



Sen. Ram Villivalam

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LRB102 16921 RLC 24379 a

1 AMENDMENT TO SENATE BILL 568

2 AMENDMENT NO. _____. Amend Senate Bill 568 by replacing
3 everything after the enacting clause with the following:

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

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

8 (5 ILCS 140/7.5)

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

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

15 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other
6 records prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

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

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

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

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

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

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the
25 Capital Crimes Litigation Act. This subsection (n) shall
26 apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty
2 prior to trial or sentencing.

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

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

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

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

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained
21 in, stored in, submitted to, transferred by, or released
22 from the Illinois Health Information Exchange, and
23 identified or deidentified health information in the form
24 of health data and medical records of the Illinois Health
25 Information Exchange in the possession of the Illinois
26 Health Information Exchange Office due to its

1 administration of the Illinois Health Information
2 Exchange. The terms "identified" and "deidentified" shall
3 be given the same meaning as in the Health Insurance
4 Portability and Accountability Act of 1996, Public Law
5 104-191, or any subsequent amendments thereto, and any
6 regulations promulgated thereunder.

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

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (w) Personally identifiable information which is
21 exempted from disclosure under subsection (g) of Section
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure
24 under Section 5-1014.3 of the Counties Code or Section
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling
2 statute, the Elder Abuse and Neglect Act, including
3 information about the identity and administrative finding
4 against any caregiver of a verified and substantiated
5 decision of abuse, neglect, or financial exploitation of
6 an eligible adult maintained in the Registry established
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality
9 review team or the Illinois Fatality Review Team Advisory
10 Council under Section 15 of the Adult Protective Services
11 Act.

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

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

16 (cc) Recordings made under the Law Enforcement
17 Officer-Worn Body Camera Act, except to the extent
18 authorized under that Act.

19 (dd) Information that is prohibited from being
20 disclosed under Section 45 of the Condominium and Common
21 Interest Community Ombudsperson Act.

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

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

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle
2 Code.

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

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

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

13 (kk) Information prohibited from disclosure under the
14 Seizure and Forfeiture Reporting Act.

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

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

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

22 (oo) Communications, notes, records, and reports
23 arising out of a peer support counseling session
24 prohibited from disclosure under the First Responders
25 Suicide Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law
2 enforcement agency under the First Responders Suicide
3 Prevention Act.

4 (qq) Information and records held by the Department of
5 Public Health and its authorized representatives collected
6 under the Reproductive Health Act.

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

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

12 (tt) Recordings made under the Children's Advocacy
13 Center Act, except to the extent authorized under that
14 Act.

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

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

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

22 (xx) Information that is exempt from disclosure or
23 information that shall not be made public under the
24 Illinois Insurance Code.

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

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

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

5 (bbb) Records exempt from disclosure under Section
6 2605-304 of the Department of State Police Law of the
7 Civil Administrative Code of Illinois.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
17 eff. 7-7-20.)

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

21 (20 ILCS 2605/2605-304 new)

22 Sec. 2605-304. Prohibited persons portal.

23 (a) Within 90 days after the effective date of this
24 amendatory Act of the 102nd General Assembly, the Illinois

1 State Police shall establish a portal for use by federal,
2 State, or local law enforcement agencies, including Offices of
3 the State's Attorneys and the Office of the Attorney General
4 to capture a report of persons whose Firearm Owner's
5 Identification Cards have been revoked or suspended. The
6 portal is for law enforcement purposes only.

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

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

21 (d) The Illinois State Police shall provide updates of
22 information related to an individual's current Firearm Owner's
23 Identification Card revocation or suspension status, including
24 compliance under Section 9.5 of the Firearm Owners
25 Identification Card Act, in the Illinois State Police's Law
26 Enforcement Agencies Data System.

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

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

5 (20 ILCS 2605/2605-605)

6 Sec. 2605-605. Violent Crime Intelligence Task Force. The
7 Director of State Police shall ~~may~~ establish a statewide
8 multi-jurisdictional Violent Crime Intelligence Task Force led
9 by the Department of State Police dedicated to combating gun
10 violence, gun-trafficking, and other violent crime with the
11 primary mission of preservation of life and reducing the
12 occurrence and the fear of crime. The objectives of the Task
13 Force shall include, but not be limited to, reducing and
14 preventing illegal possession and use of firearms,
15 firearm-related homicides, and other violent crimes.

16 (1) The Task Force may develop and acquire information,
17 training, tools, and resources necessary to implement a
18 data-driven approach to policing, with an emphasis on
19 intelligence development.

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

24 (3) The Task Force may recognize and utilize best
25 practices of community policing and may develop potential

1 partnerships with faith-based and community organizations to
2 achieve its goals.

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

6 (5) The Task Force may assist in violence suppression
7 strategies including, but not limited to, details in
8 identified locations that have shown to be the most prone to
9 gun violence and violent crime, focused deterrence against
10 violent gangs and groups considered responsible for the
11 violence in communities, and other intelligence driven methods
12 deemed necessary to interrupt cycles of violence or prevent
13 retaliation.

14 (6) In consultation with the Chief Procurement Officer,
15 the Department of State Police may obtain contracts for
16 software, commodities, resources, and equipment to assist the
17 Task Force with achieving this Act. Any contracts necessary to
18 support the delivery of necessary software, commodities,
19 resources, and equipment are not subject to the Illinois
20 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
21 20-160 and Article 50 of that Code, provided that the Chief
22 Procurement Officer may, in writing with justification, waive
23 any certification required under Article 50 of the Illinois
24 Procurement Code.

25 (7) The Task Force shall conduct enforcement operations
26 against persons whose Firearm Owner's Identification Cards

1 have been revoked or suspended and persons who fail to comply
2 with the requirements of Section 9.5 of the Firearm Owners
3 Identification Card Act, prioritizing individuals presenting a
4 clear and present danger to themselves or to others under
5 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
6 Owners Identification Card Act.

7 (8) The Task Force shall collaborate with local law
8 enforcement agencies to enforce provisions of the Firearm
9 Owners Identification Card Act, the Firearm Concealed Carry
10 Act, the Firearm Dealer License Certification Act, and Article
11 24 of the Criminal Code of 2012.

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

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

16 Section 15. The State Finance Act is amended by changing
17 Section 6z-99 and by adding Sections 5.935 and 6z-124 as
18 follows:

19 (30 ILCS 105/5.935 new)

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

21 "(30 ILCS 105/6z-99)

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

23 (a) There is created in the State treasury a special fund

1 known as the Mental Health Reporting Fund. The Fund shall
2 receive revenue under the Firearm Concealed Carry Act. The
3 Fund may also receive revenue from grants, pass-through
4 grants, donations, appropriations, and any other legal source.

5 (b) The Department of State Police and Department of Human
6 Services shall coordinate to use moneys in the Fund to finance
7 their respective duties of collecting and reporting data on
8 mental health records and ensuring that mental health firearm
9 possession prohibitors are enforced as set forth under the
10 Firearm Concealed Carry Act and the Firearm Owners
11 Identification Card Act, including reporting prohibitors to
12 the National Instant Criminal Background Check System (NICS).

13 Any surplus in the Fund beyond what is necessary to ensure
14 compliance with mental health reporting under these Acts shall
15 be used by the Department of Human Services for mental health
16 treatment programs as follows: (1) 50% shall be used to fund
17 community-based mental health programs aimed at reducing gun
18 violence, community integration and education, or mental
19 health awareness and prevention, including administrative
20 costs; and (2) 50% shall be used to award grants that use and
21 promote the National School Mental Health Curriculum model for
22 school-based mental health support, integration, and services.

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

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

1 (30 ILCS 105/6z-124 new)

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

3 (a) The State Police Revocation Enforcement Fund is
4 established as a special fund in the State treasury. This Fund
5 is established to receive moneys from the Firearm Owners
6 Identification Card Act to enforce that Act, the Firearm
7 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
8 and other firearm offenses. The Fund may also receive revenue
9 from grants, donations, appropriations, and any other legal
10 source.

11 (b) The Illinois State Police may use moneys from the Fund
12 to establish task forces and, if necessary, include other law
13 enforcement agencies, pursuant to intergovernmental contracts
14 written and executed in conformity with the Intergovernmental
15 Cooperation Act.

16 (c) The Illinois State Police may use moneys in the Fund to
17 hire and train State Police officers and other law enforcement
18 purposes.

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

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

1 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

2 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

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

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

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

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) demonstrates threatening physical or verbal
8 behavior, such as violent, suicidal, or assaultive
9 threats, actions, or other behavior, as determined by a
10 physician, clinical psychologist, qualified examiner,
11 school administrator, or law enforcement official,
12 including any act that is intended to cause or create a
13 risk and does cause or create a risk of death or great
14 bodily harm to one or more persons.

15 "Clinical psychologist" has the meaning provided in
16 Section 1-103 of the Mental Health and Developmental
17 Disabilities Code.

18 "Controlled substance" means a controlled substance or
19 controlled substance analog as defined in the Illinois
20 Controlled Substances Act.

21 "Counterfeit" means to copy or imitate, without legal
22 authority, with intent to deceive.

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

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

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

8 (1.1) any pneumatic gun, spring gun, paint ball gun,
9 or B-B gun which expels breakable paint balls containing
10 washable marking colors;

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

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

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

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

26 (1) any ammunition exclusively designed for use with a

1 device used exclusively for signalling or safety and
2 required or recommended by the United States Coast Guard
3 or the Interstate Commerce Commission; and

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Gun show" means an event or function:

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

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

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

25 Unless otherwise expressly stated, "gun show" does not
26 include training or safety classes, competitive shooting

1 events, such as rifle, shotgun, or handgun matches, trap,
2 skeet, or sporting clays shoots, dinners, banquets, raffles,
3 or any other event where the sale or transfer of firearms is
4 not the primary course of business.

5 "Gun show promoter" means a person who organizes or
6 operates a gun show.

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

12 "Involuntarily admitted" has the meaning as prescribed in
13 Sections 1-119 and 1-119.1 of the Mental Health and
14 Developmental Disabilities Code.

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

26 "National governing body" means a group of persons who

1 adopt rules and formulate policy on behalf of a national
2 firearm sporting organization.

3 "Patient" means:

4 (1) a person who is admitted as an inpatient or
5 resident of a public or private mental health facility for
6 mental health treatment under Chapter III of the Mental
7 Health and Developmental Disabilities Code as an informal
8 admission, a voluntary admission, a minor admission, an
9 emergency admission, or an involuntary admission, unless
10 the treatment was solely for an alcohol abuse disorder; or

11 (2) a person who voluntarily or involuntarily receives
12 mental health treatment as an out-patient or is otherwise
13 provided services by a public or private mental health
14 facility, and who poses a clear and present danger to
15 himself, herself, or to others.

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

- 1 (i) self-care;
- 2 (ii) receptive and expressive language;
- 3 (iii) learning;
- 4 (iv) mobility; or
- 5 (v) self-direction.

6 "Person with an intellectual disability" means a person
7 with a significantly subaverage general intellectual
8 functioning which exists concurrently with impairment in
9 adaptive behavior and which originates before the age of 18
10 years.

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

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

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

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

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

25 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
26 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

1 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

2 Sec. 3. Requirements for firearm transfers.

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

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

23 (1) the seller or transferor shall give the firearm to
24 the federally licensed firearms dealer, who shall retain
25 possession of the firearm until every legal requirement

1 for the sale or transfer has been met;

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

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

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

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

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

26 (3) the federally licensed firearms dealer shall

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

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

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

15 This subsection shall not apply to sales or transfers by

16 a:

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

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

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

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

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

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

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

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

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

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

1 ~~State Police to conduct a background check on the~~
2 ~~prospective recipient of the firearm in accordance with~~
3 ~~Section 3.1.~~

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

1 ~~by the Department for the purchase of a firearm pursuant to~~
2 ~~this subsection are valid for 30 days from the date of issue.~~

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

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

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

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

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

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

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

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

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

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

24 ~~(a-20) (Blank). The Department of State Police shall~~
25 ~~develop an Internet based system for individuals to determine~~
26 ~~the validity of a Firearm Owner's Identification Card prior to~~

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

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

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

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

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

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

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

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

11 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

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

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

25 (b-5) Any non-resident who is participating in a

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

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

26 (c) Any transaction under this Section is subject to the

1 provisions of Section 3 and the Gun Control Act of 1968 (18
2 U.S.C. 922 (b) (3)).

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

4 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

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

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

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

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

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

13 (1) assign a unique identification number to the
14 transfer; and

15 (2) provide the licensee, gun show promoter, or gun
16 show vendor with the number.

17 (d) Approvals issued by the Department of State Police for
18 the purchase of a firearm are valid for 30 days from the date
19 of issue.

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

23 (2) The Department of State Police and the Department of
24 Human Services shall, in accordance with State and federal law
25 regarding confidentiality, enter into a memorandum of
26 understanding with the Federal Bureau of Investigation for the

1 purpose of implementing the National Instant Criminal
2 Background Check System in the State. The Department of State
3 Police shall report the name, date of birth, and physical
4 description of any person prohibited from possessing a firearm
5 pursuant to the Firearm Owners Identification Card Act or 18
6 U.S.C. 922(g) and (n) to the National Instant Criminal
7 Background Check System Index, Denied Persons Files.

8 (3) The Department of State Police shall provide notice of
9 the disqualification of a person under subsection (b) of this
10 Section or the revocation of a person's Firearm Owner's
11 Identification Card under Section 8 or Section 8.2 of this
12 Act, and the reason for the disqualification or revocation, to
13 all law enforcement agencies with jurisdiction to assist with
14 the seizure of the person's Firearm Owner's Identification
15 Card.

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

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

19 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

20 Sec. 4. Application for Firearm Owner's Identification
21 Cards.

22 (a) Each applicant for a Firearm Owner's Identification
23 Card must:

24 (1) Make application on blank forms prepared and
25 furnished at convenient locations throughout the State by

1 the Department of State Police, or by electronic means, if
2 and when made available by the Department of State Police;
3 and

4 (2) Submit evidence to the Department of State Police
5 that:

6 (i) This subparagraph (i) applies through the
7 180th day following the effective date of this
8 amendatory Act of the 101st General Assembly. He or
9 she is 21 years of age or over, or if he or she is
10 under 21 years of age that he or she has the written
11 consent of his or her parent or legal guardian to
12 possess and acquire firearms and firearm ammunition
13 and that he or she has never been convicted of a
14 misdemeanor other than a traffic offense or adjudged
15 delinquent, provided, however, that such parent or
16 legal guardian is not an individual prohibited from
17 having a Firearm Owner's Identification Card and files
18 an affidavit with the Department as prescribed by the
19 Department stating that he or she is not an individual
20 prohibited from having a Card;

21 (i-5) This subparagraph (i-5) applies on and after
22 the 181st day following the effective date of this
23 amendatory Act of the 101st General Assembly. He or
24 she is 21 years of age or over, or if he or she is
25 under 21 years of age that he or she has never been
26 convicted of a misdemeanor other than a traffic

1 offense or adjudged delinquent and is an active duty
2 member of the United States Armed Forces or has the
3 written consent of his or her parent or legal guardian
4 to possess and acquire firearms and firearm
5 ammunition, provided, however, that such parent or
6 legal guardian is not an individual prohibited from
7 having a Firearm Owner's Identification Card and files
8 an affidavit with the Department as prescribed by the
9 Department stating that he or she is not an individual
10 prohibited from having a Card or the active duty
11 member of the United States Armed Forces under 21
12 years of age annually submits proof to the Department
13 of State Police, in a manner prescribed by the
14 Department;

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

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

18 (iv) He or she has not been a patient in a mental
19 health facility within the past 5 years or, if he or
20 she has been a patient in a mental health facility more
21 than 5 years ago submit the certification required
22 under subsection (u) of Section 8 of this Act;

23 (v) He or she is not a person with an intellectual
24 disability;

25 (vi) He or she is not an alien who is unlawfully
26 present in the United States under the laws of the

1 United States;

2 (vii) He or she is not subject to an existing order
3 of protection prohibiting him or her from possessing a
4 firearm;

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

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

26 (x) (Blank);

1 (xi) He or she is not an alien who has been
2 admitted to the United States under a non-immigrant
3 visa (as that term is defined in Section 101(a)(26) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(26))), or that he or she is an alien who has
6 been lawfully admitted to the United States under a
7 non-immigrant visa if that alien is:

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

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

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

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

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

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

24 (5) one who has received a waiver from the
25 Attorney General of the United States pursuant to
26 18 U.S.C. 922(y)(3);

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

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

10 (xiv) He or she is a resident of the State of
11 Illinois;

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

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

16 (xvii) He or she is not a person with a
17 developmental disability; and

18 (3) Upon request by the Department of State Police,
19 sign a release on a form prescribed by the Department of
20 State Police waiving any right to confidentiality and
21 requesting the disclosure to the Department of State
22 Police of limited mental health institution admission
23 information from another state, the District of Columbia,
24 any other territory of the United States, or a foreign
25 nation concerning the applicant for the sole purpose of
26 determining whether the applicant is or was a patient in a

1 mental health institution and disqualified because of that
2 status from receiving a Firearm Owner's Identification
3 Card. No mental health care or treatment records may be
4 requested. The information received shall be destroyed
5 within one year of receipt.

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

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

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

25 (a-20) Each applicant for a Firearm Owner's Identification
26 Card shall furnish to the Department of State Police his or her

1 photograph. An applicant who is 21 years of age or older
2 seeking a religious exemption to the photograph requirement
3 must furnish with the application an approved copy of United
4 States Department of the Treasury Internal Revenue Service
5 Form 4029. In lieu of a photograph, an applicant regardless of
6 age seeking a religious exemption to the photograph
7 requirement shall submit fingerprints on a form and manner
8 prescribed by the Department with his or her application.

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

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

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

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

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

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

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

20 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

21 Sec. 5. Application and renewal.

22 (a) The Department of State Police shall either approve or
23 deny all complete applications within 30 business days from
24 the date they are received, except as provided in subsection
25 (b) of this Section, and every applicant found qualified under

1 Section 8 of this Act by the Department shall be entitled to a
2 Firearm Owner's Identification Card upon the payment of a \$20
3 ~~\$10~~ fee, and applicable processing fees. Any applicant who is
4 an active duty member of the Armed Forces of the United States,
5 a member of the Illinois National Guard, or a member of the
6 Reserve Forces of the United States is exempt from the
7 application fee. \$15 of each fee derived from the issuance of
8 Firearm Owner's Identification Cards, or renewals thereof,
9 shall be deposited in the State Police Firearm Services Fund;
10 and \$5 of the fee shall be deposited in the State Police
11 Revocation Enforcement Fund ~~\$6 of each fee derived from the~~
12 ~~issuance of Firearm Owner's Identification Cards, or renewals~~
13 ~~thereof, shall be deposited in the Wildlife and Fish Fund in~~
14 ~~the State Treasury; \$1 of the fee shall be deposited in the~~
15 ~~State Police Services Fund and \$3 of the fee shall be deposited~~
16 ~~in the State Police Firearm Services Fund.~~

17 (b) Complete renewal ~~Renewal~~ applications shall be
18 approved or denied within 60 business days, provided the
19 applicant submitted his or her renewal application prior to
20 the expiration of his or her Firearm Owner's Identification
21 Card. If a renewal application has been submitted prior to the
22 expiration date of the applicant's Firearm Owner's
23 Identification Card, the Firearm Owner's Identification Card
24 shall remain valid while the Department processes the
25 application, unless the person is subject to or becomes
26 subject to revocation under this Act. The cost for a renewal

1 application shall be \$20 and applicable processing fees, of
2 ~~\$10~~ which \$15 shall be deposited into the State Police Firearm
3 Services Fund; and \$5 shall be deposited into the State Police
4 Revocation Enforcement Fund.

5 (c) In this Section, "complete application" and "complete
6 renewal application" means the applicant has submitted the
7 evidence required by Section 4.

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

9 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

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

11 (a) Except as provided in Section 8 of this Act or
12 subsection (b) of this Section, a Firearm Owner's
13 Identification Card issued under the provisions of this Act
14 shall be valid for the person to whom it is issued for a period
15 of 5 ~~10~~ years from the date of issuance. Any person whose card
16 was previously issued for a period of 10 years shall retain the
17 10-year issuance period until the next date of renewal, at
18 which point the card shall be renewed for 5 years.

19 (b) If a renewal application is submitted to the
20 Department before the expiration date of the applicant's
21 current Firearm Owner's Identification Card, the Firearm
22 Owner's Identification Card shall remain valid for a period of
23 60 business days, unless the person is subject to or becomes
24 subject to revocation under this Act.

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

1 (430 ILCS 65/7.5 new)

2 Sec. 7.5. Email notifications. A person subject to this
3 Act may notify the Illinois State Police upon application or
4 at any time thereafter that he or she would like to receive
5 correspondence from the Illinois State Police via email rather
6 than by mail.

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

14 (a) A person under 21 years of age who has been
15 convicted of a misdemeanor other than a traffic offense or
16 adjudged delinquent;

17 (b) This subsection (b) applies through the 180th day
18 following the effective date of this amendatory Act of the
19 101st General Assembly. A person under 21 years of age who
20 does not have the written consent of his parent or
21 guardian to acquire and possess firearms and firearm
22 ammunition, or whose parent or guardian has revoked such
23 written consent, or where such parent or guardian does not
24 qualify to have a Firearm Owner's Identification Card;

1 (b-5) This subsection (b-5) applies on and after the
2 181st day following the effective date of this amendatory
3 Act of the 101st General Assembly. A person under 21 years
4 of age who is not an active duty member of the United
5 States Armed Forces and does not have the written consent
6 of his or her parent or guardian to acquire and possess
7 firearms and firearm ammunition, or whose parent or
8 guardian has revoked such written consent, or where such
9 parent or guardian does not qualify to have a Firearm
10 Owner's Identification Card;

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

13 (d) A person addicted to narcotics;

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

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

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

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

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

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

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

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

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

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

26 (3) an official of a foreign government or

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

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

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

9 (j) (Blank);

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

15 (l) A person who has been convicted of domestic
16 battery, aggravated domestic battery, or a substantially
17 similar offense in another jurisdiction committed before,
18 on or after January 1, 2012 (the effective date of Public
19 Act 97-158). If the applicant or person who has been
20 previously issued a Firearm Owner's Identification Card
21 under this Act knowingly and intelligently waives the
22 right to have an offense described in this paragraph (l)
23 tried by a jury, and by guilty plea or otherwise, results
24 in a conviction for an offense in which a domestic
25 relationship is not a required element of the offense but
26 in which a determination of the applicability of 18 U.S.C.

1 922(g)(9) is made under Section 112A-11.1 of the Code of
2 Criminal Procedure of 1963, an entry by the court of a
3 judgment of conviction for that offense shall be grounds
4 for denying an application for and for revoking and
5 seizing a Firearm Owner's Identification Card previously
6 issued to the person under this Act;

7 (m) (Blank);

8 (n) A person who is prohibited from acquiring or
9 possessing firearms or firearm ammunition by any Illinois
10 State statute or by federal law;

11 (o) A minor subject to a petition filed under Section
12 5-520 of the Juvenile Court Act of 1987 alleging that the
13 minor is a delinquent minor for the commission of an
14 offense that if committed by an adult would be a felony;

15 (p) An adult who had been adjudicated a delinquent
16 minor under the Juvenile Court Act of 1987 for the
17 commission of an offense that if committed by an adult
18 would be a felony;

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

22 (r) A person who has been adjudicated as a person with
23 a mental disability;

24 (s) A person who has been found to have a
25 developmental disability;

26 (t) A person involuntarily admitted into a mental

1 health facility; or

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

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

26 Upon revocation of a person's Firearm Owner's

1 Identification Card, the Department of State Police shall
2 provide notice to the person within 7 business days and the
3 person shall comply with Section 9.5 of this Act.

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

5 (430 ILCS 65/8.4 new)

6 Sec. 8.4. Cancellation of Firearm Owner's Identification
7 Card. The Illinois State Police may cancel a Firearm Owner's
8 Identification Card if a person is not prohibited by State or
9 federal law from acquiring or possessing a firearm or firearm
10 ammunition and the sole purpose is for an administrative
11 reason. This includes, but is not limited to, at the request of
12 the Firearm Owner's Identification Card holder, a person who
13 surrenders his or her Illinois driver's license or Illinois
14 Identification Card to another jurisdiction, or a person's
15 Firearm Owner's Identification Card is reported as lost,
16 stolen, or destroyed. The Illinois State Police may adopt
17 rules necessary to implement this Section.

18 (430 ILCS 65/9.5)

19 Sec. 9.5. Revocation or suspension of Firearm Owner's
20 Identification Card.

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

24 (1) surrender his or her Firearm Owner's

1 Identification Card to the local law enforcement agency
2 where the person resides. The local law enforcement agency
3 shall provide the person a receipt and transmit the
4 Firearm Owner's Identification Card to the Department of
5 State Police; and

6 (2) complete a Firearm Disposition Record on a form
7 prescribed by the Department of State Police and place his
8 or her firearms in the location or with the person
9 reported in the Firearm Disposition Record. The form shall
10 require the person to disclose:

11 (A) the make, model, and serial number of each
12 firearm owned by or under the custody and control of
13 the revoked or suspended person;

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

16 (C) if any firearm will be transferred to the
17 custody of another person, the name, address and
18 Firearm Owner's Identification Card number of the
19 transferee.

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

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

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

26 (3) intends to retain possession of the firearm or

1 firearms until it is determined that the transferor is
2 legally eligible to possess a firearm and has an active
3 Firearm Owner's Identification Card, if applicable, or
4 until a new person is chosen to hold the firearm or
5 firearms.

6 (b) The local law enforcement agency shall provide a copy
7 of the Firearm Disposition Record to the person whose Firearm
8 Owner's Identification Card has been revoked or suspended, the
9 transferee, and to the Department of State Police.

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

25 (d) A violation of subsection (a) of this Section is a
26 Class A misdemeanor.

1 (e) The observation of a Firearm Owner's Identification
2 Card in the possession of a person whose Firearm Owner's
3 Identification Card has been revoked or suspended constitutes
4 a sufficient basis for the arrest of that person for violation
5 of this Section.

6 (f) Within 30 days after the effective date of this
7 amendatory Act of the 98th General Assembly, the Department of
8 State Police shall provide written notice of the requirements
9 of this Section to persons whose Firearm Owner's
10 Identification Cards have been revoked, suspended, or expired
11 and who have failed to surrender their cards to the
12 Department.

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

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

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

23 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

24 Sec. 14. Sentence.

25 (a) Except as provided in subsection (a-5), a violation of

1 paragraph (1) of subsection (a) of Section 2, when the
2 person's Firearm Owner's Identification Card is expired but
3 the person is not otherwise disqualified from renewing the
4 card, is a Class A misdemeanor.

5 (a-5) A violation of paragraph (1) of subsection (a) of
6 Section 2, when the person's Firearm Owner's Identification
7 Card is expired but the person is not otherwise disqualified
8 from owning, purchasing, or possessing firearms, is a petty
9 offense if the card was expired for 6 months or less from the
10 date of expiration.

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

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

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

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

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

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

5 (d-5) Any person who knowingly enters false information on
6 an application for a Firearm Owner's Identification Card, who
7 knowingly gives a false answer to any question on the
8 application, or who knowingly submits false evidence in
9 connection with an application is guilty of a Class 2 felony.

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

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

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

16 (430 ILCS 66/13 new)

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

22 (430 ILCS 66/30)

23 Sec. 30. Contents of license application.

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

9 (b) The application shall contain the following:

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

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

18 (3) a waiver of the applicant's privacy and
19 confidentiality rights and privileges under all federal
20 and state laws, including those limiting access to
21 juvenile court, criminal justice, psychological, or
22 psychiatric records or records relating to any
23 institutionalization of the applicant, and an affirmative
24 request that a person having custody of any of these
25 records provide it or information concerning it to the
26 Department. The waiver only applies to records sought in

1 connection with determining whether the applicant
2 qualifies for a license to carry a concealed firearm under
3 this Act, or whether the applicant remains in compliance
4 with the Firearm Owners Identification Card Act;

5 (4) an affirmation that the applicant possesses a
6 currently valid Firearm Owner's Identification Card and
7 card number if possessed or notice the applicant is
8 applying for a Firearm Owner's Identification Card in
9 conjunction with the license application;

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

12 (A) a felony;

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

16 (C) 2 or more violations related to driving while
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination
19 thereof, within the 5 years preceding the date of the
20 license application; and

21 (6) whether the applicant has failed a drug test for a
22 drug for which the applicant did not have a prescription,
23 within the previous year, and if so, the provider of the
24 test, the specific substance involved, and the date of the
25 test;

26 (7) written consent for the Department to review and

1 use the applicant's Illinois digital driver's license or
2 Illinois identification card photograph and signature;

3 (8) a full set of fingerprints submitted to the
4 Department in electronic format in a form and manner
5 prescribed by the Illinois State Police, unless the
6 applicant has previously provided a full set of his or her
7 fingerprints to the Illinois State Police under the
8 Firearm Owners Identification Card Act; ~~7, provided the~~
9 ~~Department may accept an application submitted without a~~
10 ~~set of fingerprints in which case the Department shall be~~
11 ~~granted 30 days in addition to the 90 days provided under~~
12 ~~subsection (c) of Section 10 of this Act to issue or deny a~~
13 ~~license;~~

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

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

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

21 (430 ILCS 66/50)

22 Sec. 50. License renewal.

23 (a) This subsection (a) applies through the 180th day
24 following the effective date of this amendatory Act of the
25 101st General Assembly. Applications for renewal of a license

1 shall be made to the Department. A license shall be renewed for
2 a period of 5 years upon receipt of a completed renewal
3 application, completion of 3 hours of training required under
4 Section 75 of this Act, payment of the applicable renewal fee,
5 and completion of an investigation under Section 35 of this
6 Act. The renewal application shall contain the information
7 required in Section 30 of this Act, except that the applicant
8 need not resubmit a full set of fingerprints if the applicant
9 has previously provided a full set of his or her fingerprints
10 to the Illinois State Police under this Act or the Firearm
11 Owners Identification Card Act.

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

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

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

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

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

5 (A) A person commits the offense of unlawful sale or
6 delivery of firearms when he or she knowingly does any of the
7 following:

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

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

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

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

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

21 "Mental institution" means any hospital,
22 institution, clinic, evaluation facility, mental
23 health center, or part thereof, which is used
24 primarily for the care or treatment of persons with
25 mental illness.

1 "Patient in a mental institution" means the person
2 was admitted, either voluntarily or involuntarily, to
3 a mental institution for mental health treatment,
4 unless the treatment was voluntary and solely for an
5 alcohol abuse disorder and no other secondary
6 substance abuse disorder or mental illness.

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

9 (g) Delivers any firearm, incidental to a sale,
10 without withholding delivery of the firearm for at least
11 72 hours after application for its purchase has been made,
12 or delivers a stun gun or taser, incidental to a sale,
13 without withholding delivery of the stun gun or taser for
14 at least 24 hours after application for its purchase has
15 been made. However, this paragraph (g) does not apply to:

16 (1) the sale of a firearm to a law enforcement officer if
17 the seller of the firearm knows that the person to whom he
18 or she is selling the firearm is a law enforcement officer
19 or the sale of a firearm to a person who desires to
20 purchase a firearm for use in promoting the public
21 interest incident to his or her employment as a bank
22 guard, armed truck guard, or other similar employment; (2)
23 a mail order sale of a firearm from a federally licensed
24 firearms dealer to a nonresident of Illinois under which
25 the firearm is mailed to a federally licensed firearms
26 dealer outside the boundaries of Illinois; (3) (blank);

1 (4) the sale of a firearm to a dealer licensed as a federal
2 firearms dealer under Section 923 of the federal Gun
3 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
4 sale of any rifle, shotgun, or other long gun to a resident
5 registered competitor or attendee or non-resident
6 registered competitor or attendee by any dealer licensed
7 as a federal firearms dealer under Section 923 of the
8 federal Gun Control Act of 1968 at competitive shooting
9 events held at the World Shooting Complex sanctioned by a
10 national governing body. For purposes of transfers or
11 sales under subparagraph (5) of this paragraph (g), the
12 Department of Natural Resources shall give notice to the
13 Department of State Police at least 30 calendar days prior
14 to any competitive shooting events at the World Shooting
15 Complex sanctioned by a national governing body. The
16 notification shall be made on a form prescribed by the
17 Department of State Police. The sanctioning body shall
18 provide a list of all registered competitors and attendees
19 at least 24 hours before the events to the Department of
20 State Police. Any changes to the list of registered
21 competitors and attendees shall be forwarded to the
22 Department of State Police as soon as practicable. The
23 Department of State Police must destroy the list of
24 registered competitors and attendees no later than 30 days
25 after the date of the event. Nothing in this paragraph (g)
26 relieves a federally licensed firearm dealer from the

1 requirements of conducting a NICS background check through
2 the Illinois Point of Contact under 18 U.S.C. 922(t). For
3 purposes of this paragraph (g), "application" means when
4 the buyer and seller reach an agreement to purchase a
5 firearm. For purposes of this paragraph (g), "national
6 governing body" means a group of persons who adopt rules
7 and formulate policy on behalf of a national firearm
8 sporting organization.

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

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

25 (j) Sells or gives a firearm while engaged in the
26 business of selling firearms at wholesale or retail

1 without being licensed as a federal firearms dealer under
2 Section 923 of the federal Gun Control Act of 1968 (18
3 U.S.C. 923). In this paragraph (j):

4 A person "engaged in the business" means a person who
5 devotes time, attention, and labor to engaging in the
6 activity as a regular course of trade or business with the
7 principal objective of livelihood and profit, but does not
8 include a person who makes occasional repairs of firearms
9 or who occasionally fits special barrels, stocks, or
10 trigger mechanisms to firearms.

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

20 (k) Sells or transfers ownership of a firearm to a
21 person in violation of Section 3 of the Firearm Owners
22 Identification Card Act ~~who does not display to the seller~~
23 ~~or transferor of the firearm either: (1) a currently valid~~
24 ~~Firearm Owner's Identification Card that has previously~~
25 ~~been issued in the transferee's name by the Department of~~
26 ~~State Police under the provisions of the Firearm Owners~~

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

16 (1) (Blank). ~~In addition to the other requirements~~
17 ~~of this paragraph (k), all persons who are not~~
18 ~~federally licensed firearms dealers must also have~~
19 ~~complied with subsection (a-10) of Section 3 of the~~
20 ~~Firearm Owners Identification Card Act by determining~~
21 ~~the validity of a purchaser's Firearm Owner's~~
22 ~~Identification Card.~~

23 (2) All sellers or transferors who have complied
24 with the requirements of ~~subparagraph (1)~~ of this
25 paragraph (k) shall not be liable for damages in any
26 civil action arising from the use or misuse by the

1 transferee of the firearm transferred, except for
2 willful or wanton misconduct on the part of the seller
3 or transferor.

4 (1) Not being entitled to the possession of a firearm,
5 delivers the firearm, knowing it to have been stolen or
6 converted. It may be inferred that a person who possesses
7 a firearm with knowledge that its serial number has been
8 removed or altered has knowledge that the firearm is
9 stolen or converted.

10 (B) Paragraph (h) of subsection (A) does not include
11 firearms sold within 6 months after enactment of Public Act
12 78-355 (approved August 21, 1973, effective October 1, 1973),
13 nor is any firearm legally owned or possessed by any citizen or
14 purchased by any citizen within 6 months after the enactment
15 of Public Act 78-355 subject to confiscation or seizure under
16 the provisions of that Public Act. Nothing in Public Act
17 78-355 shall be construed to prohibit the gift or trade of any
18 firearm if that firearm was legally held or acquired within 6
19 months after the enactment of that Public Act.

20 (C) Sentence.

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

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

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

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

1 years.

2 (5) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a) or (i) of
4 subsection (A) in residential property owned, operated, or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, in a public park, in a courthouse, on
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development,
11 on the real property comprising any public park, on the
12 real property comprising any courthouse, or on any public
13 way within 1,000 feet of the real property comprising any
14 public park, courthouse, or residential property owned,
15 operated, or managed by a public housing agency or leased
16 by a public housing agency as part of a scattered site or
17 mixed-income development commits a Class 2 felony.

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

22 (7) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (k) of subsection
24 (A) commits a Class 4 felony, except that a violation of
25 item (G) of subsection (a-5) of Section 3 of the Firearm
26 Owners Identification Card Act is a Class A misdemeanor

1 ~~subparagraph (1) of paragraph (k) of subsection (A) shall~~
2 ~~not be punishable as a crime or petty offense.~~ A third or
3 subsequent conviction for a violation of paragraph (k) of
4 subsection (A) is a Class 1 felony.

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

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

17 (10) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (l) of subsection
19 (A) commits a Class 2 felony if the delivery is of one
20 firearm. Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (l) of subsection
22 (A) commits a Class 1 felony if the delivery is of not less
23 than 2 and not more than 5 firearms at the same time or
24 within a one year period. Any person convicted of unlawful
25 sale or delivery of firearms in violation of paragraph (l)
26 of subsection (A) commits a Class X felony for which he or

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

24 (D) For purposes of this Section:

25 "School" means a public or private elementary or secondary
26 school, community college, college, or university.

1 "School related activity" means any sporting, social,
2 academic, or other activity for which students' attendance or
3 participation is sponsored, organized, or funded in whole or
4 in part by a school or school district.

5 (E) A prosecution for a violation of paragraph (k) of
6 subsection (A) of this Section may be commenced within 6 years
7 after the commission of the offense. A prosecution for a
8 violation of this Section other than paragraph (g) of
9 subsection (A) of this Section may be commenced within 5 years
10 after the commission of the offense defined in the particular
11 paragraph.

12 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
13 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

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

16 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

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

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

4 (4) Not violate any criminal statute of any
5 jurisdiction;

6 (5) At a time and place designated by the court, the
7 defendant shall physically surrender all firearms in his
8 or her possession to a law enforcement agency designated
9 by the court to take custody of and impound the firearms
10 and physically surrender his or her Firearm Owner's
11 Identification Card to the law enforcement agency as a
12 condition of remaining on bond pending trial ~~surrender all~~
13 ~~firearms in his or her possession to a law enforcement~~
14 ~~officer designated by the court to take custody of and~~
15 ~~impound the firearms and physically surrender his or her~~
16 ~~Firearm Owner's Identification Card to the clerk of the~~
17 ~~circuit court~~ when the offense the person has been charged
18 with is a forcible felony, stalking, aggravated stalking,
19 domestic battery, any violation of the Illinois Controlled
20 Substances Act, the Methamphetamine Control and Community
21 Protection Act, or the Cannabis Control Act that is
22 classified as a Class 2 or greater felony, or any felony
23 violation of Article 24 of the Criminal Code of 1961 or the
24 Criminal Code of 2012. A defendant whose Firearm Owner's
25 Identification Card has been revoked or suspended may
26 petition the court to transfer the defendant's firearm to

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

1 firearms shall be returned to the person upon proof being
2 provided to the law enforcement agency of the
3 reinstatement of the person's Firearm Owner's
4 Identification Card; ~~if the Firearm Owner's Identification~~
5 ~~Card is confiscated, the clerk of the circuit court shall~~
6 ~~mail the confiscated card to the Illinois State Police;~~
7 ~~all legally possessed firearms shall be returned to the~~
8 ~~person upon the charges being dismissed, or if the person~~
9 ~~is found not guilty, unless the finding of not guilty is by~~
10 ~~reason of insanity;~~ and

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

20 Psychological evaluations ordered pursuant to this Section
21 shall be completed promptly and made available to the State,
22 the defendant, and the court. As a further condition of bail
23 under these circumstances, the court shall order the defendant
24 to refrain from entering upon the property of the school,
25 including any conveyance owned, leased, or contracted by a
26 school to transport students to or from school or a

1 school-related activity, or on any public way within 1,000
2 feet of real property comprising any school. Upon receipt of
3 the psychological evaluation, either the State or the
4 defendant may request a change in the conditions of bail,
5 pursuant to Section 110-6 of this Code. The court may change
6 the conditions of bail to include a requirement that the
7 defendant follow the recommendations of the psychological
8 evaluation, including undergoing psychiatric treatment. The
9 conclusions of the psychological evaluation and any statements
10 elicited from the defendant during its administration are not
11 admissible as evidence of guilt during the course of any trial
12 on the charged offense, unless the defendant places his or her
13 mental competency in issue.

14 (b) The court may impose other conditions, such as the
15 following, if the court finds that such conditions are
16 reasonably necessary to assure the defendant's appearance in
17 court, protect the public from the defendant, or prevent the
18 defendant's unlawful interference with the orderly
19 administration of justice:

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

22 (2) Refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described

1 geographical areas or premises;

2 (5) Refrain from engaging in certain activities or
3 indulging in intoxicating liquors or in certain drugs;

4 (6) Undergo treatment for drug addiction or
5 alcoholism;

6 (7) Undergo medical or psychiatric treatment;

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

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

11 (10) Support his or her dependents;

12 (11) If a minor resides with his or her parents or in a
13 foster home, attend school, attend a non-residential
14 program for youths, and contribute to his or her own
15 support at home or in a foster home;

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

17 (13) Remain in the custody of such designated person
18 or organization agreeing to supervise his release. Such
19 third party custodian shall be responsible for notifying
20 the court if the defendant fails to observe the conditions
21 of release which the custodian has agreed to monitor, and
22 shall be subject to contempt of court for failure so to
23 notify the court;

24 (14) Be placed under direct supervision of the
25 Pretrial Services Agency, Probation Department or Court
26 Services Department in a pretrial bond home supervision

1 capacity with or without the use of an approved electronic
2 monitoring device subject to Article 8A of Chapter V of
3 the Unified Code of Corrections;

4 (14.1) The court shall impose upon a defendant who is
5 charged with any alcohol, cannabis, methamphetamine, or
6 controlled substance violation and is placed under direct
7 supervision of the Pretrial Services Agency, Probation
8 Department or Court Services Department in a pretrial bond
9 home supervision capacity with the use of an approved
10 monitoring device, as a condition of such bail bond, a fee
11 that represents costs incidental to the electronic
12 monitoring for each day of such bail supervision ordered
13 by the court, unless after determining the inability of
14 the defendant to pay the fee, the court assesses a lesser
15 fee or no fee as the case may be. The fee shall be
16 collected by the clerk of the circuit court, except as
17 provided in an administrative order of the Chief Judge of
18 the circuit court. The clerk of the circuit court shall
19 pay all monies collected from this fee to the county
20 treasurer for deposit in the substance abuse services fund
21 under Section 5-1086.1 of the Counties Code, except as
22 provided in an administrative order of the Chief Judge of
23 the circuit court.

24 The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders with regard to drug-related and

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

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

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

1 collected to defray the costs of corrections. The county
2 treasurer shall deposit the fee collected in the county
3 working cash fund under Section 6-27001 or Section 6-29002
4 of the Counties Code, as the case may be, except as
5 provided in an administrative order of the Chief Judge of
6 the circuit court.

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

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

20 (14.3) The Chief Judge of the Judicial Circuit may
21 establish reasonable fees to be paid by a person receiving
22 pretrial services while under supervision of a pretrial
23 services agency, probation department, or court services
24 department. Reasonable fees may be charged for pretrial
25 services including, but not limited to, pretrial
26 supervision, diversion programs, electronic monitoring,

1 victim impact services, drug and alcohol testing, DNA
2 testing, GPS electronic monitoring, assessments and
3 evaluations related to domestic violence and other
4 victims, and victim mediation services. The person
5 receiving pretrial services may be ordered to pay all
6 costs incidental to pretrial services in accordance with
7 his or her ability to pay those costs;

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

19 (15) Comply with the terms and conditions of an order
20 of protection issued by the court under the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory;

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

26 (17) Such other reasonable conditions as the court may

1 impose.

2 (c) When a person is charged with an offense under Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, involving a victim who is a minor under
6 18 years of age living in the same household with the defendant
7 at the time of the offense, in granting bail or releasing the
8 defendant on his own recognizance, the judge shall impose
9 conditions to restrict the defendant's access to the victim
10 which may include, but are not limited to conditions that he
11 will:

12 1. Vacate the household.

13 2. Make payment of temporary support to his
14 dependents.

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

17 (d) When a person is charged with a criminal offense and
18 the victim is a family or household member as defined in
19 Article 112A, conditions shall be imposed at the time of the
20 defendant's release on bond that restrict the defendant's
21 access to the victim. Unless provided otherwise by the court,
22 the restrictions shall include requirements that the defendant
23 do the following:

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

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

4 (e) Local law enforcement agencies shall develop
5 standardized bond forms for use in cases involving family or
6 household members as defined in Article 112A, including
7 specific conditions of bond as provided in subsection (d).
8 Failure of any law enforcement department to develop or use
9 those forms shall in no way limit the applicability and
10 enforcement of subsections (d) and (f).

11 (f) If the defendant is admitted to bail after conviction
12 the conditions of the bail bond shall be that he will, in
13 addition to the conditions set forth in subsections (a) and
14 (b) hereof:

15 (1) Duly prosecute his appeal;

16 (2) Appear at such time and place as the court may
17 direct;

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

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

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

24 (g) Upon a finding of guilty for any felony offense, the
25 defendant shall physically surrender, at a time and place
26 designated by the court, all firearms in his or her possession

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

25 (h) Upon indictment for any felony offense, the defendant
26 shall physically surrender, at a time and place designated by

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

26 (i) ~~(h)~~ In the event the defendant is unable to post bond,

1 the court may impose a no contact provision with the victim or
2 other interested party that shall be enforced while the
3 defendant remains in custody.

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

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

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

12 (1) not violate any criminal statute of any
13 jurisdiction;

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

16 (3) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a felony or, if a
18 misdemeanor, the offense involved the intentional or
19 knowing infliction of bodily harm or threat of bodily
20 harm;

21 (4) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature that prior consent
24 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at his
7 home or elsewhere to the extent necessary to discharge his
8 duties;

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

1 the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services;

4 (7) if he or she is at least 17 years of age and has
5 been sentenced to probation or conditional discharge for a
6 misdemeanor or felony in a county of 3,000,000 or more
7 inhabitants and has not been previously convicted of a
8 misdemeanor or felony, may be required by the sentencing
9 court to attend educational courses designed to prepare
10 the defendant for a high school diploma and to work toward
11 a high school diploma or to work toward passing high
12 school equivalency testing or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend a
15 public institution of education to obtain the educational
16 or vocational training required by this paragraph (7). The
17 court shall revoke the probation or conditional discharge
18 of a person who wilfully fails to comply with this
19 paragraph (7). The person on probation or conditional
20 discharge shall be required to pay for the cost of the
21 educational courses or high school equivalency testing if
22 a fee is charged for those courses or testing. The court
23 shall resentence the offender whose probation or
24 conditional discharge has been revoked as provided in
25 Section 5-6-4. This paragraph (7) does not apply to a
26 person who has a high school diploma or has successfully

1 passed high school equivalency testing. This paragraph (7)
2 does not apply to a person who is determined by the court
3 to be a person with a developmental disability or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction
10 or disposition of supervision for possession of a
11 substance prohibited by the Cannabis Control Act or
12 Illinois Controlled Substances Act or after a sentence of
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act and upon a finding by the court that the
17 person is addicted, undergo treatment at a substance abuse
18 program approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and
23 conducted in conformance with the standards developed
24 under the Sex Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing

1 at the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders;

10 (8.7) if convicted for an offense committed on or
11 after June 1, 2008 (the effective date of Public Act
12 95-464) that would qualify the accused as a child sex
13 offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is not related to the accused
17 and whom the accused reasonably believes to be under 18
18 years of age; for purposes of this paragraph (8.7),
19 "Internet" has the meaning ascribed to it in Section
20 16-0.1 of the Criminal Code of 2012; and a person is not
21 related to the accused if the person is not: (i) the
22 spouse, brother, or sister of the accused; (ii) a
23 descendant of the accused; (iii) a first or second cousin
24 of the accused; or (iv) a step-child or adopted child of
25 the accused;

26 (8.8) if convicted for an offense under Section 11-6,

1 11-9.1, 11-14.4 that involves soliciting for a juvenile
2 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 or any attempt to commit any of these offenses, committed
5 on or after June 1, 2009 (the effective date of Public Act
6 95-983):

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the offender's probation officer,
10 except in connection with the offender's employment or
11 search for employment with the prior approval of the
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's probation
16 officer, a law enforcement officer, or assigned
17 computer or information technology specialist,
18 including the retrieval and copying of all data from
19 the computer or device and any internal or external
20 peripherals and removal of such information,
21 equipment, or device to conduct a more thorough
22 inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or
26 software systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer;

5 (8.9) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after
7 January 1, 2010 (the effective date of Public Act 96-262),
8 refrain from accessing or using a social networking
9 website as defined in Section 17-0.5 of the Criminal Code
10 of 2012;

11 (9) if convicted ~~of a felony or~~ of any misdemeanor
12 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
13 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
14 2012 that was determined, pursuant to Section 112A-11.1 of
15 the Code of Criminal Procedure of 1963, to trigger the
16 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
17 physically surrender, at a time and place designated by
18 the court, all firearms in his or her possession to a law
19 enforcement officer designated by the court to take
20 custody of and impound the firearms and physically
21 surrender his or her Firearm Owner's Identification Card
22 to the law enforcement agency as a condition of remaining
23 on bond pending sentencing. A defendant whose Firearm
24 Owner's Identification Card has been revoked or suspended
25 may petition the court to transfer the defendant's firearm
26 to a person who is lawfully able to possess the firearm if

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

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial
25 minors are present, not participate in a holiday event
26 involving children under 18 years of age, such as

1 distributing candy or other items to children on
2 Halloween, wearing a Santa Claus costume on or preceding
3 Christmas, being employed as a department store Santa
4 Claus, or wearing an Easter Bunny costume on or preceding
5 Easter;

6 (11) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed
8 on or after January 1, 2010 (the effective date of Public
9 Act 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any
11 computer scrub software on any computer that the sex
12 offender uses;

13 (12) if convicted of a violation of the
14 Methamphetamine Control and Community Protection Act, the
15 Methamphetamine Precursor Control Act, or a
16 methamphetamine related offense:

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

20 (B) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 ammonium nitrate; ~~and~~

23 (13) if convicted of a hate crime involving the
24 protected class identified in subsection (a) of Section
25 12-7.1 of the Criminal Code of 2012 that gave rise to the
26 offense the offender committed, perform public or

1 community service of no less than 200 hours and enroll in
2 an educational program discouraging hate crimes that
3 includes racial, ethnic, and cultural sensitivity training
4 ordered by the court; -

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

1 Firearm Owners Identification Card Act and provide a copy
2 to the Illinois State Police along with the defendants
3 Firearm Owner's Identification Card; and

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

1 Record under Section 9.5 of the Firearm Owners
2 Identification Card Act and provide a copy to the Illinois
3 State Police along with the defendants Firearm Owner's
4 Identification Card.

5 (b) The Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

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

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

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

20 (6) support his dependents;

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

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

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

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

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be
16 that the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for
18 deposit in the substance abuse services fund under
19 Section 5-1086.1 of the Counties Code, except as
20 provided in an administrative order of the Chief Judge
21 of the circuit court.

22 The Chief Judge of the circuit court of the county
23 may by administrative order establish a program for
24 electronic monitoring of offenders, in which a vendor
25 supplies and monitors the operation of the electronic
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for
2 indigent offenders and the collection of unpaid fees.
3 The program shall not unduly burden the offender and
4 shall be subject to review by the Chief Judge.

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

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

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

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

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter
17 amended, or an order of protection issued by the court of
18 another state, tribe, or United States territory. A copy
19 of the order of protection shall be transmitted to the
20 probation officer or agency having responsibility for the
21 case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council
24 Act for any reasonable expenses incurred by the program on
25 the offender's case, not to exceed the maximum amount of
26 the fine authorized for the offense for which the

1 defendant was sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, (i) to a
5 "local anti-crime program", as defined in Section 7 of the
6 Anti-Crime Advisory Council Act, or (ii) for offenses
7 under the jurisdiction of the Department of Natural
8 Resources, to the fund established by the Department of
9 Natural Resources for the purchase of evidence for
10 investigation purposes and to conduct investigations as
11 outlined in Section 805-105 of the Department of Natural
12 Resources (Conservation) Law;

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

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

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or
2 the Methamphetamine Control and Community Protection Act,
3 unless prescribed by a physician, and submit samples of
4 his or her blood or urine or both for tests to determine
5 the presence of any illicit drug;

6 (17) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464)
8 that would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, refrain from
11 communicating with or contacting, by means of the
12 Internet, a person who is related to the accused and whom
13 the accused reasonably believes to be under 18 years of
14 age; for purposes of this paragraph (17), "Internet" has
15 the meaning ascribed to it in Section 16-0.1 of the
16 Criminal Code of 2012; and a person is related to the
17 accused if the person is: (i) the spouse, brother, or
18 sister of the accused; (ii) a descendant of the accused;
19 (iii) a first or second cousin of the accused; or (iv) a
20 step-child or adopted child of the accused;

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

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

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

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

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

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

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or
9 conditional discharge, except as may be necessary in the
10 course of the minor's lawful employment.

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

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

22 Persons committed to imprisonment as a condition of
23 probation or conditional discharge shall not be committed to
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of
2 probation or conditional discharge.

3 (g) An offender sentenced to probation or to conditional
4 discharge and who during the term of either undergoes
5 mandatory drug or alcohol testing, or both, or is assigned to
6 be placed on an approved electronic monitoring device, shall
7 be ordered to pay all costs incidental to such mandatory drug
8 or alcohol testing, or both, and all costs incidental to such
9 approved electronic monitoring in accordance with the
10 defendant's ability to pay those costs. The county board with
11 the concurrence of the Chief Judge of the judicial circuit in
12 which the county is located shall establish reasonable fees
13 for the cost of maintenance, testing, and incidental expenses
14 related to the mandatory drug or alcohol testing, or both, and
15 all costs incidental to approved electronic monitoring,
16 involved in a successful probation program for the county. The
17 concurrence of the Chief Judge shall be in the form of an
18 administrative order. The fees shall be collected by the clerk
19 of the circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The clerk of the
21 circuit court shall pay all moneys collected from these fees
22 to the county treasurer who shall use the moneys collected to
23 defray the costs of drug testing, alcohol testing, and
24 electronic monitoring. The county treasurer shall deposit the
25 fees collected in the county working cash fund under Section
26 6-27001 or Section 6-29002 of the Counties Code, as the case

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

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

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

1 jurisdiction has been transferred.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992 or to community service under the
5 supervision of a probation or court services department after
6 January 1, 2004, as a condition of such probation or
7 conditional discharge or supervised community service, a fee
8 of \$50 for each month of probation or conditional discharge
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 sentenced to probation or conditional discharge or supervised
12 community service to pay the fee, the court assesses a lesser
13 fee. The court may not impose the fee on a minor who is placed
14 in the guardianship or custody of the Department of Children
15 and Family Services under the Juvenile Court Act of 1987 while
16 the minor is in placement. The fee shall be imposed only upon
17 an offender who is actively supervised by the probation and
18 court services department. The fee shall be collected by the
19 clerk of the circuit court. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the probation and court services fund
22 under Section 15.1 of the Probation and Probation Officers
23 Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless the circuit
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an
2 offender's ability to pay. Of the amount collected as a
3 probation fee, up to \$5 of that fee collected per month may be
4 used to provide services to crime victims and their families.

5 The Court may only waive probation fees based on an
6 offender's ability to pay. The probation department may
7 re-evaluate an offender's ability to pay every 6 months, and,
8 with the approval of the Director of Court Services or the
9 Chief Probation Officer, adjust the monthly fee amount. An
10 offender may elect to pay probation fees due in a lump sum. Any
11 offender that has been assigned to the supervision of a
12 probation department, or has been transferred either under
13 subsection (h) of this Section or under any interstate
14 compact, shall be required to pay probation fees to the
15 department supervising the offender, based on the offender's
16 ability to pay.

17 Public Act 93-970 deletes the \$10 increase in the fee
18 under this subsection that was imposed by Public Act 93-616.
19 This deletion is intended to control over any other Act of the
20 93rd General Assembly that retains or incorporates that fee
21 increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation
26 department has determined to be sexually motivated (as defined

1 in the Sex Offender Management Board Act), the court or the
2 probation department shall assess additional fees to pay for
3 all costs of treatment, assessment, evaluation for risk and
4 treatment, and monitoring the offender, based on that
5 offender's ability to pay those costs either as they occur or
6 under a payment plan.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under the Criminal
13 and Traffic Assessment Act.

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

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

1 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
2 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
3 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".