



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB5197

Introduced 2/9/2024, by Rep. Brad Halbrook

#### 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 38441 RLC 68577 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 (Text of Section before amendment by P.A. 103-472)

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

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

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

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

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating  
2 to known or suspected cases of sexually transmissible  
3 disease or any information the disclosure of which is  
4 restricted under the Illinois Sexually Transmissible  
5 Disease Control Act.

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

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

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

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

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

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

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

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

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

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

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

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

1 2705-616 of the Department of Transportation Law of the  
2 Civil Administrative Code of Illinois, the Regional  
3 Transportation Authority under Section 2.11 of the  
4 Regional Transportation Authority Act, or the St. Clair  
5 County Transit District under the Bi-State Transit Safety  
6 Act (repealed).

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

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

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

13 (t) (Blank).

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

17 (v) Names and information of people who have applied  
18 for or received Firearm Owner's Identification Cards under  
19 the Firearm Owners Identification Card Act or applied for  
20 or received a concealed carry license under the Firearm  
21 Concealed Carry Act, unless otherwise authorized by the  
22 Firearm Concealed Carry Act; and databases under the  
23 Firearm Concealed Carry Act, records of the Concealed  
24 Carry Licensing Review Board under the Firearm Concealed  
25 Carry Act, and law enforcement agency objections under the  
26 Firearm Concealed Carry Act.

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

4 (w) Personally identifiable information which is  
5 exempted from disclosure under subsection (g) of Section  
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure  
8 under Section 5-1014.3 of the Counties Code or Section  
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult  
11 Protective Services Act and its predecessor enabling  
12 statute, the Elder Abuse and Neglect Act, including  
13 information about the identity and administrative finding  
14 against any caregiver of a verified and substantiated  
15 decision of abuse, neglect, or financial exploitation of  
16 an eligible adult maintained in the Registry established  
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality  
19 review team or the Illinois Fatality Review Team Advisory  
20 Council under Section 15 of the Adult Protective Services  
21 Act.

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

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

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent  
2 authorized under that Act.

3 (dd) Information that is prohibited from being  
4 disclosed under Section 45 of the Condominium and Common  
5 Interest Community Ombudsperson Act.

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

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

10 (gg) Information that is prohibited from being  
11 disclosed under Section 7-603.5 of the Illinois Vehicle  
12 Code.

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

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

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

23 (kk) Information prohibited from disclosure under the  
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted  
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

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

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

6 (oo) Communications, notes, records, and reports  
7 arising out of a peer support counseling session  
8 prohibited from disclosure under the First Responders  
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to  
11 an employee of an emergency services provider or law  
12 enforcement agency under the First Responders Suicide  
13 Prevention Act.

14 (qq) Information and records held by the Department of  
15 Public Health and its authorized representatives collected  
16 under the Reproductive Health Act.

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

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

22 (tt) Recordings made under the Children's Advocacy  
23 Center Act, except to the extent authorized under that  
24 Act.

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



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

4           (wv) Information that is exempt from disclosure under  
5 Section 16.8 of the State Treasurer Act.

6           (xx) Information that is exempt from disclosure or  
7 information that shall not be made public under the  
8 Illinois Insurance Code.

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

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

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

15           (bbb) Information that is prohibited from disclosure  
16 by the Illinois Police Training Act and the Illinois State  
17 Police Act.

18           (ccc) Records exempt from disclosure under Section  
19 2605-304 of the Illinois State Police Law of the Civil  
20 Administrative Code of Illinois.

21           (ddd) Information prohibited from being disclosed  
22 under Section 35 of the Address Confidentiality for  
23 Victims of Domestic Violence, Sexual Assault, Human  
24 Trafficking, or Stalking Act.

25           (eee) Information prohibited from being disclosed  
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera  
3 Act. This subsection (fff) is inoperative on and after  
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under  
6 paragraph (3) of subsection (a) of Section 14 of the Nurse  
7 Agency Licensing Act.

8 (hhh) (Blank). ~~Information submitted to the Illinois~~  
9 ~~State Police in an affidavit or application for an assault~~  
10 ~~weapon endorsement, assault weapon attachment endorsement,~~  
11 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~  
12 ~~endorsement under the Firearm Owners Identification Card~~  
13 ~~Act.~~

14 (iii) Data exempt from disclosure under Section 50 of  
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information  
19 prohibited from disclosure under Section 45 of the Paint  
20 Stewardship Act.

21 (lll) (Reserved).

22 (mmm) ~~(iii)~~ Information prohibited from being  
23 disclosed under subsection (e) of Section 1-129 of the  
24 Illinois Power Agency Act.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
4 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;  
5 revised 1-2-24.)

6 (Text of Section after amendment by P.A. 103-472)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
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15 obtained by an Executive Inspector General's office under  
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25 or driver identification information compiled by a law  
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1 under Section 11-212 of the Illinois Vehicle Code.

2 (l) Records and information provided to a residential  
3 health care facility resident sexual assault and death  
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5 Prevention Review Team Act.

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7 database created pursuant to Article 3 of the Residential  
8 Real Property Disclosure Act, except to the extent  
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11 compensation and expenses for court appointed trial  
12 counsel as provided under Sections 10 and 15 of the  
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21 investigation reports, surveys, schedules, lists, data, or  
22 information compiled, collected, or prepared by or for the  
23 Department of Transportation under Sections 2705-300 and  
24 2705-616 of the Department of Transportation Law of the  
25 Civil Administrative Code of Illinois, the Regional  
26 Transportation Authority under Section 2.11 of the

1 Regional Transportation Authority Act, or the St. Clair  
2 County Transit District under the Bi-State Transit Safety  
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7 Illinois School Student Records Act.

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9 under Section 5-108 of the Public Utilities Act.

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

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15 for or received Firearm Owner's Identification Cards under  
16 the Firearm Owners Identification Card Act or applied for  
17 or received a concealed carry license under the Firearm  
18 Concealed Carry Act, unless otherwise authorized by the  
19 Firearm Concealed Carry Act; and databases under the  
20 Firearm Concealed Carry Act, records of the Concealed  
21 Carry Licensing Review Board under the Firearm Concealed  
22 Carry Act, and law enforcement agency objections under the  
23 Firearm Concealed Carry Act.

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

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2           exempted from disclosure under subsection (g) of Section  
3           19.1 of the Toll Highway Act.

4           (x) Information which is exempted from disclosure  
5           under Section 5-1014.3 of the Counties Code or Section  
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7           (y) Confidential information under the Adult  
8           Protective Services Act and its predecessor enabling  
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11          against any caregiver of a verified and substantiated  
12          decision of abuse, neglect, or financial exploitation of  
13          an eligible adult maintained in the Registry established  
14          under Section 7.5 of the Adult Protective Services Act.

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

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

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

23          (cc) Recordings made under the Law Enforcement  
24          Officer-Worn Body Camera Act, except to the extent  
25          authorized under that Act.

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1 disclosed under Section 45 of the Condominium and Common  
2 Interest Community Ombudsperson Act.

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

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

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

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

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

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

20 (kk) Information prohibited from disclosure under the  
21 Seizure and Forfeiture Reporting Act.

22 (ll) Information the disclosure of which is restricted  
23 and exempted under Section 5-30.8 of the Illinois Public  
24 Aid Code.

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



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

3           (oo) Communications, notes, records, and reports  
4 arising out of a peer support counseling session  
5 prohibited from disclosure under the First Responders  
6 Suicide Prevention Act.

7           (pp) Names and all identifying information relating to  
8 an employee of an emergency services provider or law  
9 enforcement agency under the First Responders Suicide  
10 Prevention Act.

11           (qq) Information and records held by the Department of  
12 Public Health and its authorized representatives collected  
13 under the Reproductive Health Act.

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

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

19           (tt) Recordings made under the Children's Advocacy  
20 Center Act, except to the extent authorized under that  
21 Act.

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

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

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

3 (xx) Information that is exempt from disclosure or  
4 information that shall not be made public under the  
5 Illinois Insurance Code.

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

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

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

12 (bbb) Information that is prohibited from disclosure  
13 by the Illinois Police Training Act and the Illinois State  
14 Police Act.

15 (ccc) Records exempt from disclosure under Section  
16 2605-304 of the Illinois State Police Law of the Civil  
17 Administrative Code of Illinois.

18 (ddd) Information prohibited from being disclosed  
19 under Section 35 of the Address Confidentiality for  
20 Victims of Domestic Violence, Sexual Assault, Human  
21 Trafficking, or Stalking Act.

22 (eee) Information prohibited from being disclosed  
23 under subsection (b) of Section 75 of the Domestic  
24 Violence Fatality Review Act.

25 (fff) Images from cameras under the Expressway Camera  
26 Act. This subsection (fff) is inoperative on and after

1 July 1, 2025.

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

5 (hhh) (Blank). ~~Information submitted to the Illinois~~  
6 ~~State Police in an affidavit or application for an assault~~  
7 ~~weapon endorsement, assault weapon attachment endorsement,~~  
8 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~  
9 ~~endorsement under the Firearm Owners Identification Card~~  
10 ~~Act.~~

11 (iii) Data exempt from disclosure under Section 50 of  
12 the School Safety Drill Act.

13 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
14 Section 30 of the Insurance Data Security Law.

15 (kkk) ~~(iii)~~ Confidential business information  
16 prohibited from disclosure under Section 45 of the Paint  
17 Stewardship Act.

18 (lll) ~~(iii)~~ Data exempt from disclosure under Section  
19 2-3.196 of the School Code.

20 (mmm) ~~(iii)~~ Information prohibited from being  
21 disclosed under subsection (e) of Section 1-129 of the  
22 Illinois Power Agency Act.

23 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
24 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
25 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
26 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.

1 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
2 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
3 103-580, eff. 12-8-23; revised 1-2-24.)

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

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

16 (b) This subsection (b) applies through the 180th day  
17 following July 12, 2019 (the effective date of Public Act  
18 101-80). A person under 21 years of age who does not have  
19 the written consent of his parent or guardian to acquire  
20 and possess firearms and firearm ammunition, or whose  
21 parent or guardian has revoked such written consent, or  
22 where such parent or guardian does not qualify to have a  
23 Firearm Owner's Identification Card;

24 (b-5) This subsection (b-5) applies on and after the

1 181st day following July 12, 2019 (the effective date of  
2 Public Act 101-80). A person under 21 years of age who is  
3 not an active duty member of the United States Armed  
4 Forces or the Illinois National Guard and does not have  
5 the written consent of his or her parent or guardian to  
6 acquire and possess firearms and firearm ammunition, or  
7 whose parent or guardian has revoked such written consent,  
8 or where such parent or guardian does not qualify to have a  
9 Firearm Owner's Identification Card;

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

12 (d) A person addicted to narcotics;

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

1 employee seeks mental health treatment;

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

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

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

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

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

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

20 (2) an official representative of a foreign  
21 government who is:

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

26 (B) en route to or from another country to

1           which that noncitizen is accredited;

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

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

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

11          (j) (Blank);

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

17          (l) A person who has been convicted of domestic  
18 battery, aggravated domestic battery, or a substantially  
19 similar offense in another jurisdiction committed before,  
20 on or after January 1, 2012 (the effective date of Public  
21 Act 97-158). If the applicant or person who has been  
22 previously issued a Firearm Owner's Identification Card  
23 under this Act knowingly and intelligently waives the  
24 right to have an offense described in this paragraph (l)  
25 tried by a jury, and by guilty plea or otherwise, results  
26 in a conviction for an offense in which a domestic

1 relationship is not a required element of the offense but  
2 in which a determination of the applicability of 18 U.S.C.  
3 922(g)(9) is made under Section 112A-11.1 of the Code of  
4 Criminal Procedure of 1963, an entry by the court of a  
5 judgment of conviction for that offense shall be grounds  
6 for denying an application for and for revoking and  
7 seizing a Firearm Owner's Identification Card previously  
8 issued to the person under this Act;

9 (m) (Blank);

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

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

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

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

24 (r) A person who has been adjudicated as a person with  
25 a mental disability;

26 (s) A person who has been found to have a



1 developmental disability;

2 (t) A person involuntarily admitted into a mental  
3 health facility; or

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

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

1 Identification Card, the Illinois State Police shall provide  
2 notice to the person and the person shall comply with Section  
3 9.5 of this Act.

4 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
5 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
6 5-27-22; 102-1116, eff. 1-10-23.)

7 (430 ILCS 65/4.1 rep.)

8 Section 15. The Firearm Owners Identification Card Act is  
9 amended by repealing Section 4.1.

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

12 (430 ILCS 67/40)

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

14 (a) A petitioner may request a 6-month firearms  
15 restraining order ~~for up to one year~~ by filing an affidavit or  
16 verified pleading alleging that the respondent poses a  
17 significant danger of causing personal injury to himself,  
18 herself, or another in the near future by having in his or her  
19 custody or control, purchasing, possessing, or receiving a  
20 firearm, ammunition, and firearm parts that could be assembled  
21 to make an operable firearm. The petition shall also describe  
22 the number, types, and locations of any firearms, ammunition,  
23 and firearm parts that could be assembled to make an operable

1 firearm presently believed by the petitioner to be possessed  
2 or controlled by the respondent. ~~The firearms restraining~~  
3 ~~order may be renewed for an additional period of up to one year~~  
4 ~~in accordance with Section 45 of this Act.~~

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

21 (c) Every person who files a petition for a ~~plenary~~  
22 6-month firearms restraining order, knowing the information  
23 provided to the court at any hearing or in the affidavit or  
24 verified pleading to be false, is guilty of perjury under  
25 Section 32-2 of the Criminal Code of 2012.

26 (d) Upon receipt of a petition for a ~~plenary~~ 6-month

1 firearms restraining order, the court shall order a hearing  
2 within 30 days.

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

6 (1) The unlawful and reckless use, display, or  
7 brandishing of a firearm, ammunition, and firearm parts  
8 that could be assembled to make an operable firearm by the  
9 respondent.

10 (2) The history of use, attempted use, or threatened  
11 use of physical force by the respondent against another  
12 person.

13 (3) Any prior arrest of the respondent for a felony  
14 offense.

15 (4) Evidence of the abuse of controlled substances or  
16 alcohol by the respondent.

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

20 (6) A violation of an emergency order of protection  
21 issued under Section 217 of the Illinois Domestic Violence  
22 Act of 1986 or Section 112A-17 of the Code of Criminal  
23 Procedure of 1963 or of an order of protection issued  
24 under Section 214 of the Illinois Domestic Violence Act of  
25 1986 or Section 112A-14 of the Code of Criminal Procedure  
26 of 1963.

1           (7) A pattern of violent acts or violent threats,  
2           including, but not limited to, threats of violence or acts  
3           of violence by the respondent directed toward himself,  
4           herself, or another.

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

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

18          (g-5) If the court issues a ~~plenary~~ 6-month firearms  
19          restraining order, it shall, upon a finding of probable cause  
20          that the respondent possesses firearms, ammunition, and  
21          firearm parts that could be assembled to make an operable  
22          firearm, issue a search warrant directing a law enforcement  
23          agency to seize the respondent's firearms, ammunition, and  
24          firearm parts that could be assembled to make an operable  
25          firearm. The court may, as part of that warrant, direct the law  
26          enforcement agency to search the respondent's residence and

1 other places where the court finds there is probable cause to  
2 believe he or she is likely to possess the firearms,  
3 ammunition, and firearm parts that could be assembled to make  
4 an operable firearm. A return of the search warrant shall be  
5 filed by the law enforcement agency within 4 days thereafter,  
6 setting forth the time, date, and location that the search  
7 warrant was executed and what items, if any, were seized.

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

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

16 (2) the respondent to comply with Section 9.5 of the  
17 Firearm Owners Identification Card Act and subsection (g)  
18 of Section 70 of the Firearm Concealed Carry Act.

19 (i) Except as otherwise provided in subsection (i-5) of  
20 this Section, upon expiration of the period of safekeeping, if  
21 the firearms, ammunition, and firearm parts that could be  
22 assembled to make an operable firearm or Firearm Owner's  
23 Identification Card cannot be returned to the respondent  
24 because the respondent cannot be located, fails to respond to  
25 requests to retrieve the firearms, ammunition, and firearm  
26 parts that could be assembled to make an operable firearm, or

1 is not lawfully eligible to possess a firearm, ammunition, and  
2 firearm parts that could be assembled to make an operable  
3 firearm, upon petition from the local law enforcement agency,  
4 the court may order the local law enforcement agency to  
5 destroy the firearms, ammunition, and firearm parts that could  
6 be assembled to make an operable firearm, use the firearms,  
7 ammunition, and firearm parts that could be assembled to make  
8 an operable firearm for training purposes, or use the  
9 firearms, ammunition, and firearm parts that could be  
10 assembled to make an operable firearm for any other  
11 application as deemed appropriate by the local law enforcement  
12 agency.

13 (i-5) A respondent whose Firearm Owner's Identification  
14 Card has been revoked or suspended may petition the court, if  
15 the petitioner is present in court or has notice of the  
16 respondent's petition, to transfer the respondent's firearm,  
17 ammunition, and firearm parts that could be assembled to make  
18 an operable firearm to a person who is lawfully able to possess  
19 the firearm, ammunition, and firearm parts that could be  
20 assembled to make an operable firearm if the person does not  
21 reside at the same address as the respondent. Notice of the  
22 petition shall be served upon the person protected by the  
23 emergency firearms restraining order. While the order is in  
24 effect, the transferee who receives the respondent's firearms,  
25 ammunition, and firearm parts that could be assembled to make  
26 an operable firearm must swear or affirm by affidavit that he

1 or she shall not transfer the firearm, ammunition, and firearm  
2 parts that could be assembled to make an operable firearm to  
3 the respondent or to anyone residing in the same residence as  
4 the respondent.

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

17 (1) the firearm, ammunition, and firearm parts that  
18 could be assembled to make an operable firearm are removed  
19 from the respondent's custody, control, or possession and  
20 the lawful owner agrees to store the firearm, ammunition,  
21 and firearm parts that could be assembled to make an  
22 operable firearm in a manner such that the respondent does  
23 not have access to or control of the firearm, ammunition,  
24 and firearm parts that could be assembled to make an  
25 operable firearm; and

26 (2) the firearm, ammunition, and firearm parts that



1           could be assembled to make an operable firearm are not  
2           otherwise unlawfully possessed by the owner.

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

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

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

25          (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
26          102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.

1 5-13-22; 102-1116, eff. 1-10-23.)

2 (430 ILCS 67/45)

3 Sec. 45. Termination and renewal.

4 (a) A person subject to a firearms restraining order  
5 issued under this Act may submit one written request at any  
6 time during the effective period of the order for a hearing to  
7 terminate the order.

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

15 (2) If the court finds after the hearing that the  
16 respondent has met his or her burden, the court shall  
17 terminate the order.

18 (b) A petitioner may request a renewal of a firearms  
19 restraining order at any time within the 3 months before the  
20 expiration of a firearms restraining order.

21 (1) A court shall, after notice and a hearing, renew a  
22 firearms restraining order issued under this part if the  
23 petitioner proves, by clear and convincing evidence, that  
24 the respondent continues to pose a danger of causing  
25 personal injury to himself, herself, or another in the

1 near future by having in his or her custody or control,  
2 purchasing, possessing, or receiving a firearm,  
3 ammunition, and firearm parts that could be assembled to  
4 make an operable firearm.

5 (2) In determining whether to renew a firearms  
6 restraining order issued under this Act, the court shall  
7 consider evidence of the facts identified in subsection  
8 (e) of Section 40 of this Act and any other evidence of an  
9 increased risk for violence.

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

18 (4) The renewal of a firearms restraining order issued  
19 under this Section shall be in effect for 6 months ~~up to~~  
20 ~~one year and may be renewed for an additional period of up~~  
21 ~~to one year~~, subject to termination by further order of  
22 the court at a hearing held under this Section and further  
23 renewal by further order of the court under this Section.

24 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22;  
25 102-1116, eff. 1-10-23.)

1 (430 ILCS 67/55)

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

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

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

23 (c) The data, records, and transmittals required under  
24 this Section shall pertain to any valid emergency or ~~plenary~~  
25 6-month firearms restraining order, whether issued in a civil  
26 or criminal proceeding or authorized under the laws of another

1 state, tribe, or United States territory.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;  
3 102-1116, eff. 1-10-23.)

4 Section 25. The Criminal Code of 2012 is amended by  
5 changing Section 24-1 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  
24 deadly weapon or instrument of like character; or

1           (2.5) Carries or possesses with intent to use the same  
2 unlawfully against another, any firearm in a church,  
3 synagogue, mosque, or other building, structure, or place  
4 used for religious worship; or

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

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

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

21                   (ii) are not immediately accessible; or

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

26                   (iv) are carried or possessed in accordance with

1 the Firearm Concealed Carry Act by a person who has  
2 been issued a currently valid license under the  
3 Firearm Concealed Carry Act; or

4 (5) Sets a spring gun; or

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

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

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

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

1           weapon as modified has an overall length of less than  
2           26 inches; or

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

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

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

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

25          (10) Carries or possesses on or about his or her  
26          person, upon any public street, alley, or other public



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

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

13 (ii) are not immediately accessible; or

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

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

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

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

8            (11) Sells, manufactures, ~~delivers, imports,~~  
9            ~~possesses,~~ or purchases any ~~assault weapon attachment or~~  
10            ~~.50 caliber cartridge in violation of Section 24 1.9 or~~  
11            ~~any~~ explosive bullet. For purposes of this paragraph (a)  
12            "explosive bullet" means the projectile portion of an  
13            ammunition cartridge which contains or carries an  
14            explosive charge which will explode upon contact with the  
15            flesh of a human or an animal. "Cartridge" means a tubular  
16            metal case having a projectile affixed at the front  
17            thereof and a cap or primer at the rear end thereof, with  
18            the propellant contained in such tube between the  
19            projectile and the cap; or

20            (12) (Blank); or

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

1 officers which is either telescopic or constructed of a  
2 solid piece of wood or other man-made material, ~~or~~

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

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

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

16 (b) Sentence. A person convicted of a violation of  
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
18 subsection 24-1(a)(11), or subsection 24-1(a)(13), ~~or~~  
19 ~~24-1(a)(15)~~ commits a Class A misdemeanor. A person convicted  
20 of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits  
21 a Class 4 felony; a person convicted of a violation of  
22 subsection 24-1(a)(6), or 24-1(a)(7)(ii), ~~24-1(a)(7)(iii), or~~  
23 ~~24-1(a)(16)~~ or (iii) commits a Class 3 felony. A person  
24 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
25 Class 2 felony and shall be sentenced to a term of imprisonment  
26 of not less than 3 years and not more than 7 years, unless the

1 weapon is possessed in the passenger compartment of a motor  
2 vehicle as defined in Section 1-146 of the Illinois Vehicle  
3 Code, or on the person, while the weapon is loaded, in which  
4 case it shall be a Class X felony. A person convicted of a  
5 second or subsequent violation of subsection 24-1(a)(4),  
6 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10), ~~or 24-1(a)(15)~~ commits  
7 a Class 3 felony. A person convicted of a violation of  
8 subsection 24-1(a)(2.5) ~~or 24-1(a)(14)~~ commits a Class 2  
9 felony. The possession of each weapon ~~or device~~ in violation  
10 of this Section constitutes a single and separate violation.

11 (c) Violations in specific places.

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

1 owned, leased, or contracted by a public transportation  
2 agency, or on any public way within 1,000 feet of the real  
3 property comprising any school, public park, courthouse,  
4 public transportation facility, or 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 commits a Class 2 felony  
8 and shall be sentenced to a term of imprisonment of not  
9 less than 3 years and not more than 7 years.

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

1 feet of the real property comprising any school, public  
2 park, courthouse, public transportation facility, or  
3 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 commits a Class 3 felony.

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

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

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

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

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in  
2 subsection (a)(7) is prima facie evidence that it is in the  
3 possession of, and is being carried by, all persons occupying  
4 such automobile at the time such weapon, instrument or  
5 substance is found, except under the following circumstances:

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

12 (e) Exemptions.

13 (1) Crossbows, Common or Compound bows and Underwater  
14 Spearguns are exempted from the definition of ballistic  
15 knife as defined in paragraph (1) of subsection (a) of  
16 this Section.

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



1           switchblade knives.

2           (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;  
3           102-1116, eff. 1-10-23.)

4           (720 ILCS 5/24-1.9 rep.)

5           (720 ILCS 5/24-1.10 rep.)

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

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

15          Section 99. Effective date. This Act takes effect upon  
16          becoming law.