

103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1564

Introduced 1/31/2023, by Rep. Dave Severin - Patrick Windhorst
- Tony M. McCombie - Norine K. Hammond, Paul Jacobs, et al.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
430 ILCS 65/8 from Ch. 38, par. 83-8
430 ILCS 65/4.1 rep.
430 ILCS 67/40
430 ILCS 67/45
430 ILCS 67/55
720 ILCS 5/24-1 from Ch. 38, par. 24-1
720 ILCS 5/24-1.9 rep.
720 ILCS 5/24-1.10 rep.

Repeals the provisions of Public Act 102-1116 that make amendatory changes to the Firearms Restraining Order Act that provide that a petitioner for a firearms restraining order may request a plenary firearms restraining order of up to one-year, but not less than 6 months (restores the 6 months provision). Repeals provisions that the firearms restraining order may be renewed for an additional period of up to one year. Repeals amendatory provisions of the Criminal Code of 2012 making it unlawful, beginning January 1, 2024, for any person within the State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with exemptions. Repeals provisions that make it unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device, with specified exemptions. Repeals amendatory provisions of the Criminal Code of 2012 that prohibit the manufacture, possession, sale, or offer to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not equipped with that device, part, or combination of parts. Repeals amendatory provisions of the Freedom of Information Act that exempt from disclosure under the Act certain information concerning assault weapons endorsements received by the Illinois State Police. Effective immediately.

LRB103 25741 RLC 52090 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

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

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

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

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

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

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

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

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

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

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

26 (u) Records and information provided to an independent

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

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

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

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

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

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

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

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

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

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

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

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

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

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

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

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

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

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

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

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

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

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

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

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

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

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

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

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

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

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

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

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

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

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2023.

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 ~~(hhh) Information submitted to the Department of State~~
21 ~~Police in an affidavit or application for an assault~~
22 ~~weapon endorsement, assault weapon attachment endorsement,~~
23 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~
24 ~~endorsement under the Firearm Owners Identification Card~~
25 ~~Act.~~

26 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;

1 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
2 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
3 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
4 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
5 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
6 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
8 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

9 Section 10. The Firearm Owners Identification Card Act is
10 amended by changing Section 8 as follows:

11 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

18 (a) A person under 21 years of age who has been
19 convicted of a misdemeanor other than a traffic offense or
20 adjudged delinquent;

21 (b) This subsection (b) applies through the 180th day
22 following July 12, 2019 (the effective date of Public Act
23 101-80). A person under 21 years of age who does not have
24 the written consent of his parent or guardian to acquire

1 and possess firearms and firearm ammunition, or whose
2 parent or guardian has revoked such written consent, or
3 where such parent or guardian does not qualify to have a
4 Firearm Owner's Identification Card;

5 (b-5) This subsection (b-5) applies on and after the
6 181st day following July 12, 2019 (the effective date of
7 Public Act 101-80). A person under 21 years of age who is
8 not an active duty member of the United States Armed
9 Forces or the Illinois National Guard and does not have
10 the written consent of his or her parent or guardian to
11 acquire and possess firearms and firearm ammunition, or
12 whose parent or guardian has revoked such written consent,
13 or where such parent or guardian does not qualify to have a
14 Firearm Owner's Identification Card;

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

17 (d) A person addicted to narcotics;

18 (e) A person who has been a patient of a mental health
19 facility within the past 5 years or a person who has been a
20 patient in a mental health facility more than 5 years ago
21 who has not received the certification required under
22 subsection (u) of this Section. An active law enforcement
23 officer employed by a unit of government or a Department
24 of Corrections employee authorized to possess firearms who
25 is denied, revoked, or has his or her Firearm Owner's
26 Identification Card seized under this subsection (e) may

1 obtain relief as described in subsection (c-5) of Section
2 10 of this Act if the officer or employee did not act in a
3 manner threatening to the officer or employee, another
4 person, or the public as determined by the treating
5 clinical psychologist or physician, and the officer or
6 employee seeks mental health treatment;

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

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

11 (h) A person who intentionally makes a false statement
12 in the Firearm Owner's Identification Card application ~~or~~
13 ~~endorsement affidavit;~~

14 (i) A noncitizen who is unlawfully present in the
15 United States under the laws of the United States;

16 (i-5) A noncitizen who has been admitted to the United
17 States under a non-immigrant visa (as that term is defined
18 in Section 101(a)(26) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(a)(26))), except that this subsection
20 (i-5) does not apply to any noncitizen who has been
21 lawfully admitted to the United States under a
22 non-immigrant visa if that noncitizen is:

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

25 (2) an official representative of a foreign
26 government who is:

1 (A) accredited to the United States Government
2 or the Government's mission to an international
3 organization having its headquarters in the United
4 States; or

5 (B) en route to or from another country to
6 which that noncitizen is accredited;

7 (3) an official of a foreign government or
8 distinguished foreign visitor who has been so
9 designated by the Department of State;

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

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

16 (j) (Blank);

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

22 (l) A person who has been convicted of domestic
23 battery, aggravated domestic battery, or a substantially
24 similar offense in another jurisdiction committed before,
25 on or after January 1, 2012 (the effective date of Public
26 Act 97-158). If the applicant or person who has been

1 previously issued a Firearm Owner's Identification Card
2 under this Act knowingly and intelligently waives the
3 right to have an offense described in this paragraph (l)
4 tried by a jury, and by guilty plea or otherwise, results
5 in a conviction for an offense in which a domestic
6 relationship is not a required element of the offense but
7 in which a determination of the applicability of 18 U.S.C.
8 922(g)(9) is made under Section 112A-11.1 of the Code of
9 Criminal Procedure of 1963, an entry by the court of a
10 judgment of conviction for that offense shall be grounds
11 for denying an application for and for revoking and
12 seizing a Firearm Owner's Identification Card previously
13 issued to the person under this Act;

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or
16 possessing firearms or firearm ammunition by any Illinois
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section
19 5-520 of the Juvenile Court Act of 1987 alleging that the
20 minor is a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony;

22 (p) An adult who had been adjudicated a delinquent
23 minor under the Juvenile Court Act of 1987 for the
24 commission of an offense that if committed by an adult
25 would be a felony;

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of
2 Section 4;

3 (r) A person who has been adjudicated as a person with
4 a mental disability;

5 (s) A person who has been found to have a
6 developmental disability;

7 (t) A person involuntarily admitted into a mental
8 health facility; or

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

1 willful or wanton misconduct. This subsection does not
2 apply to a person whose firearm possession rights have
3 been restored through administrative or judicial action
4 under Section 10 or 11 of this Act.

5 Upon revocation of a person's Firearm Owner's
6 Identification Card, the Illinois State Police shall provide
7 notice to the person and the person shall comply with Section
8 9.5 of this Act.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
10 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
11 5-27-22; 102-1116, eff. 1-10-23.)

12 (430 ILCS 65/4.1 rep.)

13 Section 15. The Firearm Owners Identification Card Act is
14 amended by repealing Section 4.1.

15 Section 20. The Firearms Restraining Order Act is amended
16 by changing Sections 40, 45, and 55 as follows:

17 (430 ILCS 67/40)

18 Sec. 40. ~~Plenary~~ Six-month orders.

19 (a) A petitioner may request a 6-month firearms
20 restraining order ~~for up to one year~~ by filing an affidavit or
21 verified pleading alleging that the respondent poses a
22 significant danger of causing personal injury to himself,
23 herself, or another in the near future by having in his or her

1 custody or control, purchasing, possessing, or receiving a
2 firearm, ammunition, and firearm parts that could be assembled
3 to make an operable firearm. The petition shall also describe
4 the number, types, and locations of any firearms, ammunition,
5 and firearm parts that could be assembled to make an operable
6 firearm presently believed by the petitioner to be possessed
7 or controlled by the respondent. ~~The firearms restraining~~
8 ~~order may be renewed for an additional period of up to one year~~
9 ~~in accordance with Section 45 of this Act.~~

10 (b) If the respondent is alleged to pose a significant
11 danger of causing personal injury to an intimate partner, or
12 an intimate partner is alleged to have been the target of a
13 threat or act of violence by the respondent, the petitioner
14 shall make a good faith effort to provide notice to any and all
15 intimate partners of the respondent. The notice must include
16 ~~the duration of time~~ that the petitioner intends to petition
17 the court for a 6-month firearms restraining order, and, if
18 the petitioner is a law enforcement officer, referral to
19 relevant domestic violence or stalking advocacy or counseling
20 resources, if appropriate. The petitioner shall attest to
21 having provided the notice in the filed affidavit or verified
22 pleading. If, after making a good faith effort, the petitioner
23 is unable to provide notice to any or all intimate partners,
24 the affidavit or verified pleading should describe what
25 efforts were made.

26 (c) Every person who files a petition for a ~~plenary~~

1 6-month firearms restraining order, knowing the information
2 provided to the court at any hearing or in the affidavit or
3 verified pleading to be false, is guilty of perjury under
4 Section 32-2 of the Criminal Code of 2012.

5 (d) Upon receipt of a petition for a ~~plenary~~ 6-month
6 firearms restraining order, the court shall order a hearing
7 within 30 days.

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

11 (1) The unlawful and reckless use, display, or
12 brandishing of a firearm, ammunition, and firearm parts
13 that could be assembled to make an operable firearm by the
14 respondent.

15 (2) The history of use, attempted use, or threatened
16 use of physical force by the respondent against another
17 person.

18 (3) Any prior arrest of the respondent for a felony
19 offense.

20 (4) Evidence of the abuse of controlled substances or
21 alcohol by the respondent.

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

25 (6) A violation of an emergency order of protection
26 issued under Section 217 of the Illinois Domestic Violence

1 Act of 1986 or Section 112A-17 of the Code of Criminal
2 Procedure of 1963 or of an order of protection issued
3 under Section 214 of the Illinois Domestic Violence Act of
4 1986 or Section 112A-14 of the Code of Criminal Procedure
5 of 1963.

6 (7) A pattern of violent acts or violent threats,
7 including, but not limited to, threats of violence or acts
8 of violence by the respondent directed toward himself,
9 herself, or another.

10 (f) At the hearing, the petitioner shall have the burden
11 of proving, by clear and convincing evidence, that the
12 respondent poses a significant danger of personal injury to
13 himself, herself, or another by having in his or her custody or
14 control, purchasing, possessing, or receiving a firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm.

17 (g) If the court finds that there is clear and convincing
18 evidence to issue a ~~plenary~~ firearms restraining order, the
19 court shall issue a firearms restraining order that shall be
20 in effect for ~~up to one year, but not less than 6 months,~~ 6
21 months subject to renewal under Section 45 of this Act or
22 termination under that Section.

23 (g-5) If the court issues a ~~plenary~~ 6-month firearms
24 restraining order, it shall, upon a finding of probable cause
25 that the respondent possesses firearms, ammunition, and
26 firearm parts that could be assembled to make an operable

1 firearm, issue a search warrant directing a law enforcement
2 agency to seize the respondent's firearms, ammunition, and
3 firearm parts that could be assembled to make an operable
4 firearm. The court may, as part of that warrant, direct the law
5 enforcement agency to search the respondent's residence and
6 other places where the court finds there is probable cause to
7 believe he or she is likely to possess the firearms,
8 ammunition, and firearm parts that could be assembled to make
9 an operable firearm. A return of the search warrant shall be
10 filed by the law enforcement agency within 4 days thereafter,
11 setting forth the time, date, and location that the search
12 warrant was executed and what items, if any, were seized.

13 (h) A ~~plenary~~ 6-month firearms restraining order shall
14 require:

15 (1) the respondent to refrain from having in his or
16 her custody or control, purchasing, possessing, or
17 receiving additional firearms, ammunition, and firearm
18 parts that could be assembled to make an operable firearm
19 for the duration of the order under Section 8.2 of the
20 Firearm Owners Identification Card Act; and

21 (2) the respondent to comply with Section 9.5 of the
22 Firearm Owners Identification Card Act and subsection (g)
23 of Section 70 of the Firearm Concealed Carry Act.

24 (i) Except as otherwise provided in subsection (i-5) of
25 this Section, upon expiration of the period of safekeeping, if
26 the firearms, ammunition, and firearm parts that could be

1 assembled to make an operable firearm or Firearm Owner's
2 Identification Card cannot be returned to the respondent
3 because the respondent cannot be located, fails to respond to
4 requests to retrieve the firearms, ammunition, and firearm
5 parts that could be assembled to make an operable firearm, or
6 is not lawfully eligible to possess a firearm, ammunition, and
7 firearm parts that could be assembled to make an operable
8 firearm, upon petition from the local law enforcement agency,
9 the court may order the local law enforcement agency to
10 destroy the firearms, ammunition, and firearm parts that could
11 be assembled to make an operable firearm, use the firearms,
12 ammunition, and firearm parts that could be assembled to make
13 an operable firearm for training purposes, or use the
14 firearms, ammunition, and firearm parts that could be
15 assembled to make an operable firearm for any other
16 application as deemed appropriate by the local law enforcement
17 agency.

18 (i-5) A respondent whose Firearm Owner's Identification
19 Card has been revoked or suspended may petition the court, if
20 the petitioner is present in court or has notice of the
21 respondent's petition, to transfer the respondent's firearm,
22 ammunition, and firearm parts that could be assembled to make
23 an operable firearm to a person who is lawfully able to possess
24 the firearm, ammunition, and firearm parts that could be
25 assembled to make an operable firearm if the person does not
26 reside at the same address as the respondent. Notice of the

1 petition shall be served upon the person protected by the
2 emergency firearms restraining order. While the order is in
3 effect, the transferee who receives the respondent's firearms,
4 ammunition, and firearm parts that could be assembled to make
5 an operable firearm must swear or affirm by affidavit that he
6 or she shall not transfer the firearm, ammunition, and firearm
7 parts that could be assembled to make an operable firearm to
8 the respondent or to anyone residing in the same residence as
9 the respondent.

10 (i-6) If a person other than the respondent claims title
11 to any firearms, ammunition, and firearm parts that could be
12 assembled to make an operable firearm surrendered under this
13 Section, he or she may petition the court, if the petitioner is
14 present in court or has notice of the petition, to have the
15 firearm, ammunition, and firearm parts that could be assembled
16 to make an operable firearm returned to him or her. If the
17 court determines that person to be the lawful owner of the
18 firearm, ammunition, and firearm parts that could be assembled
19 to make an operable firearm, the firearm, ammunition, and
20 firearm parts that could be assembled to make an operable
21 firearm shall be returned to him or her, provided that:

22 (1) the firearm, ammunition, and firearm parts that
23 could be assembled to make an operable firearm are removed
24 from the respondent's custody, control, or possession and
25 the lawful owner agrees to store the firearm, ammunition,
26 and firearm parts that could be assembled to make an

1 operable firearm in a manner such that the respondent does
2 not have access to or control of the firearm, ammunition,
3 and firearm parts that could be assembled to make an
4 operable firearm; and

5 (2) the firearm, ammunition, and firearm parts that
6 could be assembled to make an operable firearm are not
7 otherwise unlawfully possessed by the owner.

8 The person petitioning for the return of his or her
9 firearm, ammunition, and firearm parts that could be assembled
10 to make an operable firearm must swear or affirm by affidavit
11 that he or she: (i) is the lawful owner of the firearm,
12 ammunition, and firearm parts that could be assembled to make
13 an operable firearm; (ii) shall not transfer the firearm,
14 ammunition, and firearm parts that could be assembled to make
15 an operable firearm to the respondent; and (iii) will store
16 the firearm, ammunition, and firearm parts that could be
17 assembled to make an operable firearm in a manner that the
18 respondent does not have access to or control of the firearm,
19 ammunition, and firearm parts that could be assembled to make
20 an operable firearm.

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

24 (k) When the court issues a firearms restraining order
25 under this Section, the court shall inform the respondent that
26 he or she is entitled to one hearing during the period of the

1 order to request a termination of the order, under Section 45
2 of this Act, and shall provide the respondent with a form to
3 request a hearing.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
5 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
6 5-13-22; 102-1116, eff. 1-10-23.)

7 (430 ILCS 67/45)

8 Sec. 45. Termination and renewal.

9 (a) A person subject to a firearms restraining order
10 issued under this Act may submit one written request at any
11 time during the effective period of the order for a hearing to
12 terminate the order.

13 (1) The respondent shall have the burden of proving by
14 a preponderance of the evidence that the respondent does
15 not pose a danger of causing personal injury to himself,
16 herself, or another in the near future by having in his or
17 her custody or control, purchasing, possessing, or
18 receiving a firearm, ammunition, and firearm parts that
19 could be assembled to make an operable firearm.

20 (2) If the court finds after the hearing that the
21 respondent has met his or her burden, the court shall
22 terminate the order.

23 (b) A petitioner may request a renewal of a firearms
24 restraining order at any time within the 3 months before the
25 expiration of a firearms restraining order.

1 (1) A court shall, after notice and a hearing, renew a
2 firearms restraining order issued under this part if the
3 petitioner proves, by clear and convincing evidence, that
4 the respondent continues to pose a danger of causing
5 personal injury to himself, herself, or another in the
6 near future by having in his or her custody or control,
7 purchasing, possessing, or receiving a firearm,
8 ammunition, and firearm parts that could be assembled to
9 make an operable firearm.

10 (2) In determining whether to renew a firearms
11 restraining order issued under this Act, the court shall
12 consider evidence of the facts identified in subsection
13 (e) of Section 40 of this Act and any other evidence of an
14 increased risk for violence.

15 (3) At the hearing, the petitioner shall have the
16 burden of proving by clear and convincing evidence that
17 the respondent continues to pose a danger of causing
18 personal injury to himself, herself, or another in the
19 near future by having in his or her custody or control,
20 purchasing, possessing, or receiving a firearm,
21 ammunition, and firearm parts that could be assembled to
22 make an operable firearm.

23 (4) The renewal of a firearms restraining order issued
24 under this Section shall be in effect for ~~up to one year~~
25 ~~and may be renewed for an additional period of up to one~~
26 ~~year~~ 6 months, subject to termination by further order of

1 the court at a hearing held under this Section and further
2 renewal by further order of the court under this Section.

3 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22;
4 102-1116, eff. 1-10-23.)

5 (430 ILCS 67/55)

6 Sec. 55. Data maintenance by law enforcement agencies.

7 (a) All sheriffs shall furnish to the Illinois State
8 Police, daily, in the form and detail the Illinois State
9 Police requires, copies of any recorded firearms restraining
10 orders issued by the court, and any foreign orders of
11 protection filed by the clerk of the court, and transmitted to
12 the sheriff by the clerk of the court under Section 50. Each
13 firearms restraining order shall be entered in the Law
14 Enforcement Agencies Data System (LEADS) on the same day it is
15 issued by the court. If an emergency firearms restraining
16 order was issued in accordance with Section 35 of this Act, the
17 order shall be entered in the Law Enforcement Agencies Data
18 System (LEADS) as soon as possible after receipt from the
19 clerk.

20 (b) The Illinois State Police shall maintain a complete
21 and systematic record and index of all valid and recorded
22 firearms restraining orders issued or filed under this Act.
23 The data shall be used to inform all dispatchers and law
24 enforcement officers at the scene of a violation of a firearms
25 restraining order of the effective dates and terms of any

1 recorded order of protection.

2 (c) The data, records, and transmittals required under
3 this Section shall pertain to any valid emergency or ~~plenary~~
4 6-month firearms restraining order, whether issued in a civil
5 or criminal proceeding or authorized under the laws of another
6 state, tribe, or United States territory.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;
8 102-1116, eff. 1-10-23.)

9 Section 25. The Criminal Code of 2012 is amended by
10 changing Section 24-1 as follows:

11 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

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

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

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

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

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

26 (ii) are not immediately accessible; or

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

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

9 (5) Sets a spring gun; or

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

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

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

1 (ii) any rifle having one or more barrels less
2 than 16 inches in length or a shotgun having one or
3 more barrels less than 18 inches in length or any
4 weapon made from a rifle or shotgun, whether by
5 alteration, modification, or otherwise, if such a
6 weapon as modified has an overall length of less than
7 26 inches; or

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

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

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

25 (9) Carries or possesses in a vehicle or on or about
26 his or her person any pistol, revolver, stun gun or taser

1 or firearm or ballistic knife, when he or she is hooded,
2 robed or masked in such manner as to conceal his or her
3 identity; or

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

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

18 (ii) are not immediately accessible; or

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

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

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

13 (11) Sells, manufactures, ~~delivers, imports,~~
14 ~~possesses,~~ or purchases any ~~assault weapon attachment or~~
15 ~~.50 caliber cartridge in violation of Section 24-1.9 or~~
16 ~~any~~ explosive bullet. For purposes of this paragraph (a)
17 "explosive bullet" means the projectile portion of an
18 ammunition cartridge which contains or carries an
19 explosive charge which will explode upon contact with the
20 flesh of a human or an animal. "Cartridge" means a tubular
21 metal case having a projectile affixed at the front
22 thereof and a cap or primer at the rear end thereof, with
23 the propellant contained in such tube between the
24 projectile and the cap; or

25 (12) (Blank); or

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

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

8 ~~(14) Manufactures, possesses, sells, or offers to~~
9 ~~sell, purchase, manufacture, import, transfer, or use any~~
10 ~~device, part, kit, tool, accessory, or combination of~~
11 ~~parts that is designed to and functions to increase the~~
12 ~~rate of fire of a semiautomatic firearm above the standard~~
13 ~~rate of fire for semiautomatic firearms that is not~~
14 ~~equipped with that device, part, or combination of parts;~~
15 ~~or~~

16 ~~(15) Carries or possesses any assault weapon or .50~~
17 ~~caliber rifle in violation of Section 24-1.9; or~~

18 ~~(16) Manufactures, sells, delivers, imports, or~~
19 ~~purchases any assault weapon or .50 caliber rifle in~~
20 ~~violation of Section 24-1.9.~~

21 (b) Sentence. A person convicted of a violation of
22 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
23 subsection 24-1(a)(11), or subsection 24-1(a)(13), ~~or~~
24 ~~24-1(a)(15)~~ commits a Class A misdemeanor. A person convicted
25 of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits
26 a Class 4 felony; a person convicted of a violation of

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

16 (c) Violations in specific places.

17 (1) A person who violates subsection 24-1(a) (6) or
18 24-1(a) (7) in any school, regardless of the time of day or
19 the time of year, in residential property owned, operated
20 or managed by a public housing agency or leased by a public
21 housing agency as part of a scattered site or mixed-income
22 development, in a public park, in a courthouse, on the
23 real property comprising any school, regardless of the
24 time of day or the time of year, on residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

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

15 (1.5) A person who violates subsection 24-1(a)(4),
16 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
17 the time of day or the time of year, in residential
18 property owned, operated, or managed by a public housing
19 agency or leased by a public housing agency as part of a
20 scattered site or mixed-income development, in a public
21 park, in a courthouse, on the real property comprising any
22 school, regardless of the time of day or the time of year,
23 on residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development,
26 on the real property comprising any public park, on the

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

12 (2) A person who violates subsection 24-1(a)(1),
13 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
14 time of day or the time of year, in residential property
15 owned, operated or managed by a public housing agency or
16 leased by a public housing agency as part of a scattered
17 site or mixed-income development, in a public park, in a
18 courthouse, on the real property comprising any school,
19 regardless of the time of day or the time of year, on
20 residential property owned, operated or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development,
23 on the real property comprising any public park, on the
24 real property comprising any courthouse, in any conveyance
25 owned, leased or contracted by a school to transport
26 students to or from school or a school related activity,

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

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

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

23 (5) For the purposes of this subsection (c), "public
24 transportation agency" means a public or private agency
25 that provides for the transportation or conveyance of
26 persons by means available to the general public, except

1 for transportation by automobiles not used for conveyance
2 of the general public as passengers; and "public
3 transportation facility" means a terminal or other place
4 where one may obtain public transportation.

5 (d) The presence in an automobile other than a public
6 omnibus of any weapon, instrument or substance referred to in
7 subsection (a)(7) is prima facie evidence that it is in the
8 possession of, and is being carried by, all persons occupying
9 such automobile at the time such weapon, instrument or
10 substance is found, except under the following circumstances:

11 (i) if such weapon, instrument or instrumentality is found
12 upon the person of one of the occupants therein; or (ii) if
13 such weapon, instrument or substance is found in an automobile
14 operated for hire by a duly licensed driver in the due, lawful
15 and proper pursuit of his or her trade, then such presumption
16 shall not apply to the driver.

17 (e) Exemptions.

18 (1) Crossbows, Common or Compound bows and Underwater
19 Spearguns are exempted from the definition of ballistic
20 knife as defined in paragraph (1) of subsection (a) of
21 this Section.

22 (2) The provision of paragraph (1) of subsection (a)
23 of this Section prohibiting the sale, manufacture,
24 purchase, possession, or carrying of any knife, commonly
25 referred to as a switchblade knife, which has a blade that
26 opens automatically by hand pressure applied to a button,

1 spring or other device in the handle of the knife, does not
2 apply to a person who possesses a currently valid Firearm
3 Owner's Identification Card previously issued in his or
4 her name by the Illinois State Police or to a person or an
5 entity engaged in the business of selling or manufacturing
6 switchblade knives.

7 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
8 102-1116, eff. 1-10-23.)

9 (720 ILCS 5/24-1.9 rep.)

10 (720 ILCS 5/24-1.10 rep.)

11 Section 30. The Criminal Code of 2012 is amended by
12 repealing Sections 24-1.9 and 24-1.10.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.