of a pretrial
4 services agency, probation department, or court services
5 department. Reasonable fees may be charged for pretrial
6 services including, but not limited to, pretrial
7 supervision, diversion programs, electronic monitoring,
8 victim impact services, drug and alcohol testing, DNA
9 testing, GPS electronic monitoring, assessments and
10 evaluations related to domestic violence and other
11 victims, and victim mediation services. The person
12 receiving pretrial services may be ordered to pay all
13 costs incidental to pretrial services in accordance with
14 his or her ability to pay those costs;

15 (14.4) For persons charged with violating Section
16 11-501 of the Illinois Vehicle Code, refrain from
17 operating a motor vehicle not equipped with an ignition
18 interlock device, as defined in Section 1-129.1 of the
19 Illinois Vehicle Code, pursuant to the rules promulgated
20 by the Secretary of State for the installation of ignition
21 interlock devices. Under this condition the court may
22 allow a defendant who is not self-employed to operate a
23 vehicle owned by the defendant's employer that is not
24 equipped with an ignition interlock device in the course
25 and scope of the defendant's employment;

26 (15) Comply with the terms and conditions of an order

1 of protection issued by the court under the Illinois
2 Domestic Violence Act of 1986 or an order of protection
3 issued by the court of another state, tribe, or United
4 States territory;

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

7 (17) Such other reasonable conditions as the court may
8 impose.

9 (c) When a person is charged with an offense under Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
11 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, involving a victim who is a minor under
13 18 years of age living in the same household with the defendant
14 at the time of the offense, in granting bail or releasing the
15 defendant on his own recognizance, the judge shall impose
16 conditions to restrict the defendant's access to the victim
17 which may include, but are not limited to conditions that he
18 will:

19 1. Vacate the household.

20 2. Make payment of temporary support to his
21 dependents.

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

24 (d) When a person is charged with a criminal offense and
25 the victim is a family or household member as defined in
26 Article 112A, conditions shall be imposed at the time of the

1 defendant's release on bond that restrict the defendant's
2 access to the victim. Unless provided otherwise by the court,
3 the restrictions shall include requirements that the defendant
4 do the following:

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

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

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

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

22 (1) Duly prosecute his appeal;

23 (2) Appear at such time and place as the court may
24 direct;

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

26 (4) Comply with such other reasonable conditions as

1 the court may impose; and

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

5 (g) Upon a finding of guilty for any felony offense, the
6 defendant shall physically surrender, at a time and place
7 designated by the court, any and all firearms in his or her
8 possession ~~and his or her Firearm Owner's Identification Card~~
9 as a condition of remaining on bond pending sentencing.

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

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

15 (725 ILCS 5/112A-11.1)

16 Sec. 112A-11.1. Procedure for determining whether certain
17 misdemeanor crimes are crimes of domestic violence for
18 purposes of federal law.

19 (a) When a defendant has been charged with a violation of
20 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, the State
22 may, at arraignment or no later than 45 days after
23 arraignment, for the purpose of notification to the Department
24 of State Police ~~Firearm Owner's Identification Card Office~~,
25 serve on the defendant and file with the court a notice

1 alleging that conviction of the offense would subject the
2 defendant to the prohibitions of 18 U.S.C. 922(g) (9) because
3 of the relationship between the defendant and the alleged
4 victim and the nature of the alleged offense.

5 (b) The notice shall include the name of the person
6 alleged to be the victim of the crime and shall specify the
7 nature of the alleged relationship as set forth in 18 U.S.C.
8 921(a) (33) (A) (ii). It shall also specify the element of the
9 charged offense which requires the use or attempted use of
10 physical force, or the threatened use of a deadly weapon, as
11 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include
12 notice that the defendant is entitled to a hearing on the
13 allegation contained in the notice and that if the allegation
14 is sustained, that determination and conviction shall be
15 reported to the Department of State Police ~~Firearm Owner's~~
16 ~~Identification Card Office.~~

17 (c) After having been notified as provided in subsection
18 (b) of this Section, the defendant may stipulate or admit,
19 orally on the record or in writing, that conviction of the
20 offense would subject the defendant to the prohibitions of 18
21 U.S.C. 922(g) (9). In that case, the applicability of 18 U.S.C.
22 922(g) (9) shall be deemed established for purposes of Section
23 112A-11.2. If the defendant denies the applicability of 18
24 U.S.C. 922(g) (9) as alleged in the notice served by the State,
25 or stands mute with respect to that allegation, then the State
26 shall bear the burden to prove beyond a reasonable doubt that

1 the offense is one to which the prohibitions of 18 U.S.C.
2 922(g)(9) apply. The court may consider reliable hearsay
3 evidence submitted by either party provided that it is
4 relevant to the determination of the allegation. Facts
5 previously proven at trial or elicited at the time of entry of
6 a plea of guilty shall be deemed established beyond a
7 reasonable doubt and shall not be relitigated. At the
8 conclusion of the hearing, or upon a stipulation or admission,
9 as applicable, the court shall make a specific written
10 determination with respect to the allegation.

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

12 (725 ILCS 5/112A-11.2)

13 Sec. 112A-11.2. Notification to the Department of State
14 Police ~~Firearm Owner's Identification Card Office~~ of
15 determinations in certain misdemeanor cases. Upon judgment of
16 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
17 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
18 Code of 2012 when the defendant has been determined, under
19 Section 112A-11.1, to be subject to the prohibitions of 18
20 U.S.C. 922(g)(9), the circuit court clerk shall include
21 notification and a copy of the written determination in a
22 report of the conviction to the Department of State Police
23 ~~Firearm Owner's Identification Card Office~~ to enable the
24 office to report that determination to the Federal Bureau of
25 Investigation and assist the Bureau in identifying persons

1 prohibited from purchasing and possessing a firearm pursuant
2 to the provisions of 18 U.S.C. 922.

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

4 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

5 Sec. 112A-14. Domestic violence order of protection;
6 remedies.

7 (a) (Blank).

8 (b) The court may order any of the remedies listed in this
9 subsection (b). The remedies listed in this subsection (b)
10 shall be in addition to other civil or criminal remedies
11 available to petitioner.

12 (1) Prohibition of abuse. Prohibit respondent's
13 harassment, interference with personal liberty,
14 intimidation of a dependent, physical abuse, or willful
15 deprivation, as defined in this Article, if such abuse has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence, household, or premises of the petitioner,
21 including one owned or leased by respondent, if petitioner
22 has a right to occupancy thereof. The grant of exclusive
23 possession of the residence, household, or premises shall
24 not affect title to real property, nor shall the court be
25 limited by the standard set forth in subsection (c-2) of

1 Section 501 of the Illinois Marriage and Dissolution of
2 Marriage Act.

3 (A) Right to occupancy. A party has a right to
4 occupancy of a residence or household if it is solely
5 or jointly owned or leased by that party, that party's
6 spouse, a person with a legal duty to support that
7 party or a minor child in that party's care, or by any
8 person or entity other than the opposing party that
9 authorizes that party's occupancy (e.g., a domestic
10 violence shelter). Standards set forth in subparagraph
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and
13 respondent each has the right to occupancy of a
14 residence or household, the court shall balance (i)
15 the hardships to respondent and any minor child or
16 dependent adult in respondent's care resulting from
17 entry of this remedy with (ii) the hardships to
18 petitioner and any minor child or dependent adult in
19 petitioner's care resulting from continued exposure to
20 the risk of abuse (should petitioner remain at the
21 residence or household) or from loss of possession of
22 the residence or household (should petitioner leave to
23 avoid the risk of abuse). When determining the balance
24 of hardships, the court shall also take into account
25 the accessibility of the residence or household.
26 Hardships need not be balanced if respondent does not

1 have a right to occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions. Order
14 respondent to stay away from petitioner or any other
15 person protected by the domestic violence order of
16 protection, or prohibit respondent from entering or
17 remaining present at petitioner's school, place of
18 employment, or other specified places at times when
19 petitioner is present, or both, if reasonable, given the
20 balance of hardships. Hardships need not be balanced for
21 the court to enter a stay away order or prohibit entry if
22 respondent has no right to enter the premises.

23 (A) If a domestic violence order of protection
24 grants petitioner exclusive possession of the
25 residence, prohibits respondent from entering the
26 residence, or orders respondent to stay away from

1 petitioner or other protected persons, then the court
2 may allow respondent access to the residence to remove
3 items of clothing and personal adornment used
4 exclusively by respondent, medications, and other
5 items as the court directs. The right to access shall
6 be exercised on only one occasion as the court directs
7 and in the presence of an agreed-upon adult third
8 party or law enforcement officer.

9 (B) When the petitioner and the respondent attend
10 the same public, private, or non-public elementary,
11 middle, or high school, the court when issuing a
12 domestic violence order of protection and providing
13 relief shall consider the severity of the act, any
14 continuing physical danger or emotional distress to
15 the petitioner, the educational rights guaranteed to
16 the petitioner and respondent under federal and State
17 law, the availability of a transfer of the respondent
18 to another school, a change of placement or a change of
19 program of the respondent, the expense, difficulty,
20 and educational disruption that would be caused by a
21 transfer of the respondent to another school, and any
22 other relevant facts of the case. The court may order
23 that the respondent not attend the public, private, or
24 non-public elementary, middle, or high school attended
25 by the petitioner, order that the respondent accept a
26 change of placement or change of program, as

1 determined by the school district or private or
2 non-public school, or place restrictions on the
3 respondent's movements within the school attended by
4 the petitioner. The respondent bears the burden of
5 proving by a preponderance of the evidence that a
6 transfer, change of placement, or change of program of
7 the respondent is not available. The respondent also
8 bears the burden of production with respect to the
9 expense, difficulty, and educational disruption that
10 would be caused by a transfer of the respondent to
11 another school. A transfer, change of placement, or
12 change of program is not unavailable to the respondent
13 solely on the ground that the respondent does not
14 agree with the school district's or private or
15 non-public school's transfer, change of placement, or
16 change of program or solely on the ground that the
17 respondent fails or refuses to consent or otherwise
18 does not take an action required to effectuate a
19 transfer, change of placement, or change of program.
20 When a court orders a respondent to stay away from the
21 public, private, or non-public school attended by the
22 petitioner and the respondent requests a transfer to
23 another attendance center within the respondent's
24 school district or private or non-public school, the
25 school district or private or non-public school shall
26 have sole discretion to determine the attendance

1 center to which the respondent is transferred. If the
2 court order results in a transfer of the minor
3 respondent to another attendance center, a change in
4 the respondent's placement, or a change of the
5 respondent's program, the parents, guardian, or legal
6 custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 transfer or change.

9 (C) The court may order the parents, guardian, or
10 legal custodian of a minor respondent to take certain
11 actions or to refrain from taking certain actions to
12 ensure that the respondent complies with the order. If
13 the court orders a transfer of the respondent to
14 another school, the parents, guardian, or legal
15 custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist,
21 psychiatrist, family service agency, alcohol or substance
22 abuse program, mental health center guidance counselor,
23 agency providing services to elders, program designed for
24 domestic violence abusers, or any other guidance service
25 the court deems appropriate. The court may order the
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol
2 approved partner abuse intervention program for an
3 assessment and to follow all recommended treatment.

4 (5) Physical care and possession of the minor child.
5 In order to protect the minor child from abuse, neglect,
6 or unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If the respondent is charged with abuse (as defined in
15 Section 112A-3 of this Code) of a minor child, there shall
16 be a rebuttable presumption that awarding physical care to
17 respondent would not be in the minor child's best
18 interest.

19 (6) Temporary allocation of parental responsibilities
20 and significant decision-making responsibilities. Award
21 temporary significant decision-making responsibility to
22 petitioner in accordance with this Section, the Illinois
23 Marriage and Dissolution of Marriage Act, the Illinois
24 Parentage Act of 2015, and this State's Uniform
25 Child-Custody Jurisdiction and Enforcement Act.

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall
2 be a rebuttable presumption that awarding temporary
3 significant decision-making responsibility to respondent
4 would not be in the child's best interest.

5 (7) Parenting time. Determine the parenting time, if
6 any, of respondent in any case in which the court awards
7 physical care or temporary significant decision-making
8 responsibility of a minor child to petitioner. The court
9 shall restrict or deny respondent's parenting time with a
10 minor child if the court finds that respondent has done or
11 is likely to do any of the following:

12 (i) abuse or endanger the minor child during
13 parenting time;

14 (ii) use the parenting time as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members;

17 (iii) improperly conceal or detain the minor
18 child; or

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

21 The court shall not be limited by the standards set
22 forth in Section 603.10 of the Illinois Marriage and
23 Dissolution of Marriage Act. If the court grants parenting
24 time, the order shall specify dates and times for the
25 parenting time to take place or other specific parameters
26 or conditions that are appropriate. No order for parenting

1 time shall refer merely to the term "reasonable parenting
2 time". Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for parenting time,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving
7 in a violent or abusive manner. If necessary to protect
8 any member of petitioner's family or household from future
9 abuse, respondent shall be prohibited from coming to
10 petitioner's residence to meet the minor child for
11 parenting time, and the petitioner and respondent shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for parenting time. A person may
14 be approved to supervise parenting time only after filing
15 an affidavit accepting that responsibility and
16 acknowledging accountability to the court.

17 (8) Removal or concealment of minor child. Prohibit
18 respondent from removing a minor child from the State or
19 concealing the child within the State.

20 (9) Order to appear. Order the respondent to appear in
21 court, alone or with a minor child, to prevent abuse,
22 neglect, removal or concealment of the child, to return
23 the child to the custody or care of the petitioner, or to
24 permit any court-ordered interview or examination of the
25 child or the respondent.

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the petitioner and respondent own the
7 property jointly; sharing it would risk abuse of
8 petitioner by respondent or is impracticable; and the
9 balance of hardships favors temporary possession by
10 petitioner.

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

18 No order under this provision shall affect title to
19 property.

20 (11) Protection of property. Forbid the respondent
21 from taking, transferring, encumbering, concealing,
22 damaging, or otherwise disposing of any real or personal
23 property, except as explicitly authorized by the court,
24 if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the petitioner and respondent own the
2 property jointly, and the balance of hardships favors
3 granting this remedy.

4 If petitioner's sole claim to ownership of the
5 property is that it is marital property, the court may
6 grant petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

1 a legal obligation to support that person, in accordance
2 with the Illinois Marriage and Dissolution of Marriage
3 Act, which shall govern, among other matters, the amount
4 of support, payment through the clerk and withholding of
5 income to secure payment. An order for child support may
6 be granted to a petitioner with lawful physical care of a
7 child, or an order or agreement for physical care of a
8 child, prior to entry of an order allocating significant
9 decision-making responsibility. Such a support order shall
10 expire upon entry of a valid order allocating parental
11 responsibility differently and vacating petitioner's
12 significant decision-making responsibility unless
13 otherwise provided in the order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse. Such losses shall include, but not be limited
17 to, medical expenses, lost earnings or other support,
18 repair or replacement of property damaged or taken,
19 reasonable attorney's fees, court costs, and moving or
20 other travel expenses, including additional reasonable
21 expenses for temporary shelter and restaurant meals.

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support, or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

5 (ii) Recovery of expenses. In the case of an
6 improper concealment or removal of a minor child, the
7 court may order respondent to pay the reasonable
8 expenses incurred or to be incurred in the search for
9 and recovery of the minor child, including, but not
10 limited to, legal fees, court costs, private
11 investigator fees, and travel costs.

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

17 (14.5) Prohibition of firearm possession.

18 (A) A person who is subject to an existing
19 domestic violence order of protection issued under
20 this Code may not lawfully possess firearms, stun
21 guns, or tasers ~~weapons under Section 8.2 of the~~
22 ~~Firearm Owners Identification Card Act.~~

23 (B) Any firearms in the possession of the
24 respondent, except as provided in subparagraph (C) of
25 this paragraph (14.5), shall be ordered by the court
26 to be turned over to a person who is not prohibited

1 under State or federal law from possessing firearms
2 ~~with a valid Firearm Owner's Identification Card for~~
3 ~~safekeeping. The court shall issue an order that the~~
4 ~~respondent's Firearm Owner's Identification Card be~~
5 ~~turned over to the local law enforcement agency, which~~
6 ~~in turn shall immediately mail the card to the~~
7 ~~Department of State Police Firearm Owner's~~
8 ~~Identification Card Office for safekeeping.~~ The period
9 of safekeeping shall be for the duration of the
10 domestic violence order of protection. The firearm ~~or~~
11 ~~firearms and Firearm Owner's Identification Card, if~~
12 ~~unexpired,~~ shall at the respondent's request be
13 returned to the respondent at expiration of the
14 domestic violence order of protection.

15 (C) If the respondent is a peace officer as
16 defined in Section 2-13 of the Criminal Code of 2012,
17 the court shall order that any firearms used by the
18 respondent in the performance of his or her duties as a
19 peace officer be surrendered to the chief law
20 enforcement executive of the agency in which the
21 respondent is employed, who shall retain the firearms
22 for safekeeping for the duration of the domestic
23 violence order of protection.

24 (D) Upon expiration of the period of safekeeping,
25 if the firearms ~~or Firearm Owner's Identification Card~~
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to
2 retrieve the firearms, or is not lawfully eligible to
3 possess a firearm, upon petition from the local law
4 enforcement agency, the court may order the local law
5 enforcement agency to destroy the firearms, use the
6 firearms for training purposes, or for any other
7 application as deemed appropriate by the local law
8 enforcement agency; or that the firearms be turned
9 over to a third party who is lawfully eligible to
10 possess firearms, and who does not reside with
11 respondent.

12 (15) Prohibition of access to records. If a domestic
13 violence order of protection prohibits respondent from
14 having contact with the minor child, or if petitioner's
15 address is omitted under subsection (b) of Section 112A-5
16 of this Code, or if necessary to prevent abuse or wrongful
17 removal or concealment of a minor child, the order shall
18 deny respondent access to, and prohibit respondent from
19 inspecting, obtaining, or attempting to inspect or obtain,
20 school or any other records of the minor child who is in
21 the care of petitioner.

22 (16) Order for payment of shelter services. Order
23 respondent to reimburse a shelter providing temporary
24 housing and counseling services to the petitioner for the
25 cost of the services, as certified by the shelter and
26 deemed reasonable by the court.

1 (17) Order for injunctive relief. Enter injunctive
2 relief necessary or appropriate to prevent further abuse
3 of a family or household member or to effectuate one of the
4 granted remedies, if supported by the balance of
5 hardships. If the harm to be prevented by the injunction
6 is abuse or any other harm that one of the remedies listed
7 in paragraphs (1) through (16) of this subsection is
8 designed to prevent, no further evidence is necessary to
9 establish that the harm is an irreparable injury.

10 (18) Telephone services.

11 (A) Unless a condition described in subparagraph
12 (B) of this paragraph exists, the court may, upon
13 request by the petitioner, order a wireless telephone
14 service provider to transfer to the petitioner the
15 right to continue to use a telephone number or numbers
16 indicated by the petitioner and the financial
17 responsibility associated with the number or numbers,
18 as set forth in subparagraph (C) of this paragraph. In
19 this paragraph (18), the term "wireless telephone
20 service provider" means a provider of commercial
21 mobile service as defined in 47 U.S.C. 332. The
22 petitioner may request the transfer of each telephone
23 number that the petitioner, or a minor child in his or
24 her custody, uses. The clerk of the court shall serve
25 the order on the wireless telephone service provider's
26 agent for service of process provided to the Illinois

1 Commerce Commission. The order shall contain all of
2 the following:

3 (i) The name and billing telephone number of
4 the account holder including the name of the
5 wireless telephone service provider that serves
6 the account.

7 (ii) Each telephone number that will be
8 transferred.

9 (iii) A statement that the provider transfers
10 to the petitioner all financial responsibility for
11 and right to the use of any telephone number
12 transferred under this paragraph.

13 (B) A wireless telephone service provider shall
14 terminate the respondent's use of, and shall transfer
15 to the petitioner use of, the telephone number or
16 numbers indicated in subparagraph (A) of this
17 paragraph unless it notifies the petitioner, within 72
18 hours after it receives the order, that one of the
19 following applies:

20 (i) The account holder named in the order has
21 terminated the account.

22 (ii) A difference in network technology would
23 prevent or impair the functionality of a device on
24 a network if the transfer occurs.

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

2 (iv) Another technological or operational
3 issue would prevent or impair the use of the
4 telephone number if the transfer occurs.

5 (C) The petitioner assumes all financial
6 responsibility for and right to the use of any
7 telephone number transferred under this paragraph. In
8 this paragraph, "financial responsibility" includes
9 monthly service costs and costs associated with any
10 mobile device associated with the number.

11 (D) A wireless telephone service provider may
12 apply to the petitioner its routine and customary
13 requirements for establishing an account or
14 transferring a number, including requiring the
15 petitioner to provide proof of identification,
16 financial information, and customer preferences.

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

21 (F) All wireless service providers that provide
22 services to residential customers shall provide to the
23 Illinois Commerce Commission the name and address of
24 an agent for service of orders entered under this
25 paragraph (18). Any change in status of the registered
26 agent must be reported to the Illinois Commerce

1 Commission within 30 days of such change.

2 (G) The Illinois Commerce Commission shall
3 maintain the list of registered agents for service for
4 each wireless telephone service provider on the
5 Commission's website. The Commission may consult with
6 wireless telephone service providers and the Circuit
7 Court Clerks on the manner in which this information
8 is provided and displayed.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,
11 other than payment of support, the court shall consider
12 relevant factors, including, but not limited to, the
13 following:

14 (i) the nature, frequency, severity, pattern, and
15 consequences of the respondent's past abuse of the
16 petitioner or any family or household member,
17 including the concealment of his or her location in
18 order to evade service of process or notice, and the
19 likelihood of danger of future abuse to petitioner or
20 any member of petitioner's or respondent's family or
21 household; and

22 (ii) the danger that any minor child will be
23 abused or neglected or improperly relocated from the
24 jurisdiction, improperly concealed within the State,
25 or improperly separated from the child's primary
26 caretaker.

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

5 (i) availability, accessibility, cost, safety,
6 adequacy, location, and other characteristics of
7 alternate housing for each party and any minor child
8 or dependent adult in the party's care;

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

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

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

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

20 (ii) Whether the conduct or actions of respondent,
21 unless prohibited, will likely cause irreparable harm
22 or continued abuse.

23 (iii) Whether it is necessary to grant the
24 requested relief in order to protect petitioner or
25 other alleged abused persons.

26 (4) (Blank).

1 (5) Never married parties. No rights or
2 responsibilities for a minor child born outside of
3 marriage attach to a putative father until a father and
4 child relationship has been established under the Illinois
5 Parentage Act of 1984, the Illinois Parentage Act of 2015,
6 the Illinois Public Aid Code, Section 12 of the Vital
7 Records Act, the Juvenile Court Act of 1987, the Probate
8 Act of 1975, the Uniform Interstate Family Support Act,
9 the Expedited Child Support Act of 1990, any judicial,
10 administrative, or other act of another state or
11 territory, any other statute of this State, or by any
12 foreign nation establishing the father and child
13 relationship, any other proceeding substantially in
14 conformity with the federal Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996, or when both
16 parties appeared in open court or at an administrative
17 hearing acknowledging under oath or admitting by
18 affirmation the existence of a father and child
19 relationship. Absent such an adjudication, no putative
20 father shall be granted temporary allocation of parental
21 responsibilities, including parenting time with the minor
22 child, or physical care and possession of the minor child,
23 nor shall an order of payment for support of the minor
24 child be entered.

25 (d) Balance of hardships; findings. If the court finds
26 that the balance of hardships does not support the granting of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
2 subsection (b) of this Section, which may require such
3 balancing, the court's findings shall so indicate and shall
4 include a finding as to whether granting the remedy will
5 result in hardship to respondent that would substantially
6 outweigh the hardship to petitioner from denial of the remedy.
7 The findings shall be an official record or in writing.

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

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

13 (2) respondent was voluntarily intoxicated;

14 (3) petitioner acted in self-defense or defense of
15 another, provided that, if petitioner utilized force, such
16 force was justifiable under Article 7 of the Criminal Code
17 of 2012;

18 (4) petitioner did not act in self-defense or defense
19 of another;

20 (5) petitioner left the residence or household to
21 avoid further abuse by respondent;

22 (6) petitioner did not leave the residence or
23 household to avoid further abuse by respondent; or

24 (7) conduct by any family or household member excused
25 the abuse by respondent, unless that same conduct would
26 have excused such abuse if the parties had not been family

1 or household members.

2 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
3 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
4 1-1-19; 101-81, eff. 7-12-19.)

5 Section 90. The Unified Code of Corrections is amended by
6 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as
7 follows:

8 (730 ILCS 5/5-4.5-110)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
11 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

12 (a) DEFINITIONS. For the purposes of this Section:

13 "Firearm" has the meaning ascribed to it in Section
14 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
15 ~~Firearm Owners Identification Card Act.~~

16 "Qualifying predicate offense" means the following
17 offenses under the Criminal Code of 2012:

18 (A) aggravated unlawful use of a weapon under
19 Section 24-1.6 or similar offense under the Criminal
20 Code of 1961, when the weapon is a firearm;

21 (B) unlawful use or possession of a weapon by a
22 felon under Section 24-1.1 or similar offense under
23 the Criminal Code of 1961, when the weapon is a
24 firearm;

1 (C) first degree murder under Section 9-1 or
2 similar offense under the Criminal Code of 1961;

3 (D) attempted first degree murder with a firearm
4 or similar offense under the Criminal Code of 1961;

5 (E) aggravated kidnapping with a firearm under
6 paragraph (6) or (7) of subsection (a) of Section 10-2
7 or similar offense under the Criminal Code of 1961;

8 (F) aggravated battery with a firearm under
9 subsection (e) of Section 12-3.05 or similar offense
10 under the Criminal Code of 1961;

11 (G) aggravated criminal sexual assault under
12 Section 11-1.30 or similar offense under the Criminal
13 Code of 1961;

14 (H) predatory criminal sexual assault of a child
15 under Section 11-1.40 or similar offense under the
16 Criminal Code of 1961;

17 (I) armed robbery under Section 18-2 or similar
18 offense under the Criminal Code of 1961;

19 (J) vehicular hijacking under Section 18-3 or
20 similar offense under the Criminal Code of 1961;

21 (K) aggravated vehicular hijacking under Section
22 18-4 or similar offense under the Criminal Code of
23 1961;

24 (L) home invasion with a firearm under paragraph
25 (3), (4), or (5) of subsection (a) of Section 19-6 or
26 similar offense under the Criminal Code of 1961;

1 (M) aggravated discharge of a firearm under
2 Section 24-1.2 or similar offense under the Criminal
3 Code of 1961;

4 (N) aggravated discharge of a machine gun or a
5 firearm equipped with a device designed or used for
6 silencing the report of a firearm under Section
7 24-1.2-5 or similar offense under the Criminal Code of
8 1961;

9 (O) unlawful use of firearm projectiles under
10 Section 24-2.1 or similar offense under the Criminal
11 Code of 1961;

12 (P) manufacture, sale, or transfer of bullets or
13 shells represented to be armor piercing bullets,
14 dragon's breath shotgun shells, bolo shells, or
15 flechette shells under Section 24-2.2 or similar
16 offense under the Criminal Code of 1961;

17 (Q) unlawful sale or delivery of firearms under
18 Section 24-3 or similar offense under the Criminal
19 Code of 1961;

20 (R) unlawful discharge of firearm projectiles
21 under Section 24-3.2 or similar offense under the
22 Criminal Code of 1961;

23 (S) unlawful sale or delivery of firearms on
24 school premises of any school under Section 24-3.3 or
25 similar offense under the Criminal Code of 1961;

26 (T) unlawful purchase of a firearm under Section

1 24-3.5 or similar offense under the Criminal Code of
2 1961;

3 (U) use of a stolen firearm in the commission of an
4 offense under Section 24-3.7 or similar offense under
5 the Criminal Code of 1961;

6 (V) possession of a stolen firearm under Section
7 24-3.8 or similar offense under the Criminal Code of
8 1961;

9 (W) aggravated possession of a stolen firearm
10 under Section 24-3.9 or similar offense under the
11 Criminal Code of 1961;

12 (X) gunrunning under Section 24-3A or similar
13 offense under the Criminal Code of 1961;

14 (Y) defacing identification marks of firearms
15 under Section 24-5 or similar offense under the
16 Criminal Code of 1961; and

17 (Z) armed violence under Section 33A-2 or similar
18 offense under the Criminal Code of 1961.

19 (b) APPLICABILITY. For an offense committed on or after
20 the effective date of this amendatory Act of the 100th General
21 Assembly and before January 1, 2023, when a person is
22 convicted of unlawful use or possession of a weapon by a felon,
23 when the weapon is a firearm, or aggravated unlawful use of a
24 weapon, when the weapon is a firearm, after being previously
25 convicted of a qualifying predicate offense the person shall
26 be subject to the sentencing guidelines under this Section.

1 (c) SENTENCING GUIDELINES.

2 (1) When a person is convicted of unlawful use or
3 possession of a weapon by a felon, when the weapon is a
4 firearm, and that person has been previously convicted of
5 a qualifying predicate offense, the person shall be
6 sentenced to a term of imprisonment within the sentencing
7 range of not less than 7 years and not more than 14 years,
8 unless the court finds that a departure from the
9 sentencing guidelines under this paragraph is warranted
10 under subsection (d) of this Section.

11 (2) When a person is convicted of aggravated unlawful
12 use of a weapon, when the weapon is a firearm, and that
13 person has been previously convicted of a qualifying
14 predicate offense, the person shall be sentenced to a term
15 of imprisonment within the sentencing range of not less
16 than 6 years and not more than 7 years, unless the court
17 finds that a departure from the sentencing guidelines
18 under this paragraph is warranted under subsection (d) of
19 this Section.

20 (3) The sentencing guidelines in paragraphs (1) and
21 (2) of this subsection (c) apply only to offenses
22 committed on and after the effective date of this
23 amendatory Act of the 100th General Assembly and before
24 January 1, 2023.

25 (d) DEPARTURE FROM SENTENCING GUIDELINES.

26 (1) At the sentencing hearing conducted under Section

1 5-4-1 of this Code, the court may depart from the
2 sentencing guidelines provided in subsection (c) of this
3 Section and impose a sentence otherwise authorized by law
4 for the offense if the court, after considering any factor
5 under paragraph (2) of this subsection (d) relevant to the
6 nature and circumstances of the crime and to the history
7 and character of the defendant, finds on the record
8 substantial and compelling justification that the sentence
9 within the sentencing guidelines would be unduly harsh and
10 that a sentence otherwise authorized by law would be
11 consistent with public safety and does not deprecate the
12 seriousness of the offense.

13 (2) In deciding whether to depart from the sentencing
14 guidelines under this paragraph, the court shall consider:

15 (A) the age, immaturity, or limited mental
16 capacity of the defendant at the time of commission of
17 the qualifying predicate or current offense, including
18 whether the defendant was suffering from a mental or
19 physical condition insufficient to constitute a
20 defense but significantly reduced the defendant's
21 culpability;

22 (B) the nature and circumstances of the qualifying
23 predicate offense;

24 (C) the time elapsed since the qualifying
25 predicate offense;

26 (D) the nature and circumstances of the current

1 offense;

2 (E) the defendant's prior criminal history;

3 (F) whether the defendant committed the qualifying
4 predicate or current offense under specific and
5 credible duress, coercion, threat, or compulsion;

6 (G) whether the defendant aided in the
7 apprehension of another felon or testified truthfully
8 on behalf of another prosecution of a felony; and

9 (H) whether departure is in the interest of the
10 person's rehabilitation, including employment or
11 educational or vocational training, after taking into
12 account any past rehabilitation efforts or
13 dispositions of probation or supervision, and the
14 defendant's cooperation or response to rehabilitation.

15 (3) When departing from the sentencing guidelines
16 under this Section, the court shall specify on the record,
17 the particular evidence, information, factor or factors,
18 or other reasons which led to the departure from the
19 sentencing guidelines. When departing from the sentencing
20 range in accordance with this subsection (d), the court
21 shall indicate on the sentencing order which departure
22 factor or factors outlined in paragraph (2) of this
23 subsection (d) led to the sentence imposed. The sentencing
24 order shall be filed with the clerk of the court and shall
25 be a public record.

26 (e) This Section is repealed on January 1, 2023.

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

2 (730 ILCS 5/5-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment
8 or conditional discharge shall not be imposed for the
9 following offenses. The court shall sentence the offender to
10 not less than the minimum term of imprisonment set forth in
11 this Code for the following offenses, and may order a fine or
12 restitution or both in conjunction with such term of
13 imprisonment:

14 (A) First degree murder where the death penalty is not
15 imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the
19 Illinois Controlled Substances Act, or a violation of
20 subdivision (c)(1.5) of Section 401 of that Act which
21 relates to more than 5 grams of a substance containing
22 fentanyl or an analog thereof.

23 (D-5) A violation of subdivision (c)(1) of Section 401
24 of the Illinois Controlled Substances Act which relates to
25 3 or more grams of a substance containing heroin or an

1 analog thereof.

2 (E) (Blank).

3 (F) A Class 1 or greater felony if the offender had
4 been convicted of a Class 1 or greater felony, including
5 any state or federal conviction for an offense that
6 contained, at the time it was committed, the same elements
7 as an offense now (the date of the offense committed after
8 the prior Class 1 or greater felony) classified as a Class
9 1 or greater felony, within 10 years of the date on which
10 the offender committed the offense for which he or she is
11 being sentenced, except as otherwise provided in Section
12 40-10 of the Substance Use Disorder Act.

13 (F-3) A Class 2 or greater felony sex offense or
14 felony firearm offense if the offender had been convicted
15 of a Class 2 or greater felony, including any state or
16 federal conviction for an offense that contained, at the
17 time it was committed, the same elements as an offense now
18 (the date of the offense committed after the prior Class 2
19 or greater felony) classified as a Class 2 or greater
20 felony, within 10 years of the date on which the offender
21 committed the offense for which he or she is being
22 sentenced, except as otherwise provided in Section 40-10
23 of the Substance Use Disorder Act.

24 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
25 of the Criminal Code of 1961 or the Criminal Code of 2012
26 for which imprisonment is prescribed in those Sections.

1 (G) Residential burglary, except as otherwise provided
2 in Section 40-10 of the Substance Use Disorder Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen as
5 described in Section 12-4.6 or subdivision (a)(4) of
6 Section 12-3.05 of the Criminal Code of 1961 or the
7 Criminal Code of 2012.

8 (J) A forcible felony if the offense was related to
9 the activities of an organized gang.

10 Before July 1, 1994, for the purposes of this
11 paragraph, "organized gang" means an association of 5 or
12 more persons, with an established hierarchy, that
13 encourages members of the association to perpetrate crimes
14 or provides support to the members of the association who
15 do commit crimes.

16 Beginning July 1, 1994, for the purposes of this
17 paragraph, "organized gang" has the meaning ascribed to it
18 in Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 (K) Vehicular hijacking.

21 (L) A second or subsequent conviction for the offense
22 of hate crime when the underlying offense upon which the
23 hate crime is based is felony aggravated assault or felony
24 mob action.

25 (M) A second or subsequent conviction for the offense
26 of institutional vandalism if the damage to the property

1 exceeds \$300.

2 (N) A Class 3 felony violation of paragraph (1) of
3 subsection (a) of Section 2 of the Firearm Owners
4 Identification Card Act committed before the effective
5 date of this amendatory Act of the 102nd General Assembly.

6 (O) A violation of Section 12-6.1 or 12-6.5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 (P) A violation of paragraph (1), (2), (3), (4), (5),
9 or (7) of subsection (a) of Section 11-20.1 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (Q) A violation of subsection (b) or (b-5) of Section
12 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

14 (R) A violation of Section 24-3A of the Criminal Code
15 of 1961 or the Criminal Code of 2012.

16 (S) (Blank).

17 (T) (Blank).

18 (U) A second or subsequent violation of Section 6-303
19 of the Illinois Vehicle Code committed while his or her
20 driver's license, permit, or privilege was revoked because
21 of a violation of Section 9-3 of the Criminal Code of 1961
22 or the Criminal Code of 2012, relating to the offense of
23 reckless homicide, or a similar provision of a law of
24 another state.

25 (V) A violation of paragraph (4) of subsection (c) of
26 Section 11-20.1B or paragraph (4) of subsection (c) of

1 Section 11-20.3 of the Criminal Code of 1961, or paragraph
2 (6) of subsection (a) of Section 11-20.1 of the Criminal
3 Code of 2012 when the victim is under 13 years of age and
4 the defendant has previously been convicted under the laws
5 of this State or any other state of the offense of child
6 pornography, aggravated child pornography, aggravated
7 criminal sexual abuse, aggravated criminal sexual assault,
8 predatory criminal sexual assault of a child, or any of
9 the offenses formerly known as rape, deviate sexual
10 assault, indecent liberties with a child, or aggravated
11 indecent liberties with a child where the victim was under
12 the age of 18 years or an offense that is substantially
13 equivalent to those offenses.

14 (W) A violation of Section 24-3.5 of the Criminal Code
15 of 1961 or the Criminal Code of 2012.

16 (X) A violation of subsection (a) of Section 31-1a of
17 the Criminal Code of 1961 or the Criminal Code of 2012.

18 (Y) A conviction for unlawful possession of a firearm
19 by a street gang member when the firearm was loaded or
20 contained firearm ammunition.

21 (Z) A Class 1 felony committed while he or she was
22 serving a term of probation or conditional discharge for a
23 felony.

24 (AA) Theft of property exceeding \$500,000 and not
25 exceeding \$1,000,000 in value.

26 (BB) Laundering of criminally derived property of a

1 value exceeding \$500,000.

2 (CC) Knowingly selling, offering for sale, holding for
3 sale, or using 2,000 or more counterfeit items or
4 counterfeit items having a retail value in the aggregate
5 of \$500,000 or more.

6 (DD) A conviction for aggravated assault under
7 paragraph (6) of subsection (c) of Section 12-2 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 if the
9 firearm is aimed toward the person against whom the
10 firearm is being used.

11 (EE) A conviction for a violation of paragraph (2) of
12 subsection (a) of Section 24-3B of the Criminal Code of
13 2012.

14 (3) (Blank).

15 (4) A minimum term of imprisonment of not less than 10
16 consecutive days or 30 days of community service shall be
17 imposed for a violation of paragraph (c) of Section 6-303 of
18 the Illinois Vehicle Code.

19 (4.1) (Blank).

20 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
21 this subsection (c), a minimum of 100 hours of community
22 service shall be imposed for a second violation of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.3) A minimum term of imprisonment of 30 days or 300
25 hours of community service, as determined by the court, shall
26 be imposed for a second violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.4) Except as provided in paragraphs (4.5), (4.6), and
3 (4.9) of this subsection (c), a minimum term of imprisonment
4 of 30 days or 300 hours of community service, as determined by
5 the court, shall be imposed for a third or subsequent
6 violation of Section 6-303 of the Illinois Vehicle Code. The
7 court may give credit toward the fulfillment of community
8 service hours for participation in activities and treatment as
9 determined by court services.

10 (4.5) A minimum term of imprisonment of 30 days shall be
11 imposed for a third violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.6) Except as provided in paragraph (4.10) of this
14 subsection (c), a minimum term of imprisonment of 180 days
15 shall be imposed for a fourth or subsequent violation of
16 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

17 (4.7) A minimum term of imprisonment of not less than 30
18 consecutive days, or 300 hours of community service, shall be
19 imposed for a violation of subsection (a-5) of Section 6-303
20 of the Illinois Vehicle Code, as provided in subsection (b-5)
21 of that Section.

22 (4.8) A mandatory prison sentence shall be imposed for a
23 second violation of subsection (a-5) of Section 6-303 of the
24 Illinois Vehicle Code, as provided in subsection (c-5) of that
25 Section. The person's driving privileges shall be revoked for
26 a period of not less than 5 years from the date of his or her

1 release from prison.

2 (4.9) A mandatory prison sentence of not less than 4 and
3 not more than 15 years shall be imposed for a third violation
4 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
5 Code, as provided in subsection (d-2.5) of that Section. The
6 person's driving privileges shall be revoked for the remainder
7 of his or her life.

8 (4.10) A mandatory prison sentence for a Class 1 felony
9 shall be imposed, and the person shall be eligible for an
10 extended term sentence, for a fourth or subsequent violation
11 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
12 Code, as provided in subsection (d-3.5) of that Section. The
13 person's driving privileges shall be revoked for the remainder
14 of his or her life.

15 (5) The court may sentence a corporation or unincorporated
16 association convicted of any offense to:

17 (A) a period of conditional discharge;

18 (B) a fine;

19 (C) make restitution to the victim under Section 5-5-6
20 of this Code.

21 (5.1) In addition to any other penalties imposed, and
22 except as provided in paragraph (5.2) or (5.3), a person
23 convicted of violating subsection (c) of Section 11-907 of the
24 Illinois Vehicle Code shall have his or her driver's license,
25 permit, or privileges suspended for at least 90 days but not
26 more than one year, if the violation resulted in damage to the

1 property of another person.

2 (5.2) In addition to any other penalties imposed, and
3 except as provided in paragraph (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license, permit,
6 or privileges suspended for at least 180 days but not more than
7 2 years, if the violation resulted in injury to another
8 person.

9 (5.3) In addition to any other penalties imposed, a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for 2 years, if the violation
13 resulted in the death of another person.

14 (5.4) In addition to any other penalties imposed, a person
15 convicted of violating Section 3-707 of the Illinois Vehicle
16 Code shall have his or her driver's license, permit, or
17 privileges suspended for 3 months and until he or she has paid
18 a reinstatement fee of \$100.

19 (5.5) In addition to any other penalties imposed, a person
20 convicted of violating Section 3-707 of the Illinois Vehicle
21 Code during a period in which his or her driver's license,
22 permit, or privileges were suspended for a previous violation
23 of that Section shall have his or her driver's license,
24 permit, or privileges suspended for an additional 6 months
25 after the expiration of the original 3-month suspension and
26 until he or she has paid a reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent
5 offense of ritualized abuse of a child may be sentenced to a
6 term of natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000 for a
9 first offense and \$2,000 for a second or subsequent offense
10 upon a person convicted of or placed on supervision for
11 battery when the individual harmed was a sports official or
12 coach at any level of competition and the act causing harm to
13 the sports official or coach occurred within an athletic
14 facility or within the immediate vicinity of the athletic
15 facility at which the sports official or coach was an active
16 participant of the athletic contest held at the athletic
17 facility. For the purposes of this paragraph (11), "sports
18 official" means a person at an athletic contest who enforces
19 the rules of the contest, such as an umpire or referee;
20 "athletic facility" means an indoor or outdoor playing field
21 or recreational area where sports activities are conducted;
22 and "coach" means a person recognized as a coach by the
23 sanctioning authority that conducted the sporting event.

24 (12) A person may not receive a disposition of court
25 supervision for a violation of Section 5-16 of the Boat
26 Registration and Safety Act if that person has previously

1 received a disposition of court supervision for a violation of
2 that Section.

3 (13) A person convicted of or placed on court supervision
4 for an assault or aggravated assault when the victim and the
5 offender are family or household members as defined in Section
6 103 of the Illinois Domestic Violence Act of 1986 or convicted
7 of domestic battery or aggravated domestic battery may be
8 required to attend a Partner Abuse Intervention Program under
9 protocols set forth by the Illinois Department of Human
10 Services under such terms and conditions imposed by the court.
11 The costs of such classes shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is
13 vacated, the case shall be remanded to the trial court. The
14 trial court shall hold a hearing under Section 5-4-1 of this
15 Code which may include evidence of the defendant's life, moral
16 character and occupation during the time since the original
17 sentence was passed. The trial court shall then impose
18 sentence upon the defendant. The trial court may impose any
19 sentence which could have been imposed at the original trial
20 subject to Section 5-5-4 of this Code. If a sentence is vacated
21 on appeal or on collateral attack due to the failure of the
22 trier of fact at trial to determine beyond a reasonable doubt
23 the existence of a fact (other than a prior conviction)
24 necessary to increase the punishment for the offense beyond
25 the statutory maximum otherwise applicable, either the
26 defendant may be re-sentenced to a term within the range

1 otherwise provided or, if the State files notice of its
2 intention to again seek the extended sentence, the defendant
3 shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 results in conviction
7 of a defendant who was a family member of the victim at the
8 time of the commission of the offense, the court shall
9 consider the safety and welfare of the victim and may impose a
10 sentence of probation only where:

11 (1) the court finds (A) or (B) or both are
12 appropriate:

13 (A) the defendant is willing to undergo a court
14 approved counseling program for a minimum duration of
15 2 years; or

16 (B) the defendant is willing to participate in a
17 court approved plan including but not limited to the
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the
22 family;

23 (iv) restitution for harm done to the victim;

24 and

25 (v) compliance with any other measures that
26 the court may deem appropriate; and

1 (2) the court orders the defendant to pay for the
2 victim's counseling services, to the extent that the court
3 finds, after considering the defendant's income and
4 assets, that the defendant is financially capable of
5 paying for such services, if the victim was under 18 years
6 of age at the time the offense was committed and requires
7 counseling as a result of the offense.

8 Probation may be revoked or modified pursuant to Section
9 5-6-4; except where the court determines at the hearing that
10 the defendant violated a condition of his or her probation
11 restricting contact with the victim or other family members or
12 commits another offense with the victim or other family
13 members, the court shall revoke the defendant's probation and
14 impose a term of imprisonment.

15 For the purposes of this Section, "family member" and
16 "victim" shall have the meanings ascribed to them in Section
17 11-0.1 of the Criminal Code of 2012.

18 (f) (Blank).

19 (g) Whenever a defendant is convicted of an offense under
20 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
21 11-14.3, 11-14.4 except for an offense that involves keeping a
22 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the defendant shall undergo medical
26 testing to determine whether the defendant has any sexually

1 transmissible disease, including a test for infection with
2 human immunodeficiency virus (HIV) or any other identified
3 causative agent of acquired immunodeficiency syndrome (AIDS).
4 Any such medical test shall be performed only by appropriately
5 licensed medical practitioners and may include an analysis of
6 any bodily fluids as well as an examination of the defendant's
7 person. Except as otherwise provided by law, the results of
8 such test shall be kept strictly confidential by all medical
9 personnel involved in the testing and must be personally
10 delivered in a sealed envelope to the judge of the court in
11 which the conviction was entered for the judge's inspection in
12 camera. Acting in accordance with the best interests of the
13 victim and the public, the judge shall have the discretion to
14 determine to whom, if anyone, the results of the testing may be
15 revealed. The court shall notify the defendant of the test
16 results. The court shall also notify the victim if requested
17 by the victim, and if the victim is under the age of 15 and if
18 requested by the victim's parents or legal guardian, the court
19 shall notify the victim's parents or legal guardian of the
20 test results. The court shall provide information on the
21 availability of HIV testing and counseling at Department of
22 Public Health facilities to all parties to whom the results of
23 the testing are revealed and shall direct the State's Attorney
24 to provide the information to the victim when possible. A
25 State's Attorney may petition the court to obtain the results
26 of any HIV test administered under this Section, and the court

1 shall grant the disclosure if the State's Attorney shows it is
2 relevant in order to prosecute a charge of criminal
3 transmission of HIV under Section 12-5.01 or 12-16.2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 against the
5 defendant. The court shall order that the cost of any such test
6 shall be paid by the county and may be taxed as costs against
7 the convicted defendant.

8 (g-5) When an inmate is tested for an airborne
9 communicable disease, as determined by the Illinois Department
10 of Public Health including but not limited to tuberculosis,
11 the results of the test shall be personally delivered by the
12 warden or his or her designee in a sealed envelope to the judge
13 of the court in which the inmate must appear for the judge's
14 inspection in camera if requested by the judge. Acting in
15 accordance with the best interests of those in the courtroom,
16 the judge shall have the discretion to determine what if any
17 precautions need to be taken to prevent transmission of the
18 disease in the courtroom.

19 (h) Whenever a defendant is convicted of an offense under
20 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
21 defendant shall undergo medical testing to determine whether
22 the defendant has been exposed to human immunodeficiency virus
23 (HIV) or any other identified causative agent of acquired
24 immunodeficiency syndrome (AIDS). Except as otherwise provided
25 by law, the results of such test shall be kept strictly
26 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the
2 judge of the court in which the conviction was entered for the
3 judge's inspection in camera. Acting in accordance with the
4 best interests of the public, the judge shall have the
5 discretion to determine to whom, if anyone, the results of the
6 testing may be revealed. The court shall notify the defendant
7 of a positive test showing an infection with the human
8 immunodeficiency virus (HIV). The court shall provide
9 information on the availability of HIV testing and counseling
10 at Department of Public Health facilities to all parties to
11 whom the results of the testing are revealed and shall direct
12 the State's Attorney to provide the information to the victim
13 when possible. A State's Attorney may petition the court to
14 obtain the results of any HIV test administered under this
15 Section, and the court shall grant the disclosure if the
16 State's Attorney shows it is relevant in order to prosecute a
17 charge of criminal transmission of HIV under Section 12-5.01
18 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
19 2012 against the defendant. The court shall order that the
20 cost of any such test shall be paid by the county and may be
21 taxed as costs against the convicted defendant.

22 (i) All fines and penalties imposed under this Section for
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and
25 any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under the Criminal
2 and Traffic Assessment Act.

3 (j) In cases when prosecution for any violation of Section
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
5 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
7 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
8 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, any violation of the Illinois Controlled
10 Substances Act, any violation of the Cannabis Control Act, or
11 any violation of the Methamphetamine Control and Community
12 Protection Act results in conviction, a disposition of court
13 supervision, or an order of probation granted under Section 10
14 of the Cannabis Control Act, Section 410 of the Illinois
15 Controlled Substances Act, or Section 70 of the
16 Methamphetamine Control and Community Protection Act of a
17 defendant, the court shall determine whether the defendant is
18 employed by a facility or center as defined under the Child
19 Care Act of 1969, a public or private elementary or secondary
20 school, or otherwise works with children under 18 years of age
21 on a daily basis. When a defendant is so employed, the court
22 shall order the Clerk of the Court to send a copy of the
23 judgment of conviction or order of supervision or probation to
24 the defendant's employer by certified mail. If the employer of
25 the defendant is a school, the Clerk of the Court shall direct
26 the mailing of a copy of the judgment of conviction or order of

1 supervision or probation to the appropriate regional
2 superintendent of schools. The regional superintendent of
3 schools shall notify the State Board of Education of any
4 notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted
6 of a felony and who has not been previously convicted of a
7 misdemeanor or felony and who is sentenced to a term of
8 imprisonment in the Illinois Department of Corrections shall
9 as a condition of his or her sentence be required by the court
10 to attend educational courses designed to prepare the
11 defendant for a high school diploma and to work toward a high
12 school diploma or to work toward passing high school
13 equivalency testing or to work toward completing a vocational
14 training program offered by the Department of Corrections. If
15 a defendant fails to complete the educational training
16 required by his or her sentence during the term of
17 incarceration, the Prisoner Review Board shall, as a condition
18 of mandatory supervised release, require the defendant, at his
19 or her own expense, to pursue a course of study toward a high
20 school diploma or passage of high school equivalency testing.
21 The Prisoner Review Board shall revoke the mandatory
22 supervised release of a defendant who wilfully fails to comply
23 with this subsection (j-5) upon his or her release from
24 confinement in a penal institution while serving a mandatory
25 supervised release term; however, the inability of the
26 defendant after making a good faith effort to obtain financial

1 aid or pay for the educational training shall not be deemed a
2 wilful failure to comply. The Prisoner Review Board shall
3 recommit the defendant whose mandatory supervised release term
4 has been revoked under this subsection (j-5) as provided in
5 Section 3-3-9. This subsection (j-5) does not apply to a
6 defendant who has a high school diploma or has successfully
7 passed high school equivalency testing. This subsection (j-5)
8 does not apply to a defendant who is determined by the court to
9 be a person with a developmental disability or otherwise
10 mentally incapable of completing the educational or vocational
11 program.

12 (k) (Blank).

13 (l) (A) Except as provided in paragraph (C) of subsection
14 (l), whenever a defendant, who is an alien as defined by the
15 Immigration and Nationality Act, is convicted of any felony or
16 misdemeanor offense, the court after sentencing the defendant
17 may, upon motion of the State's Attorney, hold sentence in
18 abeyance and remand the defendant to the custody of the
19 Attorney General of the United States or his or her designated
20 agent to be deported when:

21 (1) a final order of deportation has been issued
22 against the defendant pursuant to proceedings under the
23 Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not
25 deprecate the seriousness of the defendant's conduct and
26 would not be inconsistent with the ends of justice.

1 Otherwise, the defendant shall be sentenced as provided in
2 this Chapter V.

3 (B) If the defendant has already been sentenced for a
4 felony or misdemeanor offense, or has been placed on probation
5 under Section 10 of the Cannabis Control Act, Section 410 of
6 the Illinois Controlled Substances Act, or Section 70 of the
7 Methamphetamine Control and Community Protection Act, the
8 court may, upon motion of the State's Attorney to suspend the
9 sentence imposed, commit the defendant to the custody of the
10 Attorney General of the United States or his or her designated
11 agent when:

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 (C) This subsection (1) does not apply to offenders who
19 are subject to the provisions of paragraph (2) of subsection
20 (a) of Section 3-6-3.

21 (D) Upon motion of the State's Attorney, if a defendant
22 sentenced under this Section returns to the jurisdiction of
23 the United States, the defendant shall be recommitted to the
24 custody of the county from which he or she was sentenced.
25 Thereafter, the defendant shall be brought before the
26 sentencing court, which may impose any sentence that was

1 available under Section 5-5-3 at the time of initial
2 sentencing. In addition, the defendant shall not be eligible
3 for additional earned sentence credit as provided under
4 Section 3-6-3.

5 (m) A person convicted of criminal defacement of property
6 under Section 21-1.3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, in which the property damage exceeds
8 \$300 and the property damaged is a school building, shall be
9 ordered to perform community service that may include cleanup,
10 removal, or painting over the defacement.

11 (n) The court may sentence a person convicted of a
12 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
13 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
14 of 1961 or the Criminal Code of 2012 (i) to an impact
15 incarceration program if the person is otherwise eligible for
16 that program under Section 5-8-1.1, (ii) to community service,
17 or (iii) if the person has a substance use disorder, as defined
18 in the Substance Use Disorder Act, to a treatment program
19 licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act, the
22 defendant's driver's license or permit shall be subject to
23 renewal on an annual basis in accordance with the provisions
24 of license renewal established by the Secretary of State.

25 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
26 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term
3 sentencing.

4 (a) The following factors shall be accorded weight in
5 favor of imposing a term of imprisonment or may be considered
6 by the court as reasons to impose a more severe sentence under
7 Section 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency
13 or criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular
16 offense committed or to bring the offenders committing it
17 to justice;

18 (5) the defendant held public office at the time of
19 the offense, and the offense related to the conduct of
20 that office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

1 (8) the defendant committed the offense against a
2 person 60 years of age or older or such person's property;

3 (9) the defendant committed the offense against a
4 person who has a physical disability or such person's
5 property;

6 (10) by reason of another individual's actual or
7 perceived race, color, creed, religion, ancestry, gender,
8 sexual orientation, physical or mental disability, or
9 national origin, the defendant committed the offense
10 against (i) the person or property of that individual;
11 (ii) the person or property of a person who has an
12 association with, is married to, or has a friendship with
13 the other individual; or (iii) the person or property of a
14 relative (by blood or marriage) of a person described in
15 clause (i) or (ii). For the purposes of this Section,
16 "sexual orientation" has the meaning ascribed to it in
17 paragraph (O-1) of Section 1-103 of the Illinois Human
18 Rights Act;

19 (11) the offense took place in a place of worship or on
20 the grounds of a place of worship, immediately prior to,
21 during or immediately following worship services. For
22 purposes of this subparagraph, "place of worship" shall
23 mean any church, synagogue or other building, structure or
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed
26 while he was released on bail or his own recognizance

1 pending trial for a prior felony and was convicted of such
2 prior felony, or the defendant was convicted of a felony
3 committed while he was serving a period of probation,
4 conditional discharge, or mandatory supervised release
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a
7 felony while he was wearing a bulletproof vest. For the
8 purposes of this paragraph (13), a bulletproof vest is any
9 device which is designed for the purpose of protecting the
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or
12 supervision such as, but not limited to, family member as
13 defined in Section 11-0.1 of the Criminal Code of 2012,
14 teacher, scout leader, baby sitter, or day care worker, in
15 relation to a victim under 18 years of age, and the
16 defendant committed an offense in violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
18 11-14.4 except for an offense that involves keeping a
19 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the
24 activities of an organized gang. For the purposes of this
25 factor, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation
3 of one of the following Sections while in a school,
4 regardless of the time of day or time of year; on any
5 conveyance owned, leased, or contracted by a school to
6 transport students to or from school or a school related
7 activity; on the real property of a school; or on a public
8 way within 1,000 feet of the real property comprising any
9 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
11 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
12 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
13 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
14 for subdivision (a) (4) or (g) (1), of the Criminal Code of
15 1961 or the Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 2012;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home.
13 For the purposes of this paragraph (18), "nursing home"
14 means a skilled nursing or intermediate long term care
15 facility that is subject to license by the Illinois
16 Department of Public Health under the Nursing Home Care
17 Act, the Specialized Mental Health Rehabilitation Act of
18 2013, the ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm
20 dealer and was previously convicted of a violation of
21 subsection (a) of Section 3 of the Firearm Owners
22 Identification Card Act before its repeal by this
23 amendatory Act of the 102nd General Assembly and has now
24 committed ~~either a felony violation of the Firearm Owners~~
25 ~~Identification Card Act~~ or an act of armed violence while
26 armed with a firearm;

1 (20) the defendant (i) committed the offense of
2 reckless homicide under Section 9-3 of the Criminal Code
3 of 1961 or the Criminal Code of 2012 or the offense of
4 driving under the influence of alcohol, other drug or
5 drugs, intoxicating compound or compounds or any
6 combination thereof under Section 11-501 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance
8 and (ii) was operating a motor vehicle in excess of 20
9 miles per hour over the posted speed limit as provided in
10 Article VI of Chapter 11 of the Illinois Vehicle Code;

11 (21) the defendant (i) committed the offense of
12 reckless driving or aggravated reckless driving under
13 Section 11-503 of the Illinois Vehicle Code and (ii) was
14 operating a motor vehicle in excess of 20 miles per hour
15 over the posted speed limit as provided in Article VI of
16 Chapter 11 of the Illinois Vehicle Code;

17 (22) the defendant committed the offense against a
18 person that the defendant knew, or reasonably should have
19 known, was a member of the Armed Forces of the United
20 States serving on active duty. For purposes of this clause
21 (22), the term "Armed Forces" means any of the Armed
22 Forces of the United States, including a member of any
23 reserve component thereof or National Guard unit called to
24 active duty;

25 (23) the defendant committed the offense against a
26 person who was elderly or infirm or who was a person with a

1 disability by taking advantage of a family or fiduciary
2 relationship with the elderly or infirm person or person
3 with a disability;

4 (24) the defendant committed any offense under Section
5 11-20.1 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 and possessed 100 or more images;

7 (25) the defendant committed the offense while the
8 defendant or the victim was in a train, bus, or other
9 vehicle used for public transportation;

10 (26) the defendant committed the offense of child
11 pornography or aggravated child pornography, specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 where a child engaged in,
15 solicited for, depicted in, or posed in any act of sexual
16 penetration or bound, fettered, or subject to sadistic,
17 masochistic, or sadomasochistic abuse in a sexual context
18 and specifically including paragraph (1), (2), (3), (4),
19 (5), or (7) of subsection (a) of Section 11-20.1B or
20 Section 11-20.3 of the Criminal Code of 1961 where a child
21 engaged in, solicited for, depicted in, or posed in any
22 act of sexual penetration or bound, fettered, or subject
23 to sadistic, masochistic, or sadomasochistic abuse in a
24 sexual context;

25 (27) the defendant committed the offense of first
26 degree murder, assault, aggravated assault, battery,

1 aggravated battery, robbery, armed robbery, or aggravated
2 robbery against a person who was a veteran and the
3 defendant knew, or reasonably should have known, that the
4 person was a veteran performing duties as a representative
5 of a veterans' organization. For the purposes of this
6 paragraph (27), "veteran" means an Illinois resident who
7 has served as a member of the United States Armed Forces, a
8 member of the Illinois National Guard, or a member of the
9 United States Reserve Forces; and "veterans' organization"
10 means an organization comprised of members of which
11 substantially all are individuals who are veterans or
12 spouses, widows, or widowers of veterans, the primary
13 purpose of which is to promote the welfare of its members
14 and to provide assistance to the general public in such a
15 way as to confer a public benefit;

16 (28) the defendant committed the offense of assault,
17 aggravated assault, battery, aggravated battery, robbery,
18 armed robbery, or aggravated robbery against a person that
19 the defendant knew or reasonably should have known was a
20 letter carrier or postal worker while that person was
21 performing his or her duties delivering mail for the
22 United States Postal Service;

23 (29) the defendant committed the offense of criminal
24 sexual assault, aggravated criminal sexual assault,
25 criminal sexual abuse, or aggravated criminal sexual abuse
26 against a victim with an intellectual disability, and the

1 defendant holds a position of trust, authority, or
2 supervision in relation to the victim;

3 (30) the defendant committed the offense of promoting
4 juvenile prostitution, patronizing a prostitute, or
5 patronizing a minor engaged in prostitution and at the
6 time of the commission of the offense knew that the
7 prostitute or minor engaged in prostitution was in the
8 custody or guardianship of the Department of Children and
9 Family Services;

10 (31) the defendant (i) committed the offense of
11 driving while under the influence of alcohol, other drug
12 or drugs, intoxicating compound or compounds or any
13 combination thereof in violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance and (ii) the defendant during the commission of
16 the offense was driving his or her vehicle upon a roadway
17 designated for one-way traffic in the opposite direction
18 of the direction indicated by official traffic control
19 devices; ~~or~~

20 (32) the defendant committed the offense of reckless
21 homicide while committing a violation of Section 11-907 of
22 the Illinois Vehicle Code; ~~or~~

23 (33) ~~(32)~~ the defendant was found guilty of an
24 administrative infraction related to an act or acts of
25 public indecency or sexual misconduct in the penal
26 institution. In this paragraph (33) ~~(32)~~, "penal

1 institution" has the same meaning as in Section 2-14 of
2 the Criminal Code of 2012; or-

3 (34) ~~(32)~~ the defendant committed the offense of
4 leaving the scene of an accident in violation of
5 subsection (b) of Section 11-401 of the Illinois Vehicle
6 Code and the accident resulted in the death of a person and
7 at the time of the offense, the defendant was: (i) driving
8 under the influence of alcohol, other drug or drugs,
9 intoxicating compound or compounds or any combination
10 thereof as defined by Section 11-501 of the Illinois
11 Vehicle Code; or (ii) operating the motor vehicle while
12 using an electronic communication device as defined in
13 Section 12-610.2 of the Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State
18 certified and licensed day care center as defined in Section
19 2.09 of the Child Care Act of 1969 that displays a sign in
20 plain view stating that the property is a day care center.

21 "Intellectual disability" means significantly subaverage
22 intellectual functioning which exists concurrently with
23 impairment in adaptive behavior.

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general
26 public, and includes paratransit services.

1 "Traffic control devices" means all signs, signals,
2 markings, and devices that conform to the Illinois Manual on
3 Uniform Traffic Control Devices, placed or erected by
4 authority of a public body or official having jurisdiction,
5 for the purpose of regulating, warning, or guiding traffic.

6 (b) The following factors, related to all felonies, may be
7 considered by the court as reasons to impose an extended term
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or
12 greater class felony, when such conviction has occurred
13 within 10 years after the previous conviction, excluding
14 time spent in custody, and such charges are separately
15 brought and tried and arise out of different series of
16 acts; or

17 (2) When a defendant is convicted of any felony and
18 the court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony
22 committed against:

23 (i) a person under 12 years of age at the time of
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time
26 of the offense or such person's property; or

1 (iii) a person who had a physical disability at
2 the time of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and
4 the offense involved any of the following types of
5 specific misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or
8 social group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight
3 attached to it. For purposes of this paragraph, "laser
4 sight" has the meaning ascribed to it in Section 26-7 of
5 the Criminal Code of 2012; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged; or

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense
22 with the intent to disseminate the recording.

23 (c) The following factors may be considered by the court
24 as reasons to impose an extended term sentence under Section
25 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
26 offenses:

1 (1) When a defendant is convicted of first degree
2 murder, after having been previously convicted in Illinois
3 of any offense listed under paragraph (c)(2) of Section
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
5 occurred within 10 years after the previous conviction,
6 excluding time spent in custody, and the charges are
7 separately brought and tried and arise out of different
8 series of acts.

9 (1.5) When a defendant is convicted of first degree
10 murder, after having been previously convicted of domestic
11 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
12 (720 ILCS 5/12-3.3) committed on the same victim or after
13 having been previously convicted of violation of an order
14 of protection (720 ILCS 5/12-30) in which the same victim
15 was the protected person.

16 (2) When a defendant is convicted of voluntary
17 manslaughter, second degree murder, involuntary
18 manslaughter, or reckless homicide in which the defendant
19 has been convicted of causing the death of more than one
20 individual.

21 (3) When a defendant is convicted of aggravated
22 criminal sexual assault or criminal sexual assault, when
23 there is a finding that aggravated criminal sexual assault
24 or criminal sexual assault was also committed on the same
25 victim by one or more other individuals, and the defendant
26 voluntarily participated in the crime with the knowledge

1 of the participation of the others in the crime, and the
2 commission of the crime was part of a single course of
3 conduct during which there was no substantial change in
4 the nature of the criminal objective.

5 (4) If the victim was under 18 years of age at the time
6 of the commission of the offense, when a defendant is
7 convicted of aggravated criminal sexual assault or
8 predatory criminal sexual assault of a child under
9 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
10 of Section 12-14.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

12 (5) When a defendant is convicted of a felony
13 violation of Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
15 finding that the defendant is a member of an organized
16 gang.

17 (6) When a defendant was convicted of unlawful use of
18 weapons under Section 24-1 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
20 a weapon that is not readily distinguishable as one of the
21 weapons enumerated in Section 24-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense
24 involving the illegal manufacture of a controlled
25 substance under Section 401 of the Illinois Controlled
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine
2 Control and Community Protection Act (720 ILCS 646/25), or
3 the illegal possession of explosives and an emergency
4 response officer in the performance of his or her duties
5 is killed or injured at the scene of the offense while
6 responding to the emergency caused by the commission of
7 the offense. In this paragraph, "emergency" means a
8 situation in which a person's life, health, or safety is
9 in jeopardy; and "emergency response officer" means a
10 peace officer, community policing volunteer, fireman,
11 emergency medical technician-ambulance, emergency medical
12 technician-intermediate, emergency medical
13 technician-paramedic, ambulance driver, other medical
14 assistance or first aid personnel, or hospital emergency
15 room personnel.

16 (8) When the defendant is convicted of attempted mob
17 action, solicitation to commit mob action, or conspiracy
18 to commit mob action under Section 8-1, 8-2, or 8-4 of the
19 Criminal Code of 2012, where the criminal object is a
20 violation of Section 25-1 of the Criminal Code of 2012,
21 and an electronic communication is used in the commission
22 of the offense. For the purposes of this paragraph (8),
23 "electronic communication" shall have the meaning provided
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under
3 Article 4.5 of Chapter V upon an offender who has been
4 convicted of a felony violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
7 when the victim of the offense is under 18 years of age at the
8 time of the commission of the offense and, during the
9 commission of the offense, the victim was under the influence
10 of alcohol, regardless of whether or not the alcohol was
11 supplied by the offender; and the offender, at the time of the
12 commission of the offense, knew or should have known that the
13 victim had consumed alcohol.

14 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
15 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

21 (1) not violate any criminal statute of any
22 jurisdiction;

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

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily
4 harm;

5 (4) not leave the State without the consent of the
6 court or, in circumstances in which the reason for the
7 absence is of such an emergency nature that prior consent
8 by the court is not possible, without the prior
9 notification and approval of the person's probation
10 officer. Transfer of a person's probation or conditional
11 discharge supervision to another state is subject to
12 acceptance by the other state pursuant to the Interstate
13 Compact for Adult Offender Supervision;

14 (5) permit the probation officer to visit him at his
15 home or elsewhere to the extent necessary to discharge his
16 duties;

17 (6) perform no less than 30 hours of community service
18 and not more than 120 hours of community service, if
19 community service is available in the jurisdiction and is
20 funded and approved by the county board where the offense
21 was committed, where the offense was related to or in
22 furtherance of the criminal activities of an organized
23 gang and was motivated by the offender's membership in or
24 allegiance to an organized gang. The community service
25 shall include, but not be limited to, the cleanup and
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
2 2012 and similar damage to property located within the
3 municipality or county in which the violation occurred.
4 When possible and reasonable, the community service should
5 be performed in the offender's neighborhood. For purposes
6 of this Section, "organized gang" has the meaning ascribed
7 to it in Section 10 of the Illinois Streetgang Terrorism
8 Omnibus Prevention Act. The court may give credit toward
9 the fulfillment of community service hours for
10 participation in activities and treatment as determined by
11 court services;

12 (7) if he or she is at least 17 years of age and has
13 been sentenced to probation or conditional discharge for a
14 misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and has not been previously convicted of a
16 misdemeanor or felony, may be required by the sentencing
17 court to attend educational courses designed to prepare
18 the defendant for a high school diploma and to work toward
19 a high school diploma or to work toward passing high
20 school equivalency testing or to work toward completing a
21 vocational training program approved by the court. The
22 person on probation or conditional discharge must attend a
23 public institution of education to obtain the educational
24 or vocational training required by this paragraph (7). The
25 court shall revoke the probation or conditional discharge
26 of a person who wilfully fails to comply with this

1 paragraph (7). The person on probation or conditional
2 discharge shall be required to pay for the cost of the
3 educational courses or high school equivalency testing if
4 a fee is charged for those courses or testing. The court
5 shall resentence the offender whose probation or
6 conditional discharge has been revoked as provided in
7 Section 5-6-4. This paragraph (7) does not apply to a
8 person who has a high school diploma or has successfully
9 passed high school equivalency testing. This paragraph (7)
10 does not apply to a person who is determined by the court
11 to be a person with a developmental disability or
12 otherwise mentally incapable of completing the educational
13 or vocational program;

14 (8) if convicted of possession of a substance
15 prohibited by the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act after a previous conviction
18 or disposition of supervision for possession of a
19 substance prohibited by the Cannabis Control Act or
20 Illinois Controlled Substances Act or after a sentence of
21 probation under Section 10 of the Cannabis Control Act,
22 Section 410 of the Illinois Controlled Substances Act, or
23 Section 70 of the Methamphetamine Control and Community
24 Protection Act and upon a finding by the court that the
25 person is addicted, undergo treatment at a substance abuse
26 program approved by the court;

1 (8.5) if convicted of a felony sex offense as defined
2 in the Sex Offender Management Board Act, the person shall
3 undergo and successfully complete sex offender treatment
4 by a treatment provider approved by the Board and
5 conducted in conformance with the standards developed
6 under the Sex Offender Management Board Act;

7 (8.6) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, refrain from residing
9 at the same address or in the same condominium unit or
10 apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has
13 been placed on supervision for a sex offense; the
14 provisions of this paragraph do not apply to a person
15 convicted of a sex offense who is placed in a Department of
16 Corrections licensed transitional housing facility for sex
17 offenders;

18 (8.7) if convicted for an offense committed on or
19 after June 1, 2008 (the effective date of Public Act
20 95-464) that would qualify the accused as a child sex
21 offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 or the Criminal Code of 2012,
23 refrain from communicating with or contacting, by means of
24 the Internet, a person who is not related to the accused
25 and whom the accused reasonably believes to be under 18
26 years of age; for purposes of this paragraph (8.7),

1 "Internet" has the meaning ascribed to it in Section
2 16-0.1 of the Criminal Code of 2012; and a person is not
3 related to the accused if the person is not: (i) the
4 spouse, brother, or sister of the accused; (ii) a
5 descendant of the accused; (iii) a first or second cousin
6 of the accused; or (iv) a step-child or adopted child of
7 the accused;

8 (8.8) if convicted for an offense under Section 11-6,
9 11-9.1, 11-14.4 that involves soliciting for a juvenile
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 or any attempt to commit any of these offenses, committed
13 on or after June 1, 2009 (the effective date of Public Act
14 95-983):

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

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's probation
24 officer, a law enforcement officer, or assigned
25 computer or information technology specialist,
26 including the retrieval and copying of all data from

1 the computer or device and any internal or external
2 peripherals and removal of such information,
3 equipment, or device to conduct a more thorough
4 inspection;

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

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

13 (8.9) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after
15 January 1, 2010 (the effective date of Public Act 96-262),
16 refrain from accessing or using a social networking
17 website as defined in Section 17-0.5 of the Criminal Code
18 of 2012;

19 (9) if convicted of a felony or of any misdemeanor
20 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
21 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
22 2012 that was determined, pursuant to Section 112A-11.1 of
23 the Code of Criminal Procedure of 1963, to trigger the
24 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
25 at a time and place designated by the court, ~~his or her~~
26 ~~Firearm Owner's Identification Card~~ and any and all

1 firearms in his or her possession. ~~The Court shall return~~
2 ~~to the Department of State Police Firearm Owner's~~
3 ~~Identification Card Office the person's Firearm Owner's~~
4 ~~Identification Card;~~

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

16 (11) if convicted of a sex offense as defined in
17 Section 2 of the Sex Offender Registration Act committed
18 on or after January 1, 2010 (the effective date of Public
19 Act 96-362) that requires the person to register as a sex
20 offender under that Act, may not knowingly use any
21 computer scrub software on any computer that the sex
22 offender uses;

23 (12) if convicted of a violation of the
24 Methamphetamine Control and Community Protection Act, the
25 Methamphetamine Precursor Control Act, or a
26 methamphetamine related offense:

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

4 (B) prohibited from purchasing, possessing, or
5 having under his or her control any product containing
6 ammonium nitrate; and

7 (13) if convicted of a hate crime involving the
8 protected class identified in subsection (a) of Section
9 12-7.1 of the Criminal Code of 2012 that gave rise to the
10 offense the offender committed, perform public or
11 community service of no less than 200 hours and enroll in
12 an educational program discouraging hate crimes that
13 includes racial, ethnic, and cultural sensitivity training
14 ordered by the court.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

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

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

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

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

7 (ii) attend school;

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

9 (iv) contribute to his own support at home or in a
10 foster home;

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

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

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be
26 that the offender:

1 (i) remain within the interior premises of the
2 place designated for his confinement during the hours
3 designated by the court;

4 (ii) admit any person or agent designated by the
5 court into the offender's place of confinement at any
6 time for purposes of verifying the offender's
7 compliance with the conditions of his confinement; and

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

12 (iv) for persons convicted of any alcohol,
13 cannabis or controlled substance violation who are
14 placed on an approved monitoring device as a condition
15 of probation or conditional discharge, the court shall
16 impose a reasonable fee for each day of the use of the
17 device, as established by the county board in
18 subsection (g) of this Section, unless after
19 determining the inability of the offender to pay the
20 fee, the court assesses a lesser fee or no fee as the
21 case may be. This fee shall be imposed in addition to
22 the fees imposed under subsections (g) and (i) of this
23 Section. The fee shall be collected by the clerk of the
24 circuit court, except as provided in an administrative
25 order of the Chief Judge of the circuit court. The
26 clerk of the circuit court shall pay all monies

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

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

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

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the defendant to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer who
8 shall use the monies collected to defray the costs of
9 corrections. The county treasurer shall deposit the
10 fee collected in the probation and court services
11 fund. The Chief Judge of the circuit court of the
12 county may by administrative order establish a program
13 for electronic monitoring of offenders, in which a
14 vendor supplies and monitors the operation of the
15 electronic monitoring device, and collects the fees on
16 behalf of the county. The program shall include
17 provisions for indigent offenders and the collection
18 of unpaid fees. The program shall not unduly burden
19 the offender and shall be subject to review by the
20 Chief Judge.

21 The Chief Judge of the circuit court may suspend
22 any additional charges or fees for late payment,
23 interest, or damage to any device.

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986, as now or hereafter

1 amended, or an order of protection issued by the court of
2 another state, tribe, or United States territory. A copy
3 of the order of protection shall be transmitted to the
4 probation officer or agency having responsibility for the
5 case;

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

12 (13) contribute a reasonable sum of money, not to
13 exceed the maximum amount of the fine authorized for the
14 offense for which the defendant was sentenced, (i) to a
15 "local anti-crime program", as defined in Section 7 of the
16 Anti-Crime Advisory Council Act, or (ii) for offenses
17 under the jurisdiction of the Department of Natural
18 Resources, to the fund established by the Department of
19 Natural Resources for the purchase of evidence for
20 investigation purposes and to conduct investigations as
21 outlined in Section 805-105 of the Department of Natural
22 Resources (Conservation) Law;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer, if the defendant has been placed on
3 probation or advance approval by the court, if the
4 defendant was placed on conditional discharge;

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

9 (16) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or
12 the Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of
14 his or her blood or urine or both for tests to determine
15 the presence of any illicit drug;

16 (17) if convicted for an offense committed on or after
17 June 1, 2008 (the effective date of Public Act 95-464)
18 that would qualify the accused as a child sex offender as
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, refrain from
21 communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (17), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

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

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer; and

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

11 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's license
15 during the period of probation or conditional discharge. If
16 such person is in possession of a permit or license, the court
17 may require that the minor refrain from driving or operating
18 any motor vehicle during the period of probation or
19 conditional discharge, except as may be necessary in the
20 course of the minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of the
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional
2 discharge that the offender be committed to a period of
3 imprisonment in excess of 6 months. This 6-month limit shall
4 not include periods of confinement given pursuant to a
5 sentence of county impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes
15 mandatory drug or alcohol testing, or both, or is assigned to
16 be placed on an approved electronic monitoring device, shall
17 be ordered to pay all costs incidental to such mandatory drug
18 or alcohol testing, or both, and all costs incidental to such
19 approved electronic monitoring in accordance with the
20 defendant's ability to pay those costs. The county board with
21 the concurrence of the Chief Judge of the judicial circuit in
22 which the county is located shall establish reasonable fees
23 for the cost of maintenance, testing, and incidental expenses
24 related to the mandatory drug or alcohol testing, or both, and
25 all costs incidental to approved electronic monitoring,
26 involved in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an
2 administrative order. The fees shall be collected by the clerk
3 of the circuit court, except as provided in an administrative
4 order of the Chief Judge of the circuit court. The clerk of the
5 circuit court shall pay all moneys collected from these fees
6 to the county treasurer who shall use the moneys collected to
7 defray the costs of drug testing, alcohol testing, and
8 electronic monitoring. The county treasurer shall deposit the
9 fees collected in the county working cash fund under Section
10 6-27001 or Section 6-29002 of the Counties Code, as the case
11 may be. The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders, in which a vendor supplies and
14 monitors the operation of the electronic monitoring device,
15 and collects the fees on behalf of the county. The program
16 shall include provisions for indigent offenders and the
17 collection of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any
20 additional charges or fees for late payment, interest, or
21 damage to any device.

22 (h) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers
25 of jurisdiction are also authorized in the same manner. The
26 court to which jurisdiction has been transferred shall have

1 the same powers as the sentencing court. The probation
2 department within the circuit to which jurisdiction has been
3 transferred, or which has agreed to provide supervision, may
4 impose probation fees upon receiving the transferred offender,
5 as provided in subsection (i). For all transfer cases, as
6 defined in Section 9b of the Probation and Probation Officers
7 Act, the probation department from the original sentencing
8 court shall retain all probation fees collected prior to the
9 transfer. After the transfer, all probation fees shall be paid
10 to the probation department within the circuit to which
11 jurisdiction has been transferred.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee
18 of \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is placed
24 in the guardianship or custody of the Department of Children
25 and Family Services under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and
2 court services department. The fee shall be collected by the
3 clerk of the circuit court. The clerk of the circuit court
4 shall pay all monies collected from this fee to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers
7 Act.

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

15 The Court may only waive probation fees based on an
16 offender's ability to pay. The probation department may
17 re-evaluate an offender's ability to pay every 6 months, and,
18 with the approval of the Director of Court Services or the
19 Chief Probation Officer, adjust the monthly fee amount. An
20 offender may elect to pay probation fees due in a lump sum. Any
21 offender that has been assigned to the supervision of a
22 probation department, or has been transferred either under
23 subsection (h) of this Section or under any interstate
24 compact, shall be required to pay probation fees to the
25 department supervising the offender, based on the offender's
26 ability to pay.

1 Public Act 93-970 deletes the \$10 increase in the fee
2 under this subsection that was imposed by Public Act 93-616.
3 This deletion is intended to control over any other Act of the
4 93rd General Assembly that retains or incorporates that fee
5 increase.

6 (i-5) In addition to the fees imposed under subsection (i)
7 of this Section, in the case of an offender convicted of a
8 felony sex offense (as defined in the Sex Offender Management
9 Board Act) or an offense that the court or probation
10 department has determined to be sexually motivated (as defined
11 in the Sex Offender Management Board Act), the court or the
12 probation department shall assess additional fees to pay for
13 all costs of treatment, assessment, evaluation for risk and
14 treatment, and monitoring the offender, based on that
15 offender's ability to pay those costs either as they occur or
16 under a payment plan.

17 (j) All fines and costs imposed under this Section for any
18 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
19 Code, or a similar provision of a local ordinance, and any
20 violation of the Child Passenger Protection Act, or a similar
21 provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under the Criminal
23 and Traffic Assessment Act.

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

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

11 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
12 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
13 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

14 Section 95. The Stalking No Contact Order Act is amended
15 by changing Section 80 as follows:

16 (740 ILCS 21/80)

17 Sec. 80. Stalking no contact orders; remedies.

18 (a) If the court finds that the petitioner has been a
19 victim of stalking, a stalking no contact order shall issue;
20 provided that the petitioner must also satisfy the
21 requirements of Section 95 on emergency orders or Section 100
22 on plenary orders. The petitioner shall not be denied a
23 stalking no contact order because the petitioner or the
24 respondent is a minor. The court, when determining whether or

1 not to issue a stalking no contact order, may not require
2 physical injury on the person of the petitioner. Modification
3 and extension of prior stalking no contact orders shall be in
4 accordance with this Act.

5 (b) A stalking no contact order shall order one or more of
6 the following:

7 (1) prohibit the respondent from threatening to commit
8 or committing stalking;

9 (2) order the respondent not to have any contact with
10 the petitioner or a third person specifically named by the
11 court;

12 (3) prohibit the respondent from knowingly coming
13 within, or knowingly remaining within a specified distance
14 of the petitioner or the petitioner's residence, school,
15 daycare, or place of employment, or any specified place
16 frequented by the petitioner; however, the court may order
17 the respondent to stay away from the respondent's own
18 residence, school, or place of employment only if the
19 respondent has been provided actual notice of the
20 opportunity to appear and be heard on the petition;

21 (4) prohibit the respondent from ~~possessing a Firearm~~
22 ~~Owners Identification Card, or~~ possessing or buying
23 firearms; and

24 (5) order other injunctive relief the court determines
25 to be necessary to protect the petitioner or third party
26 specifically named by the court.

1 (b-5) When the petitioner and the respondent attend the
2 same public, private, or non-public elementary, middle, or
3 high school, the court when issuing a stalking no contact
4 order and providing relief shall consider the severity of the
5 act, any continuing physical danger or emotional distress to
6 the petitioner, the educational rights guaranteed to the
7 petitioner and respondent under federal and State law, the
8 availability of a transfer of the respondent to another
9 school, a change of placement or a change of program of the
10 respondent, the expense, difficulty, and educational
11 disruption that would be caused by a transfer of the
12 respondent to another school, and any other relevant facts of
13 the case. The court may order that the respondent not attend
14 the public, private, or non-public elementary, middle, or high
15 school attended by the petitioner, order that the respondent
16 accept a change of placement or program, as determined by the
17 school district or private or non-public school, or place
18 restrictions on the respondent's movements within the school
19 attended by the petitioner. The respondent bears the burden of
20 proving by a preponderance of the evidence that a transfer,
21 change of placement, or change of program of the respondent is
22 not available. The respondent also bears the burden of
23 production with respect to the expense, difficulty, and
24 educational disruption that would be caused by a transfer of
25 the respondent to another school. A transfer, change of
26 placement, or change of program is not unavailable to the

1 respondent solely on the ground that the respondent does not
2 agree with the school district's or private or non-public
3 school's transfer, change of placement, or change of program
4 or solely on the ground that the respondent fails or refuses to
5 consent to or otherwise does not take an action required to
6 effectuate a transfer, change of placement, or change of
7 program. When a court orders a respondent to stay away from the
8 public, private, or non-public school attended by the
9 petitioner and the respondent requests a transfer to another
10 attendance center within the respondent's school district or
11 private or non-public school, the school district or private
12 or non-public school shall have sole discretion to determine
13 the attendance center to which the respondent is transferred.
14 In the event the court order results in a transfer of the minor
15 respondent to another attendance center, a change in the
16 respondent's placement, or a change of the respondent's
17 program, the parents, guardian, or legal custodian of the
18 respondent is responsible for transportation and other costs
19 associated with the transfer or change.

20 (b-6) The court may order the parents, guardian, or legal
21 custodian of a minor respondent to take certain actions or to
22 refrain from taking certain actions to ensure that the
23 respondent complies with the order. In the event the court
24 orders a transfer of the respondent to another school, the
25 parents, guardian, or legal custodian of the respondent are
26 responsible for transportation and other costs associated with

1 the change of school by the respondent.

2 (b-7) The court shall not hold a school district or
3 private or non-public school or any of its employees in civil
4 or criminal contempt unless the school district or private or
5 non-public school has been allowed to intervene.

6 (b-8) The court may hold the parents, guardian, or legal
7 custodian of a minor respondent in civil or criminal contempt
8 for a violation of any provision of any order entered under
9 this Act for conduct of the minor respondent in violation of
10 this Act if the parents, guardian, or legal custodian
11 directed, encouraged, or assisted the respondent minor in such
12 conduct.

13 (c) The court may award the petitioner costs and attorneys
14 fees if a stalking no contact order is granted.

15 (d) Monetary damages are not recoverable as a remedy.

16 (e) If the stalking no contact order prohibits the
17 respondent from ~~possessing a Firearm Owner's Identification~~
18 ~~Card, or~~ possessing or buying firearms; the court shall
19 confiscate the respondent's firearms ~~Firearm Owner's~~
20 ~~Identification Card and immediately return the card to the~~
21 ~~Department of State Police Firearm Owner's Identification Card~~
22 ~~Office.~~

23 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
24 97-1131, eff. 1-1-13.)

25 Section 100. The Mental Health and Developmental

1 Disabilities Confidentiality Act is amended by changing
2 Section 12 as follows:

3 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

4 Sec. 12. (a) If the United States Secret Service or the
5 Department of State Police requests information from a mental
6 health or developmental disability facility, as defined in
7 Section 1-107 and 1-114 of the Mental Health and Developmental
8 Disabilities Code, relating to a specific recipient and the
9 facility director determines that disclosure of such
10 information may be necessary to protect the life of, or to
11 prevent the infliction of great bodily harm to, a public
12 official, or a person under the protection of the United
13 States Secret Service, only the following information may be
14 disclosed: the recipient's name, address, and age and the date
15 of any admission to or discharge from a facility; and any
16 information which would indicate whether or not the recipient
17 has a history of violence or presents a danger of violence to
18 the person under protection. Any information so disclosed
19 shall be used for investigative purposes only and shall not be
20 publicly disseminated. Any person participating in good faith
21 in the disclosure of such information in accordance with this
22 provision shall have immunity from any liability, civil,
23 criminal or otherwise, if such information is disclosed
24 relying upon the representation of an officer of the United
25 States Secret Service or the Department of State Police that a

1 person is under the protection of the United States Secret
2 Service or is a public official.

3 For the purpose of this subsection (a), the term "public
4 official" means the Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, State Comptroller, State
6 Treasurer, member of the General Assembly, member of the
7 United States Congress, Judge of the United States as defined
8 in 28 U.S.C. 451, Justice of the United States as defined in 28
9 U.S.C. 451, United States Magistrate Judge as defined in 28
10 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
11 Supreme, Appellate, Circuit, or Associate Judge of the State
12 of Illinois. The term shall also include the spouse, child or
13 children of a public official.

14 (b) The Department of Human Services (acting as successor
15 to the Department of Mental Health and Developmental
16 Disabilities) and all public or private hospitals and mental
17 health facilities are required, as hereafter described in this
18 subsection, to furnish the Department of State Police only
19 such information as may be required for the sole purpose of
20 determining whether an individual who may be or may have been a
21 patient is disqualified because of that status from receiving
22 or retaining a firearm under paragraph (4) of subsection (a)
23 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
24 ~~Identification Card or falls within the federal prohibitors~~
25 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
26 ~~of the Firearm Owners Identification Card Act, or falls within~~

1 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
2 physicians, clinical psychologists, or qualified examiners at
3 public or private mental health facilities or parts thereof as
4 defined in this subsection shall, in the form and manner
5 required by the Department, provide notice directly to the
6 Department of Human Services, or to his or her employer who
7 shall then report to the Department, within 24 hours after
8 determining that a person poses a clear and present danger to
9 himself, herself, or others, or within 7 days after a person 14
10 years or older is determined to be a person with a
11 developmental disability by a physician, clinical
12 psychologist, or qualified examiner as described in this
13 subsection (b) Section 1.1 of the Firearm Owners
14 Identification Card Act. If a person is a patient as described
15 in clause (2) (A) (1) of the definition of "patient" in (2) (A)
16 Section 1.1 of the Firearm Owners Identification Card Act,
17 this information shall be furnished within 7 days after
18 admission to a public or private hospital or mental health
19 facility or the provision of services. Any such information
20 disclosed under this subsection shall remain privileged and
21 confidential, and shall not be redisclosed, except as required
22 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012
23 subsection (c) of Section 3.1 of the Firearm Owners
24 Identification Card Act, nor utilized for any other purpose.
25 The method of requiring the providing of such information
26 shall guarantee that no information is released beyond what is

1 necessary for this purpose. In addition, the information
2 disclosed shall be provided by the Department within the time
3 period established by Section 24-3 of the Criminal Code of
4 2012 regarding the delivery of firearms. The method used shall
5 be sufficient to provide the necessary information within the
6 prescribed time period, which may include periodically
7 providing lists to the Department of Human Services or any
8 public or private hospital or mental health facility of
9 ~~Firearm Owner's Identification Card~~ applicants for firearm
10 purchases on which the Department or hospital shall indicate
11 the identities of those individuals who are to its knowledge
12 disqualified from having a firearm ~~Firearm Owner's~~
13 ~~Identification Card~~ for reasons described herein. The
14 Department may provide for a centralized source of information
15 for the State on this subject under its jurisdiction. The
16 identity of the person reporting under this subsection shall
17 not be disclosed to the subject of the report. For the purposes
18 of this subsection, the physician, clinical psychologist, or
19 qualified examiner making the determination and his or her
20 employer shall not be held criminally, civilly, or
21 professionally liable for making or not making the
22 notification required under this subsection, except for
23 willful or wanton misconduct.

24 Any person, institution, or agency, under this Act,
25 participating in good faith in the reporting or disclosure of
26 records and communications otherwise in accordance with this

1 provision or with rules, regulations or guidelines issued by
2 the Department shall have immunity from any liability, civil,
3 criminal or otherwise, that might result by reason of the
4 action. For the purpose of any proceeding, civil or criminal,
5 arising out of a report or disclosure in accordance with this
6 provision, the good faith of any person, institution, or
7 agency so reporting or disclosing shall be presumed. The full
8 extent of the immunity provided in this subsection (b) shall
9 apply to any person, institution or agency that fails to make a
10 report or disclosure in the good faith belief that the report
11 or disclosure would violate federal regulations governing the
12 confidentiality of alcohol and drug abuse patient records
13 implementing 42 U.S.C. 290dd-3 and 290ee-3.

14 For purposes of this subsection (b) only, the following
15 terms shall have the meaning prescribed:

16 (1) (Blank).

17 (1.3) "Clear and present danger" has the meaning as
18 defined in Section 6-103.3 of the Mental Health and
19 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
20 ~~Identification Card Act.~~

21 (1.5) "Person with a developmental disability" has the
22 meaning as defined in Section 6-103.3 of the Mental Health
23 and Developmental Disabilities Code ~~1.1 of the Firearm~~
24 ~~Owners Identification Card Act.~~

25 (2) "Patient" means (A) a person who voluntarily
26 receives mental health treatment as an in-patient or

1 resident of any public or private mental health facility,
2 unless the treatment was solely for an alcohol abuse
3 disorder and no other secondary substance abuse disorder
4 or mental illness; or (B) a person who voluntarily
5 receives mental health treatment as an out-patient or is
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 ~~has the meaning as defined~~
9 ~~in Section 1.1 of the Firearm Owners Identification Card~~
10 ~~Act.~~

11 (3) "Mental health facility" means any licensed
12 private hospital or hospital affiliate, institution, or
13 facility, or part thereof, and any facility, or part
14 thereof, operated by the State or a political subdivision
15 thereof which provide treatment of persons with mental
16 illness and includes all hospitals, institutions, clinics,
17 evaluation facilities, mental health centers, colleges,
18 universities, long-term care facilities, and nursing
19 homes, or parts thereof, which provide treatment of
20 persons with mental illness whether or not the primary
21 purpose is to provide treatment of persons with mental
22 illness ~~has the meaning as defined in Section 1.1 of the~~
23 ~~Firearm Owners Identification Card Act.~~

24 (c) Upon the request of a peace officer who takes a person
25 into custody and transports such person to a mental health or
26 developmental disability facility pursuant to Section 3-606 or

1 4-404 of the Mental Health and Developmental Disabilities Code
2 or who transports a person from such facility, a facility
3 director shall furnish said peace officer the name, address,
4 age and name of the nearest relative of the person transported
5 to or from the mental health or developmental disability
6 facility. In no case shall the facility director disclose to
7 the peace officer any information relating to the diagnosis,
8 treatment or evaluation of the person's mental or physical
9 health.

10 For the purposes of this subsection (c), the terms "mental
11 health or developmental disability facility", "peace officer"
12 and "facility director" shall have the meanings ascribed to
13 them in the Mental Health and Developmental Disabilities Code.

14 (d) Upon the request of a peace officer or prosecuting
15 authority who is conducting a bona fide investigation of a
16 criminal offense, or attempting to apprehend a fugitive from
17 justice, a facility director may disclose whether a person is
18 present at the facility. Upon request of a peace officer or
19 prosecuting authority who has a valid forcible felony warrant
20 issued, a facility director shall disclose: (1) whether the
21 person who is the subject of the warrant is present at the
22 facility and (2) the date of that person's discharge or future
23 discharge from the facility. The requesting peace officer or
24 prosecuting authority must furnish a case number and the
25 purpose of the investigation or an outstanding arrest warrant
26 at the time of the request. Any person, institution, or agency

1 participating in good faith in disclosing such information in
2 accordance with this subsection (d) is immune from any
3 liability, civil, criminal or otherwise, that might result by
4 reason of the action.

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

7 Section 105. The Illinois Domestic Violence Act of 1986 is
8 amended by changing Section 214 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner
12 has been abused by a family or household member or that
13 petitioner is a high-risk adult who has been abused,
14 neglected, or exploited, as defined in this Act, an order of
15 protection prohibiting the abuse, neglect, or exploitation
16 shall issue; provided that petitioner must also satisfy the
17 requirements of one of the following Sections, as appropriate:
18 Section 217 on emergency orders, Section 218 on interim
19 orders, or Section 219 on plenary orders. Petitioner shall not
20 be denied an order of protection because petitioner or
21 respondent is a minor. The court, when determining whether or
22 not to issue an order of protection, shall not require
23 physical manifestations of abuse on the person of the victim.
24 Modification and extension of prior orders of protection shall

1 be in accordance with this Act.

2 (b) Remedies and standards. The remedies to be included in
3 an order of protection shall be determined in accordance with
4 this Section and one of the following Sections, as
5 appropriate: Section 217 on emergency orders, Section 218 on
6 interim orders, and Section 219 on plenary orders. The
7 remedies listed in this subsection shall be in addition to
8 other civil or criminal remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.
10 Prohibit respondent's harassment, interference with
11 personal liberty, intimidation of a dependent, physical
12 abuse, or willful deprivation, neglect or exploitation, as
13 defined in this Act, or stalking of the petitioner, as
14 defined in Section 12-7.3 of the Criminal Code of 2012, if
15 such abuse, neglect, exploitation, or stalking has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence, household, or premises of the petitioner,
21 including one owned or leased by respondent, if petitioner
22 has a right to occupancy thereof. The grant of exclusive
23 possession of the residence, household, or premises shall
24 not affect title to real property, nor shall the court be
25 limited by the standard set forth in subsection (c-2) of
26 Section 501 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (A) Right to occupancy. A party has a right to
3 occupancy of a residence or household if it is solely
4 or jointly owned or leased by that party, that party's
5 spouse, a person with a legal duty to support that
6 party or a minor child in that party's care, or by any
7 person or entity other than the opposing party that
8 authorizes that party's occupancy (e.g., a domestic
9 violence shelter). Standards set forth in subparagraph
10 (B) shall not preclude equitable relief.

11 (B) Presumption of hardships. If petitioner and
12 respondent each has the right to occupancy of a
13 residence or household, the court shall balance (i)
14 the hardships to respondent and any minor child or
15 dependent adult in respondent's care resulting from
16 entry of this remedy with (ii) the hardships to
17 petitioner and any minor child or dependent adult in
18 petitioner's care resulting from continued exposure to
19 the risk of abuse (should petitioner remain at the
20 residence or household) or from loss of possession of
21 the residence or household (should petitioner leave to
22 avoid the risk of abuse). When determining the balance
23 of hardships, the court shall also take into account
24 the accessibility of the residence or household.
25 Hardships need not be balanced if respondent does not
26 have a right to occupancy.

1 The balance of hardships is presumed to favor
2 possession by petitioner unless the presumption is
3 rebutted by a preponderance of the evidence, showing
4 that the hardships to respondent substantially
5 outweigh the hardships to petitioner and any minor
6 child or dependent adult in petitioner's care. The
7 court, on the request of petitioner or on its own
8 motion, may order respondent to provide suitable,
9 accessible, alternate housing for petitioner instead
10 of excluding respondent from a mutual residence or
11 household.

12 (3) Stay away order and additional prohibitions. Order
13 respondent to stay away from petitioner or any other
14 person protected by the order of protection, or prohibit
15 respondent from entering or remaining present at
16 petitioner's school, place of employment, or other
17 specified places at times when petitioner is present, or
18 both, if reasonable, given the balance of hardships.
19 Hardships need not be balanced for the court to enter a
20 stay away order or prohibit entry if respondent has no
21 right to enter the premises.

22 (A) If an order of protection grants petitioner
23 exclusive possession of the residence, or prohibits
24 respondent from entering the residence, or orders
25 respondent to stay away from petitioner or other
26 protected persons, then the court may allow respondent

1 access to the residence to remove items of clothing
2 and personal adornment used exclusively by respondent,
3 medications, and other items as the court directs. The
4 right to access shall be exercised on only one
5 occasion as the court directs and in the presence of an
6 agreed-upon adult third party or law enforcement
7 officer.

8 (B) When the petitioner and the respondent attend
9 the same public, private, or non-public elementary,
10 middle, or high school, the court when issuing an
11 order of protection and providing relief shall
12 consider the severity of the act, any continuing
13 physical danger or emotional distress to the
14 petitioner, the educational rights guaranteed to the
15 petitioner and respondent under federal and State law,
16 the availability of a transfer of the respondent to
17 another school, a change of placement or a change of
18 program of the respondent, the expense, difficulty,
19 and educational disruption that would be caused by a
20 transfer of the respondent to another school, and any
21 other relevant facts of the case. The court may order
22 that the respondent not attend the public, private, or
23 non-public elementary, middle, or high school attended
24 by the petitioner, order that the respondent accept a
25 change of placement or change of program, as
26 determined by the school district or private or

1 non-public school, or place restrictions on the
2 respondent's movements within the school attended by
3 the petitioner. The respondent bears the burden of
4 proving by a preponderance of the evidence that a
5 transfer, change of placement, or change of program of
6 the respondent is not available. The respondent also
7 bears the burden of production with respect to the
8 expense, difficulty, and educational disruption that
9 would be caused by a transfer of the respondent to
10 another school. A transfer, change of placement, or
11 change of program is not unavailable to the respondent
12 solely on the ground that the respondent does not
13 agree with the school district's or private or
14 non-public school's transfer, change of placement, or
15 change of program or solely on the ground that the
16 respondent fails or refuses to consent or otherwise
17 does not take an action required to effectuate a
18 transfer, change of placement, or change of program.
19 When a court orders a respondent to stay away from the
20 public, private, or non-public school attended by the
21 petitioner and the respondent requests a transfer to
22 another attendance center within the respondent's
23 school district or private or non-public school, the
24 school district or private or non-public school shall
25 have sole discretion to determine the attendance
26 center to which the respondent is transferred. In the

1 event the court order results in a transfer of the
2 minor respondent to another attendance center, a
3 change in the respondent's placement, or a change of
4 the respondent's program, the parents, guardian, or
5 legal custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 transfer or change.

8 (C) The court may order the parents, guardian, or
9 legal custodian of a minor respondent to take certain
10 actions or to refrain from taking certain actions to
11 ensure that the respondent complies with the order. In
12 the event the court orders a transfer of the
13 respondent to another school, the parents, guardian,
14 or legal custodian of the respondent is responsible
15 for transportation and other costs associated with the
16 change of school by the respondent.

17 (4) Counseling. Require or recommend the respondent to
18 undergo counseling for a specified duration with a social
19 worker, psychologist, clinical psychologist,
20 psychiatrist, family service agency, alcohol or substance
21 abuse program, mental health center guidance counselor,
22 agency providing services to elders, program designed for
23 domestic violence abusers or any other guidance service
24 the court deems appropriate. The Court may order the
25 respondent in any intimate partner relationship to report
26 to an Illinois Department of Human Services protocol

1 approved partner abuse intervention program for an
2 assessment and to follow all recommended treatment.

3 (5) Physical care and possession of the minor child.
4 In order to protect the minor child from abuse, neglect,
5 or unwarranted separation from the person who has been the
6 minor child's primary caretaker, or to otherwise protect
7 the well-being of the minor child, the court may do either
8 or both of the following: (i) grant petitioner physical
9 care or possession of the minor child, or both, or (ii)
10 order respondent to return a minor child to, or not remove
11 a minor child from, the physical care of a parent or person
12 in loco parentis.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 103) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding physical care to respondent would not be in the
17 minor child's best interest.

18 (6) Temporary allocation of parental responsibilities:
19 significant decision-making. Award temporary
20 decision-making responsibility to petitioner in accordance
21 with this Section, the Illinois Marriage and Dissolution
22 of Marriage Act, the Illinois Parentage Act of 2015, and
23 this State's Uniform Child-Custody Jurisdiction and
24 Enforcement Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding temporary significant decision-making
3 responsibility to respondent would not be in the child's
4 best interest.

5 (7) Parenting time. Determine the parenting time, if
6 any, of respondent in any case in which the court awards
7 physical care or allocates temporary significant
8 decision-making responsibility of a minor child to
9 petitioner. The court shall restrict or deny respondent's
10 parenting time with a minor child if the court finds that
11 respondent has done or is likely to do any of the
12 following: (i) abuse or endanger the minor child during
13 parenting time; (ii) use the parenting time as an
14 opportunity to abuse or harass petitioner or petitioner's
15 family or household members; (iii) improperly conceal or
16 detain the minor child; or (iv) otherwise act in a manner
17 that is not in the best interests of the minor child. The
18 court shall not be limited by the standards set forth in
19 Section 603.10 of the Illinois Marriage and Dissolution of
20 Marriage Act. If the court grants parenting time, the
21 order shall specify dates and times for the parenting time
22 to take place or other specific parameters or conditions
23 that are appropriate. No order for parenting time shall
24 refer merely to the term "reasonable parenting time".

25 Petitioner may deny respondent access to the minor
26 child if, when respondent arrives for parenting time,

1 respondent is under the influence of drugs or alcohol and
2 constitutes a threat to the safety and well-being of
3 petitioner or petitioner's minor children or is behaving
4 in a violent or abusive manner.

5 If necessary to protect any member of petitioner's
6 family or household from future abuse, respondent shall be
7 prohibited from coming to petitioner's residence to meet
8 the minor child for parenting time, and the parties shall
9 submit to the court their recommendations for reasonable
10 alternative arrangements for parenting time. A person may
11 be approved to supervise parenting time only after filing
12 an affidavit accepting that responsibility and
13 acknowledging accountability to the court.

14 (8) Removal or concealment of minor child. Prohibit
15 respondent from removing a minor child from the State or
16 concealing the child within the State.

17 (9) Order to appear. Order the respondent to appear in
18 court, alone or with a minor child, to prevent abuse,
19 neglect, removal or concealment of the child, to return
20 the child to the custody or care of the petitioner or to
21 permit any court-ordered interview or examination of the
22 child or the respondent.

23 (10) Possession of personal property. Grant petitioner
24 exclusive possession of personal property and, if
25 respondent has possession or control, direct respondent to
26 promptly make it available to petitioner, if:

1 (i) petitioner, but not respondent, owns the
2 property; or

3 (ii) the parties own the property jointly; sharing
4 it would risk abuse of petitioner by respondent or is
5 impracticable; and the balance of hardships favors
6 temporary possession by petitioner.

7 If petitioner's sole claim to ownership of the
8 property is that it is marital property, the court may
9 award petitioner temporary possession thereof under the
10 standards of subparagraph (ii) of this paragraph only if a
11 proper proceeding has been filed under the Illinois
12 Marriage and Dissolution of Marriage Act, as now or
13 hereafter amended.

14 No order under this provision shall affect title to
15 property.

16 (11) Protection of property. Forbid the respondent
17 from taking, transferring, encumbering, concealing,
18 damaging or otherwise disposing of any real or personal
19 property, except as explicitly authorized by the court,
20 if:

21 (i) petitioner, but not respondent, owns the
22 property; or

23 (ii) the parties own the property jointly, and the
24 balance of hardships favors granting this remedy.

25 If petitioner's sole claim to ownership of the
26 property is that it is marital property, the court may

1 grant petitioner relief under subparagraph (ii) of this
2 paragraph only if a proper proceeding has been filed under
3 the Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended.

5 The court may further prohibit respondent from
6 improperly using the financial or other resources of an
7 aged member of the family or household for the profit or
8 advantage of respondent or of any other person.

9 (11.5) Protection of animals. Grant the petitioner the
10 exclusive care, custody, or control of any animal owned,
11 possessed, leased, kept, or held by either the petitioner
12 or the respondent or a minor child residing in the
13 residence or household of either the petitioner or the
14 respondent and order the respondent to stay away from the
15 animal and forbid the respondent from taking,
16 transferring, encumbering, concealing, harming, or
17 otherwise disposing of the animal.

18 (12) Order for payment of support. Order respondent to
19 pay temporary support for the petitioner or any child in
20 the petitioner's care or over whom the petitioner has been
21 allocated parental responsibility, when the respondent has
22 a legal obligation to support that person, in accordance
23 with the Illinois Marriage and Dissolution of Marriage
24 Act, which shall govern, among other matters, the amount
25 of support, payment through the clerk and withholding of
26 income to secure payment. An order for child support may

1 be granted to a petitioner with lawful physical care of a
2 child, or an order or agreement for physical care of a
3 child, prior to entry of an order allocating significant
4 decision-making responsibility. Such a support order shall
5 expire upon entry of a valid order allocating parental
6 responsibility differently and vacating the petitioner's
7 significant decision-making authority, unless otherwise
8 provided in the order.

9 (13) Order for payment of losses. Order respondent to
10 pay petitioner for losses suffered as a direct result of
11 the abuse, neglect, or exploitation. Such losses shall
12 include, but not be limited to, medical expenses, lost
13 earnings or other support, repair or replacement of
14 property damaged or taken, reasonable attorney's fees,
15 court costs and moving or other travel expenses, including
16 additional reasonable expenses for temporary shelter and
17 restaurant meals.

18 (i) Losses affecting family needs. If a party is
19 entitled to seek maintenance, child support or
20 property distribution from the other party under the
21 Illinois Marriage and Dissolution of Marriage Act, as
22 now or hereafter amended, the court may order
23 respondent to reimburse petitioner's actual losses, to
24 the extent that such reimbursement would be
25 "appropriate temporary relief", as authorized by
26 subsection (a) (3) of Section 501 of that Act.

1 (ii) Recovery of expenses. In the case of an
2 improper concealment or removal of a minor child, the
3 court may order respondent to pay the reasonable
4 expenses incurred or to be incurred in the search for
5 and recovery of the minor child, including but not
6 limited to legal fees, court costs, private
7 investigator fees, and travel costs.

8 (14) Prohibition of entry. Prohibit the respondent
9 from entering or remaining in the residence or household
10 while the respondent is under the influence of alcohol or
11 drugs and constitutes a threat to the safety and
12 well-being of the petitioner or the petitioner's children.

13 (14.5) Prohibition of firearm possession.

14 (a) Prohibit a respondent against whom an order of
15 protection was issued from possessing any firearms
16 during the duration of the order if the order:

17 (1) was issued after a hearing of which such
18 person received actual notice, and at which such
19 person had an opportunity to participate;

20 (2) restrains such person from harassing,
21 stalking, or threatening an intimate partner of
22 such person or child of such intimate partner or
23 person, or engaging in other conduct that would
24 place an intimate partner in reasonable fear of
25 bodily injury to the partner or child; and

26 (3)(i) includes a finding that such person

1 represents a credible threat to the physical
2 safety of such intimate partner or child; or (ii)
3 by its terms explicitly prohibits the use,
4 attempted use, or threatened use of physical force
5 against such intimate partner or child that would
6 reasonably be expected to cause bodily injury.

7 ~~Any Firearm Owner's Identification Card in the~~
8 ~~possession of the respondent, except as provided in~~
9 ~~subsection (b), shall be ordered by the court to be~~
10 ~~turned over to the local law enforcement agency. The~~
11 ~~local law enforcement agency shall immediately mail~~
12 ~~the card to the Department of State Police Firearm~~
13 ~~Owner's Identification Card Office for safekeeping.~~
14 The court shall issue a warrant for seizure of any
15 firearm in the possession of the respondent, to be
16 kept by the local law enforcement agency for
17 safekeeping, except as provided in subsection (b). The
18 period of safekeeping shall be for the duration of the
19 order of protection. The firearm or firearms ~~and~~
20 ~~Firearm Owner's Identification Card, if unexpired,~~
21 shall at the respondent's request, be returned to the
22 respondent at the end of the order of protection. It is
23 the respondent's responsibility to notify the
24 Department of State Police ~~Firearm Owner's~~
25 ~~Identification Card Office.~~

26 (b) If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of 2012,
2 the court shall order that any firearms used by the
3 respondent in the performance of his or her duties as a
4 peace officer be surrendered to the chief law
5 enforcement executive of the agency in which the
6 respondent is employed, who shall retain the firearms
7 for safekeeping for the duration of the order of
8 protection.

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

23 (15) Prohibition of access to records. If an order of
24 protection prohibits respondent from having contact with
25 the minor child, or if petitioner's address is omitted
26 under subsection (b) of Section 203, or if necessary to

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

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

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

22 (18) Telephone services.

23 (A) Unless a condition described in subparagraph
24 (B) of this paragraph exists, the court may, upon
25 request by the petitioner, order a wireless telephone
26 service provider to transfer to the petitioner the

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

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

19 (ii) Each telephone number that will be
20 transferred.

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

25 (B) A wireless telephone service provider shall
26 terminate the respondent's use of, and shall transfer

1 to the petitioner use of, the telephone number or
2 numbers indicated in subparagraph (A) of this
3 paragraph unless it notifies the petitioner, within 72
4 hours after it receives the order, that one of the
5 following applies:

6 (i) The account holder named in the order has
7 terminated the account.

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

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

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

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

23 (D) A wireless telephone service provider may
24 apply to the petitioner its routine and customary
25 requirements for establishing an account or
26 transferring a number, including requiring the

1 petitioner to provide proof of identification,
2 financial information, and customer preferences.

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

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

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

21 (c) Relevant factors; findings.

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

26 (i) the nature, frequency, severity, pattern and

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

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

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

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

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

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

26 (3) Subject to the exceptions set forth in paragraph

1 (4) of this subsection, the court shall make its findings
2 in an official record or in writing, and shall at a minimum
3 set forth the following:

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

7 (ii) Whether the conduct or actions of respondent,
8 unless prohibited, will likely cause irreparable harm
9 or continued abuse.

10 (iii) Whether it is necessary to grant the
11 requested relief in order to protect petitioner or
12 other alleged abused persons.

13 (4) For purposes of issuing an ex parte emergency
14 order of protection, the court, as an alternative to or as
15 a supplement to making the findings described in
16 paragraphs (c)(3)(i) through (c)(3)(iii) of this
17 subsection, may use the following procedure:

18 When a verified petition for an emergency order of
19 protection in accordance with the requirements of Sections
20 203 and 217 is presented to the court, the court shall
21 examine petitioner on oath or affirmation. An emergency
22 order of protection shall be issued by the court if it
23 appears from the contents of the petition and the
24 examination of petitioner that the averments are
25 sufficient to indicate abuse by respondent and to support
26 the granting of relief under the issuance of the emergency

1 order of protection.

2 (5) Never married parties. No rights or
3 responsibilities for a minor child born outside of
4 marriage attach to a putative father until a father and
5 child relationship has been established under the Illinois
6 Parentage Act of 1984, the Illinois Parentage Act of 2015,
7 the Illinois Public Aid Code, Section 12 of the Vital
8 Records Act, the Juvenile Court Act of 1987, the Probate
9 Act of 1975, the Revised Uniform Reciprocal Enforcement of
10 Support Act, the Uniform Interstate Family Support Act,
11 the Expedited Child Support Act of 1990, any judicial,
12 administrative, or other act of another state or
13 territory, any other Illinois statute, or by any foreign
14 nation establishing the father and child relationship, any
15 other proceeding substantially in conformity with the
16 Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996 (Pub. L. 104-193), or where
18 both parties appeared in open court or at an
19 administrative hearing acknowledging under oath or
20 admitting by affirmation the existence of a father and
21 child relationship. Absent such an adjudication, finding,
22 or acknowledgment, no putative father shall be granted
23 temporary allocation of parental responsibilities,
24 including parenting time with the minor child, or physical
25 care and possession of the minor child, nor shall an order
26 of payment for support of the minor child be entered.

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

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

12 (1) Respondent has cause for any use of force, unless
13 that cause satisfies the standards for justifiable use of
14 force provided by Article 7 of the Criminal Code of 2012;

15 (2) Respondent was voluntarily intoxicated;

16 (3) Petitioner acted in self-defense or defense of
17 another, provided that, if petitioner utilized force, such
18 force was justifiable under Article 7 of the Criminal Code
19 of 2012;

20 (4) Petitioner did not act in self-defense or defense
21 of another;

22 (5) Petitioner left the residence or household to
23 avoid further abuse, neglect, or exploitation by
24 respondent;

25 (6) Petitioner did not leave the residence or
26 household to avoid further abuse, neglect, or exploitation

1 by respondent;

2 (7) Conduct by any family or household member excused
3 the abuse, neglect, or exploitation by respondent, unless
4 that same conduct would have excused such abuse, neglect,
5 or exploitation if the parties had not been family or
6 household members.

7 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
8 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
9 100-923, eff. 1-1-19.)

10 Section 110. The Uniform Disposition of Unclaimed Property
11 Act is amended by changing Section 1 as follows:

12 (765 ILCS 1025/1) (from Ch. 141, par. 101)

13 Sec. 1. As used in this Act, unless the context otherwise
14 requires:

15 (a) "Banking organization" means any bank, trust company,
16 savings bank, industrial bank, land bank, safe deposit
17 company, or a private banker.

18 (b) "Business association" means any corporation, joint
19 stock company, business trust, partnership, or any
20 association, limited liability company, or other business
21 entity consisting of one or more persons, whether or not for
22 profit.

23 (c) "Financial organization" means any savings and loan
24 association, building and loan association, credit union,

1 currency exchange, co-operative bank, mutual funds, or
2 investment company.

3 (d) "Holder" means any person in possession of property
4 subject to this Act belonging to another, or who is trustee in
5 case of a trust, or is indebted to another on an obligation
6 subject to this Act.

7 (e) "Life insurance corporation" means any association or
8 corporation transacting the business of insurance on the lives
9 of persons or insurance appertaining thereto, including, but
10 not by way of limitation, endowments and annuities.

11 (f) "Owner" means a depositor in case of a deposit, a
12 beneficiary in case of a trust, a creditor, claimant, or payee
13 in case of other property, or any person having a legal or
14 equitable interest in property subject to this Act, or his
15 legal representative.

16 (g) "Person" means any individual, business association,
17 financial organization, government or political subdivision or
18 agency, public authority, estate, trust, or any other legal or
19 commercial entity.

20 (h) "Utility" means any person who owns or operates, for
21 public use, any plant, equipment, property, franchise, or
22 license for the transmission of communications or the
23 production, storage, transmission, sale, delivery, or
24 furnishing of electricity, water, steam, oil or gas.

25 (i) (Blank).

26 (j) "Insurance company" means any person transacting the

1 kinds of business enumerated in Section 4 of the Illinois
2 Insurance Code other than life insurance.

3 (k) "Economic loss", as used in Sections 2a and 9 of this
4 Act includes, but is not limited to, delivery charges,
5 mark-downs and write-offs, carrying costs, restocking charges,
6 lay-aways, special orders, issuance of credit memos, and the
7 costs of special services or goods provided that reduce the
8 property value or that result in lost sales opportunity.

9 (l) "Reportable property" means property, tangible or
10 intangible, presumed abandoned under this Act that must be
11 appropriately and timely reported and remitted to the Office
12 of the State Treasurer under this Act. Interest, dividends,
13 stock splits, warrants, or other rights that become reportable
14 property under this Act include the underlying security or
15 commodity giving rise to the interest, dividend, split,
16 warrant, or other right to which the owner would be entitled.

17 (m) "Firearm" has the meaning ascribed to that term in
18 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
19 ~~Identification Card Act.~~

20 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;
21 91-748, eff. 6-2-00.)

22 Section 115. The Revised Uniform Unclaimed Property Act is
23 amended by changing Section 15-705 as follows:

24 (765 ILCS 1026/15-705)

1 Sec. 15-705. Exceptions to the sale of tangible property.
2 The administrator shall dispose of tangible property
3 identified by this Section in accordance with this Section.

4 (a) Military medals or decorations. The administrator may
5 not sell a medal or decoration awarded for military service in
6 the armed forces of the United States. Instead, the
7 administrator, with the consent of the respective organization
8 under paragraph (1), agency under paragraph (2), or entity
9 under paragraph (3), may deliver a medal or decoration to be
10 held in custody for the owner, to:

11 (1) a military veterans organization qualified under
12 Section 501(c)(19) of the Internal Revenue Code;

13 (2) the agency that awarded the medal or decoration;
14 or

15 (3) a governmental entity.

16 After delivery, the administrator is not responsible for
17 the safekeeping of the medal or decoration.

18 (b) Property with historical value. Property that the
19 administrator reasonably believes may have historical value
20 may be, at his or her discretion, loaned to an accredited
21 museum in the United States where it will be kept until such
22 time as the administrator orders it to be returned to his or
23 her custody.

24 (c) Human remains. If human remains are delivered to the
25 administrator under this Act, the administrator shall deliver
26 those human remains to the coroner of the county in which the

1 human remains were abandoned for disposition under Section
2 3-3034 of the Counties Code. The only human remains that may be
3 delivered to the administrator under this Act and that the
4 administrator may receive are those that are reported and
5 delivered as contents of a safe deposit box.

6 (d) Evidence in a criminal investigation. Property that
7 may have been used in the commission of a crime or that may
8 assist in the investigation of a crime, as determined after
9 consulting with the Department of State Police, shall be
10 delivered to the Department of State Police or other
11 appropriate law enforcement authority to allow law enforcement
12 to determine whether a criminal investigation should take
13 place. Any such property delivered to a law enforcement
14 authority shall be held in accordance with existing statutes
15 and rules related to the gathering, retention, and release of
16 evidence.

17 (e) Firearms.

18 (1) The administrator, in cooperation with the
19 Department of State Police, shall develop a procedure to
20 determine whether a firearm delivered to the administrator
21 under this Act has been stolen or used in the commission of
22 a crime. The Department of State Police shall determine
23 the appropriate disposition of a firearm that has been
24 stolen or used in the commission of a crime. The
25 administrator shall attempt to return a firearm that has
26 not been stolen or used in the commission of a crime to the

1 rightful owner if the Department of State Police
2 determines that the owner may lawfully possess the
3 firearm.

4 (2) If the administrator is unable to return a firearm
5 to its owner, the administrator shall transfer custody of
6 the firearm to the Department of State Police. Legal title
7 to a firearm transferred to the Department of State Police
8 under this subsection (e) is vested in the Department of
9 State Police by operation of law if:

10 (i) the administrator cannot locate the owner of
11 the firearm;

12 (ii) the owner of the firearm may not lawfully
13 possess the firearm;

14 (iii) the apparent owner does not respond to
15 notice published under Section 15-503 of this Act; or

16 (iv) the apparent owner responds to notice
17 published under Section 15-502 and states that he or
18 she no longer claims an interest in the firearm.

19 (3) With respect to a firearm whose title is
20 transferred to the Department of State Police under this
21 subsection (e), the Department of State Police may:

22 (i) retain the firearm for use by the crime
23 laboratory system, for training purposes, or for any
24 other application as deemed appropriate by the
25 Department;

26 (ii) transfer the firearm to the Illinois State

1 Museum if the firearm has historical value; or
2 (iii) destroy the firearm if it is not retained
3 pursuant to subparagraph (i) or transferred pursuant
4 to subparagraph (ii).

5 As used in this subsection, "firearm" has the meaning
6 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
7 ~~Firearm Owners Identification Card Act.~~

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

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