



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3128

Introduced 1/11/2022, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.2-5	
720 ILCS 5/24-2	
720 ILCS 5/36-1	from Ch. 38, par. 36-1
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1

Amends the Criminal Code of 2012. Deletes provisions that prohibit the possession or use of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. Amends the Code of Criminal Procedure of 1963 to make conforming changes.

LRB102 22405 RLC 31545 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 24-1, 24-1.2-5, 24-2, and 36-1 as follows:

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

20 (2) Carries or possesses with intent to use the same
21 unlawfully against another, a dagger, dirk, billy,
22 dangerous knife, razor, stiletto, broken bottle or other
23 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (2.5) Carries or possesses with intent to use the same
3 unlawfully against another, any firearm in a church,
4 synagogue, mosque, or other building, structure, or place
5 used for religious worship; or

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

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

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

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm
24 carrying box, shipping box, or other container by a
25 person who has been issued a currently valid Firearm
26 Owner's Identification Card; or

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

5 (5) Sets a spring gun; or

6 (6) (Blank) ~~Possesses any device or attachment of any~~
7 ~~kind designed, used or intended for use in silencing the~~
8 ~~report of any firearm; or~~

9 (7) Sells, manufactures, purchases, possesses or
10 carries:

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

23 (ii) any rifle having one or more barrels less
24 than 16 inches in length or a shotgun having one or
25 more barrels less than 18 inches in length or any
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a
2 weapon as modified has an overall length of less than
3 26 inches; or

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

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

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

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

26 (10) Carries or possesses on or about his or her

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

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

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a
17 person who has been issued a currently valid Firearm
18 Owner's Identification Card; or

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

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

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her
21 person while in a building occupied by a unit of
22 government, a billy club, other weapon of like character,
23 or other instrument of like character intended for use as
24 a weapon. For the purposes of this Section, "billy club"
25 means a short stick or club commonly carried by police
26 officers which is either telescopic or constructed of a

1 solid piece of wood or other man-made material.

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

22 (c) Violations in specific places.

23 (1) A person who violates subsection ~~24-1(a)(6) or~~
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public

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

21 (1.5) A person who violates subsection 24-1(a)(4),
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
23 the time of day or the time of year, in residential
24 property owned, operated, or managed by a public housing
25 agency or leased by a public housing agency as part of a
26 scattered site or mixed-income development, in a public

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

18 (2) A person who violates subsection 24-1(a)(1),
19 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated or managed by a

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

17 (3) Paragraphs (1), (1.5), and (2) of this subsection
18 (c) shall not apply to law enforcement officers or
19 security officers of such school, college, or university
20 or to students carrying or possessing firearms for use in
21 training courses, parades, hunting, target shooting on
22 school ranges, or otherwise with the consent of school
23 authorities and which firearms are transported unloaded
24 enclosed in a suitable case, box, or transportation
25 package.

26 (4) For the purposes of this subsection (c), "school"

1 means any public or private elementary or secondary
2 school, community college, college, or university.

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

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

23 (e) Exemptions.

24 (1) Crossbows, Common or Compound bows and Underwater
25 Spearguns are exempted from the definition of ballistic
26 knife as defined in paragraph (1) of subsection (a) of

1 this Section.

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

13 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

14 (720 ILCS 5/24-1.2-5)

15 Sec. 24-1.2-5. Aggravated discharge of a machine gun ~~or a~~
16 ~~firearm equipped with a device designed or used for silencing~~
17 ~~the report of a firearm.~~

18 (a) A person commits aggravated discharge of a machine gun
19 ~~or a firearm equipped with a device designed or used for~~
20 ~~silencing the report of a firearm~~ when he or she knowingly or
21 intentionally:

22 (1) Discharges a machine gun ~~or a firearm equipped~~
23 ~~with a device designed or used for silencing the report of~~
24 ~~a firearm~~ at or into a building he or she knows to be
25 occupied and the machine gun ~~or the firearm equipped with~~

1 ~~a device designed or used for silencing the report of a~~
2 ~~firearm~~ is discharged from a place or position outside
3 that building;

4 (2) Discharges a machine gun ~~or a firearm equipped~~
5 ~~with a device designed or used for silencing the report of~~
6 ~~a firearm~~ in the direction of another person or in the
7 direction of a vehicle he or she knows to be occupied;

8 (3) Discharges a machine gun ~~or a firearm equipped~~
9 ~~with a device designed or used for silencing the report of~~
10 ~~a firearm~~ in the direction of a person he or she knows to
11 be a peace officer, a person summoned or directed by a
12 peace officer, a correctional institution employee, or a
13 fireman while the officer, employee or fireman is engaged
14 in the execution of any of his or her official duties, or
15 to prevent the officer, employee or fireman from
16 performing his or her official duties, or in retaliation
17 for the officer, employee or fireman performing his or her
18 official duties;

19 (4) Discharges a machine gun ~~or a firearm equipped~~
20 ~~with a device designed or used for silencing the report of~~
21 ~~a firearm~~ in the direction of a vehicle he or she knows to
22 be occupied by a peace officer, a person summoned or
23 directed by a peace officer, a correctional institution
24 employee or a fireman while the officer, employee or
25 fireman is engaged in the execution of any of his or her
26 official duties, or to prevent the officer, employee or

1 fireman from performing his or her official duties, or in
2 retaliation for the officer, employee or fireman
3 performing his or her official duties;

4 (5) Discharges a machine gun ~~or a firearm equipped~~
5 ~~with a device designed or used for silencing the report of~~
6 ~~a firearm~~ in the direction of a person he or she knows to
7 be emergency medical services personnel while the
8 emergency medical services personnel is engaged in the
9 execution of any of his or her official duties, or to
10 prevent the emergency medical services personnel from
11 performing his or her official duties, or in retaliation
12 for the emergency medical services personnel performing
13 his or her official duties;

14 (6) Discharges a machine gun ~~or a firearm equipped~~
15 ~~with a device designed or used for silencing the report of~~
16 ~~a firearm~~ in the direction of a vehicle he or she knows to
17 be occupied by emergency medical services personnel, while
18 the emergency medical services personnel is engaged in the
19 execution of any of his or her official duties, or to
20 prevent the emergency medical services personnel from
21 performing his or her official duties, or in retaliation
22 for the emergency medical services personnel performing
23 his or her official duties;

24 (7) Discharges a machine gun ~~or a firearm equipped~~
25 ~~with a device designed or used for silencing the report of~~
26 ~~a firearm~~ in the direction of a person he or she knows to

1 be an emergency management worker while the emergency
2 management worker is engaged in the execution of any of
3 his or her official duties, or to prevent the emergency
4 management worker from performing his or her official
5 duties, or in retaliation for the emergency management
6 worker performing his or her official duties; or

7 (8) Discharges a machine gun ~~or a firearm equipped~~
8 ~~with a device designed or used for silencing the report of~~
9 ~~a firearm~~ in the direction of a vehicle he or she knows to
10 be occupied by an emergency management worker while the
11 emergency management worker is engaged in the execution of
12 any of his or her official duties, or to prevent the
13 emergency management worker from performing his or her
14 official duties, or in retaliation for the emergency
15 management worker performing his or her official duties.

16 (b) A violation of subsection (a) (1) or subsection (a)
17 (2) of this Section is a Class X felony. A violation of
18 subsection (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a)
19 (8) of this Section is a Class X felony for which the sentence
20 shall be a term of imprisonment of no less than 12 years and no
21 more than 50 years.

22 (c) For the purpose of this Section:

23 "Emergency medical services personnel" has the meaning
24 specified in Section 3.5 of the Emergency Medical Services
25 (EMS) Systems Act and shall include all ambulance crew
26 members, including drivers or pilots.

1 "Machine gun" has the meaning ascribed to it in clause
2 (i) of paragraph (7) of subsection (a) of Section 24-1 of
3 this Code.

4 (d) This Section does not apply to a peace officer while
5 serving as a member of a tactical response team or special
6 operations team. ~~A peace officer may not personally own or
7 apply for ownership of a device or attachment of any kind
8 designed, used, or intended for use in silencing the report of
9 any firearm. These devices shall be owned and maintained by
10 lawfully recognized units of government whose duties include
11 the investigation of criminal acts.~~

12 (Source: P.A. 99-816, eff. 8-15-16.)

13 (720 ILCS 5/24-2)

14 (Text of Section before amendment by P.A. 102-152)

15 Sec. 24-2. Exemptions.

16 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
17 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
18 the following:

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

22 (2) Wardens, superintendents and keepers of prisons,
23 penitentiaries, jails and other institutions for the
24 detention of persons accused or convicted of an offense,
25 while in the performance of their official duty, or while

1 commuting between their homes and places of employment.

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

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

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

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

17 (6) Any person regularly employed in a commercial or
18 industrial operation as a security guard for the
19 protection of persons employed and private property
20 related to such commercial or industrial operation, while
21 actually engaged in the performance of his or her duty or
22 traveling between sites or properties belonging to the
23 employer, and who, as a security guard, is a member of a
24 security force registered with the Department of Financial
25 and Professional Regulation; provided that such security
26 guard has successfully completed a course of study,

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

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

24 (8) Persons employed by a financial institution as a
25 security guard for the protection of other employees and
26 property related to such financial institution, while

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

1 providing armored car services.

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

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

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

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

15 (12.5) Probation officers while in the performance of
16 their duties, or while commuting between their homes,
17 places of employment or specific locations that are part
18 of their assigned duties, with the consent of the chief
19 judge of the circuit for which they are employed, if they
20 have received weapons training according to requirements
21 of the Peace Officer and Probation Officer Firearm
22 Training Act.

23 (13) Court Security Officers while in the performance
24 of their official duties, or while commuting between their
25 homes and places of employment, with the consent of the
26 Sheriff.

1 (13.5) A person employed as an armed security guard at
2 a nuclear energy, storage, weapons or development site or
3 facility regulated by the Nuclear Regulatory Commission
4 who has completed the background screening and training
5 mandated by the rules and regulations of the Nuclear
6 Regulatory Commission.

7 (14) Manufacture, transportation, or sale of weapons
8 to persons authorized under subdivisions (1) through
9 (13.5) of this subsection to possess those weapons.

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

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

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

21 (1) Members of any club or organization organized for
22 the purpose of practicing shooting at targets upon
23 established target ranges, whether public or private, and
24 patrons of such ranges, while such members or patrons are
25 using their firearms on those target ranges.

26 (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the
2 Governor.

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

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

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

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

13 (1) Peace officers while in performance of their
14 official duties.

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

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

21 (4) Manufacture, transportation, or sale of machine
22 guns to persons authorized under subdivisions (1) through
23 (3) of this subsection to possess machine guns, if the
24 machine guns are broken down in a non-functioning state or
25 are not immediately accessible.

26 (5) Persons licensed under federal law to manufacture

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

14 During transportation, such weapons shall be broken
15 down in a non-functioning state or not immediately
16 accessible.

17 (6) The manufacture, transport, testing, delivery,
18 transfer or sale, and all lawful commercial or
19 experimental activities necessary thereto, of rifles,
20 shotguns, and weapons made from rifles or shotguns, or
21 ammunition for such rifles, shotguns or weapons, where
22 engaged in by a person operating as a contractor or
23 subcontractor pursuant to a contract or subcontract for
24 the development and supply of such rifles, shotguns,
25 weapons or ammunition to the United States government or
26 any branch of the Armed Forces of the United States, when

1 such activities are necessary and incident to fulfilling
2 the terms of such contract.

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

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

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

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

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

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

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

11 (2) Bonafide collectors of antique or surplus military
12 ordnance.

13 (3) Laboratories having a department of forensic
14 ballistics, or specializing in the development of
15 ammunition or explosive ordnance.

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

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device

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

16 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any parole agent or parole
18 supervisor who meets the qualifications and conditions
19 prescribed in Section 3-14-1.5 of the Unified Code of
20 Corrections.

21 (g-7) Subsection 24-1(a)(6) does not apply to a peace
22 officer while serving as a member of a tactical response team
23 or special operations team. A peace officer may not personally
24 own or apply for ownership of a device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm. These devices shall be owned and

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

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

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

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

1 pistol, revolver, stun gun, taser, or other firearm, not the
2 subject of and regulated by subsection 24-1(a)(7) or
3 subsection 24-2(c) of this Article, which is unloaded and
4 enclosed in a case, firearm carrying box, shipping box, or
5 other container, by the possessor of a valid Firearm Owners
6 Identification Card.

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

8 (Text of Section after amendment by P.A. 102-152)

9 Sec. 24-2. Exemptions.

10 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
11 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
12 the following:

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

16 (2) Wardens, superintendents and keepers of prisons,
17 penitentiaries, jails and other institutions for the
18 detention of persons accused or convicted of an offense,
19 while in the performance of their official duty, or while
20 commuting between their homes and places of employment.

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

25 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance
3 of the duties of their employment or commuting between
4 their homes and places of employment; and watchmen while
5 actually engaged in the performance of the duties of their
6 employment.

7 (5) Persons licensed as private security contractors,
8 private detectives, or private alarm contractors, or
9 employed by a private security contractor, private
10 detective, or private alarm contractor agency licensed by
11 the Department of Financial and Professional Regulation,
12 if their duties include the carrying of a weapon under the
13 provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004, while actually engaged in the performance of the
16 duties of their employment or commuting between their
17 homes and places of employment. A person shall be
18 considered eligible for this exemption if he or she has
19 completed the required 20 hours of training for a private
20 security contractor, private detective, or private alarm
21 contractor, or employee of a licensed private security
22 contractor, private detective, or private alarm contractor
23 agency and 28 hours of required firearm training, and has
24 been issued a firearm control card by the Department of
25 Financial and Professional Regulation. Conditions for the
26 renewal of firearm control cards issued under the

1 provisions of this Section shall be the same as for those
2 cards issued under the provisions of the Private
3 Detective, Private Alarm, Private Security, Fingerprint
4 Vendor, and Locksmith Act of 2004. The firearm control
5 card shall be carried by the private security contractor,
6 private detective, or private alarm contractor, or
7 employee of the licensed private security contractor,
8 private detective, or private alarm contractor agency at
9 all times when he or she is in possession of a concealable
10 weapon permitted by his or her firearm control card.

11 (6) Any person regularly employed in a commercial or
12 industrial operation as a security guard for the
13 protection of persons employed and private property
14 related to such commercial or industrial operation, while
15 actually engaged in the performance of his or her duty or
16 traveling between sites or properties belonging to the
17 employer, and who, as a security guard, is a member of a
18 security force registered with the Department of Financial
19 and Professional Regulation; provided that such security
20 guard has successfully completed a course of study,
21 approved by and supervised by the Department of Financial
22 and Professional Regulation, consisting of not less than
23 48 hours of training that includes the theory of law
24 enforcement, liability for acts, and the handling of
25 weapons. A person shall be considered eligible for this
26 exemption if he or she has completed the required 20 hours

1 of training for a security officer and 28 hours of
2 required firearm training, and has been issued a firearm
3 control card by the Department of Financial and
4 Professional Regulation. Conditions for the renewal of
5 firearm control cards issued under the provisions of this
6 Section shall be the same as for those cards issued under
7 the provisions of the Private Detective, Private Alarm,
8 Private Security, Fingerprint Vendor, and Locksmith Act of
9 2004. The firearm control card shall be carried by the
10 security guard at all times when he or she is in possession
11 of a concealable weapon permitted by his or her firearm
12 control card.

13 (7) Agents and investigators of the Illinois
14 Legislative Investigating Commission authorized by the
15 Commission to carry the weapons specified in subsections
16 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
17 any investigation for the Commission.

18 (8) Persons employed by a financial institution as a
19 security guard for the protection of other employees and
20 property related to such financial institution, while
21 actually engaged in the performance of their duties,
22 commuting between their homes and places of employment, or
23 traveling between sites or properties owned or operated by
24 such financial institution, and who, as a security guard,
25 is a member of a security force registered with the
26 Department; provided that any person so employed has

1 successfully completed a course of study, approved by and
2 supervised by the Department of Financial and Professional
3 Regulation, consisting of not less than 48 hours of
4 training which includes theory of law enforcement,
5 liability for acts, and the handling of weapons. A person
6 shall be considered to be eligible for this exemption if
7 he or she has completed the required 20 hours of training
8 for a security officer and 28 hours of required firearm
9 training, and has been issued a firearm control card by
10 the Department of Financial and Professional Regulation.
11 Conditions for renewal of firearm control cards issued
12 under the provisions of this Section shall be the same as
13 for those issued under the provisions of the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004. The firearm control
16 card shall be carried by the security guard at all times
17 when he or she is in possession of a concealable weapon
18 permitted by his or her firearm control card. For purposes
19 of this subsection, "financial institution" means a bank,
20 savings and loan association, credit union or company
21 providing armored car services.

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

25 (10) Persons who have been classified as peace
26 officers pursuant to the Peace Officer Fire Investigation

1 Act.

2 (11) Investigators of the Office of the State's
3 Attorneys Appellate Prosecutor authorized by the board of
4 governors of the Office of the State's Attorneys Appellate
5 Prosecutor to carry weapons pursuant to Section 7.06 of
6 the State's Attorneys Appellate Prosecutor's Act.

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

9 (12.5) Probation officers while in the performance of
10 their duties, or while commuting between their homes,
11 places of employment or specific locations that are part
12 of their assigned duties, with the consent of the chief
13 judge of the circuit for which they are employed, if they
14 have received weapons training according to requirements
15 of the Peace Officer and Probation Officer Firearm
16 Training Act.

17 (13) Court Security Officers while in the performance
18 of their official duties, or while commuting between their
19 homes and places of employment, with the consent of the
20 Sheriff.

21 (13.5) A person employed as an armed security guard at
22 a nuclear energy, storage, weapons or development site or
23 facility regulated by the Nuclear Regulatory Commission
24 who has completed the background screening and training
25 mandated by the rules and regulations of the Nuclear
26 Regulatory Commission.

1 (14) Manufacture, transportation, or sale of weapons
2 to persons authorized under subdivisions (1) through
3 (13.5) of this subsection to possess those weapons.

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

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

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any of the following:

15 (1) Members of any club or organization organized for
16 the purpose of practicing shooting at targets upon
17 established target ranges, whether public or private, and
18 patrons of such ranges, while such members or patrons are
19 using their firearms on those target ranges.

20 (2) Duly authorized military or civil organizations
21 while parading, with the special permission of the
22 Governor.

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

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

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

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

7 (1) Peace officers while in performance of their
8 official duties.

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

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

15 (4) Manufacture, transportation, or sale of machine
16 guns to persons authorized under subdivisions (1) through
17 (3) of this subsection to possess machine guns, if the
18 machine guns are broken down in a non-functioning state or
19 are not immediately accessible.

20 (5) Persons licensed under federal law to manufacture
21 any weapon from which 8 or more shots or bullets can be
22 discharged by a single function of the firing device, or
23 ammunition for such weapons, and actually engaged in the
24 business of manufacturing such weapons or ammunition, but
25 only with respect to activities which are within the
26 lawful scope of such business, such as the manufacture,

1 transportation, or testing of such weapons or ammunition.
2 This exemption does not authorize the general private
3 possession of any weapon from which 8 or more shots or
4 bullets can be discharged by a single function of the
5 firing device, but only such possession and activities as
6 are within the lawful scope of a licensed manufacturing
7 business described in this paragraph.

8 During transportation, such weapons shall be broken
9 down in a non-functioning state or not immediately
10 accessible.

11 (6) The manufacture, transport, testing, delivery,
12 transfer or sale, and all lawful commercial or
13 experimental activities necessary thereto, of rifles,
14 shotguns, and weapons made from rifles or shotguns, or
15 ammunition for such rifles, shotguns or weapons, where
16 engaged in by a person operating as a contractor or
17 subcontractor pursuant to a contract or subcontract for
18 the development and supply of such rifles, shotguns,
19 weapons or ammunition to the United States government or
20 any branch of the Armed Forces of the United States, when
21 such activities are necessary and incident to fulfilling
22 the terms of such contract.

23 The exemption granted under this subdivision (c)(6)
24 shall also apply to any authorized agent of any such
25 contractor or subcontractor who is operating within the
26 scope of his employment, where such activities involving

1 such weapon, weapons or ammunition are necessary and
2 incident to fulfilling the terms of such contract.

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

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

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

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

26 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply

1 to:

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

5 (2) Bonafide collectors of antique or surplus military
6 ordnance.

7 (3) Laboratories having a department of forensic
8 ballistics, or specializing in the development of
9 ammunition or explosive ordnance.

10 (4) Commerce, preparation, assembly or possession of
11 explosive bullets by manufacturers of ammunition licensed
12 by the federal government, in connection with the supply
13 of those organizations and persons exempted by subdivision
14 (g) (1) of this Section, or like organizations and persons
15 outside this State, or the transportation of explosive
16 bullets to any organization or person exempted in this
17 Section by a common carrier or by a vehicle owned or leased
18 by an exempted manufacturer.

19 (g-5) (Blank). ~~Subsection 24-1(a)(6) does not apply to or~~
20 ~~affect persons licensed under federal law to manufacture any~~
21 ~~device or attachment of any kind designed, used, or intended~~
22 ~~for use in silencing the report of any firearm, firearms, or~~
23 ~~ammunition for those firearms equipped with those devices, and~~
24 ~~actually engaged in the business of manufacturing those~~
25 ~~devices, firearms, or ammunition, but only with respect to~~
26 ~~activities that are within the lawful scope of that business,~~

1 ~~such as the manufacture, transportation, or testing of those~~
2 ~~devices, firearms, or ammunition. This exemption does not~~
3 ~~authorize the general private possession of any device or~~
4 ~~attachment of any kind designed, used, or intended for use in~~
5 ~~silencing the report of any firearm, but only such possession~~
6 ~~and activities as are within the lawful scope of a licensed~~
7 ~~manufacturing business described in this subsection (g-5).~~
8 ~~During transportation, these devices shall be detached from~~
9 ~~any weapon or not immediately accessible.~~

10 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
11 24-1.6 do not apply to or affect any parole agent or parole
12 supervisor who meets the qualifications and conditions
13 prescribed in Section 3-14-1.5 of the Unified Code of
14 Corrections.

15 (g-7) (Blank). ~~Subsection 24-1(a)(6) does not apply to a~~
16 ~~peace officer while serving as a member of a tactical response~~
17 ~~team or special operations team. A peace officer may not~~
18 ~~personally own or apply for ownership of a device or~~
19 ~~attachment of any kind designed, used, or intended for use in~~
20 ~~silencing the report of any firearm. These devices shall be~~
21 ~~owned and maintained by lawfully recognized units of~~
22 ~~government whose duties include the investigation of criminal~~
23 ~~acts.~~

24 (g-10) (Blank).

25 (h) An information or indictment based upon a violation of
26 any subsection of this Article need not negative any

1 exemptions contained in this Article. The defendant shall have
2 the burden of proving such an exemption.

3 (i) Nothing in this Article shall prohibit, apply to, or
4 affect the transportation, carrying, or possession, of any
5 pistol or revolver, stun gun, taser, or other firearm
6 consigned to a common carrier operating under license of the
7 State of Illinois or the federal government, where such
8 transportation, carrying, or possession is incident to the
9 lawful transportation in which such common carrier is engaged;
10 and nothing in this Article shall prohibit, apply to, or
11 affect the transportation, carrying, or possession of any
12 pistol, revolver, stun gun, taser, or other firearm, not the
13 subject of and regulated by subsection 24-1(a)(7) or
14 subsection 24-2(c) of this Article, which is unloaded and
15 enclosed in a case, firearm carrying box, shipping box, or
16 other container, by the possessor of a valid Firearm Owners
17 Identification Card.

18 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22.)

19 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

20 Sec. 36-1. Property subject to forfeiture.

21 (a) Any vessel or watercraft, vehicle, or aircraft is
22 subject to forfeiture under this Article if the vessel or
23 watercraft, vehicle, or aircraft is used with the knowledge
24 and consent of the owner in the commission of or in the attempt
25 to commit as defined in Section 8-4 of this Code:

1 (1) an offense prohibited by Section 9-1 (first degree
2 murder), Section 9-3 (involuntary manslaughter and
3 reckless homicide), Section 10-2 (aggravated kidnaping),
4 Section 11-1.20 (criminal sexual assault), Section 11-1.30
5 (aggravated criminal sexual assault), Section 11-1.40
6 (predatory criminal sexual assault of a child), subsection
7 (a) of Section 11-1.50 (criminal sexual abuse), subsection
8 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
9 sexual abuse), Section 11-6 (indecent solicitation of a
10 child), Section 11-14.4 (promoting juvenile prostitution
11 except for keeping a place of juvenile prostitution),
12 Section 11-20.1 (child pornography), paragraph (a)(1),
13 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
14 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
15 (aggravated battery), Section 12-7.3 (stalking), Section
16 12-7.4 (aggravated stalking), Section 16-1 (theft if the
17 theft is of precious metal or of scrap metal), subdivision
18 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
19 18-2 (armed robbery), Section 19-1 (burglary), Section
20 19-2 (possession of burglary tools), Section 19-3
21 (residential burglary), Section 20-1 (arson; residential
22 arson; place of worship arson), Section 20-2 (possession
23 of explosives or explosive or incendiary devices),
24 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
25 of weapons), Section 24-1.2 (aggravated discharge of a
26 firearm), Section 24-1.2-5 (aggravated discharge of a

1 machine gun ~~or a firearm equipped with a device designed~~
2 ~~or used for silencing the report of a firearm~~), Section
3 24-1.5 (reckless discharge of a firearm), Section 28-1
4 (gambling), or Section 29D-15.2 (possession of a deadly
5 substance) of this Code;

6 (2) an offense prohibited by Section 21, 22, 23, 24 or
7 26 of the Cigarette Tax Act if the vessel or watercraft,
8 vehicle, or aircraft contains more than 10 cartons of such
9 cigarettes;

10 (3) an offense prohibited by Section 28, 29, or 30 of
11 the Cigarette Use Tax Act if the vessel or watercraft,
12 vehicle, or aircraft contains more than 10 cartons of such
13 cigarettes;

14 (4) an offense prohibited by Section 44 of the
15 Environmental Protection Act;

16 (5) an offense prohibited by Section 11-204.1 of the
17 Illinois Vehicle Code (aggravated fleeing or attempting to
18 elude a peace officer);

19 (6) an offense prohibited by Section 11-501 of the
20 Illinois Vehicle Code (driving while under the influence
21 of alcohol or other drug or drugs, intoxicating compound
22 or compounds or any combination thereof) or a similar
23 provision of a local ordinance, and:

24 (A) during a period in which his or her driving
25 privileges are revoked or suspended if the revocation
26 or suspension was for:

1 (i) Section 11-501 (driving under the
2 influence of alcohol or other drug or drugs,
3 intoxicating compound or compounds or any
4 combination thereof),

5 (ii) Section 11-501.1 (statutory summary
6 suspension or revocation),

7 (iii) paragraph (b) of Section 11-401 (motor
8 vehicle accidents involving death or personal
9 injuries), or

10 (iv) reckless homicide as defined in Section
11 9-3 of this Code;

12 (B) has been previously convicted of reckless
13 homicide or a similar provision of a law of another
14 state relating to reckless homicide in which the
15 person was determined to have been under the influence
16 of alcohol, other drug or drugs, or intoxicating
17 compound or compounds as an element of the offense or
18 the person has previously been convicted of committing
19 a violation of driving under the influence of alcohol
20 or other drug or drugs, intoxicating compound or
21 compounds or any combination thereof and was involved
22 in a motor vehicle accident that resulted in death,
23 great bodily harm, or permanent disability or
24 disfigurement to another, when the violation was a
25 proximate cause of the death or injuries;

26 (C) the person committed a violation of driving

1 under the influence of alcohol or other drug or drugs,
2 intoxicating compound or compounds or any combination
3 thereof under Section 11-501 of the Illinois Vehicle
4 Code or a similar provision for the third or
5 subsequent time;

6 (D) he or she did not possess a valid driver's
7 license or permit or a valid restricted driving permit
8 or a valid judicial driving permit or a valid
9 monitoring device driving permit; or

10 (E) he or she knew or should have known that the
11 vehicle he or she was driving was not covered by a
12 liability insurance policy;

13 (7) an offense described in subsection (g) of Section
14 6-303 of the Illinois Vehicle Code;

15 (8) an offense described in subsection (e) of Section
16 6-101 of the Illinois Vehicle Code; or

17 (9) (A) operating a watercraft under the influence of
18 alcohol, other drug or drugs, intoxicating compound or
19 compounds, or combination thereof under Section 5-16 of
20 the Boat Registration and Safety Act during a period in
21 which his or her privileges to operate a watercraft are
22 revoked or suspended and the revocation or suspension was
23 for operating a watercraft under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds,
25 or combination thereof; (B) operating a watercraft under
26 the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or combination thereof
2 and has been previously convicted of reckless homicide or
3 a similar provision of a law in another state relating to
4 reckless homicide in which the person was determined to
5 have been under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or combination
7 thereof as an element of the offense or the person has
8 previously been convicted of committing a violation of
9 operating a watercraft under the influence of alcohol,
10 other drug or drugs, intoxicating compound or compounds,
11 or combination thereof and was involved in an accident
12 that resulted in death, great bodily harm, or permanent
13 disability or disfigurement to another, when the violation
14 was a proximate cause of the death or injuries; or (C) the
15 person committed a violation of operating a watercraft
16 under the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or combination thereof
18 under Section 5-16 of the Boat Registration and Safety Act
19 or a similar provision for the third or subsequent time.

20 (b) In addition, any mobile or portable equipment used in
21 the commission of an act which is in violation of Section 7g of
22 the Metropolitan Water Reclamation District Act shall be
23 subject to seizure and forfeiture under the same procedures
24 provided in this Article for the seizure and forfeiture of
25 vessels or watercraft, vehicles, and aircraft, and any such
26 equipment shall be deemed a vessel or watercraft, vehicle, or

1 aircraft for purposes of this Article.

2 (c) In addition, when a person discharges a firearm at
3 another individual from a vehicle with the knowledge and
4 consent of the owner of the vehicle and with the intent to
5 cause death or great bodily harm to that individual and as a
6 result causes death or great bodily harm to that individual,
7 the vehicle shall be subject to seizure and forfeiture under
8 the same procedures provided in this Article for the seizure
9 and forfeiture of vehicles used in violations of clauses (1),
10 (2), (3), or (4) of subsection (a) of this Section.

11 (d) If the spouse of the owner of a vehicle seized for an
12 offense described in subsection (g) of Section 6-303 of the
13 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
14 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
15 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
16 Code makes a showing that the seized vehicle is the only source
17 of transportation and it is determined that the financial
18 hardship to the family as a result of the seizure outweighs the
19 benefit to the State from the seizure, the vehicle may be
20 forfeited to the spouse or family member and the title to the
21 vehicle shall be transferred to the spouse or family member
22 who is properly licensed and who requires the use of the
23 vehicle for employment or family transportation purposes. A
24 written declaration of forfeiture of a vehicle under this
25 Section shall be sufficient cause for the title to be
26 transferred to the spouse or family member. The provisions of

1 this paragraph shall apply only to one forfeiture per vehicle.
2 If the vehicle is the subject of a subsequent forfeiture
3 proceeding by virtue of a subsequent conviction of either
4 spouse or the family member, the spouse or family member to
5 whom the vehicle was forfeited under the first forfeiture
6 proceeding may not utilize the provisions of this paragraph in
7 another forfeiture proceeding. If the owner of the vehicle
8 seized owns more than one vehicle, the procedure set out in
9 this paragraph may be used for only one vehicle.

10 (e) In addition, property subject to forfeiture under
11 Section 40 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act may be seized and forfeited under this Article.

13 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

14 Section 10. The Code of Criminal Procedure of 1963 is
15 amended by changing Section 110-6.1 as follows:

16 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 110-6.1. Denial of bail in non-probationable felony
19 offenses.

20 (a) Upon verified petition by the State, the court shall
21 hold a hearing to determine whether bail should be denied to a
22 defendant who is charged with a felony offense for which a
23 sentence of imprisonment, without probation, periodic
24 imprisonment or conditional discharge, is required by law upon

1 conviction, when it is alleged that the defendant's admission
2 to bail poses a real and present threat to the physical safety
3 of any person or persons.

4 (1) A petition may be filed without prior notice to
5 the defendant at the first appearance before a judge, or
6 within the 21 calendar days, except as provided in Section
7 110-6, after arrest and release of the defendant upon
8 reasonable notice to defendant; provided that while such
9 petition is pending before the court, the defendant if
10 previously released shall not be detained.

11 (2) The hearing shall be held immediately upon the
12 defendant's appearance before the court, unless for good
13 cause shown the defendant or the State seeks a
14 continuance. A continuance on motion of the defendant may
15 not exceed 5 calendar days, and a continuance on the
16 motion of the State may not exceed 3 calendar days. The
17 defendant may be held in custody during such continuance.

18 (b) The court may deny bail to the defendant where, after
19 the hearing, it is determined that:

20 (1) the proof is evident or the presumption great that
21 the defendant has committed an offense for which a
22 sentence of imprisonment, without probation, periodic
23 imprisonment or conditional discharge, must be imposed by
24 law as a consequence of conviction, and

25 (2) the defendant poses a real and present threat to
26 the physical safety of any person or persons, by conduct

1 which may include, but is not limited to, a forcible
2 felony, the obstruction of justice, intimidation, injury,
3 physical harm, an offense under the Illinois Controlled
4 Substances Act which is a Class X felony, or an offense
5 under the Methamphetamine Control and Community Protection
6 Act which is a Class X felony, and

7 (3) the court finds that no condition or combination
8 of conditions set forth in subsection (b) of Section
9 110-10 of this Article, can reasonably assure the physical
10 safety of any other person or persons.

11 (c) Conduct of the hearings.

12 (1) The hearing on the defendant's culpability and
13 dangerousness shall be conducted in accordance with the
14 following provisions:

15 (A) Information used by the court in its findings
16 or stated in or offered at such hearing may be by way
17 of proffer based upon reliable information offered by
18 the State or by defendant. Defendant has the right to
19 be represented by counsel, and if he is indigent, to
20 have counsel appointed for him. Defendant shall have
21 the opportunity to testify, to present witnesses in
22 his own behalf, and to cross-examine witnesses if any
23 are called by the State. The defendant has the right to
24 present witnesses in his favor. When the ends of
25 justice so require, the court may exercise its
26 discretion and compel the appearance of a complaining

1 witness. The court shall state on the record reasons
2 for granting a defense request to compel the presence
3 of a complaining witness. Cross-examination of a
4 complaining witness at the pretrial detention hearing
5 for the purpose of impeaching the witness' credibility
6 is insufficient reason to compel the presence of the
7 witness. In deciding whether to compel the appearance
8 of a complaining witness, the court shall be
9 considerate of the emotional and physical well-being
10 of the witness. The pre-trial detention hearing is not
11 to be used for purposes of discovery, and the post
12 arraignment rules of discovery do not apply. The State
13 shall tender to the defendant, prior to the hearing,
14 copies of defendant's criminal history, if any, if
15 available, and any written or recorded statements and
16 the substance of any oral statements made by any
17 person, if relied upon by the State in its petition.
18 The rules concerning the admissibility of evidence in
19 criminal trials do not apply to the presentation and
20 consideration of information at the hearing. At the
21 trial concerning the offense for which the hearing was
22 conducted neither the finding of the court nor any
23 transcript or other record of the hearing shall be
24 admissible in the State's case in chief, but shall be
25 admissible for impeachment, or as provided in Section
26 115-10.1 of this Code, or in a perjury proceeding.

1 (B) A motion by the defendant to suppress evidence
2 or to suppress a confession shall not be entertained.
3 Evidence that proof may have been obtained as the
4 result of an unlawful search and seizure or through
5 improper interrogation is not relevant to this state
6 of the prosecution.

7 (2) The facts relied upon by the court to support a
8 finding that the defendant poses a real and present threat
9 to the physical safety of any person or persons shall be
10 supported by clear and convincing evidence presented by
11 the State.

12 (d) Factors to be considered in making a determination of
13 dangerousness. The court may, in determining whether the
14 defendant poses a real and present threat to the physical
15 safety of any person or persons, consider but shall not be
16 limited to evidence or testimony concerning:

17 (1) The nature and circumstances of any offense
18 charged, including whether the offense is a crime of
19 violence, involving a weapon.

20 (2) The history and characteristics of the defendant
21 including:

22 (A) Any evidence of the defendant's prior criminal
23 history indicative of violent, abusive or assaultive
24 behavior, or lack of such behavior. Such evidence may
25 include testimony or documents received in juvenile
26 proceedings, criminal, quasi-criminal, civil

1 commitment, domestic relations or other proceedings.

2 (B) Any evidence of the defendant's psychological,
3 psychiatric or other similar social history which
4 tends to indicate a violent, abusive, or assaultive
5 nature, or lack of any such history.

6 (3) The identity of any person or persons to whose
7 safety the defendant is believed to pose a threat, and the
8 nature of the threat;

9 (4) Any statements made by, or attributed to the
10 defendant, together with the circumstances surrounding
11 them;

12 (5) The age and physical condition of any person
13 assaulted by the defendant;

14 (6) Whether the defendant is known to possess or have
15 access to any weapon or weapons;

16 (7) Whether, at the time of the current offense or any
17 other offense or arrest, the defendant was on probation,
18 parole, aftercare release, mandatory supervised release or
19 other release from custody pending trial, sentencing,
20 appeal or completion of sentence for an offense under
21 federal or state law;

22 (8) Any other factors, including those listed in
23 Section 110-5 of this Article deemed by the court to have a
24 reasonable bearing upon the defendant's propensity or
25 reputation for violent, abusive or assaultive behavior, or
26 lack of such behavior.

1 (e) Detention order. The court shall, in any order for
2 detention:

3 (1) briefly summarize the evidence of the defendant's
4 culpability and its reasons for concluding that the
5 defendant should be held without bail;

6 (2) direct that the defendant be committed to the
7 custody of the sheriff for confinement in the county jail
8 pending trial;

9 (3) direct that the defendant be given a reasonable
10 opportunity for private consultation with counsel, and for
11 communication with others of his choice by visitation,
12 mail and telephone; and

13 (4) direct that the sheriff deliver the defendant as
14 required for appearances in connection with court
15 proceedings.

16 (f) If the court enters an order for the detention of the
17 defendant pursuant to subsection (e) of this Section, the
18 defendant shall be brought to trial on the offense for which he
19 is detained within 90 days after the date on which the order
20 for detention was entered. If the defendant is not brought to
21 trial within the 90 day period required by the preceding
22 sentence, he shall not be held longer without bail. In
23 computing the 90 day period, the court shall omit any period of
24 delay resulting from a continuance granted at the request of
25 the defendant.

26 (g) Rights of the defendant. Any person shall be entitled

1 to appeal any order entered under this Section denying bail to
2 the defendant.

3 (h) The State may appeal any order entered under this
4 Section denying any motion for denial of bail.

5 (i) Nothing in this Section shall be construed as
6 modifying or limiting in any way the defendant's presumption
7 of innocence in further criminal proceedings.

8 (Source: P.A. 98-558, eff. 1-1-14.)

9 (Text of Section after amendment by P.A. 101-652)

10 Sec. 110-6.1. Denial of pretrial release.

11 (a) Upon verified petition by the State, the court shall
12 hold a hearing and may deny a defendant pretrial release only
13 if:

14 (1) the defendant is charged with a forcible felony
15 offense for which a sentence of imprisonment, without
16 probation, periodic imprisonment or conditional discharge,
17 is required by law upon conviction, and it is alleged that
18 the defendant's pretrial release poses a specific, real
19 and present threat to any person or the community.;

20 (2) the defendant is charged with stalking or
21 aggravated stalking and it is alleged that the defendant's
22 pre-trial release poses a real and present threat to the
23 physical safety of a victim of the alleged offense, and
24 denial of release is necessary to prevent fulfillment of
25 the threat upon which the charge is based;

1 (3) the victim of abuse was a family or household
2 member as defined by paragraph (6) of Section 103 of the
3 Illinois Domestic Violence Act of 1986, and the person
4 charged, at the time of the alleged offense, was subject
5 to the terms of an order of protection issued under
6 Section 112A-14 of this Code, or Section 214 of the
7 Illinois Domestic Violence Act of 1986 or previously was
8 convicted of a violation of an order of protection under
9 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 or a violent crime if the victim was
11 a family or household member as defined by paragraph (6)
12 of the Illinois Domestic Violence Act of 1986 at the time
13 of the offense or a violation of a substantially similar
14 municipal ordinance or law of this or any other state or
15 the United States if the victim was a family or household
16 member as defined by paragraph (6) of Section 103 of the
17 Illinois Domestic Violence Act of 1986 at the time of the
18 offense, and it is alleged that the defendant's pre-trial
19 release poses a real and present threat to the physical
20 safety of any person or persons;

21 (4) the defendant is charged with domestic battery or
22 aggravated domestic battery under Section 12-3.2 or 12-3.3
23 of the Criminal Code of 2012 and it is alleged that the
24 defendant's pretrial release poses a real and present
25 threat to the physical safety of any person or persons;

26 (5) the defendant is charged with any offense under

1 Article 11 of the Criminal Code of 2012, except for
2 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal
3 Code of 2012, or similar provisions of the Criminal Code
4 of 1961 and it is alleged that the defendant's pretrial
5 release poses a real and present threat to the physical
6 safety of any person or persons;

7 (6) the defendant is charged with any of these
8 violations under the Criminal Code of 2012 and it is
9 alleged that the defendant's pretrial releases poses a
10 real and present threat to the physical safety of any
11 specifically identifiable person or persons.

12 (A) Section 24-1.2 (aggravated discharge of a
13 firearm);

14 (B) Section 24-2.5 (aggravated discharge of a
15 machine gun ~~or a firearm equipped with a device~~
16 ~~designed or use for silencing the report of a~~
17 ~~firearm);~~

18 (C) Section 24-1.5 (reckless discharge of a
19 firearm);

20 (D) Section 24-1.7 (armed habitual criminal);

21 (E) Section 24-2.2 2 (manufacture, sale or
22 transfer of bullets or shells represented to be armor
23 piercing bullets, dragon's breath shotgun shells, bolo
24 shells or flechette shells);

25 (F) Section 24-3 (unlawful sale or delivery of
26 firearms);

1 (G) Section 24-3.3 (unlawful sale or delivery of
2 firearms on the premises of any school);

3 (H) Section 24-34 (unlawful sale of firearms by
4 liquor license);

5 (I) Section 24-3.5 (unlawful purchase of a
6 firearm);

7 (J) Section 24-3A (gunrunning); or

8 (K) Section on 24-3B (firearms trafficking);

9 (L) Section 10-9 (b) (involuntary servitude);

10 (M) Section 10-9 (c) (involuntary sexual servitude
11 of a minor);

12 (N) Section 10-9(d) (trafficking in persons);

13 (O) Non-probationable violations: (i) (unlawful
14 use or possession of weapons by felons or persons in
15 the Custody of the Department of Corrections
16 facilities (Section 24-1.1), (ii) aggravated unlawful
17 use of a weapon (Section 24-1.6, or (iii) aggravated
18 possession of a stolen firearm (Section 24-3.9);

19 (7) the person has a high likelihood of willful flight
20 to avoid prosecution and is charged with:

21 (A) Any felony described in Sections (a)(1)
22 through (a)(5) of this Section; or

23 (B) A felony offense other than a Class 4 offense.

24 (b) If the charged offense is a felony, the Court shall
25 hold a hearing pursuant to 109-3 of this Code to determine
26 whether there is probable cause the defendant has committed an

1 offense, unless a grand jury has returned a true bill of
2 indictment against the defendant. If there is a finding of no
3 probable cause, the defendant shall be released. No such
4 finding is necessary if the defendant is charged with a
5 misdemeanor.

6 (c) Timing of petition.

7 (1) A petition may be filed without prior notice to
8 the defendant at the first appearance before a judge, or
9 within the 21 calendar days, except as provided in Section
10 110-6, after arrest and release of the defendant upon
11 reasonable notice to defendant; provided that while such
12 petition is pending before the court, the defendant if
13 previously released shall not be detained.

14 (2) (2) Upon filing, the court shall immediately hold
15 a hearing on the petition unless a continuance is
16 requested. If a continuance is requested, the hearing
17 shall be held within 48 hours of the defendant's first
18 appearance if the defendant is charged with a Class X,
19 Class 1, Class 2, or Class 3 felony, and within 24 hours if
20 the defendant is charged with a Class 4 or misdemeanor
21 offense. The Court may deny and or grant the request for
22 continuance. If the court decides to grant the
23 continuance, the Court retains the discretion to detain or
24 release the defendant in the time between the filing of
25 the petition and the hearing.

26 (d) Contents of petition.

1 (1) The petition shall be verified by the State and
2 shall state the grounds upon which it contends the
3 defendant should be denied pretrial release, including the
4 identity of the specific person or persons the State
5 believes the defendant poses a danger to.

6 (2) Only one petition may be filed under this Section.

7 (e) Eligibility: All defendants shall be presumed eligible
8 for pretrial release, and the State shall bear the burden of
9 proving by clear and convincing evidence that:

10 (1) the proof is evident or the presumption great that
11 the defendant has committed an offense listed in
12 paragraphs (1) through (6) of subsection (a), and

13 (2) the defendant poses a real and present threat to
14 the safety of a specific, identifiable person or persons,
15 by conduct which may include, but is not limited to, a
16 forcible felony, the obstruction of justice, intimidation,
17 injury, or abuse as defined by paragraph (1) of Section
18 103 of the Illinois Domestic Violence Act of 1986, and

19 (3) no condition or combination of conditions set
20 forth in subsection (b) of Section 110-10 of this Article
21 can mitigate the real and present threat to the safety of
22 any person or persons or the defendant's willful flight.

23 (f) Conduct of the hearings.

24 (1) Prior to the hearing the State shall tender to the
25 defendant copies of defendant's criminal history
26 available, any written or recorded statements, and the

1 substance of any oral statements made by any person, if
2 relied upon by the State in its petition, and any police
3 reports in the State's Attorney's possession at the time
4 of the hearing that are required to be disclosed to the
5 defense under Illinois Supreme Court rules.

6 (2) The State or defendant may present evidence at the
7 hearing by way of proffer based upon reliable information.

8 (3) The defendant has the right to be represented by
9 counsel, and if he or she is indigent, to have counsel
10 appointed for him or her. The defendant shall have the
11 opportunity to testify, to present witnesses on his or her
12 own behalf, and to cross-examine any witnesses that are
13 called by the State.

14 (4) If the defense seeks to call the complaining
15 witness as a witness in its favor, it shall petition the
16 court for permission. When the ends of justice so require,
17 the court may exercise its discretion and compel the
18 appearance of a complaining witness. The court shall state
19 on the record reasons for granting a defense request to
20 compel the presence of a complaining witness. In making a
21 determination under this section, the court shall state on
22 the record the reason for granting a defense request to
23 compel the presence of a complaining witness, and only
24 grant the request if the court finds by clear and
25 convincing evidence that the defendant will be materially
26 prejudiced if the complaining witness does not appear.

1 Cross-examination of a complaining witness at the pretrial
2 detention hearing for the purpose of impeaching the
3 witness' credibility is insufficient reason to compel the
4 presence of the witness. In deciding whether to compel the
5 appearance of a complaining witness, the court shall be
6 considerate of the emotional and physical well-being of
7 the witness. The pre-trial detention hearing is not to be
8 used for purposes of discovery, and the post arraignment
9 rules of discovery do not apply.

10 (5) The rules concerning the admissibility of evidence
11 in criminal trials do not apply to the presentation and
12 consideration of information at the hearing. At the trial
13 concerning the offense for which the hearing was conducted
14 neither the finding of the court nor any transcript or
15 other record of the hearing shall be admissible in the
16 State's case in chief, but shall be admissible for
17 impeachment, or as provided in Section 115-10.1 of this
18 Code, or in a perjury proceeding.

19 (6) The defendant may not move to suppress evidence or
20 a confession, however, evidence that proof of the charged
21 crime may have been the result of an unlawful search or
22 seizure, or both, or through improper interrogation, is
23 relevant in assessing the weight of the evidence against
24 the defendant.

25 (7) Decisions regarding release, conditions of release
26 and detention prior trial should be individualized, and no

1 single factor or standard should be used exclusively to
2 make a condition or detention decision.

3 (g) Factors to be considered in making a determination of
4 dangerousness. The court may, in determining whether the
5 defendant poses a specific, imminent threat of serious
6 physical harm to an identifiable person or persons, consider
7 but shall not be limited to evidence or testimony concerning:

8 (1) The nature and circumstances of any offense
9 charged, including whether the offense is a crime of
10 violence, involving a weapon, or a sex offense.

11 (2) The history and characteristics of the defendant
12 including:

13 (A) Any evidence of the defendant's prior criminal
14 history indicative of violent, abusive or assaultive
15 behavior, or lack of such behavior. Such evidence may
16 include testimony or documents received in juvenile
17 proceedings, criminal, quasi-criminal, civil
18 commitment, domestic relations or other proceedings.

19 (B) Any evidence of the defendant's psychological,
20 psychiatric or other similar social history which
21 tends to indicate a violent, abusive, or assaultive
22 nature, or lack of any such history.

23 (3) The identity of any person or persons to whose
24 safety the defendant is believed to pose a threat, and the
25 nature of the threat;

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding
2 them;

3 (5) The age and physical condition of the defendant;

4 (6) The age and physical condition of any victim or
5 complaining witness;

6 (7) Whether the defendant is known to possess or have
7 access to any weapon or weapons;

8 (8) Whether, at the time of the current offense or any
9 other offense or arrest, the defendant was on probation,
10 parole, aftercare release, mandatory supervised release or
11 other release from custody pending trial, sentencing,
12 appeal or completion of sentence for an offense under
13 federal or state law;

14 (9) Any other factors, including those listed in
15 Section 110-5 of this Article deemed by the court to have a
16 reasonable bearing upon the defendant's propensity or
17 reputation for violent, abusive or assaultive behavior, or
18 lack of such behavior.

19 (h) Detention order. The court shall, in any order for
20 detention:

21 (1) briefly summarize the evidence of the defendant's
22 guilt or innocence, and the court's reasons for concluding
23 that the defendant should be denied pretrial release;

24 (2) direct that the defendant be committed to the
25 custody of the sheriff for confinement in the county jail
26 pending trial;

1 (3) direct that the defendant be given a reasonable
2 opportunity for private consultation with counsel, and for
3 communication with others of his or her choice by
4 visitation, mail and telephone; and

5 (4) direct that the sheriff deliver the defendant as
6 required for appearances in connection with court
7 proceedings.

8 (i) Detention. If the court enters an order for the
9 detention of the defendant pursuant to subsection (e) of this
10 Section, the defendant shall be brought to trial on the
11 offense for which he is detained within 90 days after the date
12 on which the order for detention was entered. If the defendant
13 is not brought to trial within the 90 day period required by
14 the preceding sentence, he shall not be denied pretrial
15 release. In computing the 90 day period, the court shall omit
16 any period of delay resulting from a continuance granted at
17 the request of the defendant.

18 (j) Rights of the defendant. Any person shall be entitled
19 to appeal any order entered under this Section denying
20 pretrial release to the defendant.

21 (k) Appeal. The State may appeal any order entered under
22 this Section denying any motion for denial of pretrial
23 release.

24 (l) Presumption of innocence. Nothing in this Section
25 shall be construed as modifying or limiting in any way the
26 defendant's presumption of innocence in further criminal

1 proceedings.

2 (m) Victim notice.

3 (1) Crime victims shall be given notice by the State's
4 Attorney's office of this hearing as required in paragraph
5 (1) of subsection (b) of Section 4.5 of the Rights of Crime
6 Victims and Witnesses Act and shall be informed of their
7 opportunity at this hearing to obtain an order of
8 protection under Article 112A of this Code.

9 (Source: P.A. 101-652, eff. 1-1-23.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.