

# SB3200



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3200

Introduced 2/6/2024, by Sen. Neil Anderson

### SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 39081 RLC 69219 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do  
16 not require the holding of a closed meeting to discuss a  
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to  
19 consider the following subjects:

20 (1) The appointment, employment, compensation,  
21 discipline, performance, or dismissal of specific  
22 employees, specific individuals who serve as independent  
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or  
2 legal counsel for the public body, including hearing  
3 testimony on a complaint lodged against an employee, a  
4 specific individual who serves as an independent  
5 contractor in a park, recreational, or educational  
6 setting, or a volunteer of the public body or against  
7 legal counsel for the public body to determine its  
8 validity. However, a meeting to consider an increase in  
9 compensation to a specific employee of a public body that  
10 is subject to the Local Government Wage Increase  
11 Transparency Act may not be closed and shall be open to the  
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public  
14 body and its employees or their representatives, or  
15 deliberations concerning salary schedules for one or more  
16 classes of employees.

17 (3) The selection of a person to fill a public office,  
18 as defined in this Act, including a vacancy in a public  
19 office, when the public body is given power to appoint  
20 under law or ordinance, or the discipline, performance or  
21 removal of the occupant of a public office, when the  
22 public body is given power to remove the occupant under  
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,  
25 or in closed hearing where specifically authorized by law,  
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for  
2 public inspection a written decision setting forth its  
3 determinative reasoning.

4 (4.5) Evidence or testimony presented to a school  
5 board regarding denial of admission to school events or  
6 property pursuant to Section 24-24 of the School Code,  
7 provided that the school board prepares and makes  
8 available for public inspection a written decision setting  
9 forth its determinative reasoning.

10 (5) The purchase or lease of real property for the use  
11 of the public body, including meetings held for the  
12 purpose of discussing whether a particular parcel should  
13 be acquired.

14 (6) The setting of a price for sale or lease of  
15 property owned by the public body.

16 (7) The sale or purchase of securities, investments,  
17 or investment contracts. This exception shall not apply to  
18 the investment of assets or income of funds deposited into  
19 the Illinois Prepaid Tuition Trust Fund.

20 (8) Security procedures, school building safety and  
21 security, and the use of personnel and equipment to  
22 respond to an actual, a threatened, or a reasonably  
23 potential danger to the safety of employees, students,  
24 staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to  
2 individual students.

3 (11) Litigation, when an action against, affecting or  
4 on behalf of the particular public body has been filed and  
5 is pending before a court or administrative tribunal, or  
6 when the public body finds that an action is probable or  
7 imminent, in which case the basis for the finding shall be  
8 recorded and entered into the minutes of the closed  
9 meeting.

10 (12) The establishment of reserves or settlement of  
11 claims as provided in the Local Governmental and  
12 Governmental Employees Tort Immunity Act, if otherwise the  
13 disposition of a claim or potential claim might be  
14 prejudiced, or the review or discussion of claims, loss or  
15 risk management information, records, data, advice or  
16 communications from or with respect to any insurer of the  
17 public body or any intergovernmental risk management  
18 association or self insurance pool of which the public  
19 body is a member.

20 (13) Conciliation of complaints of discrimination in  
21 the sale or rental of housing, when closed meetings are  
22 authorized by the law or ordinance prescribing fair  
23 housing practices and creating a commission or  
24 administrative agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of  
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public  
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when  
4 considered by an advisory body appointed to advise a  
5 licensing or regulatory agency on matters germane to the  
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or  
8 professional ethics, when meeting with a representative of  
9 a statewide association of which the public body is a  
10 member.

11 (17) The recruitment, credentialing, discipline or  
12 formal peer review of physicians or other health care  
13 professionals, or for the discussion of matters protected  
14 under the federal Patient Safety and Quality Improvement  
15 Act of 2005, and the regulations promulgated thereunder,  
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
17 Health Insurance Portability and Accountability Act of  
18 1996, and the regulations promulgated thereunder,  
19 including 45 C.F.R. Parts 160, 162, and 164, by a  
20 hospital, or other institution providing medical care,  
21 that is operated by the public body.

22 (18) Deliberations for decisions of the Prisoner  
23 Review Board.

24 (19) Review or discussion of applications received  
25 under the Experimental Organ Transplantation Procedures  
26 Act.

1           (20) The classification and discussion of matters  
2           classified as confidential or continued confidential by  
3           the State Government Suggestion Award Board.

4           (21) Discussion of minutes of meetings lawfully closed  
5           under this Act, whether for purposes of approval by the  
6           body of the minutes or semi-annual review of the minutes  
7           as mandated by Section 2.06.

8           (22) Deliberations for decisions of the State  
9           Emergency Medical Services Disciplinary Review Board.

10          (23) The operation by a municipality of a municipal  
11          utility or the operation of a municipal power agency or  
12          municipal natural gas agency when the discussion involves  
13          (i) contracts relating to the purchase, sale, or delivery  
14          of electricity or natural gas or (ii) the results or  
15          conclusions of load forecast studies.

16          (24) Meetings of a residential health care facility  
17          resident sexual assault and death review team or the  
18          Executive Council under the Abuse Prevention Review Team  
19          Act.

20          (25) Meetings of an independent team of experts under  
21          Brian's Law.

22          (26) Meetings of a mortality review team appointed  
23          under the Department of Juvenile Justice Mortality Review  
24          Team Act.

25          (27) (Blank).

26          (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors  
5 and governmental audit committees, finance committees, and  
6 their equivalents, when the discussion involves internal  
7 control weaknesses, identification of potential fraud risk  
8 areas, known or suspected frauds, and fraud interviews  
9 conducted in accordance with generally accepted auditing  
10 standards of the United States of America.

11 (30) Those meetings or portions of meetings of a  
12 fatality review team or the Illinois Fatality Review Team  
13 Advisory Council during which a review of the death of an  
14 eligible adult in which abuse or neglect is suspected,  
15 alleged, or substantiated is conducted pursuant to Section  
16 15 of the Adult Protective Services Act.

17 (31) Meetings and deliberations for decisions of the  
18 Concealed Carry Licensing Review Board under the Firearm  
19 Concealed Carry Act.

20 (32) Meetings between the Regional Transportation  
21 Authority Board and its Service Boards when the discussion  
22 involves review by the Regional Transportation Authority  
23 Board of employment contracts under Section 28d of the  
24 Metropolitan Transit Authority Act and Sections 3A.18 and  
25 3B.26 of the Regional Transportation Authority Act.

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created  
2 under Section 320 of the Illinois Controlled Substances  
3 Act during which specific controlled substance prescriber,  
4 dispenser, or patient information is discussed.

5 (34) Meetings of the Tax Increment Financing Reform  
6 Task Force under Section 2505-800 of the Department of  
7 Revenue Law of the Civil Administrative Code of Illinois.

8 (35) Meetings of the group established to discuss  
9 Medicaid capitation rates under Section 5-30.8 of the  
10 Illinois Public Aid Code.

11 (36) Those deliberations or portions of deliberations  
12 for decisions of the Illinois Gaming Board in which there  
13 is discussed any of the following: (i) personal,  
14 commercial, financial, or other information obtained from  
15 any source that is privileged, proprietary, confidential,  
16 or a trade secret; or (ii) information specifically  
17 exempted from the disclosure by federal or State law.

18 (37) Deliberations for decisions of the Illinois Law  
19 Enforcement Training Standards Board, the Certification  
20 Review Panel, and the Illinois State Police Merit Board  
21 regarding certification and decertification.

22 (38) Meetings of the Ad Hoc Statewide Domestic  
23 Violence Fatality Review Committee of the Illinois  
24 Criminal Justice Information Authority Board that occur in  
25 closed executive session under subsection (d) of Section  
26 35 of the Domestic Violence Fatality Review Act.

1           (39) Meetings of the regional review teams under  
2 subsection (a) of Section 75 of the Domestic Violence  
3 Fatality Review Act.

4           (40) Meetings of the Firearm Owner's Identification  
5 Card Review Board under Section 10 of the Firearm Owners  
6 Identification Card Act before the effective date of this  
7 amendatory Act of the 103rd General Assembly.

8           (d) Definitions. For purposes of this Section:

9           "Employee" means a person employed by a public body whose  
10 relationship with the public body constitutes an  
11 employer-employee relationship under the usual common law  
12 rules, and who is not an independent contractor.

13           "Public office" means a position created by or under the  
14 Constitution or laws of this State, the occupant of which is  
15 charged with the exercise of some portion of the sovereign  
16 power of this State. The term "public office" shall include  
17 members of the public body, but it shall not include  
18 organizational positions filled by members thereof, whether  
19 established by law or by a public body itself, that exist to  
20 assist the body in the conduct of its business.

21           "Quasi-adjudicative body" means an administrative body  
22 charged by law or ordinance with the responsibility to conduct  
23 hearings, receive evidence or testimony and make  
24 determinations based thereon, but does not include local  
25 electoral boards when such bodies are considering petition  
26 challenges.

1 (e) Final action. No final action may be taken at a closed  
2 meeting. Final action shall be preceded by a public recital of  
3 the nature of the matter being considered and other  
4 information that will inform the public of the business being  
5 conducted.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;  
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.  
8 7-28-23.)

9 Section 10. The Freedom of Information Act is amended by  
10 changing Section 7.5 as follows:

11 (5 ILCS 140/7.5)

12 (Text of Section before amendment by P.A. 103-472)

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

16 (a) All information determined to be confidential  
17 under Section 4002 of the Technology Advancement and  
18 Development Act.

19 (b) Library circulation and order records identifying  
20 library users with specific materials under the Library  
21 Records Confidentiality Act.

22 (c) Applications, related documents, and medical  
23 records received by the Experimental Organ Transplantation  
24 Procedures Board and any and all documents or other

1 records prepared by the Experimental Organ Transplantation  
2 Procedures Board or its staff relating to applications it  
3 has received.

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

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

12 (f) Firm performance evaluations under Section 55 of  
13 the Architectural, Engineering, and Land Surveying  
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted  
16 and exempted under Section 50 of the Illinois Prepaid  
17 Tuition Act.

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

24 (i) Information contained in a local emergency energy  
25 plan submitted to a municipality in accordance with a  
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution  
3 of surcharge moneys collected and remitted by carriers  
4 under the Emergency Telephone System Act.

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

9 (l) Records and information provided to a residential  
10 health care facility resident sexual assault and death  
11 review team or the Executive Council under the Abuse  
12 Prevention Review Team Act.

13 (m) Information provided to the predatory lending  
14 database created pursuant to Article 3 of the Residential  
15 Real Property Disclosure Act, except to the extent  
16 authorized under that Article.

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

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

1 (p) Security portions of system safety program plans,  
2 investigation reports, surveys, schedules, lists, data, or  
3 information compiled, collected, or prepared by or for the  
4 Department of Transportation under Sections 2705-300 and  
5 2705-616 of the Department of Transportation Law of the  
6 Civil Administrative Code of Illinois, the Regional  
7 Transportation Authority under Section 2.11 of the  
8 Regional Transportation Authority Act, or the St. Clair  
9 County Transit District under the Bi-State Transit Safety  
10 Act (repealed).

11 (q) Information prohibited from being disclosed by the  
12 Personnel Record Review Act.

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

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

17 (t) (Blank).

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

21 (v) Names and information of people who have applied  
22 for or received Firearm Owner's Identification Cards under  
23 the Firearm Owners Identification Card Act before the  
24 effective date of this amendatory Act of the 103rd General  
25 Assembly or applied for or received a concealed carry  
26 license under the Firearm Concealed Carry Act, unless

1 otherwise authorized by the Firearm Concealed Carry Act;  
2 and databases under the Firearm Concealed Carry Act,  
3 records of the Concealed Carry Licensing Review Board  
4 under the Firearm Concealed Carry Act, and law enforcement  
5 agency objections under the Firearm Concealed Carry Act.

6 (v-5) Records of the Firearm Owner's Identification  
7 Card Review Board that were ~~are~~ exempted from disclosure  
8 under Section 10 of the Firearm Owners Identification Card  
9 Act before the effective date of this amendatory Act of  
10 the 103rd General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (bbb) Information that is prohibited from disclosure  
23 by the Illinois Police Training Act and the Illinois State  
24 Police Act.

25 (ccc) Records exempt from disclosure under Section  
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed  
3 under Section 35 of the Address Confidentiality for  
4 Victims of Domestic Violence, Sexual Assault, Human  
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed  
7 under subsection (b) of Section 75 of the Domestic  
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera  
10 Act. This subsection (fff) is inoperative on and after  
11 July 1, 2025.

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

15 (hhh) Information submitted to the Illinois State  
16 Police in an affidavit or application for an assault  
17 weapon endorsement, assault weapon attachment endorsement,  
18 .50 caliber rifle endorsement, or .50 caliber cartridge  
19 endorsement ~~under the Firearm Owners Identification Card~~  
20 ~~Act.~~

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

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

25 (kkk) ~~(iii)~~ Confidential business information  
26 prohibited from disclosure under Section 45 of the Paint

1 Stewardship Act.

2 (lll) (Reserved).

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

6 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
7 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
8 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
9 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
10 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
11 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;  
12 revised 1-2-24.)

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

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15 by the statutes referenced below, the following shall be  
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2 Procedures Board or its staff relating to applications it  
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4 (d) Information and records held by the Department of  
5 Public Health and its authorized representatives relating  
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7 disease or any information the disclosure of which is  
8 restricted under the Illinois Sexually Transmissible  
9 Disease Control Act.

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11 under Section 30 of the Radon Industry Licensing Act.

12 (f) Firm performance evaluations under Section 55 of  
13 the Architectural, Engineering, and Land Surveying  
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted  
16 and exempted under Section 50 of the Illinois Prepaid  
17 Tuition Act.

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

24 (i) Information contained in a local emergency energy  
25 plan submitted to a municipality in accordance with a  
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution  
3 of surcharge moneys collected and remitted by carriers  
4 under the Emergency Telephone System Act.

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6 or driver identification information compiled by a law  
7 enforcement agency or the Department of Transportation  
8 under Section 11-212 of the Illinois Vehicle Code.

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10 health care facility resident sexual assault and death  
11 review team or the Executive Council under the Abuse  
12 Prevention Review Team Act.

13 (m) Information provided to the predatory lending  
14 database created pursuant to Article 3 of the Residential  
15 Real Property Disclosure Act, except to the extent  
16 authorized under that Article.

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

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25 disclosed under Section 4 of the Illinois Health and  
26 Hazardous Substances Registry Act.

1 (p) Security portions of system safety program plans,  
2 investigation reports, surveys, schedules, lists, data, or  
3 information compiled, collected, or prepared by or for the  
4 Department of Transportation under Sections 2705-300 and  
5 2705-616 of the Department of Transportation Law of the  
6 Civil Administrative Code of Illinois, the Regional  
7 Transportation Authority under Section 2.11 of the  
8 Regional Transportation Authority Act, or the St. Clair  
9 County Transit District under the Bi-State Transit Safety  
10 Act (repealed).

11 (q) Information prohibited from being disclosed by the  
12 Personnel Record Review Act.

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

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

17 (t) (Blank).

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

21 (v) Names and information of people who have applied  
22 for or received Firearm Owner's Identification Cards under  
23 the Firearm Owners Identification Card Act before the  
24 effective date of this amendatory Act of the 103rd General  
25 Assembly or applied for or received a concealed carry  
26 license under the Firearm Concealed Carry Act, unless

1 otherwise authorized by the Firearm Concealed Carry Act;  
2 and databases under the Firearm Concealed Carry Act,  
3 records of the Concealed Carry Licensing Review Board  
4 under the Firearm Concealed Carry Act, and law enforcement  
5 agency objections under the Firearm Concealed Carry Act.

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9 Act before the effective date of this amendatory Act of  
10 the 103rd General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (bbb) Information that is prohibited from disclosure  
23 by the Illinois Police Training Act and the Illinois State  
24 Police Act.

25 (ccc) Records exempt from disclosure under Section  
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed  
3 under Section 35 of the Address Confidentiality for  
4 Victims of Domestic Violence, Sexual Assault, Human  
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed  
7 under subsection (b) of Section 75 of the Domestic  
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera  
10 Act. This subsection (fff) is inoperative on and after  
11 July 1, 2025.

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

15 (hhh) Information submitted to the Illinois State  
16 Police in an affidavit or application for an assault  
17 weapon endorsement, assault weapon attachment endorsement,  
18 .50 caliber rifle endorsement, or .50 caliber cartridge  
19 endorsement under the Firearm Owners Identification Card  
20 Act.

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

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

25 (kkk) ~~(iii)~~ Confidential business information  
26 prohibited from disclosure under Section 45 of the Paint

1 Stewardship Act.

2 (lll) ~~(iii)~~ Data exempt from disclosure under Section  
3 2-3.196 of the School Code.

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

7 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
8 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
9 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
10 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
11 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
12 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
13 103-580, eff. 12-8-23; revised 1-2-24.)

14 Section 15. The Illinois TRUST Act is amended by changing  
15 Section 15 as follows:

16 (5 ILCS 805/15)

17 Sec. 15. Prohibition on enforcing federal civil  
18 immigration laws.

19 (a) A law enforcement agency or law enforcement official  
20 shall not detain or continue to detain any individual solely  
21 on the basis of any immigration detainer or civil immigration  
22 warrant or otherwise comply with an immigration detainer or  
23 civil immigration warrant.

24 (b) A law enforcement agency or law enforcement official

1 shall not stop, arrest, search, detain, or continue to detain  
2 a person solely based on an individual's citizenship or  
3 immigration status.

4 (c) (Blank).

5 (d) A law enforcement agency or law enforcement official  
6 acting in good faith in compliance with this Section who  
7 releases a person subject to an immigration detainer or civil  
8 immigration warrant shall have immunity from any civil or  
9 criminal liability that might otherwise occur as a result of  
10 making the release, with the exception of willful or wanton  
11 misconduct.

12 (e) A law enforcement agency or law enforcement official  
13 may not inquire about or investigate the citizenship or  
14 immigration status or place of birth of any individual in the  
15 agency or official's custody or who has otherwise been stopped  
16 or detained by the agency or official. Nothing in this  
17 subsection shall be construed to limit the ability of a law  
18 enforcement agency or law enforcement official, pursuant to  
19 State or federal law, to notify a person in the law enforcement  
20 agency's custody about that person's right to communicate with  
21 consular officers from that person's country of nationality,  
22 or facilitate such communication, in accordance with the  
23 Vienna Convention on Consular Relations or other bilateral  
24 agreements. Nothing in this subsection shall be construed to  
25 limit the ability of a law enforcement agency or law  
26 enforcement official to request evidence of citizenship or

1 immigration status pursuant to the ~~Firearm Owners~~  
2 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,  
3 Article 24 of the Criminal Code of 2012, or 18 United States  
4 Code Sections 921 through 931.

5 (f) Unless otherwise limited by federal law, a law  
6 enforcement agency or law enforcement official may not deny  
7 services, benefits, privileges, or opportunities to an  
8 individual in custody or under probation status, including,  
9 but not limited to, eligibility for or placement in a lower  
10 custody classification, educational, rehabilitative, or  
11 diversionary programs, on the basis of the individual's  
12 citizenship or immigration status, the issuance of an  
13 immigration detainer or civil immigration warrant against the  
14 individual, or the individual being in immigration removal  
15 proceedings.

16 (g) (1) No law enforcement agency, law enforcement  
17 official, or any unit of State or local government may enter  
18 into or renew any contract, intergovernmental service  
19 agreement, or any other agreement to house or detain  
20 individuals for federal civil immigration violations.

21 (2) Any law enforcement agency, law enforcement official,  
22 or unit of State or local government with an existing  
23 contract, intergovernmental agreement, or other agreement,  
24 whether in whole or in part, that is utilized to house or  
25 detain individuals for civil immigration violations shall  
26 exercise the termination provision in the agreement as applied

1 to housing or detaining individuals for civil immigration  
2 violations no later than January 1, 2022.

3 (h) Unless presented with a federal criminal warrant, or  
4 otherwise required by federal law, a law enforcement agency or  
5 official may not:

6 (1) participate, support, or assist in any capacity  
7 with an immigration agent's enforcement operations,  
8 including any collateral assistance such as coordinating  
9 an arrest in a courthouse or other public facility,  
10 providing use of any equipment, transporting any  
11 individuals, or establishing a security or traffic  
12 perimeter surrounding such operations, or any other  
13 on-site support;

14 (2) give any immigration agent access, including by  
15 telephone, to any individual who is in that agency's  
16 custody;

17 (3) transfer any person into an immigration agent's  
18 custody;

19 (4) permit immigration agents use of agency facilities  
20 or equipment, including any agency electronic databases  
21 not available to the public, for investigative interviews  
22 or other investigative or immigration enforcement purpose;

23 (5) enter into or maintain any agreement regarding  
24 direct access to any electronic database or other  
25 data-sharing platform maintained by any law enforcement  
26 agency, or otherwise provide such direct access to the

1 U.S. Immigration and Customs Enforcement, United States  
2 Customs and Border Protection or any other federal entity  
3 enforcing civil immigration violations;

4 (6) provide information in response to any immigration  
5 agent's inquiry or request for information regarding any  
6 individual in the agency's custody; or

7 (7) provide to any immigration agent information not  
8 otherwise available to the public relating to an  
9 individual's release or contact information, or otherwise  
10 facilitate for an immigration agent to apprehend or  
11 question an individual for immigration enforcement.

12 (i) Nothing in this Section shall preclude a law  
13 enforcement official from otherwise executing that official's  
14 duties in investigating violations of criminal law and  
15 cooperating in such investigations with federal and other law  
16 enforcement agencies (including criminal investigations  
17 conducted by federal Homeland Security Investigations (HSI))  
18 in order to ensure public safety.

19 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

20 Section 20. The Gun Trafficking Information Act is amended  
21 by changing Section 10-5 as follows:

22 (5 ILCS 830/10-5)

23 Sec. 10-5. Gun trafficking information.

24 (a) The Illinois State Police shall use all reasonable

1 efforts, as allowed by State law and regulations, federal law  
2 and regulations, and executed Memoranda of Understanding  
3 between Illinois law enforcement agencies and the U.S. Bureau  
4 of Alcohol, Tobacco, Firearms and Explosives, in making  
5 publicly available, on a regular and ongoing basis, key  
6 information related to firearms used in the commission of  
7 crimes in this State, including, but not limited to: reports  
8 on crimes committed with firearms, locations where the crimes  
9 occurred, the number of persons killed or injured in the  
10 commission of the crimes, the state where the firearms used  
11 originated, the Federal Firearms Licensee that sold the  
12 firearm, the type of firearms used, if known, ~~annual~~  
13 ~~statistical information concerning Firearm Owner's~~  
14 ~~Identification Card~~ and concealed carry license applications,  
15 ~~revocations, and compliance with Section 9.5 of the Firearm~~  
16 ~~Owners Identification Card Act,~~ the information required in  
17 the report or on the Illinois State Police's website under  
18 Section 85 of the Firearms Restraining Order Act, and firearm  
19 dealer license certification inspections. The Illinois State  
20 Police shall make the information available on its website,  
21 which may be presented in a dashboard format, in addition to  
22 electronically filing a report with the Governor and the  
23 General Assembly. The report to the General Assembly shall be  
24 filed with the Clerk of the House of Representatives and the  
25 Secretary of the Senate in electronic form only, in the manner  
26 that the Clerk and the Secretary shall direct.

1           (b) (Blank). ~~The Illinois State Police shall study, on a~~  
2 ~~regular and ongoing basis, and compile reports on the number~~  
3 ~~of Firearm Owner's Identification Card checks to determine~~  
4 ~~firearms trafficking or straw purchase patterns. The Illinois~~  
5 ~~State Police shall, to the extent not inconsistent with law,~~  
6 ~~share such reports and underlying data with academic centers,~~  
7 ~~foundations, and law enforcement agencies studying firearms~~  
8 ~~trafficking, provided that personally identifying information~~  
9 ~~is protected. For purposes of this subsection (b), a Firearm~~  
10 ~~Owner's Identification Card number is not personally~~  
11 ~~identifying information, provided that no other personal~~  
12 ~~information of the card holder is attached to the record. The~~  
13 ~~Illinois State Police may create and attach an alternate~~  
14 ~~unique identifying number to each Firearm Owner's~~  
15 ~~Identification Card number, instead of releasing the Firearm~~  
16 ~~Owner's Identification Card number itself.~~

17           (c) Each department, office, division, and agency of this  
18 State shall, to the extent not inconsistent with law,  
19 cooperate fully with the Illinois State Police and furnish the  
20 Illinois State Police with all relevant information and  
21 assistance on a timely basis as is necessary to accomplish the  
22 purpose of this Act. The Illinois Criminal Justice Information  
23 Authority shall submit the information required in subsection  
24 (a) of this Section to the Illinois State Police, and any other  
25 information as the Illinois State Police may request, to  
26 assist the Illinois State Police in carrying out its duties

1 under this Act.

2 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
3 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

4 Section 25. The First Responders Suicide Prevention Act is  
5 amended by changing Section 40 as follows:

6 (5 ILCS 840/40)

7 Sec. 40. Task Force recommendations.

8 (a) Task Force members shall recommend that agencies and  
9 organizations guarantee access to mental health and wellness  
10 services, including, but not limited to, peer support programs  
11 and providing ongoing education related to the ever-evolving  
12 concept of mental health wellness. These recommendations could  
13 be accomplished by:

14 (1) Revising agencies' and organizations' employee  
15 assistance programs (EAPs).

16 (2) Urging health care providers to replace outdated  
17 healthcare plans and include more progressive options  
18 catering to the needs and disproportionate risks  
19 shouldered by our first responders.

20 (3) Allocating funding or resources for public service  
21 announcements (PSA) and messaging campaigns aimed at  
22 raising awareness of available assistance options.

23 (4) Encouraging agencies and organizations to attach  
24 lists of all available resources to training manuals and

1 continuing education requirements.

2 (b) Task Force members shall recommend agencies and  
3 organizations sponsor or facilitate first responders with  
4 specialized training in the areas of psychological fitness,  
5 depressive disorders, early detection, and mitigation best  
6 practices. Such trainings could be accomplished by:

7 (1) Assigning, appointing, or designating one member  
8 of an agency or organization to attend specialized  
9 training(s) sponsored by an accredited agency,  
10 association, or organization recognized in their fields of  
11 study.

12 (2) Seeking sponsorships or conducting fund-raisers,  
13 to host annual or semiannual on-site visits from qualified  
14 clinicians or physicians to provide early detection  
15 training techniques, or to provide regular access to  
16 mental health professionals.

17 (3) Requiring a minimum number of hours of disorders  
18 and wellness training be incorporated into reoccurring,  
19 annual or biannual training standards, examinations, and  
20 curriculums, taking into close consideration respective  
21 agency or organization size, frequency, and number of all  
22 current federal and state mandatory examinations and  
23 trainings expected respectively.

24 (4) Not underestimating the crucial importance of a  
25 balanced diet, sleep, mindfulness-based stress reduction  
26 techniques, moderate and vigorous intensity activities,

1 and recreational hobbies, which have been scientifically  
2 proven to play a major role in brain health and mental  
3 wellness.

4 (c) Task Force members shall recommend that administrators  
5 and leadership personnel solicit training services from  
6 evidence-based, data driven organizations. Organizations with  
7 personnel trained on the analytical review and interpretation  
8 of specific fields related to the nature of first responders'  
9 exploits, such as PTSD, substance abuse, chronic state of  
10 duress. Task Force members shall further recommend funding for  
11 expansion and messaging campaigns of preliminary  
12 self-diagnosing technologies like the one described above.  
13 These objectives could be met by:

14 (1) Contacting an accredited agency, association, or  
15 organization recognized in the field or fields of specific  
16 study. Unbeknownst to the majority, many of the agencies  
17 and organizations listed above receive grants and  
18 allocations to assist communities with the very issues  
19 being discussed in this Section.

20 (2) Normalizing help-seeking behaviors for both first  
21 responders and their families through regular messaging  
22 and peer support outreach, beginning with academy  
23 curricula and continuing education throughout individuals'  
24 careers.

25 (3) Funding and implementing PSA campaigns that  
26 provide clear and concise calls to action about mental

1 health and wellness, resiliency, help-seeking, treatment,  
2 and recovery.

3 (4) Promoting and raising awareness of not-for-profit  
4 organizations currently available to assist individuals in  
5 search of care and treatment. Organizations have intuitive  
6 user-friendly sites, most of which have mobile  
7 applications, so first responders can access at a moment's  
8 notice. However, because of limited funds, these  
9 organizations have a challenging time of getting the word  
10 out there about their existence.

11 (5) Expanding Family and Medical Leave Act protections  
12 for individuals voluntarily seeking preventative  
13 treatment.

14 (6) Promoting and ensuring complete patient  
15 confidentiality protections.

16 (d) Task Force members shall recommend that agencies and  
17 organizations incorporate the following training components  
18 into already existing modules and educational curriculums.  
19 Doing so could be done by:

20 (1) Bolstering academy and school curricula by  
21 requiring depressive disorder training catered to PTSD,  
22 substance abuse, and early detection techniques training,  
23 taking into close consideration respective agency or  
24 organization size, and the frequency and number of all  
25 current federal and state mandatory examinations and  
26 trainings expected respectively.

1 (2) Continuing to allocate or match federal and state  
2 funds to maintain Mobile Training Units (MTUs).

3 (3) Incorporating a state certificate for peer support  
4 training into already existing ~~existing~~ statewide  
5 curriculums and mandatory examinations, annual State Fire  
6 Marshal examinations, and physical fitness examinations.  
7 The subject matter of the certificate should have an  
8 emphasis on mental health and wellness, as well as  
9 familiarization with topics ranging from clinical social  
10 work, clinical psychology, clinical behaviorist, and  
11 clinical psychiatry.

12 (4) Incorporating and performing statewide mental  
13 health check-ins during the same times as already mandated  
14 trainings. These checks are not to be compared or used as  
15 measures of fitness for duty evaluations or structured  
16 psychological examinations.

17 (5) Recommending comprehensive and evidence-based  
18 training on the importance of preventative measures on the  
19 topics of sleep, nutrition, mindfulness, and physical  
20 movement.

21 (6) (Blank). ~~Law enforcement agencies should provide~~  
22 ~~training on the Firearm Owner's Identification Card Act,~~  
23 ~~including seeking relief from the Illinois State Police~~  
24 ~~under Section 10 of the Firearm Owners Identification Card~~  
25 ~~Act and a FOID card being a continued condition of~~  
26 ~~employment under Section 7.2 of the Uniform Peace~~

1 ~~Officers' Disciplinary Act.~~

2 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;  
3 revised 1-20-24.)

4 Section 30. The Department of Natural Resources  
5 (Conservation) Law of the Civil Administrative Code of  
6 Illinois is amended by changing Section 805-538 as follows:

7 (20 ILCS 805/805-538)

8 Sec. 805-538. Retiring officer; purchase of service  
9 firearm and police badge. The Director of Natural Resources  
10 shall establish a program to allow a Conservation Police  
11 Officer who is honorably retiring in good standing to purchase  
12 either one or both of the following: (1) any Department of  
13 Natural Resources police badge previously issued to that  
14 officer; or (2) ~~if the officer has a currently valid Firearm~~  
15 ~~Owner's Identification Card,~~ the service firearm issued or  
16 previously issued to the officer by the Department of Natural  
17 Resources. The cost of the firearm shall be the replacement  
18 value of the firearm and not the firearm's fair market value.

19 (Source: P.A. 100-931, eff. 8-17-18.)

20 Section 35. The Department of Revenue Law of the Civil  
21 Administrative Code of Illinois is amended by changing Section  
22 2505-306 as follows:

1 (20 ILCS 2505/2505-306)

2 Sec. 2505-306. Retiring investigators; purchase of service  
3 firearm and badge. The Director shall establish a program to  
4 allow a Department investigator who is honorably retiring in  
5 good standing to purchase either one or both of the following:  
6 (1) any badge previously issued to the investigator by the  
7 Department; or (2) ~~if the investigator has a currently valid~~  
8 ~~Firearm Owner's Identification Card,~~ the service firearm  
9 issued or previously issued to the investigator by the  
10 Department. The cost of the firearm shall be the replacement  
11 value of the firearm and not the firearm's fair market value.  
12 (Source: P.A. 102-719, eff. 5-6-22.)

13 Section 40. The Illinois State Police Law of the Civil  
14 Administrative Code of Illinois is amended by changing  
15 Sections 2605-10, 2605-45, 2605-200, 2605-595, and 2605-605 as  
16 follows:

17 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-10. Powers and duties, generally.

19 (a) The Illinois State Police shall exercise the rights,  
20 powers, and duties that have been vested in the Illinois State  
21 Police by the following:

22 The Illinois State Police Act.

23 The Illinois State Police Radio Act.

24 The Criminal Identification Act.

1 The Illinois Vehicle Code.

2 ~~The Firearm Owners Identification Card Act.~~

3 The Firearm Concealed Carry Act.

4 The Firearm Dealer License Certification Act.

5 The Intergovernmental Missing Child Recovery Act of  
6 1984.

7 The Intergovernmental Drug Laws Enforcement Act.

8 The Narcotic Control Division Abolition Act.

9 The Illinois Uniform Conviction Information Act.

10 The Murderer and Violent Offender Against Youth  
11 Registration Act.

12 (b) The Illinois State Police shall have the powers and  
13 duties set forth in the following Sections.

14 (c) The Illinois State Police shall exercise the rights,  
15 powers, and duties vested in the Illinois State Police to  
16 implement the following protective service functions for State  
17 facilities, State officials, and State employees serving in  
18 their official capacity:

19 (1) Utilize subject matter expertise and law  
20 enforcement authority to strengthen the protection of  
21 State government facilities, State employees, State  
22 officials, and State critical infrastructure.

23 (2) Coordinate State, federal, and local law  
24 enforcement activities involving the protection of State  
25 facilities, officials, and employees.

26 (3) Conduct investigations of criminal threats to

1 State facilities, State critical infrastructure, State  
2 officials, and State employees.

3 (4) Train State officials and employees in personal  
4 protection, crime prevention, facility occupant emergency  
5 planning, and incident management.

6 (5) Establish standard protocols for prevention and  
7 response to criminal threats to State facilities, State  
8 officials, State employees, and State critical  
9 infrastructure and standard protocols for reporting of  
10 suspicious activities.

11 (6) Establish minimum operational standards,  
12 qualifications, training, and compliance requirements for  
13 State employees and contractors engaged in the protection  
14 of State facilities and employees.

15 (7) At the request of departments or agencies of State  
16 government, conduct security assessments, including, but  
17 not limited to, examination of alarm systems, cameras  
18 systems, access points, personnel readiness, and emergency  
19 protocols based on risk and need.

20 (8) Oversee the planning and implementation of  
21 security and law enforcement activities necessary for the  
22 protection of major, multi-jurisdictional events  
23 implicating potential criminal threats to State officials,  
24 State employees, or State-owned, State-leased, or  
25 State-operated critical infrastructure or facilities.

26 (9) Oversee and direct the planning and implementation

1 of security and law enforcement activities by the  
2 departments and agencies of the State necessary for the  
3 protection of State employees, State officials, and  
4 State-owned, State-leased, or State-operated critical  
5 infrastructure or facilities from criminal activity.

6 (10) Advise the Governor and Homeland Security Advisor  
7 on any matters necessary for the effective protection of  
8 State facilities, critical infrastructure, officials, and  
9 employees from criminal threats.

10 (11) Utilize intergovernmental agreements and  
11 administrative rules as needed for the effective,  
12 efficient implementation of law enforcement and support  
13 activities necessary for the protection of State  
14 facilities, State infrastructure, State employees, and,  
15 upon the express written consent of State constitutional  
16 officials, State constitutional officials.

17 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;  
18 103-564, eff. 11-17-23.)

19 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

20 Sec. 2605-45. Division of Justice Services. The Division  
21 of Justice Services shall provide administrative and technical  
22 services and support to the Illinois State Police, criminal  
23 justice agencies, and the public and shall exercise the  
24 following functions:

25 (1) Operate and maintain the Law Enforcement Agencies

1 Data System (LEADS), a statewide, computerized  
2 telecommunications system designed to provide services,  
3 information, and capabilities to the law enforcement and  
4 criminal justice community in the State of Illinois. The  
5 Director is responsible for establishing policy,  
6 procedures, and regulations consistent with State and  
7 federal rules, policies, and law by which LEADS operates.  
8 The Director shall designate a statewide LEADS  
9 Administrator for management of the system. The Director  
10 may appoint a LEADS Advisory Policy Board to reflect the  
11 needs and desires of the law enforcement and criminal  
12 justice community and to make recommendations concerning  
13 policies and procedures.

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

16 (3) Serve as the State's point of contact for the  
17 Federal Bureau of Investigation's Uniform Crime Reporting  
18 Program and National Incident-Based Reporting System.

19 (4) Operate an electronic data processing and computer  
20 center for the storage and retrieval of data pertaining to  
21 criminal activity.

22 (5) Exercise the rights, powers, and duties vested in  
23 the Illinois State Police by the Cannabis Regulation and  
24 Tax Act and the Compassionate Use of Medical Cannabis  
25 Program Act.

26 (6) (Blank).

1           (6.5) Exercise the rights, powers, and duties vested  
2           in the Illinois State Police by ~~the Firearm Owners~~  
3           ~~Identification Card Act,~~ the Firearm Concealed Carry Act,  
4           the Firearm Transfer Inquiry Program, the prohibited  
5           persons portal under Section 2605-304, and the Firearm  
6           Dealer License Certification Act.

7           (7) Exercise other duties that may be assigned by the  
8           Director to fulfill the responsibilities and achieve the  
9           purposes of the Illinois State Police.

10          (8) Exercise the rights, powers, and duties vested by  
11          law in the Illinois State Police by the Criminal  
12          Identification Act and the Illinois Uniform Conviction  
13          Information Act.

14          (9) Exercise the powers and perform the duties that  
15          have been vested in the Illinois State Police by the  
16          Murderer and Violent Offender Against Youth Registration  
17          Act, the Sex Offender Registration Act, and the Sex  
18          Offender Community Notification Law and adopt reasonable  
19          rules necessitated thereby.

20          (10) Serve as the State central repository for  
21          criminal history record information.

22          (11) Share all necessary information with the  
23          Concealed Carry Licensing Review Board and the Firearms  
24          Owner's Identification Card Review Board necessary for the  
25          execution of their duties.

26          (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

1 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)  
2 Sec. 2605-200. Investigations of crime; enforcement of  
3 laws; records; crime laboratories; personnel.

4 (a) To do the following:

5 (1) Investigate the origins, activities, personnel,  
6 and incidents of crime and the ways and means to redress  
7 the victims of crimes; study the impact, if any, of  
8 legislation relative to the effusion of crime and growing  
9 crime rates; and enforce the criminal laws of this State  
10 related thereto.

11 (2) Enforce all laws regulating the production, sale,  
12 prescribing, manufacturing, administering, transporting,  
13 having in possession, dispensing, delivering,  
14 distributing, or use of controlled substances and  
15 cannabis.

16 (3) Employ skilled experts, scientists, technicians,  
17 investigators, or otherwise specially qualified persons to  
18 aid in preventing or detecting crime, apprehending  
19 criminals, or preparing and presenting evidence of  
20 violations of the criminal laws of the State.

21 (4) Cooperate with the police of cities, villages, and  
22 incorporated towns and with the police officers of any  
23 county in enforcing the laws of the State and in making  
24 arrests and recovering property.

25 (5) Apprehend and deliver up any person charged in

1           this State or any other state of the United States with  
2           treason or a felony or other crime who has fled from  
3           justice and is found in this State.

4           (6) Conduct other investigations as provided by law.

5           (7) Be a central repository and custodian of criminal  
6           statistics for the State.

7           (8) Be a central repository for criminal history  
8           record information.

9           (9) Procure and file for record information that is  
10          necessary and helpful to plan programs of crime  
11          prevention, law enforcement, and criminal justice.

12          (10) Procure and file for record copies of  
13          fingerprints that may be required by law.

14          (11) Establish general and field crime laboratories.

15          (12) Register and file for record information that may  
16          be required by law for the issuance of ~~firearm owner's~~  
17          ~~identification cards under the Firearm Owners~~  
18          ~~Identification Card Act~~ and concealed carry licenses under  
19          the Firearm Concealed Carry Act.

20          (13) Employ laboratory technicians and other specially  
21          qualified persons to aid in the identification of criminal  
22          activity and the identification, collection, and recovery  
23          of cyber forensics, including, but not limited to, digital  
24          evidence, and may employ polygraph operators and forensic  
25          anthropologists.

26          (14) Undertake other identification, information,

1 laboratory, statistical, or registration activities that  
2 may be required by law.

3 (b) Persons exercising the powers set forth in subsection  
4 (a) within the Illinois State Police are conservators of the  
5 peace and as such have all the powers possessed by policemen in  
6 cities and sheriffs, except that they may exercise those  
7 powers anywhere in the State in cooperation with and after  
8 contact with the local law enforcement officials. Those  
9 persons may use false or fictitious names in the performance  
10 of their duties under this Section, upon approval of the  
11 Director, and shall not be subject to prosecution under the  
12 criminal laws for that use.

13 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

14 (20 ILCS 2605/2605-595)

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

16 (a) There is created in the State treasury a special fund  
17 known as the State Police Firearm Services Fund. The Fund  
18 shall receive revenue under the Firearm Concealed Carry Act  
19 and ~~the Firearm Dealer License Certification Act, and~~  
20 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The  
21 Fund may also receive revenue from grants, pass-through  
22 grants, donations, appropriations, and any other legal source.

23 (a-5) (Blank).

24 (b) The Illinois State Police may use moneys in the Fund to  
25 finance any of its lawful purposes, mandates, functions, and

1 duties under ~~the Firearm Owners Identification Card Act~~, the  
2 Firearm Dealer License Certification Act~~,~~ and the Firearm  
3 Concealed Carry Act, including the cost of sending notices of  
4 expiration of ~~Firearm Owner's Identification Cards~~, concealed  
5 carry licenses, the prompt and efficient processing of  
6 applications under ~~the Firearm Owners Identification Card Act~~  
7 ~~and~~ the Firearm Concealed Carry Act, the improved efficiency  
8 and reporting of the LEADS and federal NICS law enforcement  
9 data systems, and support for investigations required under  
10 these Acts and law. Any surplus funds beyond what is needed to  
11 comply with the aforementioned purposes shall be used by the  
12 Illinois State Police to improve the Law Enforcement Agencies  
13 Data System (LEADS) and criminal history background check  
14 system.

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

18 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;  
19 103-363, eff. 7-28-23.)

20 (20 ILCS 2605/2605-605)

21 Sec. 2605-605. Violent Crime Intelligence Task Force. The  
22 Director of the Illinois State Police shall establish a  
23 statewide multi-jurisdictional Violent Crime Intelligence Task  
24 Force led by the Illinois State Police dedicated to combating  
25 gun violence, gun-trafficking, and other violent crime with

1 the primary mission of preservation of life and reducing the  
2 occurrence and the fear of crime. The objectives of the Task  
3 Force shall include, but not be limited to, reducing and  
4 preventing illegal possession and use of firearms,  
5 firearm-related homicides, and other violent crimes, and  
6 solving firearm-related crimes.

7 (1) The Task Force may develop and acquire information,  
8 training, tools, and resources necessary to implement a  
9 data-driven approach to policing, with an emphasis on  
10 intelligence development.

11 (2) The Task Force may utilize information sharing,  
12 partnerships, crime analysis, and evidence-based practices to  
13 assist in the reduction of firearm-related shootings,  
14 homicides, and gun-trafficking, including, but not limited to,  
15 ballistic data, eTrace data, DNA evidence, latent  
16 fingerprints, firearm training data, and National Integrated  
17 Ballistic Information Network (NIBIN) data. The Task Force may  
18 design a model crime gun intelligence strategy which may  
19 include, but is not limited to, comprehensive collection and  
20 documentation of all ballistic evidence, timely transfer of  
21 NIBIN and eTrace leads to an intelligence center, which may  
22 include the Division of Criminal Investigation of the Illinois  
23 State Police, timely dissemination of intelligence to  
24 investigators, investigative follow-up, and coordinated  
25 prosecution.

26 (3) The Task Force may recognize and utilize best

1 practices of community policing and may develop potential  
2 partnerships with faith-based and community organizations to  
3 achieve its goals.

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

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

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

26 (7) (Blank). ~~The Task Force shall conduct enforcement~~

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

9 (8) The Task Force shall collaborate with local law  
10 enforcement agencies to enforce provisions of ~~the Firearm~~  
11 ~~Owners Identification Card Act,~~ the Firearm Concealed Carry  
12 Act, the Firearm Dealer License Certification Act, and Article  
13 24 of the Criminal Code of 2012.

14 (9) To implement this Section, the Director of the  
15 Illinois State Police may establish intergovernmental  
16 agreements with law enforcement agencies in accordance with  
17 the Intergovernmental Cooperation Act.

18 (10) Law enforcement agencies that participate in  
19 activities described in paragraphs (7) through (9) may apply  
20 to the Illinois State Police for grants from the State Police  
21 Revocation Enforcement Fund.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22.)

24 (20 ILCS 2605/2605-304 rep.)

25 (20 ILCS 2605/2605-610 rep.)

1           Section 45. The Illinois State Police Law of the Civil  
2 Administrative Code of Illinois is amended by repealing  
3 Sections 2605-304 and 2605-610.

4           Section 50. The Illinois State Police Act is amended by  
5 changing Section 17b as follows:

6           (20 ILCS 2610/17b)

7           Sec. 17b. Retiring officer; purchase of service firearm  
8 and police badge. The Director of the Illinois State Police  
9 shall establish a policy to allow a State Police officer who is  
10 honorably retiring or separating in good standing to purchase  
11 either one or both of the following: (i) any State Police badge  
12 previously issued to that officer; or (ii) ~~if the officer has a~~  
13 ~~currently valid Firearm Owner's Identification Card,~~ the  
14 service firearm issued or previously issued to the officer by  
15 the Illinois State Police. The cost of the firearm purchased  
16 shall be the replacement value of the firearm and not the  
17 firearm's fair market value.

18           (Source: P.A. 102-538, eff. 8-20-21.)

19           Section 55. The Criminal Identification Act is amended by  
20 changing Section 2.2 as follows:

21           (20 ILCS 2630/2.2)

22           Sec. 2.2. Notification to the Illinois State Police. Upon

1 judgment of conviction of a violation of Section 12-1, 12-2,  
2 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012 when the defendant has been  
4 determined, pursuant to Section 112A-11.1 of the Code of  
5 Criminal Procedure of 1963, to be subject to the prohibitions  
6 of 18 U.S.C. 922(g)(9), the circuit court clerk shall include  
7 notification and a copy of the written determination in a  
8 report of the conviction to the Illinois State Police ~~Firearm~~  
9 ~~Owner's Identification Card Office~~ to enable the Illinois  
10 State Police ~~office~~ to perform its duties under the Firearm  
11 Concealed Carry Act and Sections 4 and 8 of the Firearm Owners  
12 ~~Identification Card Act and to report that determination to~~  
13 ~~the Federal Bureau of Investigation~~ to assist the Federal  
14 Bureau of Investigation in identifying persons prohibited from  
15 purchasing and possessing a firearm pursuant to the provisions  
16 of 18 U.S.C. 922. The written determination described in this  
17 Section shall be included in the defendant's record of arrest  
18 and conviction in the manner and form prescribed by the  
19 Illinois State Police.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 60. The Peace Officer Fire Investigation Act is  
22 amended by changing Section 1 as follows:

23 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

24 Sec. 1. Peace officer status.

1           (a) Any person who is a sworn member of any organized and  
2 paid fire department of a political subdivision of this State  
3 and is authorized to investigate fires or explosions for such  
4 political subdivision and to determine the cause, origin and  
5 circumstances of fires or explosions that are suspected to be  
6 arson or arson-related crimes, may be classified as a peace  
7 officer by the political subdivision or agency employing such  
8 person. A person so classified shall possess the same powers  
9 of arrest, search and seizure and the securing and service of  
10 warrants as sheriffs of counties, and police officers within  
11 the jurisdiction of their political subdivision. While in the  
12 actual investigation and matters incident thereto, such person  
13 may carry weapons as may be necessary, but only if that person  
14 has satisfactorily completed (1) a training program offered or  
15 approved by the Illinois Law Enforcement Training Standards  
16 Board which substantially conforms to standards promulgated  
17 pursuant to the Illinois Police Training Act and the Peace  
18 Officer and Probation Officer Firearm Training Act; and (2) a  
19 course in fire and arson investigation approved by the Office  
20 of the State Fire Marshal pursuant to the Illinois Fire  
21 Protection Training Act. Such training need not include  
22 exposure to vehicle and traffic law, traffic control and crash  
23 investigation, or first aid, but shall include training in the  
24 law relating to the rights of persons suspected of involvement  
25 in criminal activities.

26           Any person granted the powers enumerated in this

1 subsection (a) may exercise such powers only during the actual  
2 investigation of the cause, origin and circumstances of such  
3 fires or explosions that are suspected to be arson or  
4 arson-related crimes.

5 (b) Persons employed by the Office of the State Fire  
6 Marshal to conduct arson investigations shall be designated  
7 State Fire Marshal Arson Investigator Special Agents and shall  
8 be peace officers with all of the powers of peace officers in  
9 cities and sheriffs in counties, except that they may exercise  
10 those powers throughout the State. These Special Agents may  
11 exercise these powers only when engaging in official duties  
12 during the actual investigation of the cause, origin, and  
13 circumstances of such fires or explosions that are suspected  
14 to be arson or arson-related crimes and may carry weapons at  
15 all times, but only if they have satisfactorily completed (1)  
16 a training course approved by the Illinois Law Enforcement  
17 Training Standards Board that substantially conforms to the  
18 standards promulgated pursuant to the Peace Officer and  
19 Probation Officer Firearm Training Act and (2) a course in  
20 fire and arson investigation approved by the Office of the  
21 State Fire Marshal pursuant to the Illinois Fire Protection  
22 Training Act. Such training need not include exposure to  
23 vehicle and traffic law, traffic control and crash  
24 investigation, or first aid, but shall include training in the  
25 law relating to the rights of persons suspected of involvement  
26 in criminal activities.

1           For purposes of this subsection (b), a "State Fire Marshal  
2 Arson Investigator Special Agent" does not include any fire  
3 investigator, fireman, police officer, or other employee of  
4 the federal government; any fire investigator, fireman, police  
5 officer, or other employee of any unit of local government; or  
6 any fire investigator, fireman, police officer, or other  
7 employee of the State of Illinois other than an employee of the  
8 Office of the State Fire Marshal assigned to investigate  
9 arson.

10           The State Fire Marshal must authorize to each employee of  
11 the Office of the State Fire Marshal who is exercising the  
12 powers of a peace officer a distinct badge that, on its face,  
13 (i) clearly states that the badge is authorized by the Office  
14 of the State Fire Marshal and (ii) contains a unique  
15 identifying number. No other badge shall be authorized by the  
16 Office of the State Fire Marshal, except that a badge,  
17 different from the badge issued to peace officers, may be  
18 authorized by the Office of the State Fire Marshal for the use  
19 of fire prevention inspectors employed by that Office. Nothing  
20 in this subsection prohibits the State Fire Marshal from  
21 issuing shields or other distinctive identification to  
22 employees not exercising the powers of a peace officer if the  
23 State Fire Marshal determines that a shield or distinctive  
24 identification is needed by the employee to carry out his or  
25 her responsibilities.

26           (c) The Office of the State Fire Marshal shall establish a

1 policy to allow a State Fire Marshal Arson Investigator  
2 Special Agent who is honorably retiring or separating in good  
3 standing to purchase either one or both of the following: (i)  
4 any badge previously issued to that State Fire Marshal Arson  
5 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~  
6 ~~Arson Investigator Special Agent has a currently valid Firearm~~  
7 ~~Owner's Identification Card,~~ the service firearm issued or  
8 previously issued to the State Fire Marshal Arson Investigator  
9 Special Agent by the Office of the State Fire Marshal. The cost  
10 of the firearm purchased shall be the replacement value of the  
11 firearm and not the firearm's fair market value. All funds  
12 received by the agency under this program shall be deposited  
13 into the Fire Prevention Fund.

14 (Source: P.A. 102-982, eff. 7-1-23.)

15 Section 65. The Illinois Criminal Justice Information Act  
16 is amended by changing Section 7.9 as follows:

17 (20 ILCS 3930/7.9)

18 (Section scheduled to be repealed on July 1, 2027)

19 Sec. 7.9. Firearm Prohibitors and Records Improvement Task  
20 Force.

21 (a) As used in this Section, "firearms prohibitor" means  
22 any factor listed in ~~Section 4 of the Firearm Owners~~  
23 ~~Identification Card Act or~~ Section 24-3 or 24-3.1 of the  
24 Criminal Code of 2012 that prohibits a person from

1 transferring or possessing a firearm, firearm ammunition,  
2 ~~Firearm Owner's Identification Card,~~ or concealed carry  
3 license.

4 (b) The Firearm Prohibitors and Records Improvement Task  
5 Force is created to identify and research all available  
6 grants, resources, and revenue that may be applied for and  
7 used by all entities responsible for reporting federal and  
8 State firearm prohibitors to the Illinois State Police and the  
9 National Instant Criminal Background Check System. These ~~Under~~  
10 ~~the Firearm Owners Identification Card Act,~~ these reporting  
11 entities include, but are not limited to, hospitals, courts,  
12 law enforcement and corrections. The Task Force shall identify  
13 weaknesses in reporting and recommend a strategy to direct  
14 resources and revenue to ensuring reporting is reliable,  
15 accurate, and timely. The Task Force shall inventory all  
16 statutorily mandated firearm and gun violence related data  
17 collection and reporting requirements, along with the agency  
18 responsible for collecting that data, and identify gaps in  
19 those requirements. The Task Force shall submit a coordinated  
20 application with and through the Illinois Criminal Justice  
21 Information Authority for federal funds from the National  
22 Criminal History Improvement Program and the NICS Acts Record  
23 Improvement Program. The Firearm Prohibitors and Records  
24 Improvement Task Force shall be comprised of the following  
25 members, all of whom shall serve without compensation:

26 (1) the Executive Director of the Illinois Criminal

- 1 Justice Information Authority, who shall serve as Chair;
- 2 (2) the Director of the Illinois State Police, or his  
3 or her designee;
- 4 (3) the Secretary of Human Services, or his or her  
5 designee;
- 6 (4) the Director of Corrections, or his or her  
7 designee;
- 8 (5) the Attorney General, or his or her designee;
- 9 (6) the Director of the Administrative Office of the  
10 Illinois Courts, or his or her designee;
- 11 (7) a representative of an association representing  
12 circuit clerks appointed by the President of the Senate;
- 13 (8) a representative of an association representing  
14 sheriffs appointed by the House Minority Leader;
- 15 (9) a representative of an association representing  
16 State's Attorneys appointed by the House Minority Leader;
- 17 (10) a representative of an association representing  
18 chiefs of police appointed by the Senate Minority Leader;
- 19 (11) a representative of an association representing  
20 hospitals appointed by the Speaker of the House of  
21 Representatives;
- 22 (12) a representative of an association representing  
23 counties appointed by the President of the Senate; and
- 24 (13) a representative of an association representing  
25 municipalities appointed by the Speaker of the House of  
26 Representatives.

1           (c) The Illinois Criminal Justice Information Authority  
2 shall provide administrative and other support to the Task  
3 Force. The Illinois State Police Division of Justice Services  
4 shall also provide support to the Illinois Criminal Justice  
5 Information Authority and the Task Force.

6           (d) The Task Force may meet in person or virtually and  
7 shall issue a written report of its findings and  
8 recommendations to General Assembly on or before July 1, 2022.  
9 The Task Force shall issue an annual report, which shall  
10 include information on the state of FOID data, including a  
11 review of previous activity by the Task Force to close  
12 previously identified gaps; identifying known (or new) gaps; a  
13 proposal of policy and practice recommendations to close those  
14 gaps; and a preview of expected activities of the Task Force  
15 for the coming year.

16           (e) Within 60 days of the effective date of this  
17 amendatory Act of the 102nd General Assembly, the Chair shall  
18 establish the Task Force.

19           (f) This Section is repealed on July 1, 2027.

20           (Source: P.A. 102-237, eff. 1-1-22.)

21           Section 70. The State Finance Act is amended by changing  
22 Sections 6z-99 and 6z-127 as follows:

23           (30 ILCS 105/6z-99)

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

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

6 (b) The Illinois State Police and Department of Human  
7 Services shall coordinate to use moneys in the Fund to finance  
8 their respective duties of collecting and reporting data on  
9 mental health records and ensuring that mental health firearm  
10 possession prohibitors are enforced as set forth under the  
11 Firearm Concealed Carry Act ~~and the Firearm Owners~~  
12 ~~Identification Card Act~~. Any surplus in the Fund beyond what  
13 is necessary to ensure compliance with mental health reporting  
14 under that Act ~~these Acts~~ shall be used by the Department of  
15 Human Services for mental health treatment programs as  
16 follows: (1) 50% shall be used to fund community-based mental  
17 health programs aimed at reducing gun violence, community  
18 integration and education, or mental health awareness and  
19 prevention, including administrative costs; and (2) 50% shall  
20 be used to award grants that use and promote the National  
21 School Mental Health Curriculum model for school-based mental  
22 health support, integration, and services.

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

26 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (30 ILCS 105/6z-127)

3 Sec. 6z-127. State Police Revocation Enforcement Fund.

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

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

17 (c) The Illinois State Police may use moneys in the Fund to  
18 hire and train State Police officers and for the prevention of  
19 violent crime.

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

22 (e) (Blank). ~~Law enforcement agencies that participate in~~  
23 ~~Firearm Owner's Identification Card revocation enforcement in~~  
24 ~~the Violent Crime Intelligence Task Force may apply for grants~~  
25 ~~from the Illinois State Police.~~

1 (f) Any surplus in the Fund beyond what is necessary to  
2 ensure compliance with subsections (a) through (e) or moneys  
3 that are specifically appropriated for those purposes shall be  
4 used by the Illinois State Police to award grants to assist  
5 with the data reporting requirements of the Gun Trafficking  
6 Information Act.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;  
8 103-34, eff. 6-9-23.)

9 Section 75. The Illinois Procurement Code is amended by  
10 changing Section 1-10 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which  
14 bidders, offerors, potential contractors, or contractors were  
15 first solicited on or after July 1, 1998. This Code shall not  
16 be construed to affect or impair any contract, or any  
17 provision of a contract, entered into based on a solicitation  
18 prior to the implementation date of this Code as described in  
19 Article 99, including, but not limited to, any covenant  
20 entered into with respect to any revenue bonds or similar  
21 instruments. All procurements for which contracts are  
22 solicited between the effective date of Articles 50 and 99 and  
23 July 1, 1998 shall be substantially in accordance with this  
24 Code and its intent.

1 (b) This Code shall apply regardless of the source of the  
2 funds with which the contracts are paid, including federal  
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political  
5 subdivisions or other governments, or between State  
6 governmental bodies, except as specifically provided in  
7 this Code.

8 (2) Grants, except for the filing requirements of  
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section  
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as an employee and not as  
13 an independent contractor, whether pursuant to an  
14 employment code or policy or by contract directly with  
15 that individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of  
18 this type of contract with a value of more than \$25,000  
19 must be published in the Procurement Bulletin within 10  
20 calendar days after the deed is recorded in the county of  
21 jurisdiction. The notice shall identify the real estate  
22 purchased, the names of all parties to the contract, the  
23 value of the contract, and the effective date of the  
24 contract.

25 (7) Contracts necessary to prepare for anticipated  
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor  
2 shall give his or her prior approval when the procuring  
3 agency is one subject to the jurisdiction of the Governor,  
4 and provided that the chief legal counsel of any other  
5 procuring entity subject to this Code shall give his or  
6 her prior approval when the procuring entity is not one  
7 subject to the jurisdiction of the Governor.

8 (8) (Blank).

9 (9) Procurement expenditures by the Illinois  
10 Conservation Foundation when only private funds are used.

11 (10) (Blank).

12 (11) Public-private agreements entered into according  
13 to the procurement requirements of Section 20 of the  
14 Public-Private Partnerships for Transportation Act and  
15 design-build agreements entered into according to the  
16 procurement requirements of Section 25 of the  
17 Public-Private Partnerships for Transportation Act.

18 (12) (A) Contracts for legal, financial, and other  
19 professional and artistic services entered into by the  
20 Illinois Finance Authority in which the State of Illinois  
21 is not obligated. Such contracts shall be awarded through  
22 a competitive process authorized by the members of the  
23 Illinois Finance Authority and are subject to Sections  
24 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
25 as well as the final approval by the members of the  
26 Illinois Finance Authority of the terms of the contract.

1 (B) Contracts for legal and financial services entered  
2 into by the Illinois Housing Development Authority in  
3 connection with the issuance of bonds in which the State  
4 of Illinois is not obligated. Such contracts shall be  
5 awarded through a competitive process authorized by the  
6 members of the Illinois Housing Development Authority and  
7 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
8 and 50-37 of this Code, as well as the final approval by  
9 the members of the Illinois Housing Development Authority  
10 of the terms of the contract.

11 (13) Contracts for services, commodities, and  
12 equipment to support the delivery of timely forensic  
13 science services in consultation with and subject to the  
14 approval of the Chief Procurement Officer as provided in  
15 subsection (d) of Section 5-4-3a of the Unified Code of  
16 Corrections, except for the requirements of Sections  
17 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
18 Code; however, the Chief Procurement Officer may, in  
19 writing with justification, waive any certification  
20 required under Article 50 of this Code. For any contracts  
21 for services which are currently provided by members of a  
22 collective bargaining agreement, the applicable terms of  
23 the collective bargaining agreement concerning  
24 subcontracting shall be followed.

25 On and after January 1, 2019, this paragraph (13),  
26 except for this sentence, is inoperative.

1           (14) Contracts for participation expenditures required  
2           by a domestic or international trade show or exhibition of  
3           an exhibitor, member, or sponsor.

4           (15) Contracts with a railroad or utility that  
5           requires the State to reimburse the railroad or utilities  
6           for the relocation of utilities for construction or other  
7           public purpose. Contracts included within this paragraph  
8           (15) shall include, but not be limited to, those  
9           associated with: relocations, crossings, installations,  
10          and maintenance. For the purposes of this paragraph (15),  
11          "railroad" means any form of non-highway ground  
12          transportation that runs on rails or electromagnetic  
13          guideways and "utility" means: (1) public utilities as  
14          defined in Section 3-105 of the Public Utilities Act, (2)  
15          telecommunications carriers as defined in Section 13-202  
16          of the Public Utilities Act, (3) electric cooperatives as  
17          defined in Section 3.4 of the Electric Supplier Act, (4)  
18          telephone or telecommunications cooperatives as defined in  
19          Section 13-212 of the Public Utilities Act, (5) rural  
20          water or waste water systems with 10,000 connections or  
21          less, (6) a holder as defined in Section 21-201 of the  
22          Public Utilities Act, and (7) municipalities owning or  
23          operating utility systems consisting of public utilities  
24          as that term is defined in Section 11-117-2 of the  
25          Illinois Municipal Code.

26          (16) Procurement expenditures necessary for the

1 Department of Public Health to provide the delivery of  
2 timely newborn screening services in accordance with the  
3 Newborn Metabolic Screening Act.

4 (17) Procurement expenditures necessary for the  
5 Department of Agriculture, the Department of Financial and  
6 Professional Regulation, the Department of Human Services,  
7 and the Department of Public Health to implement the  
8 Compassionate Use of Medical Cannabis Program and Opioid  
9 Alternative Pilot Program requirements and ensure access  
10 to medical cannabis for patients with debilitating medical  
11 conditions in accordance with the Compassionate Use of  
12 Medical Cannabis Program Act.

13 (18) This Code does not apply to any procurements  
14 necessary for the Department of Agriculture, the  
15 Department of Financial and Professional Regulation, the  
16 Department of Human Services, the Department of Commerce  
17 and Economic Opportunity, and the Department of Public  
18 Health to implement the Cannabis Regulation and Tax Act if  
19 the applicable agency has made a good faith determination  
20 that it is necessary and appropriate for the expenditure  
21 to fall within this exemption and if the process is  
22 conducted in a manner substantially in accordance with the  
23 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
24 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
25 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
26 Section 50-35, compliance applies only to contracts or

1       subcontracts over \$100,000. Notice of each contract  
2 entered into under this paragraph (18) that is related to  
3 the procurement of goods and services identified in  
4 paragraph (1) through (9) of this subsection shall be  
5 published in the Procurement Bulletin within 14 calendar  
6 days after contract execution. The Chief Procurement  
7 Officer shall prescribe the form and content of the  
8 notice. Each agency shall provide the Chief Procurement  
9 Officer, on a monthly basis, in the form and content  
10 prescribed by the Chief Procurement Officer, a report of  
11 contracts that are related to the procurement of goods and  
12 services identified in this subsection. At a minimum, this  
13 report shall include the name of the contractor, a  
14 description of the supply or service provided, the total  
15 amount of the contract, the term of the contract, and the  
16 exception to this Code utilized. A copy of any or all of  
17 these contracts shall be made available to the Chief  
18 Procurement Officer immediately upon request. The Chief  
19 Procurement Officer shall submit a report to the Governor  
20 and General Assembly no later than November 1 of each year  
21 that includes, at a minimum, an annual summary of the  
22 monthly information reported to the Chief Procurement  
23 Officer. This exemption becomes inoperative 5 years after  
24 June 25, 2019 (the effective date of Public Act 101-27).

25       (19) Acquisition of modifications or adjustments,  
26 limited to assistive technology devices and assistive

1 technology services, adaptive equipment, repairs, and  
2 replacement parts to provide reasonable accommodations (i)  
3 that enable a qualified applicant with a disability to  
4 complete the job application process and be considered for  
5 the position such qualified applicant desires, (ii) that  
6 modify or adjust the work environment to enable a  
7 qualified current employee with a disability to perform  
8 the essential functions of the position held by that  
9 employee, (iii) to enable a qualified current employee  
10 with a disability to enjoy equal benefits and privileges  
11 of employment as are enjoyed by other similarly situated  
12 employees without disabilities, and (iv) that allow a  
13 customer, client, claimant, or member of the public  
14 seeking State services full use and enjoyment of and  
15 access to its programs, services, or benefits.

16 For purposes of this paragraph (19):

17 "Assistive technology devices" means any item, piece  
18 of equipment, or product system, whether acquired  
19 commercially off the shelf, modified, or customized, that  
20 is used to increase, maintain, or improve functional  
21 capabilities of individuals with disabilities.

22 "Assistive technology services" means any service that  
23 directly assists an individual with a disability in  
24 selection, acquisition, or use of an assistive technology  
25 device.

26 "Qualified" has the same meaning and use as provided

1 under the federal Americans with Disabilities Act when  
2 describing an individual with a disability.

3 (20) Procurement expenditures necessary for the  
4 Illinois Commerce Commission to hire third-party  
5 facilitators pursuant to Sections 16-105.17 and 16-108.18  
6 of the Public Utilities Act or an ombudsman pursuant to  
7 Section 16-107.5 of the Public Utilities Act, a  
8 facilitator pursuant to Section 16-105.17 of the Public  
9 Utilities Act, or a grid auditor pursuant to Section  
10 16-105.10 of the Public Utilities Act.

11 (21) Procurement expenditures for the purchase,  
12 renewal, and expansion of software, software licenses, or  
13 software maintenance agreements that support the efforts  
14 of the Illinois State Police to enforce, regulate, and  
15 administer ~~the Firearm Owners Identification Card Act,~~ the  
16 Firearm Concealed Carry Act, the Firearms Restraining  
17 Order Act, the Firearm Dealer License Certification Act,  
18 the Law Enforcement Agencies Data System (LEADS), the  
19 Uniform Crime Reporting Act, the Criminal Identification  
20 Act, the Illinois Uniform Conviction Information Act, and  
21 the Gun Trafficking Information Act, or establish or  
22 maintain record management systems necessary to conduct  
23 human trafficking investigations or gun trafficking or  
24 other stolen firearm investigations. This paragraph (21)  
25 applies to contracts entered into on or after January 10,  
26 2023 (the effective date of Public Act 102-1116) and the

1 renewal of contracts that are in effect on January 10,  
2 2023 (the effective date of Public Act 102-1116).

3 (22) Contracts for project management services and  
4 system integration services required for the completion of  
5 the State's enterprise resource planning project. This  
6 exemption becomes inoperative 5 years after June 7, 2023  
7 (the effective date of the changes made to this Section by  
8 Public Act 103-8). This paragraph (22) applies to  
9 contracts entered into on or after June 7, 2023 (the  
10 effective date of the changes made to this Section by  
11 Public Act 103-8) and the renewal of contracts that are in  
12 effect on June 7, 2023 (the effective date of the changes  
13 made to this Section by Public Act 103-8).

14 (23) Procurements necessary for the Department of  
15 Insurance to implement the Illinois Health Benefits  
16 Exchange Law if the Department of Insurance has made a  
17 good faith determination that it is necessary and  
18 appropriate for the expenditure to fall within this  
19 exemption. The procurement process shall be conducted in a  
20 manner substantially in accordance with the requirements  
21 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
22 copy of these contracts shall be made available to the  
23 Chief Procurement Officer immediately upon request. This  
24 paragraph is inoperative 5 years after June 27, 2023 (the  
25 effective date of Public Act 103-103).

26 (24) ~~(22)~~ Contracts for public education programming,

1 noncommercial sustaining announcements, public service  
2 announcements, and public awareness and education  
3 messaging with the nonprofit trade associations of the  
4 providers of those services that inform the public on  
5 immediate and ongoing health and safety risks and hazards.

6 Notwithstanding any other provision of law, for contracts  
7 with an annual value of more than \$100,000 entered into on or  
8 after October 1, 2017 under an exemption provided in any  
9 paragraph of this subsection (b), except paragraph (1), (2),  
10 or (5), each State agency shall post to the appropriate  
11 procurement bulletin the name of the contractor, a description  
12 of the supply or service provided, the total amount of the  
13 contract, the term of the contract, and the exception to the  
14 Code utilized. The chief procurement officer shall submit a  
15 report to the Governor and General Assembly no later than  
16 November 1 of each year that shall include, at a minimum, an  
17 annual summary of the monthly information reported to the  
18 chief procurement officer.

19 (c) This Code does not apply to the electric power  
20 procurement process provided for under Section 1-75 of the  
21 Illinois Power Agency Act and Section 16-111.5 of the Public  
22 Utilities Act. This Code does not apply to the procurement of  
23 technical and policy experts pursuant to Section 1-129 of the  
24 Illinois Power Agency Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,  
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the  
2 procurement process provided for under Section 9.1 of the  
3 Illinois Lottery Law.

4 (e) This Code does not apply to the process used by the  
5 Capital Development Board to retain a person or entity to  
6 assist the Capital Development Board with its duties related  
7 to the determination of costs of a clean coal SNG brownfield  
8 facility, as defined by Section 1-10 of the Illinois Power  
9 Agency Act, as required in subsection (h-3) of Section 9-220  
10 of the Public Utilities Act, including calculating the range  
11 of capital costs, the range of operating and maintenance  
12 costs, or the sequestration costs or monitoring the  
13 construction of clean coal SNG brownfield facility for the  
14 full duration of construction.

15 (f) (Blank).

16 (g) (Blank).

17 (h) This Code does not apply to the process to procure or  
18 contracts entered into in accordance with Sections 11-5.2 and  
19 11-5.3 of the Illinois Public Aid Code.

20 (i) Each chief procurement officer may access records  
21 necessary to review whether a contract, purchase, or other  
22 expenditure is or is not subject to the provisions of this  
23 Code, unless such records would be subject to attorney-client  
24 privilege.

25 (j) This Code does not apply to the process used by the  
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development  
2 Board Act.

3 (k) This Code does not apply to the process to procure  
4 contracts, or contracts entered into, by the State Board of  
5 Elections or the State Electoral Board for hearing officers  
6 appointed pursuant to the Election Code.

7 (l) This Code does not apply to the processes used by the  
8 Illinois Student Assistance Commission to procure supplies and  
9 services paid for from the private funds of the Illinois  
10 Prepaid Tuition Fund. As used in this subsection (l), "private  
11 funds" means funds derived from deposits paid into the  
12 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

13 (m) This Code shall apply regardless of the source of  
14 funds with which contracts are paid, including federal  
15 assistance moneys. Except as specifically provided in this  
16 Code, this Code shall not apply to procurement expenditures  
17 necessary for the Department of Public Health to conduct the  
18 Healthy Illinois Survey in accordance with Section 2310-431 of  
19 the Department of Public Health Powers and Duties Law of the  
20 Civil Administrative Code of Illinois.

21 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;  
22 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.  
23 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
24 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.  
25 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised  
26 1-2-24.)

1 Section 80. The Intergovernmental Drug Laws Enforcement  
2 Act is amended by changing Section 3 as follows:

3 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

4 Sec. 3. A Metropolitan Enforcement Group which meets the  
5 minimum criteria established in this Section is eligible to  
6 receive State grants to help defray the costs of operation. To  
7 be eligible a MEG must:

8 (1) Be established and operating pursuant to  
9 intergovernmental contracts written and executed in  
10 conformity with the Intergovernmental Cooperation Act, and  
11 involve 2 or more units of local government.

12 (2) Establish a MEG Policy Board composed of an  
13 elected official, or his designee, and the chief law  
14 enforcement officer, or his designee, from each  
15 participating unit of local government to oversee the  
16 operations of the MEG and make such reports to the  
17 Illinois State Police as the Illinois State Police may  
18 require.

19 (3) Designate a single appropriate elected official of  
20 a participating unit of local government to act as the  
21 financial officer of the MEG for all participating units  
22 of local government and to receive funds for the operation  
23 of the MEG.

24 (4) Limit its operations to enforcement of drug laws;

1 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,  
2 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,  
3 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,  
4 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code  
5 of 2012; ~~Sections 2, 3, 6.1, 9.5, and 14 of the Firearm~~  
6 ~~Owners Identification Card Act;~~ and the investigation of  
7 streetgang related offenses.

8 (5) Cooperate with the Illinois State Police in order  
9 to assure compliance with this Act and to enable the  
10 Illinois State Police to fulfill its duties under this  
11 Act, and supply the Illinois State Police with all  
12 information the Illinois State Police deems necessary  
13 therefor.

14 (6) Receive funding of at least 50% of the total  
15 operating budget of the MEG from the participating units  
16 of local government.

17 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
18 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

19 Section 85. The Peace Officer Firearm Training Act is  
20 amended by changing Section 1 as follows:

21 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

23 (a) "Peace officer" means (i) any person who by virtue of  
24 his office or public employment is vested by law with a primary

1 duty to maintain public order or to make arrests for offenses,  
2 whether that duty extends to all offenses or is limited to  
3 specific offenses, and who is employed in such capacity by any  
4 county or municipality or (ii) any retired law enforcement  
5 officers qualified under federal law to carry a concealed  
6 weapon.

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

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

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

19 (50 ILCS 725/7.2 rep.)

20 Section 90. The Uniform Peace Officers' Disciplinary Act  
21 is amended by repealing Section 7.2.

22 Section 95. The Counties Code is amended by changing  
23 Section 3-6042 as follows:

1 (55 ILCS 5/3-6042)

2 Sec. 3-6042. Retiring employee; purchase of service  
3 firearm and badge. Each Sheriff shall establish a program to  
4 allow an employee of the Sheriff's Department who is honorably  
5 retiring in good standing to purchase either one or both of the  
6 following: (1) any badge previously issued to the employee by  
7 the Sheriff's Department; or (2) ~~if the employee has a~~  
8 ~~currently valid Firearm Owner's Identification Card,~~ the  
9 service firearm issued or previously issued to the employee by  
10 the Sheriff's Department. The badge must be permanently and  
11 conspicuously marked in such a manner that the individual who  
12 possesses the badge is not mistaken for an actively serving  
13 law enforcement officer. The cost of the firearm shall be the  
14 replacement value of the firearm and not the firearm's fair  
15 market value.

16 (Source: P.A. 102-719, eff. 5-6-22.)

17 Section 100. The School Code is amended by changing  
18 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

20 (Text of Section before amendment by P.A. 102-466)

21 Sec. 10-22.6. Suspension or expulsion of pupils; school  
22 searches.

23 (a) To expel pupils guilty of gross disobedience or  
24 misconduct, including gross disobedience or misconduct

1 perpetuated by electronic means, pursuant to subsection (b-20)  
2 of this Section, and no action shall lie against them for such  
3 expulsion. Expulsion shall take place only after the parents  
4 have been requested to appear at a meeting of the board, or  
5 with a hearing officer appointed by it, to discuss their  
6 child's behavior. Such request shall be made by registered or  
7 certified mail and shall state the time, place and purpose of  
8 the meeting. The board, or a hearing officer appointed by it,  
9 at such meeting shall state the reasons for dismissal and the  
10 date on which the expulsion is to become effective. If a  
11 hearing officer is appointed by the board, he shall report to  
12 the board a written summary of the evidence heard at the  
13 meeting and the board may take such action thereon as it finds  
14 appropriate. If the board acts to expel a pupil, the written  
15 expulsion decision shall detail the specific reasons why  
16 removing the pupil from the learning environment is in the  
17 best interest of the school. The expulsion decision shall also  
18 include a rationale as to the specific duration of the  
19 expulsion. An expelled pupil may be immediately transferred to  
20 an alternative program in the manner provided in Article 13A  
21 or 13B of this Code. A pupil must not be denied transfer  
22 because of the expulsion, except in cases in which such  
23 transfer is deemed to cause a threat to the safety of students  
24 or staff in the alternative program.

25 (b) To suspend or by policy to authorize the  
26 superintendent of the district or the principal, assistant

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

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

1 its hearing or upon receipt of the written report of its  
2 hearing officer, the board may take such action as it finds  
3 appropriate. If a student is suspended pursuant to this  
4 subsection (b), the board shall, in the written suspension  
5 decision, detail the specific act of gross disobedience or  
6 misconduct resulting in the decision to suspend. The  
7 suspension decision shall also include a rationale as to the  
8 specific duration of the suspension. A pupil who is suspended  
9 in excess of 20 school days may be immediately transferred to  
10 an alternative program in the manner provided in Article 13A  
11 or 13B of this Code. A pupil must not be denied transfer  
12 because of the suspension, except in cases in which such  
13 transfer is deemed to cause a threat to the safety of students  
14 or staff in the alternative program.

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

26 (b-10) Unless otherwise required by federal law or this

1 Code, school boards may not institute zero-tolerance policies  
2 by which school administrators are required to suspend or  
3 expel students for particular behaviors.

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

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

1 basis by school officials. For purposes of this subsection  
2 (b-20), the determination of whether "appropriate and  
3 available behavioral and disciplinary interventions have been  
4 exhausted" shall be made by school officials. School officials  
5 shall make all reasonable efforts to resolve such threats,  
6 address such disruptions, and minimize the length of student  
7 exclusions to the greatest extent practicable. Within the  
8 suspension decision described in subsection (b) of this  
9 Section or the expulsion decision described in subsection (a)  
10 of this Section, it shall be documented whether other  
11 interventions were attempted or whether it was determined that  
12 there were no other appropriate and available interventions.

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

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

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

1 (b-30) A school district shall create a policy by which  
2 suspended pupils, including those pupils suspended from the  
3 school bus who do not have alternate transportation to school,  
4 shall have the opportunity to make up work for equivalent  
5 academic credit. It shall be the responsibility of a pupil's  
6 parent or guardian to notify school officials that a pupil  
7 suspended from the school bus does not have alternate  
8 transportation to school.

9 (c) A school board must invite a representative from a  
10 local mental health agency to consult with the board at the  
11 meeting whenever there is evidence that mental illness may be  
12 the cause of a student's expulsion or suspension.

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

23 (d) The board may expel a student for a definite period of  
24 time not to exceed 2 calendar years, as determined on a  
25 case-by-case basis. A student who is determined to have  
26 brought one of the following objects to school, any

1 school-sponsored activity or event, or any activity or event  
2 that bears a reasonable relationship to school shall be  
3 expelled for a period of not less than one year:

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

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

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

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

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

1 left in these places and areas. School authorities may request  
2 the assistance of law enforcement officials for the purpose of  
3 conducting inspections and searches of lockers, desks, parking  
4 lots, and other school property and equipment owned or  
5 controlled by the school for illegal drugs, weapons, or other  
6 illegal or dangerous substances or materials, including  
7 searches conducted through the use of specially trained dogs.  
8 If a search conducted in accordance with this Section produces  
9 evidence that the student has violated or is violating either  
10 the law, local ordinance, or the school's policies or rules,  
11 such evidence may be seized by school authorities, and  
12 disciplinary action may be taken. School authorities may also  
13 turn over such evidence to law enforcement authorities.

14 (f) Suspension or expulsion may include suspension or  
15 expulsion from school and all school activities and a  
16 prohibition from being present on school grounds.

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

26 (h) School officials shall not advise or encourage

1 students to drop out voluntarily due to behavioral or academic  
2 difficulties.

3 (i) A student may not be issued a monetary fine or fee as a  
4 disciplinary consequence, though this shall not preclude  
5 requiring a student to provide restitution for lost, stolen,  
6 or damaged property.

7 (j) Subsections (a) through (i) of this Section shall  
8 apply to elementary and secondary schools, charter schools,  
9 special charter districts, and school districts organized  
10 under Article 34 of this Code.

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;  
24 102-813, eff. 5-13-22.)

25 (Text of Section after amendment by P.A. 102-466)

1           Sec. 10-22.6. Suspension or expulsion of pupils; school  
2 searches.

3           (a) To expel pupils guilty of gross disobedience or  
4 misconduct, including gross disobedience or misconduct  
5 perpetuated by electronic means, pursuant to subsection (b-20)  
6 of this Section, and no action shall lie against them for such  
7 expulsion. Expulsion shall take place only after the parents  
8 or guardians have been requested to appear at a meeting of the  
9 board, or with a hearing officer appointed by it, to discuss  
10 their child's behavior. Such request shall be made by  
11 registered or certified mail and shall state the time, place  
12 and purpose of the meeting. The board, or a hearing officer  
13 appointed by it, at such meeting shall state the reasons for  
14 dismissal and the date on which the expulsion is to become  
15 effective. If a hearing officer is appointed by the board, he  
16 shall report to the board a written summary of the evidence  
17 heard at the meeting and the board may take such action thereon  
18 as it finds appropriate. If the board acts to expel a pupil,  
19 the written expulsion decision shall detail the specific  
20 reasons why removing the pupil from the learning environment  
21 is in the best interest of the school. The expulsion decision  
22 shall also include a rationale as to the specific duration of  
23 the expulsion. An expelled pupil may be immediately  
24 transferred to an alternative program in the manner provided  
25 in Article 13A or 13B of this Code. A pupil must not be denied  
26 transfer because of the expulsion, except in cases in which

1 such transfer is deemed to cause a threat to the safety of  
2 students or staff in the alternative program.

3 (b) To suspend or by policy to authorize the  
4 superintendent of the district or the principal, assistant  
5 principal, or dean of students of any school to suspend pupils  
6 guilty of gross disobedience or misconduct, or to suspend  
7 pupils guilty of gross disobedience or misconduct on the  
8 school bus from riding the school bus, pursuant to subsections  
9 (b-15) and (b-20) of this Section, and no action shall lie  
10 against them for such suspension. The board may by policy  
11 authorize the superintendent of the district or the principal,  
12 assistant principal, or dean of students of any school to  
13 suspend pupils guilty of such acts for a period not to exceed  
14 10 school days. If a pupil is suspended due to gross  
15 disobedience or misconduct on a school bus, the board may  
16 suspend the pupil in excess of 10 school days for safety  
17 reasons.

18 Any suspension shall be reported immediately to the  
19 parents or guardians of a pupil along with a full statement of  
20 the reasons for such suspension and a notice of their right to  
21 a review. The school board must be given a summary of the  
22 notice, including the reason for the suspension and the  
23 suspension length. Upon request of the parents or guardians,  
24 the school board or a hearing officer appointed by it shall  
25 review such action of the superintendent or principal,  
26 assistant principal, or dean of students. At such review, the

1 parents or guardians of the pupil may appear and discuss the  
2 suspension with the board or its hearing officer. If a hearing  
3 officer is appointed by the board, he shall report to the board  
4 a written summary of the evidence heard at the meeting. After  
5 its hearing or upon receipt of the written report of its  
6 hearing officer, the board may take such action as it finds  
7 appropriate. If a student is suspended pursuant to this  
8 subsection (b), the board shall, in the written suspension  
9 decision, detail the specific act of gross disobedience or  
10 misconduct resulting in the decision to suspend. The  
11 suspension decision shall also include a rationale as to the  
12 specific duration of the suspension. A pupil who is suspended  
13 in excess of 20 school days may be immediately transferred to  
14 an alternative program in the manner provided in Article 13A  
15 or 13B of this Code. A pupil must not be denied transfer  
16 because of the suspension, except in cases in which such  
17 transfer is deemed to cause a threat to the safety of students  
18 or staff in the alternative program.

19 (b-5) Among the many possible disciplinary interventions  
20 and consequences available to school officials, school  
21 exclusions, such as out-of-school suspensions and expulsions,  
22 are the most serious. School officials shall limit the number  
23 and duration of expulsions and suspensions to the greatest  
24 extent practicable, and it is recommended that they use them  
25 only for legitimate educational purposes. To ensure that  
26 students are not excluded from school unnecessarily, it is

1 recommended that school officials consider forms of  
2 non-exclusionary discipline prior to using out-of-school  
3 suspensions or expulsions.

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

8 (b-15) Out-of-school suspensions of 3 days or less may be  
9 used only if the student's continuing presence in school would  
10 pose a threat to school safety or a disruption to other  
11 students' learning opportunities. For purposes of this  
12 subsection (b-15), "threat to school safety or a disruption to  
13 other students' learning opportunities" shall be determined on  
14 a case-by-case basis by the school board or its designee.  
15 School officials shall make all reasonable efforts to resolve  
16 such threats, address such disruptions, and minimize the  
17 length of suspensions to the greatest extent practicable.

18 (b-20) Unless otherwise required by this Code,  
19 out-of-school suspensions of longer than 3 days, expulsions,  
20 and disciplinary removals to alternative schools may be used  
21 only if other appropriate and available behavioral and  
22 disciplinary interventions have been exhausted and the  
23 student's continuing presence in school would either (i) pose  
24 a threat to the safety of other students, staff, or members of  
25 the school community or (ii) substantially disrupt, impede, or  
26 interfere with the operation of the school. For purposes of

1 this subsection (b-20), "threat to the safety of other  
2 students, staff, or members of the school community" and  
3 "substantially disrupt, impede, or interfere with the  
4 operation of the school" shall be determined on a case-by-case  
5 basis by school officials. For purposes of this subsection  
6 (b-20), the determination of whether "appropriate and  
7 available behavioral and disciplinary interventions have been  
8 exhausted" shall be made by school officials. School officials  
9 shall make all reasonable efforts to resolve such threats,  
10 address such disruptions, and minimize the length of student  
11 exclusions to the greatest extent practicable. Within the  
12 suspension decision described in subsection (b) of this  
13 Section or the expulsion decision described in subsection (a)  
14 of this Section, it shall be documented whether other  
15 interventions were attempted or whether it was determined that  
16 there were no other appropriate and available interventions.

17 (b-25) Students who are suspended out-of-school for longer  
18 than 4 school days shall be provided appropriate and available  
19 support services during the period of their suspension. For  
20 purposes of this subsection (b-25), "appropriate and available  
21 support services" shall be determined by school authorities.  
22 Within the suspension decision described in subsection (b) of  
23 this Section, it shall be documented whether such services are  
24 to be provided or whether it was determined that there are no  
25 such appropriate and available services.

26 A school district may refer students who are expelled to

1 appropriate and available support services.

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

5 (b-30) A school district shall create a policy by which  
6 suspended pupils, including those pupils suspended from the  
7 school bus who do not have alternate transportation to school,  
8 shall have the opportunity to make up work for equivalent  
9 academic credit. It shall be the responsibility of a pupil's  
10 parents or guardians to notify school officials that a pupil  
11 suspended from the school bus does not have alternate  
12 transportation to school.

13 (b-35) In all suspension review hearings conducted under  
14 subsection (b) or expulsion hearings conducted under  
15 subsection (a), a student may disclose any factor to be  
16 considered in mitigation, including his or her status as a  
17 parent, expectant parent, or victim of domestic or sexual  
18 violence, as defined in Article 26A. A representative of the  
19 parent's or guardian's choice, or of the student's choice if  
20 emancipated, must be permitted to represent the student  
21 throughout the proceedings and to address the school board or  
22 its appointed hearing officer. With the approval of the  
23 student's parent or guardian, or of the student if  
24 emancipated, a support person must be permitted to accompany  
25 the student to any disciplinary hearings or proceedings. The  
26 representative or support person must comply with any rules of

1 the school district's hearing process. If the representative  
2 or support person violates the rules or engages in behavior or  
3 advocacy that harasses, abuses, or intimidates either party, a  
4 witness, or anyone else in attendance at the hearing, the  
5 representative or support person may be prohibited from  
6 further participation in the hearing or proceeding. A  
7 suspension or expulsion proceeding under this subsection  
8 (b-35) must be conducted independently from any ongoing  
9 criminal investigation or proceeding, and an absence of  
10 pending or possible criminal charges, criminal investigations,  
11 or proceedings may not be a factor in school disciplinary  
12 decisions.

13 (b-40) During a suspension review hearing conducted under  
14 subsection (b) or an expulsion hearing conducted under  
15 subsection (a) that involves allegations of sexual violence by  
16 the student who is subject to discipline, neither the student  
17 nor his or her representative shall directly question nor have  
18 direct contact with the alleged victim. The student who is  
19 subject to discipline or his or her representative may, at the  
20 discretion and direction of the school board or its appointed  
21 hearing officer, suggest questions to be posed by the school  
22 board or its appointed hearing officer to the alleged victim.

23 (c) A school board must invite a representative from a  
24 local mental health agency to consult with the board at the  
25 meeting whenever there is evidence that mental illness may be  
26 the cause of a student's expulsion or suspension.

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

11 (d) The board may expel a student for a definite period of  
12 time not to exceed 2 calendar years, as determined on a  
13 case-by-case basis. A student who is determined to have  
14 brought one of the following objects to school, any  
15 school-sponsored activity or event, or any activity or event  
16 that bears a reasonable relationship to school shall be  
17 expelled for a period of not less than one year:

18 (1) A firearm. For the purposes of this Section,  
19 "firearm" means any gun, rifle, shotgun, weapon as defined  
20 by Section 921 of Title 18 of the United States Code,  
21 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~  
22 ~~Owners Identification Card Act, or firearm as defined in~~  
23 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion  
24 period under this subdivision (1) may be modified by the  
25 superintendent, and the superintendent's determination may  
26 be modified by the board on a case-by-case basis.

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

9           Expulsion or suspension shall be construed in a manner  
10          consistent with the federal Individuals with Disabilities  
11          Education Act. A student who is subject to suspension or  
12          expulsion as provided in this Section may be eligible for a  
13          transfer to an alternative school program in accordance with  
14          Article 13A of the School Code.

15          (d-5) The board may suspend or by regulation authorize the  
16          superintendent of the district or the principal, assistant  
17          principal, or dean of students of any school to suspend a  
18          student for a period not to exceed 10 school days or may expel  
19          a student for a definite period of time not to exceed 2  
20          calendar years, as determined on a case-by-case basis, if (i)  
21          that student has been determined to have made an explicit  
22          threat on an Internet website against a school employee, a  
23          student, or any school-related personnel, (ii) the Internet  
24          website through which the threat was made is a site that was  
25          accessible within the school at the time the threat was made or  
26          was available to third parties who worked or studied within

1 the school grounds at the time the threat was made, and (iii)  
2 the threat could be reasonably interpreted as threatening to  
3 the safety and security of the threatened individual because  
4 of his or her duties or employment status or status as a  
5 student inside the school.

6 (e) To maintain order and security in the schools, school  
7 authorities may inspect and search places and areas such as  
8 lockers, desks, parking lots, and other school property and  
9 equipment owned or controlled by the school, as well as  
10 personal effects left in those places and areas by students,  
11 without notice to or the consent of the student, and without a  
12 search warrant. As a matter of public policy, the General  
13 Assembly finds that students have no reasonable expectation of  
14 privacy in these places and areas or in their personal effects  
15 left in these places and areas. School authorities may request  
16 the assistance of law enforcement officials for the purpose of  
17 conducting inspections and searches of lockers, desks, parking  
18 lots, and other school property and equipment owned or  
19 controlled by the school for illegal drugs, weapons, or other  
20 illegal or dangerous substances or materials, including  
21 searches conducted through the use of specially trained dogs.  
22 If a search conducted in accordance with this Section produces  
23 evidence that the student has violated or is violating either  
24 the law, local ordinance, or the school's policies or rules,  
25 such evidence may be seized by school authorities, and  
26 disciplinary action may be taken. School authorities may also

1 turn over such evidence to law enforcement authorities.

2 (f) Suspension or expulsion may include suspension or  
3 expulsion from school and all school activities and a  
4 prohibition from being present on school grounds.

5 (g) A school district may adopt a policy providing that if  
6 a student is suspended or expelled for any reason from any  
7 public or private school in this or any other state, the  
8 student must complete the entire term of the suspension or  
9 expulsion in an alternative school program under Article 13A  
10 of this Code or an alternative learning opportunities program  
11 under Article 13B of this Code before being admitted into the  
12 school district if there is no threat to the safety of students  
13 or staff in the alternative program. A school district that  
14 adopts a policy under this subsection (g) must include a  
15 provision allowing for consideration of any mitigating  
16 factors, including, but not limited to, a student's status as  
17 a parent, expectant parent, or victim of domestic or sexual  
18 violence, as defined in Article 26A.

19 (h) School officials shall not advise or encourage  
20 students to drop out voluntarily due to behavioral or academic  
21 difficulties.

22 (i) A student may not be issued a monetary fine or fee as a  
23 disciplinary consequence, though this shall not preclude  
24 requiring a student to provide restitution for lost, stolen,  
25 or damaged property.

26 (j) Subsections (a) through (i) of this Section shall

1 apply to elementary and secondary schools, charter schools,  
2 special charter districts, and school districts organized  
3 under Article 34 of this Code.

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

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

16 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
17 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

18 (105 ILCS 5/10-27.1A)

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

20 (a) All school officials, including teachers, school  
21 counselors, and support staff, shall immediately notify the  
22 office of the principal in the event that they observe any  
23 person in possession of a firearm on school grounds; provided  
24 that taking such immediate action to notify the office of the  
25 principal would not immediately endanger the health, safety,

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

20 (b) Upon receiving a report from any school official  
21 pursuant to this Section, or from any other person, the  
22 principal or his or her designee shall immediately notify a  
23 local law enforcement agency. If the person found to be in  
24 possession of a firearm on school grounds is a student, the  
25 principal or his or her designee shall also immediately notify  
26 that student's parent or guardian. Any principal or his or her

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

19 (c) Upon receipt of any written, electronic, or verbal  
20 report from any school personnel regarding a verified incident  
21 involving a firearm in a school or on school owned or leased  
22 property, including any conveyance owned, leased, or used by  
23 the school for the transport of students or school personnel,  
24 the superintendent or his or her designee shall report all  
25 such firearm-related incidents occurring in a school or on  
26 school property to the local law enforcement authorities

1 immediately, who shall report to the Illinois State Police in  
2 a form, manner, and frequency as prescribed by the Illinois  
3 State Police.

4 The State Board of Education shall receive an annual  
5 statistical compilation and related data associated with  
6 incidents involving firearms in schools from the Illinois  
7 State Police. The State Board of Education shall compile this  
8 information by school district and make it available to the  
9 public.

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

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

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

22 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

24 (105 ILCS 5/34-8.05)

25 Sec. 34-8.05. Reporting firearms in schools. On or after

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

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

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 105. The Illinois Explosives Act is amended by  
21 changing Section 2005 as follows:

22 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

23 Sec. 2005. Qualifications for licensure.

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

- 1 (1) is under 21 years of age;
- 2 (2) has been convicted in any court of a crime  
3 punishable by imprisonment for a term exceeding one year;
- 4 (3) is under indictment for a crime punishable by  
5 imprisonment for a term exceeding one year;
- 6 (4) is a fugitive from justice;
- 7 (5) is an unlawful user of or addicted to any  
8 controlled substance as defined in Section 102 of the  
9 federal Controlled Substances Act (21 U.S.C. Sec. 802 et  
10 seq.);
- 11 (6) has been adjudicated a person with a mental  
12 disability as defined in Section 6-103.1 of the Mental  
13 Health and Developmental Disabilities Code ~~1.1 of the~~  
14 ~~Firearm Owners Identification Card Act~~; or
- 15 (7) is not a legal citizen of the United States or  
16 lawfully admitted for permanent residence.

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

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

23 Section 110. The Private Detective, Private Alarm, Private  
24 Security, and Locksmith Act of 2004 is amended by changing  
25 Sections 35-30 and 35-35 as follows:

1 (225 ILCS 447/35-30)

2 (Section scheduled to be repealed on January 1, 2029)

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

9 (a) No person shall be issued a permanent employee  
10 registration card who:

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

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

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

23 (4) Has had a license or permanent employee  
24 registration card denied, suspended, or revoked under this  
25 Act (i) within one year before the date the person's

1 application for permanent employee registration card is  
2 received by the Department; and (ii) that refusal, denial,  
3 suspension, or revocation was based on any provision of  
4 this Act other than Section 40-50, item (6) or (8) of  
5 subsection (a) of Section 15-10, subsection (b) of Section  
6 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
7 subsection (b) of Section 20-10, item (6) or (8) of  
8 subsection (a) of Section 25-10, subsection (b) of Section  
9 25-10, item (7) of subsection (a) of Section 30-10,  
10 subsection (b) of Section 30-10, or Section 10-40.

11 (5) Has been declared incompetent by any court of  
12 competent jurisdiction by reason of mental disease or  
13 defect and has not been restored.

14 (6) Has been dishonorably discharged from the armed  
15 services of the United States.

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

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

25 (2) The business or occupation engaged in for the 5  
26 years immediately before the date of the execution of the

1 statement, the place where the business or occupation was  
2 engaged in, and the names of employers, if any.

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

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

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

19 (6) Any dishonorable discharge from the armed services  
20 of the United States.

21 (7) Any other information as may be required by any  
22 rule of the Department to show the good character,  
23 competency, and integrity of the person executing the  
24 statement.

25 (c) Each applicant for a permanent employee registration  
26 card shall have the applicant's fingerprints submitted to the

1 Illinois State Police in an electronic format that complies  
2 with the form and manner for requesting and furnishing  
3 criminal history record information as prescribed by the  
4 Illinois State Police. These fingerprints shall be checked  
5 against the Illinois State Police and Federal Bureau of  
6 Investigation criminal history record databases now and  
7 hereafter filed. The Illinois State Police shall charge  
8 applicants a fee for conducting the criminal history records  
9 check, which shall be deposited in the State Police Services  
10 Fund and shall not exceed the actual cost of the records check.  
11 The Illinois State Police shall furnish, pursuant to positive  
12 identification, records of Illinois convictions to the  
13 Department. The Department may require applicants to pay a  
14 separate fingerprinting fee, either to the Department or  
15 directly to the vendor. The Department, in its discretion, may  
16 allow an applicant who does not have reasonable access to a  
17 designated vendor to provide the applicant's fingerprints in  
18 an alternative manner. The Department, in its discretion, may  
19 also use other procedures in performing or obtaining criminal  
20 background checks of applicants. Instead of submitting the  
21 applicant's fingerprints, an individual may submit proof that  
22 is satisfactory to the Department that an equivalent security  
23 clearance has been conducted. Also, an individual who has  
24 retired as a peace officer within 12 months of application may  
25 submit verification, on forms provided by the Department and  
26 signed by the applicant's employer, of the applicant's

1 previous full-time employment as a peace officer.

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

15 (e) Each employer shall maintain a record of each employee  
16 that is accessible to the duly authorized representatives of  
17 the Department. The record shall contain the following  
18 information:

19 (1) A photograph taken within 10 days of the date that  
20 the employee begins employment with the employer. The  
21 photograph shall be replaced with a current photograph  
22 every 3 calendar years.

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

25 (3) All correspondence or documents relating to the  
26 character and integrity of the employee received by the

1 employer from any official source or law enforcement  
2 agency.

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

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

6           The Department may, by rule, prescribe further record  
7           requirements.

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

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

23          (h) Every employer shall obtain the identification card of  
24          every employee who terminates employment with the employer.

25          (i) Every employer shall maintain a separate roster of the  
26          names of all employees currently working in an armed capacity

1 and submit the roster to the Department on request.

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

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

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

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

21 (3) The agency exercises due diligence to ensure that  
22 the person is qualified under the requirements of this Act  
23 to be issued a permanent employee registration card.

24 (4) The agency maintains a separate roster of the  
25 names of all employees whose applications are currently  
26 pending with the Department and submits the roster to the

1 Department on a monthly basis. Rosters are to be  
2 maintained by the agency for a period of at least 24  
3 months.

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

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

22 An agency may not employ a person in a temporary capacity  
23 if it knows or reasonably should have known that the person has  
24 been convicted of a crime under the laws of this State, has  
25 been convicted in another state of any crime that is a crime  
26 under the laws of this State, has been convicted of any crime

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

9 (l) No person may be employed under this Section in any  
10 capacity if:

11 (1) the person, while so employed, is being paid by  
12 the United States or any political subdivision for the  
13 time so employed in addition to any payments the person  
14 may receive from the employer; or

15 (2) the person wears any portion of the person's  
16 official uniform, emblem of authority, or equipment while  
17 so employed.

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

22 (n) Peace officers shall be exempt from the requirements  
23 of this Section relating to permanent employee registration  
24 cards. The agency shall remain responsible for any peace  
25 officer employed under this exemption, regardless of whether  
26 the peace officer is compensated as an employee or as an

1 independent contractor and as further defined by rule.

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

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

21 (Source: P.A. 102-538, eff. 8-20-21; 103-309, eff. 1-1-24.)

22 (225 ILCS 447/35-35)

23 (Section scheduled to be repealed on January 1, 2029)

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

25 (a) No person shall perform duties that include the use,

1 carrying, or possession of a firearm in the performance of  
2 those duties without complying with the provisions of this  
3 Section and having been issued a valid firearm control card by  
4 the Department.

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

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

25 (d) The Department shall issue a firearm control card to a  
26 person who has passed an approved firearm training course, who

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

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

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

1 ~~card without hearing.~~ The Secretary shall summarily suspend a  
2 firearm control card if the Secretary finds that its continued  
3 use would constitute an imminent danger to the public. A  
4 hearing shall be held before the Board within 30 days if the  
5 Secretary summarily suspends a firearm control card.

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

22 (h) The Department may issue a temporary firearm control  
23 card pending issuance of a new firearm control card upon an  
24 agency's acquiring of an established armed account. An agency  
25 that has acquired armed employees as a result of acquiring an  
26 established armed account may, on forms supplied by the

1 Department, request the issuance of a temporary firearm  
2 control card for each acquired employee who held a valid  
3 firearm control card under the employer's employment with the  
4 newly acquired established armed account immediately preceding  
5 the acquiring of the account and who continues to meet all of  
6 the qualifications for issuance of a firearm control card set  
7 forth in this Act and any rules adopted under this Act. The  
8 Department shall, by rule, set the fee for issuance of a  
9 temporary firearm control card.

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

14 (Source: P.A. 103-309, eff. 1-1-24.)

15 Section 115. The Illinois Gambling Act is amended by  
16 changing Section 5.4 as follows:

17 (230 ILCS 10/5.4)

18 Sec. 5.4. Retiring investigators; purchase of service  
19 firearm and badge. The Board shall establish a program to  
20 allow an investigator appointed under paragraph (20.6) of  
21 subsection (c) of Section 4 who is honorably retiring in good  
22 standing to purchase either one or both of the following: (1)  
23 any badge previously issued to the investigator by the Board;  
24 or (2) ~~if the investigator has a currently valid Firearm~~

1 ~~Owner's Identification Card,~~ the service firearm issued or  
2 previously issued to the investigator by the Board. The badge  
3 must be permanently and conspicuously marked in such a manner  
4 that the individual who possesses the badge is not mistaken  
5 for an actively serving law enforcement officer. The cost of  
6 the firearm shall be the replacement value of the firearm and  
7 not the firearm's fair market value.

8 (Source: P.A. 102-719, eff. 5-6-22.)

9 Section 120. The Mental Health and Developmental  
10 Disabilities Code is amended by changing Sections 1-106,  
11 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

12 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

13 Sec. 1-106. "Developmental disability" means a severe,  
14 chronic disability, other than mental illness, found to be  
15 closely related to an intellectual disability because this  
16 condition results in impairment of general intellectual  
17 functioning or adaptive behavior similar to that of persons  
18 with ID, and requires services similar to those required for a  
19 person with an intellectual disability. In addition, a  
20 developmental disability: (1) is manifested before the  
21 individual reaches 22 years of age; (2) is likely to continue  
22 indefinitely; (3) results in substantial functional  
23 limitations in three or more of the following areas of major  
24 life activity: self-care, receptive and expressive language,

1 learning, mobility, self-direction, capacity for independent  
2 living, or economic self-sufficiency; and (4) reflects the  
3 individual's need for a combination and sequence of special  
4 interdisciplinary or generic services, individualized  
5 supports, or other forms of assistance that are of lifelong or  
6 extended duration and are individually planned and  
7 coordinated. ~~This definition does not supersede the~~  
8 ~~"developmental disability" definition in Section 1.1 of the~~  
9 ~~Firearm Owners Identification Card Act which is required to be~~  
10 ~~applied under that Act for the purpose of mandatory reporting.~~  
11 (Source: P.A. 102-972, eff. 1-1-23.)

12 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

13 Sec. 1-116. Intellectual disability. "Intellectual  
14 disability" means a disorder with onset during the  
15 developmental period (before the individual reaches age 22),  
16 that includes both intellectual and adaptive deficits in  
17 conceptual, social and practical domains. The following 3  
18 criteria must be met: (1) deficits in intellectual functions  
19 such as reasoning, problem solving, planning, abstract  
20 thinking, judgment, academic learning, and learning from  
21 experience confirmed by both clinical assessment and  
22 individualized, standardized intelligence testing (generally  
23 indicated with an IQ score of about 70 or below), (2) deficits  
24 in adaptive functioning that result in failure to meet  
25 developmental and sociocultural standards for personal

1 independence and social responsibility. Without ongoing  
2 support, the adaptive deficits limit functioning in one or  
3 more activities of daily life, such as communication, social  
4 participation, and independent living, across multiple  
5 environments, such as home, school, work, and community, and  
6 (3) onset of intellectual and adaptive deficits during the  
7 developmental period. ~~This definition does not supersede the~~  
8 ~~"intellectual disability" definition in Section 1.1 of the~~  
9 ~~Firearm Owners Identification Card Act which is required to be~~  
10 ~~applied under that Act for the purpose of mandatory reporting.~~  
11 (Source: P.A. 102-972, eff. 1-1-23.)

12 (405 ILCS 5/6-103.1)

13 Sec. 6-103.1. Adjudication as a person with a mental  
14 disability. When a person has been adjudicated as a person  
15 with a mental disability ~~as defined in Section 1.1 of the~~  
16 ~~Firearm Owners Identification Card Act~~, including, but not  
17 limited to, an adjudication as a person with a disability as  
18 defined in Section 11a-2 of the Probate Act of 1975, the court  
19 shall direct the circuit court clerk to notify the Illinois  
20 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in  
21 a form and manner prescribed by the Illinois State Police, and  
22 shall forward a copy of the court order to the Department no  
23 later than 7 days after the entry of the order. Upon receipt of  
24 the order, the Illinois State Police shall provide  
25 notification to the National Instant Criminal Background Check

1 System. In this Section, "has been adjudicated as a mentally  
2 disabled person" means the person is the subject of a  
3 determination by a court, board, commission, or other lawful  
4 authority that the person, as a result of marked subnormal  
5 intelligence, or mental illness, mental impairment,  
6 incompetency, condition, or disease:

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

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

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

14 (3.5) is guilty but mentally ill, as provided in  
15 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

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

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

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

14        (Source: P.A. 102-538, eff. 8-20-21.)

15           (405 ILCS 5/6-103.2)

16           Sec. 6-103.2. Developmental disability; notice. If a  
17           person 14 years old or older is determined to be a person with  
18           a developmental disability by a physician, clinical  
19           psychologist, or qualified examiner, the physician, clinical  
20           psychologist, or qualified examiner shall notify the  
21           Department of Human Services within 7 days of making the  
22           determination that the person has a developmental disability.  
23           The Department of Human Services shall immediately update its  
24           records and information relating to mental health and  
25           developmental disabilities, and if appropriate, shall notify

1 the Illinois State Police in a form and manner prescribed by  
2 the Illinois State Police. Information disclosed under this  
3 Section shall remain privileged and confidential, and shall  
4 not be redisclosed, except as required under paragraph (2) of  
5 subsection (e) of Section 24-4.5 of the Criminal Code of 2012  
6 ~~subsection (e) of Section 3.1 of the Firearm Owners~~  
7 ~~Identification Card Act~~, nor used for any other purpose. The  
8 method of providing this information shall guarantee that the  
9 information is not released beyond that which is necessary for  
10 the purpose of this Section and shall be provided by rule by  
11 the Department of Human Services. The identity of the person  
12 reporting under this Section shall not be disclosed to the  
13 subject of the report.

14 The physician, clinical psychologist, or qualified  
15 examiner making the determination and his or her employer may  
16 not be held criminally, civilly, or professionally liable for  
17 making or not making the notification required under this  
18 Section, except for willful or wanton misconduct.

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

22 In ~~For purposes of~~ this Section, "developmental  
23 disability" means a disability which is attributable to any  
24 other condition which results in impairment similar to that  
25 caused by an intellectual disability and which requires  
26 services similar to those required by intellectually disabled

1 persons. The disability must originate before the age of 18  
2 years, be expected to continue indefinitely, and constitute a  
3 substantial disability. This disability results, in the  
4 professional opinion of a physician, clinical psychologist, or  
5 qualified examiner, in significant functional limitations in 3  
6 or more of the following areas of major life activity:

- 7 (i) self-care;  
8 (ii) receptive and expressive language;  
9 (iii) learning;  
10 (iv) mobility; or  
11 (v) self-direction.

12 "Determined to be a person with a developmental disability  
13 by a physician, clinical psychologist, or qualified examiner"  
14 means in the professional opinion of the physician, clinical  
15 psychologist, or qualified examiner, a person is diagnosed,  
16 assessed, or evaluated as having a developmental disability.

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 (405 ILCS 5/6-103.3)

19 Sec. 6-103.3. Clear and present danger; notice. If a  
20 person is determined to pose a clear and present danger to  
21 himself, herself, or to others by a physician, clinical  
22 psychologist, or qualified examiner, whether employed by the  
23 State, by any public or private mental health facility or part  
24 thereof, or by a law enforcement official or a school  
25 administrator, then the physician, clinical psychologist,

1 qualified examiner shall notify the Department of Human  
2 Services and a law enforcement official or school  
3 administrator shall notify the Illinois State Police, within  
4 24 hours of making the determination that the person poses a  
5 clear and present danger. The Department of Human Services  
6 shall immediately update its records and information relating  
7 to mental health and developmental disabilities, and if  
8 appropriate, shall notify the Illinois State Police in a form  
9 and manner prescribed by the Illinois State Police.  
10 Information disclosed under this Section shall remain  
11 privileged and confidential, and shall not be redisclosed,  
12 except as required under paragraph (2) of subsection (e) of  
13 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~  
14 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor  
15 used for any other purpose. The method of providing this  
16 information shall guarantee that the information is not  
17 released beyond that which is necessary for the purpose of  
18 this Section and shall be provided by rule by the Department of  
19 Human Services. The identity of the person reporting under  
20 this Section shall not be disclosed to the subject of the  
21 report. The physician, clinical psychologist, qualified  
22 examiner, law enforcement official, or school administrator  
23 making the determination and his or her employer shall not be  
24 held criminally, civilly, or professionally liable for making  
25 or not making the notification required under this Section,  
26 except for willful or wanton misconduct. This Section does not

1 apply to a law enforcement official, if making the  
2 notification under this Section will interfere with an ongoing  
3 or pending criminal investigation.

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

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

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

12 (2) demonstrates threatening physical or verbal  
13 behavior, such as violent, suicidal, or assaultive  
14 threats, actions, or other behavior, as determined by  
15 a physician, clinical psychologist, qualified  
16 examiner, school administrator, or law enforcement  
17 official.

18 "Physician", "clinical psychologist", and "qualified  
19 examiner" have the meanings ascribed to them in the Mental  
20 Health and Developmental Disabilities Code ~~has the meaning~~  
21 ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
22 ~~Identification Card Act.~~

23 "Determined to pose a clear and present danger to  
24 himself, herself, or to others by a physician, clinical  
25 psychologist, or qualified examiner" means in the  
26 professional opinion of the physician, clinical

1           psychologist, or qualified examiner, a person poses a  
2           clear and present danger.

3           "School administrator" means the person required to  
4           report under the School Administrator Reporting of Mental  
5           Health Clear and Present Danger Determinations Law.

6           (Source: P.A. 102-538, eff. 8-20-21.)

7           Section 125. The Lead Poisoning Prevention Act is amended  
8           by changing Section 2 as follows:

9           (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

11          "Child care facility" means any structure used by a child  
12          care provider licensed by the Department of Children and  
13          Family Services or public or private school structure  
14          frequented by children 6 years of age or younger.

15          "Childhood Lead Risk Questionnaire" means the  
16          questionnaire developed by the Department for use by  
17          physicians and other health care providers to determine risk  
18          factors for children 6 years of age or younger residing in  
19          areas designated as low risk for lead exposure.

20          "Delegate agency" means a unit of local government or  
21          health department approved by the Department to carry out the  
22          provisions of this Act.

23          "Department" means the Department of Public Health.

24          "Director" means the Director of Public Health.

1 "Dwelling unit" means an individual unit within a  
2 residential building used as living quarters for one  
3 household.

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

6 "Exposed surface" means any interior or exterior surface  
7 of a regulated facility.

8 "High risk area" means an area in the State determined by  
9 the Department to be high risk for lead exposure for children 6  
10 years of age or younger. The Department may consider, but is  
11 not limited to, the following factors to determine a high risk  
12 area: age and condition (using Department of Housing and Urban  
13 Development definitions of "slum" and "blighted") of housing,  
14 proximity to highway traffic or heavy local traffic or both,  
15 percentage of housing determined as rental or vacant,  
16 proximity to industry using lead, established incidence of  
17 elevated blood lead levels in children, percentage of  
18 population living below 200% of federal poverty guidelines,  
19 and number of children residing in the area who are 6 years of  
20 age or younger.

21 "Lead abatement" means any approved work practices that  
22 will permanently eliminate lead exposure or remove the  
23 lead-bearing substances in a regulated facility. The  
24 Department shall establish by rule which work practices are  
25 approved or prohibited for lead abatement.

26 "Lead abatement contractor" means any person or entity

1 licensed by the Department to perform lead abatement and  
2 mitigation.

3 "Lead abatement supervisor" means any person employed by a  
4 lead abatement contractor and licensed by the Department to  
5 perform lead abatement and lead mitigation and to supervise  
6 lead workers who perform lead abatement and lead mitigation.

7 "Lead abatement worker" means any person employed by a  
8 lead abatement contractor and licensed by the Department to  
9 perform lead abatement and mitigation.

10 "Lead activities" means the conduct of any lead services,  
11 including, lead inspection, lead risk assessment, lead  
12 mitigation, or lead abatement work or supervision in a  
13 regulated facility.

14 "Lead-bearing substance" means any item containing or  
15 coated with lead such that the lead content is more than  
16 six-hundredths of one percent (0.06%) lead by total weight; or  
17 any dust on surfaces or in furniture or other nonpermanent  
18 elements of the regulated facility; or any paint or other  
19 surface coating material containing more than five-tenths of  
20 one percent (0.5%) lead by total weight (calculated as lead  
21 metal) in the total non-volatile content of liquid paint; or  
22 lead-bearing substances containing greater than one milligram  
23 per square centimeter or any lower standard for lead content  
24 in residential paint as may be established by federal law or  
25 rule; or more than 1 milligram per square centimeter in the  
26 dried film of paint or previously applied substance; or item

1 or dust on item containing lead in excess of the amount  
2 specified in the rules authorized by this Act or a lower  
3 standard for lead content as may be established by federal law  
4 or rule. "Lead-bearing substance" does not include firearm  
5 ammunition or components as defined by Section 2-7.1 of the  
6 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~  
7 ~~Act.~~

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

10 "Lead hazard screen" means a lead risk assessment that  
11 involves limited dust and paint sampling for lead-bearing  
12 substances and lead hazards. This service is used as a  
13 screening tool designed to determine if further lead  
14 investigative services are required for the regulated  
15 facility.

16 "Lead inspection" means a surface-by-surface investigation  
17 to determine the presence of lead-based paint.

18 "Lead inspector" means an individual who has been trained  
19 by a Department-approved training program and is licensed by  
20 the Department to conduct lead inspections; to sample for the  
21 presence of lead in paint, dust, soil, and water; and to  
22 conduct compliance investigations.

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

1 "Lead poisoning" means having an elevated blood lead  
2 level.

3 "Lead risk assessment" means an on-site investigation to  
4 determine the existence, nature, severity, and location of  
5 lead hazards. "Lead risk assessment" includes any lead  
6 sampling and visual assessment associated with conducting a  
7 lead risk assessment and lead hazard screen and all lead  
8 sampling associated with compliance investigations.

9 "Lead risk assessor" means an individual who has been  
10 trained by a Department-approved training program and is  
11 licensed by the Department to conduct lead risk assessments,  
12 lead inspections, and lead hazard screens; to sample for the  
13 presence of lead in paint, dust, soil, water, and sources for  
14 lead-bearing substances; and to conduct compliance  
15 investigations.

16 "Lead training program provider" means any person  
17 providing Department-approved lead training in Illinois to  
18 individuals seeking licensure in accordance with the Act.

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

23 "Owner" means any person, who alone, jointly, or severally  
24 with others:

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

1 (b) Has charge, care, or control of the regulated  
2 facility as owner or agent of the owner, or as executor,  
3 administrator, trustee, or guardian of the estate of the  
4 owner.

5 "Person" means any individual, partnership, firm, company,  
6 limited liability company, corporation, association, joint  
7 stock company, trust, estate, political subdivision, State  
8 agency, or any other legal entity, or their legal  
9 representative, agent, or assign.

10 "Regulated facility" means a residential building or child  
11 care facility.

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

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

17 (430 ILCS 65/Act rep.)

18 Section 130. The Firearm Owners Identification Card Act is  
19 repealed.

20 Section 135. The Firearm Concealed Carry Act is amended by  
21 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

22 (430 ILCS 66/25)

23 Sec. 25. Qualifications for a license.

1           The Illinois State Police shall issue a license to an  
2 applicant completing an application in accordance with Section  
3 30 of this Act if the person:

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

5           (2) ~~has a currently valid Firearm Owner's~~  
6 ~~Identification Card and at the time of application meets~~  
7 ~~the requirements for the issuance of a Firearm Owner's~~  
8 ~~Identification Card and~~ is not prohibited under State ~~the~~  
9 ~~Firearm Owners Identification Card Act~~ or federal law from  
10 possessing or receiving a firearm;

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

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

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

22           (4) is not the subject of a pending arrest warrant,  
23 prosecution, or proceeding for an offense or action that  
24 could lead to disqualification to own or possess a  
25 firearm;

26           (5) has not been in residential or court-ordered

1 treatment for alcoholism, alcohol detoxification, or drug  
2 treatment within the 5 years immediately preceding the  
3 date of the license application; and

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

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (430 ILCS 66/30)

8 Sec. 30. Contents of license application.

9 (a) The license application shall be in writing, under  
10 penalty of perjury, on a standard form adopted by the Illinois  
11 State Police and shall be accompanied by the documentation  
12 required in this Section and the applicable fee. Each  
13 application form shall include the following statement printed  
14 in bold type: "Warning: Entering false information on this  
15 form is punishable as perjury under Section 32-2 of the  
16 Criminal Code of 2012."

17 (b) The application shall contain the following:

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

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

1           (3) a waiver of the applicant's privacy and  
2           confidentiality rights and privileges under all federal  
3           and state laws, including those limiting access to  
4           juvenile court, criminal justice, psychological, or  
5           psychiatric records or records relating to any  
6           institutionalization of the applicant, and an affirmative  
7           request that a person having custody of any of these  
8           records provide it or information concerning it to the  
9           Illinois State Police. The waiver only applies to records  
10          sought in connection with determining whether the  
11          applicant qualifies for a license to carry a concealed  
12          firearm under this Act, ~~or whether the applicant remains~~  
13          ~~in compliance with the Firearm Owners Identification Card~~  
14          ~~Act;~~

15          (4) an affirmation that the applicant is not  
16          prohibited under State or federal law from possessing or  
17          receiving a firearm ~~possesses a currently valid Firearm~~  
18          ~~Owner's Identification Card and card number if possessed~~  
19          ~~or notice the applicant is applying for a Firearm Owner's~~  
20          ~~Identification Card in conjunction with the license~~  
21          ~~application;~~

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

24                 (A) a felony;

25                 (B) a misdemeanor involving the use or threat of  
26                 physical force or violence to any person within the 5

1 years preceding the date of the application; or

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

7 (6) whether the applicant has failed a drug test for a  
8 drug for which the applicant did not have a prescription,  
9 within the previous year, and if so, the provider of the  
10 test, the specific substance involved, and the date of the  
11 test;

12 (7) written consent for the Illinois State Police to  
13 review and use the applicant's Illinois digital driver's  
14 license or Illinois identification card photograph and  
15 signature;

16 (8) ~~unless submitted under subsection (a 25) of~~  
17 ~~Section 4 of the Firearm Owners Identification Card Act,~~ a  
18 full set of fingerprints submitted to the Illinois State  
19 Police in electronic format, provided the Illinois State  
20 Police may accept an application submitted without a set  
21 of fingerprints, in which case the Illinois State Police  
22 shall be granted 30 days in addition to the 90 days  
23 provided under subsection (e) of Section 10 of this Act to  
24 issue or deny a license;

25 (9) a head and shoulder color photograph in a size  
26 specified by the Illinois State Police taken within the 30

1 days preceding the date of the license application; and  
2 (10) a photocopy of any certificates or other evidence  
3 of compliance with the training requirements under this  
4 Act.

5 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
6 102-813, eff. 5-13-22.)

7 (430 ILCS 66/40)

8 Sec. 40. Non-resident license applications.

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

12 (b) The Illinois State Police shall by rule allow for  
13 non-resident license applications from any state or territory  
14 of the United States with laws related to firearm ownership,  
15 possession, and carrying, that are substantially similar to  
16 the requirements to obtain a license under this Act.

17 (c) A resident of a state or territory approved by the  
18 Illinois State Police under subsection (b) of this Section may  
19 apply for a non-resident license. The applicant shall apply to  
20 the Illinois State Police and must meet all of the  
21 qualifications established in Section 25 of this Act, ~~except~~  
22 ~~for the Illinois residency requirement in item (xiv) of~~  
23 ~~paragraph (2) of subsection (a) of Section 4 of the Firearm~~  
24 ~~Owners Identification Card Act.~~ The applicant shall submit:

25 (1) the application and documentation required under

1 Section 30 of this Act and the applicable fee;

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

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

6 (B) if applicable, has a license or permit to  
7 carry a firearm or concealed firearm issued by his or  
8 her state or territory of residence and attach a copy  
9 of the license or permit to the application;

10 (C) understands Illinois laws pertaining to the  
11 possession and transport of firearms; and

12 (D) acknowledges that the applicant is subject to  
13 the jurisdiction of the Illinois State Police and  
14 Illinois courts for any violation of this Act;

15 (3) a photocopy of any certificates or other evidence  
16 of compliance with the training requirements under Section  
17 75 of this Act; and

18 (4) a head and shoulder color photograph in a size  
19 specified by the Illinois State Police taken within the 30  
20 days preceding the date of the application.

21 (d) In lieu of an Illinois driver's license or Illinois  
22 identification card, a non-resident applicant shall provide  
23 similar documentation from his or her state or territory of  
24 residence. The applicant shall submit ~~In lieu of a valid~~  
25 ~~Firearm Owner's Identification Card, the applicant shall~~  
26 ~~submit documentation and information required by the Illinois~~

1 ~~State Police to obtain a Firearm Owner's Identification Card,~~  
2 ~~including~~ an affidavit that the non-resident meets the mental  
3 health standards to obtain a firearm under Illinois law, and  
4 the Illinois State Police shall ensure that the applicant  
5 would meet the eligibility criteria under State law to possess  
6 a firearm ~~to obtain a Firearm Owner's Identification card~~ if  
7 he or she was a resident of this State.

8 (e) Nothing in this Act shall prohibit a non-resident from  
9 transporting a concealed firearm within his or her vehicle in  
10 Illinois, if the concealed firearm remains within his or her  
11 vehicle and the non-resident:

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

14 (2) is eligible to carry a firearm in public under the  
15 laws of his or her state or territory of residence, as  
16 evidenced by the possession of a concealed carry license  
17 or permit issued by his or her state of residence, if  
18 applicable; and

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

20 If the non-resident leaves his or her vehicle unattended,  
21 he or she shall store the firearm within a locked vehicle or  
22 locked container within the vehicle in accordance with  
23 subsection (b) of Section 65 of this Act.

24 (Source: P.A. 102-538, eff. 8-20-21.)

1           Sec. 66. Illinois State Police to monitor databases for  
2 firearms prohibitors. The Illinois State Police shall  
3 continuously monitor relevant State and federal databases for  
4 firearms prohibitors and correlate those records with  
5 concealed carry license holders to ensure compliance with this  
6 Act and any other State and federal laws. As used in this  
7 Section, "firearms prohibitor" means any factor listed in  
8 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~  
9 ~~Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012~~  
10 that prohibits a person from transferring or possessing a  
11 firearm, firearm ammunition, ~~Firearm Owner's Identification~~  
12 ~~Card~~, or concealed carry license.

13 (Source: P.A. 102-237, eff. 1-1-22.)

14 (430 ILCS 66/70)

15 Sec. 70. Violations.

16 (a) A license issued or renewed under this Act shall be  
17 revoked if, at any time, the licensee is found to be ineligible  
18 for a license under this Act or the licensee is prohibited from  
19 possessing a firearm under State or federal law no longer  
20 ~~meets the eligibility requirements of the Firearm Owners~~  
21 ~~Identification Card Act.~~

22 (b) A license shall be suspended if an order of  
23 protection, including an emergency order of protection,  
24 plenary order of protection, or interim order of protection  
25 under Article 112A of the Code of Criminal Procedure of 1963 or

1 under the Illinois Domestic Violence Act of 1986, or if a  
2 firearms restraining order, including an emergency firearms  
3 restraining order, under the Firearms Restraining Order Act,  
4 is issued against a licensee for the duration of the order, or  
5 if the Illinois State Police is made aware of a similar order  
6 issued against the licensee in any other jurisdiction. If an  
7 order of protection is issued against a licensee, the licensee  
8 shall surrender the license, as applicable, to the court at  
9 the time the order is entered or to the law enforcement agency  
10 or entity serving process at the time the licensee is served  
11 the order. The court, law enforcement agency, or entity  
12 responsible for serving the order of protection shall notify  
13 the Illinois State Police within 7 days and transmit the  
14 license to the Illinois State Police.

15 (c) A license is invalid upon expiration of the license,  
16 unless the licensee has submitted an application to renew the  
17 license, and the applicant is otherwise eligible to possess a  
18 license under this Act.

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

24 A licensee in violation of this subsection (d) shall be  
25 guilty of a Class A misdemeanor for a first or second violation  
26 and a Class 4 felony for a third violation. The Illinois State

1 Police may suspend a license for up to 6 months for a second  
2 violation and shall permanently revoke a license for a third  
3 violation.

4 (e) Except as otherwise provided, a licensee in violation  
5 of this Act shall be guilty of a Class B misdemeanor. A second  
6 or subsequent violation is a Class A misdemeanor. The Illinois  
7 State Police may suspend a license for up to 6 months for a  
8 second violation and shall permanently revoke a license for 3  
9 or more violations of Section 65 of this Act. Any person  
10 convicted of a violation under this Section shall pay a \$150  
11 fee to be deposited into the Mental Health Reporting Fund,  
12 plus any applicable court costs or fees.

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

24 (g) A licensee whose license is revoked, suspended, or  
25 denied shall, within 48 hours of receiving notice of the  
26 revocation, suspension, or denial, surrender his or her

1 concealed carry license to the local law enforcement agency  
2 where the person resides. The local law enforcement agency  
3 shall provide the licensee a receipt and transmit the  
4 concealed carry license to the Illinois State Police. If the  
5 licensee whose concealed carry license has been revoked,  
6 suspended, or denied fails to comply with the requirements of  
7 this subsection, the law enforcement agency where the person  
8 resides may petition the circuit court to issue a warrant to  
9 search for and seize the concealed carry license in the  
10 possession and under the custody or control of the licensee  
11 whose concealed carry license has been revoked, suspended, or  
12 denied. The observation of a concealed carry license in the  
13 possession of a person whose license has been revoked,  
14 suspended, or denied constitutes a sufficient basis for the  
15 arrest of that person for violation of this subsection. A  
16 violation of this subsection is a Class A misdemeanor.

17 (h) (Blank). ~~Except as otherwise provided in subsection~~  
18 ~~(h 5), a license issued or renewed under this Act shall be~~  
19 ~~revoked if, at any time, the licensee is found ineligible for a~~  
20 ~~Firearm Owner's Identification Card, or the licensee no longer~~  
21 ~~possesses a valid Firearm Owner's Identification Card. If the~~  
22 ~~Firearm Owner's Identification Card is expired or suspended~~  
23 ~~rather than denied or revoked, the license may be suspended~~  
24 ~~for a period of up to one year to allow the licensee to~~  
25 ~~reinstate his or her Firearm Owner's Identification Card. The~~  
26 ~~Illinois State Police shall adopt rules to enforce this~~

1 ~~subsection. A licensee whose license is revoked under this~~  
2 ~~subsection (h) shall surrender his or her concealed carry~~  
3 ~~license as provided for in subsection (g) of this Section.~~

4 ~~This subsection shall not apply to a person who has filed~~  
5 ~~an application with the Illinois State Police for renewal of a~~  
6 ~~Firearm Owner's Identification Card and who is not otherwise~~  
7 ~~ineligible to obtain a Firearm Owner's Identification Card.~~

8 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~  
9 ~~of a licensee under this Act expires during the term of the~~  
10 ~~license issued under this Act, the license and the Firearm~~  
11 ~~Owner's Identification Card remain valid, and the Illinois~~  
12 ~~State Police may automatically renew the licensee's Firearm~~  
13 ~~Owner's Identification Card as provided in subsection (c) of~~  
14 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

23 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
24 102-813, eff. 5-13-22.)

1           Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

26                   (1) possess a high school diploma or State of Illinois

1 High School Diploma; and

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

4 (A) certification from a law enforcement agency;

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

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

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

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

20 (Source: P.A. 102-538, eff. 8-20-21; 102-1100, eff. 1-1-23.)

21 (430 ILCS 66/105)

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

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 140. The Firearms Restraining Order Act is amended  
13 by changing Sections 35 and 40 as follows:

14 (430 ILCS 67/35)

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

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

1 parts that could be assembled to make an operable firearm  
2 presently believed by the petitioner to be possessed or  
3 controlled by the respondent.

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

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

25 (d) An emergency firearms restraining order shall be  
26 issued on an ex parte basis, that is, without notice to the

1 respondent.

2 (e) An emergency hearing held on an ex parte basis shall be  
3 held the same day that the petition is filed or the next day  
4 that the court is in session.

5 (f) If a circuit or associate judge finds probable cause  
6 to believe that the respondent poses an immediate and present  
7 danger of causing personal injury to himself, herself, or  
8 another by having in his or her custody or control,  
9 purchasing, possessing, or receiving a firearm, ammunition, or  
10 firearm parts that could be assembled to make an operable  
11 firearm, the circuit or associate judge shall issue an  
12 emergency order.

13 (f-5) If the court issues an emergency firearms  
14 restraining order, it shall, upon a finding of probable cause  
15 that the respondent possesses firearms, ammunition, or firearm  
16 parts that could be assembled to make an operable firearm,  
17 issue a search warrant directing a law enforcement agency to  
18 seize the respondent's firearms, ammunition, and firearm parts  
19 that could be assembled to make an operable firearm. The court  
20 may, as part of that warrant, direct the law enforcement  
21 agency to search the respondent's residence and other places  
22 where the court finds there is probable cause to believe he or  
23 she is likely to possess the firearms, ammunition, or firearm  
24 parts that could be assembled to make an operable firearm. A  
25 return of the search warrant shall be filed by the law  
26 enforcement agency within 4 days thereafter, setting forth the

1 time, date, and location that the search warrant was executed  
2 and what items, if any, were seized.

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

4 (1) the respondent to refrain from having in his or  
5 her custody or control, purchasing, possessing, or  
6 receiving additional firearms, ammunition, or firearm  
7 parts that could be assembled to make an operable firearm,  
8 or removing firearm parts that could be assembled to make  
9 an operable firearm for the duration of the order ~~under~~  
10 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~  
11 and

12 (2) the respondent to comply with ~~Section 9.5 of the~~  
13 ~~Firearm Owners Identification Card Act and~~ subsection (g)  
14 of Section 70 of the Firearm Concealed Carry Act.

15 (h) Except as otherwise provided in subsection (h-5) of  
16 this Section, upon expiration of the period of safekeeping, if  
17 the firearms, ammunition, and firearm parts that could be  
18 assembled to make an operable firearm ~~or Firearm Owner's~~  
19 ~~Identification Card~~ and concealed carry license cannot be  
20 returned to the respondent because the respondent cannot be  
21 located, fails to respond to requests to retrieve the  
22 firearms, or is not lawfully eligible to possess a firearm,  
23 ammunition, or firearm parts that could be assembled to make  
24 an operable firearm, upon petition from the local law  
25 enforcement agency, the court may order the local law  
26 enforcement agency to destroy the firearms, ammunition, and

1 firearm parts that could be assembled to make an operable  
2 firearm, use the firearms, ammunition, and firearm parts that  
3 could be assembled to make an operable firearm for training  
4 purposes, or use the firearms, ammunition, and firearm parts  
5 that could be assembled to make an operable firearm for any  
6 other application as deemed appropriate by the local law  
7 enforcement agency.

8 (h-5) On or before January 1, 2022, a respondent whose  
9 firearms have been turned over to a local law enforcement  
10 agency ~~Firearm Owner's Identification Card has been revoked or~~  
11 ~~suspended~~ may petition the court, if the petitioner is present  
12 in court or has notice of the respondent's petition, to  
13 transfer the respondent's firearm, ammunition, and firearm  
14 parts that could be assembled to make an operable firearm to a  
15 person who is lawfully able to possess the firearm,  
16 ammunition, and firearm parts that could be assembled to make  
17 an operable firearm if the person does not reside at the same  
18 address as the respondent. Notice of the petition shall be  
19 served upon the person protected by the emergency firearms  
20 restraining order. While the order is in effect, the  
21 transferee who receives the respondent's firearms, ammunition,  
22 and firearm parts that could be assembled to make an operable  
23 firearm must swear or affirm by affidavit that he or she shall  
24 not transfer the firearm, ammunition, and firearm parts that  
25 could be assembled to make an operable firearm to the  
26 respondent or to anyone residing in the same residence as the

1 respondent.

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

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

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

26 The person petitioning for the return of his or her

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

13 (i) In accordance with subsection (e) of this Section, the  
14 court shall schedule a full hearing as soon as possible, but no  
15 longer than 14 days from the issuance of an ex parte firearms  
16 restraining order, to determine if a 6-month firearms  
17 restraining order shall be issued. The court may extend an ex  
18 parte order as needed, but not to exceed 14 days, to effectuate  
19 service of the order or if necessary to continue protection.  
20 The court may extend the order for a greater length of time by  
21 mutual agreement of the parties.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
23 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
24 5-13-22.)

1           Sec. 40. Plenary orders.

2           (a) A petitioner may request a firearms restraining order  
3 for up to one year by filing an affidavit or verified pleading  
4 alleging that the respondent poses a significant danger of  
5 causing 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, ammunition,  
8 and firearm parts that could be assembled to make an operable  
9 firearm. The petition shall also describe the number, types,  
10 and locations of any firearms, ammunition, and firearm parts  
11 that could be assembled to make an operable firearm presently  
12 believed by the petitioner to be possessed or controlled by  
13 the respondent. The firearms restraining order may be renewed  
14 for an additional period of up to one year in accordance with  
15 Section 45 of this Act.

16           (b) If the respondent is alleged to pose a significant  
17 danger of causing personal injury to an intimate partner, or  
18 an intimate partner is alleged to have been the target of a  
19 threat or act of violence by the respondent, the petitioner  
20 shall make a good faith effort to provide notice to any and all  
21 intimate partners of the respondent. The notice must include  
22 the duration of time that the petitioner intends to petition  
23 the court for a firearms restraining order, and, if the  
24 petitioner is a law enforcement officer, referral to relevant  
25 domestic violence or stalking advocacy or counseling  
26 resources, if appropriate. The petitioner shall attest to

1 having provided the notice in the filed affidavit or verified  
2 pleading. If, after making a good faith effort, the petitioner  
3 is unable to provide notice to any or all intimate partners,  
4 the affidavit or verified pleading should describe what  
5 efforts were made.

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

11 (d) Upon receipt of a petition for a plenary firearms  
12 restraining order, the court shall order a hearing within 30  
13 days.

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

17 (1) The unlawful and reckless use, display, or  
18 brandishing of a firearm, ammunition, and firearm parts  
19 that could be assembled to make an operable firearm by the  
20 respondent.

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

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

26 (4) Evidence of the abuse of controlled substances or

1 alcohol by the respondent.

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

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

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

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

23 (g) If the court finds that there is clear and convincing  
24 evidence to issue a plenary firearms restraining order, the  
25 court shall issue a firearms restraining order that shall be  
26 in effect for up to one year, but not less than 6 months,

1 subject to renewal under Section 45 of this Act or termination  
2 under that Section.

3 (g-5) If the court issues a plenary firearms restraining  
4 order, it shall, upon a finding of probable cause that the  
5 respondent possesses firearms, ammunition, and firearm parts  
6 that could be assembled to make an operable firearm, issue a  
7 search warrant directing a law enforcement agency to seize the  
8 respondent's firearms, ammunition, and firearm parts that  
9 could be assembled to make an operable firearm. The court may,  
10 as part of that warrant, direct the law enforcement agency to  
11 search the respondent's residence and other places where the  
12 court finds there is probable cause to believe he or she is  
13 likely to possess the firearms, ammunition, and firearm parts  
14 that could be assembled to make an operable firearm. A return  
15 of the search warrant shall be filed by the law enforcement  
16 agency within 4 days thereafter, setting forth the time, date,  
17 and location that the search warrant was executed and what  
18 items, if any, were seized.

19 (h) A plenary firearms restraining order shall require:

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

26 (2) the respondent to comply with ~~Section 9.5 of the~~

1 ~~Firearm Owners Identification Card Act~~ and subsection (g)  
2 of Section 70 of the Firearm Concealed Carry Act.

3 (i) Except as otherwise provided in subsection (i-5) of  
4 this Section, upon expiration of the period of safekeeping, if  
5 the firearms, ammunition, and firearm parts that could be  
6 assembled to make an operable firearm ~~or Firearm Owner's~~  
7 ~~Identification Card~~ cannot be returned to the respondent  
8 because the respondent cannot be located, fails to respond to  
9 requests to retrieve the firearms, ammunition, and firearm  
10 parts that could be assembled to make an operable firearm, or  
11 is not lawfully eligible to possess a firearm, ammunition, and  
12 firearm parts that could be assembled to make an operable  
13 firearm, upon petition from the local law enforcement agency,  
14 the court may order the local law enforcement agency to  
15 destroy the firearms, ammunition, and firearm parts that could  
16 be assembled to make an operable firearm, use the firearms,  
17 ammunition, and firearm parts that could be assembled to make  
18 an operable firearm for training purposes, or use the  
19 firearms, ammunition, and firearm parts that could be  
20 assembled to make an operable firearm for any other  
21 application as deemed appropriate by the local law enforcement  
22 agency.

23 (i-5) A respondent whose firearms have been turned over to  
24 a local law enforcement agency ~~Firearm Owner's Identification~~  
25 ~~Card has been revoked or suspended~~ may petition the court, if  
26 the petitioner is present in court or has notice of the

1 respondent's petition, to transfer the respondent's firearm,  
2 ammunition, and firearm parts that could be assembled to make  
3 an operable firearm to a person who is lawfully able to possess  
4 the firearm, ammunition, and firearm parts that could be  
5 assembled to make an operable firearm if the person does not  
6 reside at the same address as the respondent. Notice of the  
7 petition shall be served upon the person protected by the  
8 emergency firearms restraining order. While the order is in  
9 effect, the transferee who receives the respondent's firearms,  
10 ammunition, and firearm parts that could be assembled to make  
11 an operable firearm must swear or affirm by affidavit that he  
12 or she shall not transfer the firearm, ammunition, and firearm  
13 parts that could be assembled to make an operable firearm to  
14 the respondent or to anyone residing in the same residence as  
15 the respondent.

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

1 firearm shall be returned to him or her, provided that:

2 (1) the firearm, ammunition, and firearm parts that  
3 could be assembled to make an operable firearm are removed  
4 from the respondent's custody, control, or possession and  
5 the lawful owner agrees to store the firearm, ammunition,  
6 and firearm parts that could be assembled to make an  
7 operable firearm in a manner such that the respondent does  
8 not have access to or control of the firearm, ammunition,  
9 and firearm parts that could be assembled to make an  
10 operable firearm; and

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

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

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

4           (k) When the court issues a firearms restraining order  
5 under this Section, the court shall inform the respondent that  
6 he or she is entitled to one hearing during the period of the  
7 order to request a termination of the order, under Section 45  
8 of this Act, and shall provide the respondent with a form to  
9 request a hearing.

10       (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
11 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
12 5-13-22; 102-1116, eff. 1-10-23.)

13           Section 145. The Firearm Dealer License Certification Act  
14 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as  
15 follows:

16           (430 ILCS 68/5-20)

17           Sec. 5-20. Additional licensee requirements.

18           (a) A certified licensee shall make a photo copy of a  
19 buyer's or transferee's valid photo identification card  
20 whenever a firearm sale transaction takes place. The photo  
21 copy shall be attached to the documentation detailing the  
22 record of sale.

23           (b) A certified licensee shall post in a conspicuous  
24 position on the premises where the licensee conducts business

1 a sign that contains the following warning in block letters  
2 not less than one inch in height:

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

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

8 ~~(B) sell or transfer your firearm to someone else~~  
9 ~~without receiving approval for the transfer from the~~  
10 ~~Illinois State Police, or~~

11 (B) ~~(C)~~ fail to report the loss or theft of your  
12 firearm to local law enforcement within 72 hours."

13 This sign shall be created by the Illinois State Police and  
14 made available for printing or downloading from the Illinois  
15 State Police's website.

16 (c) No retail location established after the effective  
17 date of this Act shall be located within 500 feet of any  
18 school, pre-school, or day care facility in existence at its  
19 location before the retail location is established as measured  
20 from the nearest corner of the building holding the retail  
21 location to the corner of the school, pre-school, or day care  
22 facility building nearest the retail location at the time the  
23 retail location seeks licensure.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (430 ILCS 68/5-25)

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

4           (1) temporary transfers of firearms solely for use at  
5 the location or on the premises where the transfer takes  
6 place, such as transfers at a shooting range for use at  
7 that location;

8           (2) temporary transfers of firearms solely for use  
9 while in the presence of the transferor or transfers for  
10 the purposes of firearm safety training by a firearms  
11 safety training instructor;

12           (3) transfers of firearms among immediate family or  
13 household members, as "immediate family or household  
14 member" is defined in Section 3-2.7-10 of the Unified Code  
15 of Corrections, provided that both the transferor and  
16 transferee are not prohibited from possessing a firearm  
17 under federal or State law ~~have a currently valid Firearm~~  
18 ~~Owner's Identification Card; however, this paragraph (3)~~  
19 ~~does not limit the familial gift exemption under paragraph~~  
20 ~~(2) of subsection (a-15) of Section 3 of the Firearm~~  
21 ~~Owners Identification Card Act;~~

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

24           (5) transfers by persons or entities liquidating all  
25 or part of a collection. For purposes of this paragraph  
26 (5), "collection" means 2 or more firearms which are of

1 special interest to collectors by reason of some quality  
2 other than is associated with firearms intended for  
3 sporting use or as offensive or defensive weapons;

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

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

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

13 (9) transfers of curios and relics, as defined under  
14 federal law, between collectors licensed under subsection  
15 (b) of Section 923 of the federal Gun Control Act of 1968;

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

18 (10.5) transfers of firearms to a resident registered  
19 competitor or attendee or non-resident registered  
20 competitor or attendee by a licensed federal firearms  
21 dealer under Section 923 of the federal Gun Control Act of  
22 1968 at a competitive shooting event held at the World  
23 Shooting and Recreational Complex that is sanctioned by a  
24 national governing body; or

25 (11) transfers between a pawnshop and a customer which  
26 amount to a bailment. For purposes of this paragraph (11),

1 "bailment" means the act of placing property in the  
2 custody and control of another, by agreement in which the  
3 holder is responsible for the safekeeping and return of  
4 the property.

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

6 (430 ILCS 68/5-40)

7 Sec. 5-40. Qualifications for operation.

8 (a) Each certified licensee shall submit with each  
9 application for certification or renewal an affidavit to the  
10 Illinois State Police stating that each owner, employee, or  
11 other agent of the certified licensee who sells or conducts  
12 transfers of firearms for the certified licensee is at least  
13 21 years of age, ~~has a currently valid Firearm Owner's~~  
14 ~~Identification Card~~ and, for a renewal, has completed the  
15 training required under Section 5-30. The affidavit must also  
16 contain the name ~~and Firearm Owner's Identification Card~~  
17 ~~number~~ of each owner, employee, or other agent who sells or  
18 conducts transfers of firearms for the certified licensee. If  
19 an owner, employee, or other agent of the certified licensee  
20 is not otherwise a resident of this State, the certified  
21 licensee shall submit an affidavit stating that the owner,  
22 employee, or other agent has undergone a background check and  
23 is not prohibited from owning or possessing firearms.

24 (b) In addition to the affidavit required under subsection  
25 (a), within 30 days of a new owner, employee, or other agent

1 beginning selling or conducting transfers of firearms for the  
2 certified licensee, the certified licensee shall submit an  
3 affidavit to the Illinois State Police stating the date that  
4 the new owner, employee, or other agent began selling or  
5 conducting transfers of firearms for the certified licensee,  
6 and providing the information required in subsection (a) for  
7 that new owner, employee, or other agent.

8 (c) If a certified licensee has a license, certificate, or  
9 permit to sell, lease, transfer, purchase, or possess firearms  
10 issued by the federal government or the government of any  
11 state revoked or suspended for good cause within the preceding  
12 4 years, the Illinois State Police may consider revoking or  
13 suspending the certified licenses in this State. In making a  
14 determination of whether or not to revoke or suspend a  
15 certified license in this State, the Illinois State Police  
16 shall consider the number of retail locations the certified  
17 licensee or any related person or entity operates in this  
18 State or in other states under the same or different business  
19 names, and the severity of the infraction in the state in which  
20 a license was revoked or suspended.

21 (d) Applications and affidavits required under this  
22 Section are not subject to disclosure by the Illinois State  
23 Police under the Freedom of Information Act.

24 (Source: P.A. 102-538, eff. 8-20-21.)

1           Sec. 5-85. Disciplinary sanctions.

2           (a) For violations of this Act not penalized under Section  
3 5-15, the Illinois State Police may refuse to renew or  
4 restore, or may reprimand, place on probation, suspend,  
5 revoke, or take other disciplinary or non-disciplinary action  
6 against any licensee, and may impose a fine commensurate with  
7 the severity of the violation not to exceed \$10,000 for each  
8 violation for any of the following, consistent with the  
9 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901  
10 through 7903:

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

13           (2) A pattern of practice or other behavior which  
14 demonstrates incapacity or incompetency to practice under  
15 this Act.

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

18           (4) Failing, within 60 days, to provide information in  
19 response to a written request made by the Illinois State  
20 Police.

21           (5) Conviction of, plea of guilty to, or plea of nolo  
22 contendere to any crime that disqualifies the person from  
23 obtaining a firearm ~~valid Firearm Owner's Identification~~  
24 ~~Card~~.

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

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

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

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

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

14 (9) Violation of any disciplinary order imposed on a  
15 licensee by the Illinois State Police.

16 (10) A finding by the Illinois State Police that the  
17 licensee, after having his or her certified license placed  
18 on probationary status, has violated the terms of  
19 probation.

20 (11) A fraudulent or material misstatement in the  
21 completion of an affirmative obligation or inquiry by law  
22 enforcement.

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

26 (Source: P.A. 102-538, eff. 8-20-21.)

1           Section 150. The Wildlife Code is amended by changing  
2 Sections 3.2 and 3.2a as follows:

3           (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

4           Sec. 3.2. Hunting license; application; instruction.  
5 Before the Department or any county, city, village, township,  
6 incorporated town clerk or his duly designated agent or any  
7 other person authorized or designated by the Department to  
8 issue hunting licenses shall issue a hunting license to any  
9 person, the person shall file his application with the  
10 Department or other party authorized to issue licenses on a  
11 form provided by the Department and further give definite  
12 proof of identity and place of legal residence. Each clerk  
13 designating agents to issue licenses and stamps shall furnish  
14 the Department, within 10 days following the appointment, the  
15 names and mailing addresses of the agents. Each clerk or his  
16 duly designated agent shall be authorized to sell licenses and  
17 stamps only within the territorial area for which he was  
18 elected or appointed. No duly designated agent is authorized  
19 to furnish licenses or stamps for issuance by any other  
20 business establishment. Each application shall be executed and  
21 sworn to and shall set forth the name and description of the  
22 applicant and place of residence.

23           No hunting license shall be issued to any person born on or  
24 after January 1, 1980 unless he presents the person authorized

1 to issue the license evidence that he has held a hunting  
2 license issued by the State of Illinois or another state in a  
3 prior year, or a certificate of competency as provided in this  
4 Section. Persons under 18 years of age may be issued a Lifetime  
5 Hunting or Sportsmen's Combination License as provided under  
6 Section 20-45 of the Fish and Aquatic Life Code but shall not  
7 be entitled to hunt alone, without the supervision of an adult  
8 age 21 or older, unless they have a certificate of competency  
9 as provided in this Section and the certificate is in their  
10 possession while hunting.

11 The Department of Natural Resources shall authorize  
12 personnel of the Department or certified volunteer instructors  
13 to conduct courses, of not less than 10 hours in length, in  
14 firearms and hunter safety, which may include training in bow  
15 and arrow safety, at regularly specified intervals throughout  
16 the State. Persons successfully completing the course shall  
17 receive a certificate of competency. The Department of Natural  
18 Resources may further cooperate with any reputable association  
19 or organization in establishing courses if the organization  
20 has as one of its objectives the promotion of safety in the  
21 handling of firearms or bow and arrow.

22 The Department of Natural Resources shall designate any  
23 person found by it to be competent to give instruction in the  
24 handling of firearms, hunter safety, and bow and arrow. The  
25 persons so appointed shall give the course of instruction and  
26 upon the successful completion shall issue to the person

1 instructed a certificate of competency in the safe handling of  
2 firearms, hunter safety, and bow and arrow. No charge shall be  
3 made for any course of instruction except for materials or  
4 ammunition consumed. The Department of Natural Resources shall  
5 furnish information on the requirements of hunter safety  
6 education programs to be distributed free of charge to  
7 applicants for hunting licenses by the persons appointed and  
8 authorized to issue licenses. ~~Funds for the conducting of  
9 firearms and hunter safety courses shall be taken from the fee  
10 charged for the Firearm Owners Identification Card.~~

11 The fee for a hunting license to hunt all species for a  
12 resident of Illinois is \$12. For residents age 65 or older,  
13 and, commencing with the 2012 license year, resident veterans  
14 of the United States Armed Forces after returning from service  
15 abroad or mobilization by the President of the United States  
16 as an active duty member of the United States Armed Forces, the  
17 Illinois National Guard, or the Reserves of the United States  
18 Armed Forces, the fee is one-half of the fee charged for a  
19 hunting license to hunt all species for a resident of  
20 Illinois. Veterans must provide to the Department acceptable  
21 verification of their service. The Department shall establish  
22 by administrative rule the procedure by which such  
23 verification of service shall be made to the Department for  
24 the purpose of issuing resident veterans hunting licenses at a  
25 reduced fee. The fee for a hunting license to hunt all species  
26 shall be \$1 for residents over 75 years of age. Nonresidents

1 shall be charged \$57 for a hunting license.

2 Residents of this State may obtain a 3-year hunting  
3 license to hunt all species as described in Section 3.1 for 3  
4 times the annual fee. For residents age 65 or older and  
5 resident veterans of the United States Armed Forces after  
6 returning from service abroad or mobilization by the President  
7 of the United States, the fee is one-half of the fee charged  
8 for a 3-year hunting license to hunt all species as described  
9 in Section 3.1 for a resident of this State. Veterans must  
10 provide to the Department, per administrative rule,  
11 verification of their service. The Department shall establish  
12 what constitutes suitable verification of service for the  
13 purpose of issuing resident veterans 3-year hunting licenses  
14 at a reduced fee.

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

18 A special nonresident hunting license authorizing a  
19 nonresident to take game birds by hunting on a game breeding  
20 and hunting preserve area only, established under Section  
21 3.27, shall be issued upon proper application being made and  
22 payment of a fee equal to that for a resident hunting license.  
23 The expiration date of this license shall be on the same date  
24 each year that game breeding and hunting preserve area  
25 licenses expire.

26 Each applicant for a State Migratory Waterfowl Stamp,

1 regardless of his residence or other condition, shall pay a  
2 fee of \$15 and shall receive a stamp. The fee for a State  
3 Migratory Waterfowl Stamp shall be waived for residents over  
4 75 years of age. Except as provided under Section 20-45 of the  
5 Fish and Aquatic Life Code, the stamp shall be signed by the  
6 person or affixed to his license or permit in a space  
7 designated by the Department for that purpose.

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

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

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

21 The Department shall furnish the holders of hunting  
22 licenses and stamps with an insignia as evidence of possession  
23 of license, or license and stamp, as the Department may  
24 consider advisable. The insignia shall be exhibited and used  
25 as the Department may order.

26 All other hunting licenses and all State stamps shall

1 expire upon March 31 of each year. Three-year hunting licenses  
2 shall expire on March 31 of the 2nd year after the year in  
3 which the license is issued.

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

14 For the purposes of this Section, "acceptable  
15 verification" means official documentation from the Department  
16 of Defense or the appropriate Major Command showing  
17 mobilization dates or service abroad dates, including: (i) a  
18 DD-214, (ii) a letter from the Illinois Department of Military  
19 Affairs for members of the Illinois National Guard, (iii) a  
20 letter from the Regional Reserve Command for members of the  
21 Armed Forces Reserve, (iv) a letter from the Major Command  
22 covering Illinois for active duty members, (v) personnel  
23 records for mobilized State employees, and (vi) any other  
24 documentation that the Department, by administrative rule,  
25 deems acceptable to establish dates of mobilization or service  
26 abroad.

1 For the purposes of this Section, the term "service  
2 abroad" means active duty service outside of the 50 United  
3 States and the District of Columbia, and includes all active  
4 duty service in territories and possessions of the United  
5 States.

6 (Source: P.A. 102-780, eff. 5-13-22; 103-456, eff. 1-1-24.)

7 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

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

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

19 Section 155. The Illinois Vehicle Code is amended by  
20 changing Section 2-116 as follows:

21 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

22 Sec. 2-116. Secretary of State Department of Police.

23 (a) The Secretary of State and the officers, inspectors,

1 and investigators appointed by him shall cooperate with the  
2 Illinois State Police and the sheriffs and police in enforcing  
3 the laws regulating the operation of vehicles and the use of  
4 the highways.

5 (b) The Secretary of State may provide training and  
6 education for members of his office in traffic regulation, the  
7 promotion of traffic safety and the enforcement of laws vested  
8 in the Secretary of State for administration and enforcement  
9 regulating the operation of vehicles and the use of the  
10 highways.

11 (c) The Secretary of State may provide distinctive  
12 uniforms and badges for officers, inspectors and investigators  
13 employed in the administration of laws relating to the  
14 operation of vehicles and the use of the highways and vesting  
15 the administration and enforcement of such laws in the  
16 Secretary of State.

17 (c-5) The Director of the Secretary of State Department of  
18 Police shall establish a program to allow a Secretary of State  
19 Police officer, inspector, or investigator who is honorably  
20 retiring in good standing to purchase either one or both of the  
21 following: (1) any Secretary of State Department of Police  
22 badge previously issued to that officer, inspector, or  
23 investigator; or (2) ~~if the officer, inspector, or~~  
24 ~~investigator has a currently valid Firearm Owner's~~  
25 ~~Identification Card,~~ the service firearm issued or previously  
26 issued to the officer, inspector, or investigator by the

1 Secretary of State Department of Police. The cost of the  
2 firearm shall be the replacement value of the firearm and not  
3 the firearm's fair market value.

4 (d) The Secretary of State Department of Police is  
5 authorized to:

6 (1) investigate the origins, activities, persons, and  
7 incidents of crime and the ways and means, if any, to  
8 redress the victims of crimes, and study the impact, if  
9 any, of legislation relative to the criminal laws of this  
10 State related thereto and conduct any other investigations  
11 as may be provided by law;

12 (2) employ skilled experts, technicians,  
13 investigators, special agents, or otherwise specially  
14 qualified persons to aid in preventing or detecting crime,  
15 apprehending criminals, or preparing and presenting  
16 evidence of violations of the criminal laws of the State;

17 (3) cooperate with the police of cities, villages, and  
18 incorporated towns, and with the police officers of any  
19 county, in enforcing the laws of the State and in making  
20 arrests;

21 (4) provide, as may be required by law, assistance to  
22 local law enforcement agencies through training,  
23 management, and consultant services for local law  
24 enforcement agencies, pertaining to law enforcement  
25 activities;

26 (5) exercise the rights, powers, and duties which have

1           been vested in it by the Secretary of State Act and this  
2           Code; and

3                   (6) enforce and administer any other laws in relation  
4           to law enforcement as may be vested in the Secretary of  
5           State Department of Police.

6           Persons within the Secretary of State Department of Police  
7           who exercise these powers are conservators of the peace and  
8           have all the powers possessed by policemen in municipalities  
9           and sheriffs, and may exercise these powers anywhere in the  
10          State in cooperation with local law enforcement officials.  
11          These persons may use false or fictitious names in the  
12          performance of their duties under this Section, upon approval  
13          of the Director of Police-Secretary of State, and shall not be  
14          subject to prosecution under the criminal laws for that use.

15          (e) The Secretary of State Department of Police may  
16          charge, collect, and receive fees or moneys equivalent to the  
17          cost of providing its personnel, equipment, and services to  
18          governmental agencies when explicitly requested by a  
19          governmental agency and according to an intergovernmental  
20          agreement or memorandums of understanding as provided by this  
21          Section, including but not limited to fees or moneys  
22          equivalent to the cost of providing training to other  
23          governmental agencies on terms and conditions that in the  
24          judgment of the Director of Police-Secretary of State are in  
25          the best interest of the Secretary of State. All fees received  
26          by the Secretary of State Police Department under this Act

1 shall be deposited in a special fund in the State Treasury to  
2 be known as the Secretary of State Police Services Fund. The  
3 money deposited in the Secretary of State Police Services Fund  
4 shall be appropriated to the Secretary of State Department of  
5 Police as provided for in subsection (g).

6 (f) The Secretary of State Department of Police may apply  
7 for grants or contracts and receive, expend, allocate, or  
8 disburse moneys made available by public or private entities,  
9 including, but not limited to, contracts, bequests, grants, or  
10 receiving equipment from corporations, foundations, or public  
11 or private institutions of higher learning.

12 (g) The Secretary of State Police Services Fund is hereby  
13 created as a special fund in the State Treasury. All moneys  
14 received under this Section by the Secretary of State  
15 Department of Police shall be deposited into the Secretary of  
16 State Police Services Fund to be appropriated to the Secretary  
17 of State Department of Police for purposes as indicated by the  
18 grantor or contractor or, in the case of moneys bequeathed or  
19 granted for no specific purpose, for any purpose as deemed  
20 appropriate by the Director of Police-Secretary of State in  
21 administering the responsibilities of the Secretary of State  
22 Department of Police.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 160. The Criminal Code of 2012 is amended by  
25 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,

1 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,  
2 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and  
3 adding Section 24-4.5 as follows:

4 (720 ILCS 5/2-7.1)

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

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

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

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

19 (720 ILCS 5/2-7.5)

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

1       (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
2       gun which expels a single globular projectile not exceeding  
3       .18 inch in diameter or which has a maximum muzzle velocity of  
4       less than 700 feet per second;

5       (1.1) any pneumatic gun, spring gun, paint ball gun, or  
6       B-B gun which expels breakable paint balls containing washable  
7       marking colors;

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

11       (3) any device used exclusively for the firing of stud  
12       cartridges, explosive rivets, or similar industrial  
13       ammunition; and

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

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

22       (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

23       Sec. 12-3.05. Aggravated battery.

24       (a) Offense based on injury. A person commits aggravated  
25       battery when, in committing a battery, other than by the

1 discharge of a firearm, he or she knowingly does any of the  
2 following:

3 (1) Causes great bodily harm or permanent disability  
4 or disfigurement.

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

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

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her  
19 official duties; or

20 (iii) battered in retaliation for performing his  
21 or her official duties.

22 (4) Causes great bodily harm or permanent disability  
23 or disfigurement to an individual 60 years of age or  
24 older.

25 (5) Strangles another individual.

26 (b) Offense based on injury to a child or person with an

1 intellectual disability. A person who is at least 18 years of  
2 age commits aggravated battery when, in committing a battery,  
3 he or she knowingly and without legal justification by any  
4 means:

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

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

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

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

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

25 (2) A person who is pregnant or has a physical  
26 disability.

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

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

9                   (i) performing his or her official duties;

10                   (ii) battered to prevent performance of his or her  
11           official duties; or

12                   (iii) battered in retaliation for performing his  
13           or her official duties.

14           (5) A judge, emergency management worker, emergency  
15           medical services personnel, or utility worker:

16                   (i) performing his or her official duties;

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

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

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

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

26           (8) A taxi driver on duty.

1           (9) A merchant who detains the person for an alleged  
2           commission of retail theft under Section 16-26 of this  
3           Code and the person without legal justification by any  
4           means causes bodily harm to the merchant.

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

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

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

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

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

1 to another person.

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

8 (i) performing his or her official duties;

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

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

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

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her  
19 official duties; or

20 (iii) battered in retaliation for performing his  
21 or her official duties.

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

1 purposes.

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

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

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her  
12 official duties; or

13 (iii) battered in retaliation for performing his  
14 or her official duties.

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

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her  
20 official duties; or

21 (iii) battered in retaliation for performing his  
22 or her official duties.

23 (8) Discharges a machine gun or a firearm equipped  
24 with a silencer, and causes any injury to a person he or  
25 she knows to be a teacher, or a student in a school, or a  
26 school employee, and the teacher, student, or employee is

1           upon school grounds or grounds adjacent to a school or in  
2           any part of a building used for school purposes.

3           (f) Offense based on use of a weapon or device. A person  
4           commits aggravated battery when, in committing a battery, he  
5           or she does any of the following:

6                   (1) Uses a deadly weapon other than by discharge of a  
7                   firearm, or uses an air rifle as defined in Section  
8                   24.8-0.1 of this Code.

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

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

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

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

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

1           (2) Knowingly administers to an individual or causes  
2           him or her to take, without his or her consent or by threat  
3           or deception, and for other than medical purposes, any  
4           intoxicating,       poisonous,       stupefying,       narcotic,  
5           anesthetic, or controlled substance, or gives to another  
6           person any food containing any substance or object  
7           intended to cause physical injury if eaten.

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

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

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

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

22          Aggravated battery as defined in subdivision (a)(1) is a  
23          Class 1 felony when the aggravated battery was intentional and  
24          involved the infliction of torture, as defined in paragraph  
25          (10) of subsection (b-5) of Section 5-8-1 of the Unified Code  
26          of Corrections, as the infliction of or subjection to extreme

1 physical pain, motivated by an intent to increase or prolong  
2 the pain, suffering, or agony of the victim.

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

9 Aggravated battery under subdivision (a)(5) is a Class 1  
10 felony if:

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

13 (B) the person caused great bodily harm or permanent  
14 disability or disfigurement to the other person while  
15 committing the offense; or

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

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

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

26 Aggravated battery as defined in subdivision (e)(5) is a

1 Class X felony for which a person shall be sentenced to a term  
2 of imprisonment of a minimum of 12 years and a maximum of 45  
3 years.

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

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

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

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

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

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

26 (i) Definitions. In this Section:

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

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

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

13 "Firearm" has the meaning provided under Section 2-7.5 of  
14 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
15 and does not include an air rifle as defined by Section  
16 24.8-0.1 of this Code.

17 "Machine gun" has the meaning ascribed to it in Section  
18 24-1 of this Code.

19 "Merchant" has the meaning ascribed to it in Section  
20 16-0.1 of this Code.

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

25 (Source: P.A. 103-51, eff. 1-1-24.)

1 (720 ILCS 5/16-0.1)

2 Sec. 16-0.1. Definitions. In this Article, unless the  
3 context clearly requires otherwise, the following terms are  
4 defined as indicated:

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

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

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

1 component, accessory or part of any communication device which  
2 is capable of facilitating the transmission, decryption,  
3 acquisition or reception of all such communications,  
4 transmissions, signals, or services.

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

21 "Communication service provider" means: (1) any person or  
22 entity providing any communication service, whether directly  
23 or indirectly, as a reseller, including, but not limited to, a  
24 cellular, paging or other wireless communications company or  
25 other person or entity which, for a fee, supplies the  
26 facility, cell site, mobile telephone switching office or

1 other equipment or communication service; (2) any person or  
2 entity owning or operating any cable television, fiber optic,  
3 satellite, telephone, wireless, microwave, radio, data  
4 transmission or Internet-based distribution network, system or  
5 facility; and (3) any person or entity providing any  
6 communication service directly or indirectly by or through any  
7 such distribution system, network or facility.

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

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

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

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

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

1 (1) An electronic funds transfer card.

2 (2) A credit card.

3 (3) A debit card.

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

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

14 (A) Obtaining money, cash refund or credit  
15 account, credit, goods, services, or any other thing  
16 of value.

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

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

1 "Full retail value" means the merchant's stated or  
2 advertised price of the merchandise. "Full retail value"  
3 includes the aggregate value of property obtained from retail  
4 thefts committed by the same person as part of a continuing  
5 course of conduct from one or more mercantile establishments  
6 in a single transaction or in separate transactions over a  
7 period of one year.

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

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

24 "Library facility" includes any public library or museum,  
25 or any library or museum of an educational, historical or  
26 eleemosynary institution, organization or society.

1 "Library material" includes any book, plate, picture,  
2 photograph, engraving, painting, sculpture, statue, artifact,  
3 drawing, map, newspaper, pamphlet, broadside, magazine,  
4 manuscript, document, letter, microfilm, sound recording,  
5 audiovisual material, magnetic or other tape, electronic data  
6 processing record or other documentary, written or printed  
7 material regardless of physical form or characteristics, or  
8 any part thereof, belonging to, or on loan to or otherwise in  
9 the custody of a library facility.

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

21 "Manufacture or assembly of an unlawful communication  
22 device" means to make, produce or assemble an unlawful  
23 communication or wireless device or to modify, alter, program  
24 or reprogram a communication or wireless device to be capable  
25 of acquiring, disrupting, receiving, transmitting, decrypting,  
26 or facilitating the acquisition, disruption, receipt,

1 transmission or decryption of, a communication service without  
2 the express consent or express authorization of the  
3 communication service provider, or to knowingly assist others  
4 in those activities.

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

10 "Merchandise" means any item of tangible personal  
11 property, including motor fuel.

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

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

25 "Online" means the use of any electronic or wireless  
26 device to access the Internet.

1 "Payment card" means a credit card, charge card, debit  
2 card, or any other card that is issued to an authorized card  
3 user and that allows the user to obtain, purchase, or receive  
4 goods, services, money, or anything else of value from a  
5 merchant.

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

12 "Personal identification document" means a birth  
13 certificate, a driver's license, a State identification card,  
14 a public, government, or private employment identification  
15 card, a social security card, a license issued under the  
16 Firearm Concealed Carry Act ~~firearm owner's identification~~  
17 ~~card~~, a credit card, a debit card, or a passport issued to or  
18 on behalf of a person other than the offender, or any document  
19 made or issued, or falsely purported to have been made or  
20 issued, by or under the authority of the United States  
21 Government, the State of Illinois, or any other state  
22 political subdivision of any state, or any other governmental  
23 or quasi-governmental organization that is of a type intended  
24 for the purpose of identification of an individual, or any  
25 such document made or altered in a manner that it falsely  
26 purports to have been made on behalf of or issued to another

1 person or by the authority of one who did not give that  
2 authority.

3 "Personal identifying information" means any of the  
4 following information:

5 (1) A person's name.

6 (2) A person's address.

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

8 (4) A person's telephone number.

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

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

14 (7) A person's public, private, or government  
15 employer, place of employment, or employment  
16 identification number.

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

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

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

25 (11) Personal identification numbers.

26 (12) Electronic identification numbers.

1           (13) Digital signals.

2           (14) User names, passwords, and any other word,  
3           number, character or combination of the same usable in  
4           whole or part to access information relating to a specific  
5           individual, or to the actions taken, communications made  
6           or received, or other activities or transactions of a  
7           specific individual.

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

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

19          "Public water, gas, or power supply, or other public  
20          services" mean any service subject to regulation by the  
21          Illinois Commerce Commission; any service furnished by a  
22          public utility that is owned and operated by any political  
23          subdivision, public institution of higher education or  
24          municipal corporation of this State; any service furnished by  
25          any public utility that is owned by such political  
26          subdivision, public institution of higher education, or

1 municipal corporation and operated by any of its lessees or  
2 operating agents; any service furnished by an electric  
3 cooperative as defined in Section 3.4 of the Electric Supplier  
4 Act; or wireless service or other service regulated by the  
5 Federal Communications Commission.

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

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

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

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

1 "Retail mercantile establishment" means any place where  
2 merchandise is displayed, held, stored or offered for sale to  
3 the public.

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

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

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

20 "Stored value card" means any card, gift card, instrument,  
21 or device issued with or without fee for the use of the  
22 cardholder to obtain money, goods, services, or anything else  
23 of value. Stored value cards include, but are not limited to,  
24 cards issued for use as a stored value card or gift card, and  
25 an account identification number or symbol used to identify a  
26 stored value card. "Stored value card" does not include a

1 prepaid card usable at multiple, unaffiliated merchants or at  
2 automated teller machines, or both. "Stored value card" shall  
3 only apply to Section 16-25.1 of this Act.

4 "Theft detection device remover" means any tool or device  
5 specifically designed and intended to be used to remove any  
6 theft detection device from any merchandise.

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

10 "Unidentified sound or audio visual recording" means a  
11 sound or audio visual recording without the actual name and  
12 full and correct street address of the manufacturer, and the  
13 name of the actual performers or groups prominently and  
14 legibly printed on the outside cover or jacket and on the label  
15 of such sound or audio visual recording.

16 "Unlawful access device" means any type of instrument,  
17 device, machine, equipment, technology, or software which is  
18 primarily possessed, used, designed, assembled, manufactured,  
19 sold, distributed or offered, promoted or advertised for the  
20 purpose of defeating or circumventing any technology, device  
21 or software, or any component or part thereof, used by the  
22 provider, owner or licensee of any communication service or of  
23 any data, audio or video programs or transmissions to protect  
24 any such communication, audio or video services, programs or  
25 transmissions from unauthorized access, acquisition, receipt,  
26 decryption, disclosure, communication, transmission or

1 re-transmission.

2 "Unlawful communication device" means any electronic  
3 serial number, mobile identification number, personal  
4 identification number or any communication or wireless device  
5 that is capable of acquiring or facilitating the acquisition  
6 of a communication service without the express consent or  
7 express authorization of the communication service provider,  
8 or that has been altered, modified, programmed or  
9 reprogrammed, alone or in conjunction with another  
10 communication or wireless device or other equipment, to so  
11 acquire or facilitate the unauthorized acquisition of a  
12 communication service. "Unlawful communication device" also  
13 means:

14 (1) any phone altered to obtain service without the  
15 express consent or express authorization of the  
16 communication service provider, tumbler phone, counterfeit  
17 or clone phone, tumbler microchip, counterfeit or clone  
18 microchip, scanning receiver of wireless communication  
19 service or other instrument capable of disguising its  
20 identity or location or of gaining unauthorized access to  
21 a communications or wireless system operated by a  
22 communication service provider; and

23 (2) any communication or wireless device which is  
24 capable of, or has been altered, designed, modified,  
25 programmed or reprogrammed, alone or in conjunction with  
26 another communication or wireless device or devices, so as

1 to be capable of, facilitating the disruption,  
2 acquisition, receipt, transmission or decryption of a  
3 communication service without the express consent or  
4 express authorization of the communication service  
5 provider, including, but not limited to, any device,  
6 technology, product, service, equipment, computer software  
7 or component or part thereof, primarily distributed, sold,  
8 designed, assembled, manufactured, modified, programmed,  
9 reprogrammed or used for the purpose of providing the  
10 unauthorized receipt of, transmission of, disruption of,  
11 decryption of, access to or acquisition of any  
12 communication service provided by any communication  
13 service provider.

14 "Vehicle" means a motor vehicle, motorcycle, or farm  
15 implement that is self-propelled and that uses motor fuel for  
16 propulsion.

17 "Wireless device" includes any type of instrument, device,  
18 machine, or equipment that is capable of transmitting or  
19 receiving telephonic, electronic or radio communications, or  
20 any part of such instrument, device, machine, or equipment, or  
21 any computer circuit, computer chip, electronic mechanism, or  
22 other component that is capable of facilitating the  
23 transmission or reception of telephonic, electronic, or radio  
24 communications.

25 (Source: P.A. 102-757, eff. 5-13-22.)

1 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

2 Sec. 17-30. Defaced, altered, or removed manufacturer or  
3 owner identification number.

4 (a) Unlawful sale of household appliances. A person  
5 commits unlawful sale of household appliances when he or she  
6 knowingly, with the intent to defraud or deceive another,  
7 keeps for sale, within any commercial context, any household  
8 appliance with a missing, defaced, obliterated, or otherwise  
9 altered manufacturer's identification number.

10 (b) Construction equipment identification defacement. A  
11 person commits construction equipment identification  
12 defacement when he or she knowingly changes, alters, removes,  
13 mutilates, or obliterates a permanently affixed serial number,  
14 product identification number, part number, component  
15 identification number, owner-applied identification, or other  
16 mark of identification attached to or stamped, inscribed,  
17 molded, or etched into a machine or other equipment, whether  
18 stationary or mobile or self-propelled, or a part of such  
19 machine or equipment, used in the construction, maintenance,  
20 or demolition of buildings, structures, bridges, tunnels,  
21 sewers, utility pipes or lines, ditches or open cuts, roads,  
22 highways, dams, airports, or waterways or in material handling  
23 for such projects.

24 The trier of fact may infer that the defendant has  
25 knowingly changed, altered, removed, or obliterated the serial  
26 number, product identification number, part number, component

1 identification number, owner-applied identification number, or  
2 other mark of identification, if the defendant was in  
3 possession of any machine or other equipment or a part of such  
4 machine or equipment used in the construction, maintenance, or  
5 demolition of buildings, structures, bridges, tunnels, sewers,  
6 utility pipes or lines, ditches or open cuts, roads, highways,  
7 dams, airports, or waterways or in material handling for such  
8 projects upon which any such serial number, product  
9 identification number, part number, component identification  
10 number, owner-applied identification number, or other mark of  
11 identification has been changed, altered, removed, or  
12 obliterated.

13 (c) Defacement of manufacturer's serial number or  
14 identification mark. A person commits defacement of a  
15 manufacturer's serial number or identification mark when he or  
16 she knowingly removes, alters, defaces, covers, or destroys  
17 the manufacturer's serial number or any other manufacturer's  
18 number or distinguishing identification mark upon any machine  
19 or other article of merchandise, other than a motor vehicle as  
20 defined in Section 1-146 of the Illinois Vehicle Code or a  
21 firearm ~~as defined in the Firearm Owners Identification Card~~  
22 ~~Act~~, with the intent of concealing or destroying the identity  
23 of such machine or other article of merchandise.

24 (d) Sentence.

25 (1) A violation of subsection (a) of this Section is a  
26 Class 4 felony if the value of the appliance or appliances

1 exceeds \$1,000 and a Class B misdemeanor if the value of  
2 the appliance or appliances is \$1,000 or less.

3 (2) A violation of subsection (b) of this Section is a  
4 Class A misdemeanor.

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

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

9 (f) Definitions. In this Section:

10 "Commercial context" means a continuing business  
11 enterprise conducted for profit by any person whose primary  
12 business is the wholesale or retail marketing of household  
13 appliances, or a significant portion of whose business or  
14 inventory consists of household appliances kept or sold on a  
15 wholesale or retail basis.

16 "Household appliance" means any gas or electric device or  
17 machine marketed for use as home entertainment or for  
18 facilitating or expediting household tasks or chores. The term  
19 shall include but not necessarily be limited to refrigerators,  
20 freezers, ranges, radios, television sets, vacuum cleaners,  
21 toasters, dishwashers, and other similar household items.

22 "Manufacturer's identification number" means any serial  
23 number or other similar numerical or alphabetical designation  
24 imprinted upon or attached to or placed, stamped, or otherwise  
25 imprinted upon or attached to a household appliance or item by  
26 the manufacturer for purposes of identifying a particular

1 appliance or item individually or by lot number.

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

3 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

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

22 (2.5) Carries or possesses with intent to use the same  
23 unlawfully against another, any firearm in a church,  
24 synagogue, mosque, or other building, structure, or place  
25 used for religious worship; or

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

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

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

17                 (ii) are not immediately accessible; or

18                 (iii) are unloaded and enclosed in a case, firearm  
19                 carrying box, shipping box, or other container by a  
20                 person eligible under State and federal law to possess  
21                 a firearm ~~who has been issued a currently valid~~  
22                 ~~Firearm 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; or

1 (5) Sets a spring gun; or

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

5 (7) Sells, manufactures, purchases, possesses or  
6 carries:

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

19 (ii) any rifle having one or more barrels less  
20 than 16 inches in length or a shotgun having one or  
21 more barrels less than 18 inches in length or any  
22 weapon made from a rifle or shotgun, whether by  
23 alteration, modification, or otherwise, if such a  
24 weapon as modified has an overall length of less than  
25 26 inches; or

26 (iii) any bomb, bomb-shell, grenade, bottle or

1 other container containing an explosive substance of  
2 over one-quarter ounce for like purposes, such as, but  
3 not limited to, black powder bombs and Molotov  
4 cocktails or artillery projectiles; or

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

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

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

22 (10) Carries or possesses on or about his or her  
23 person, upon any public street, alley, or other public  
24 lands within the corporate limits of a city, village, or  
25 incorporated town, except when an invitee thereon or  
26 therein, for the purpose of the display of such weapon or

1 the lawful commerce in weapons, or except when on his land  
2 or in his or her own abode, legal dwelling, or fixed place  
3 of business, or on the land or in the legal dwelling of  
4 another person as an invitee with that person's  
5 permission, any pistol, revolver, stun gun, or taser or  
6 other firearm, except that this subsection (a)(10) does  
7 not apply to or affect transportation of weapons that meet  
8 one of the following conditions:

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

10 (ii) are not immediately accessible; or

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

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

20 A "stun gun or taser", as used in this paragraph (a)  
21 means (i) any device which is powered by electrical  
22 charging units, such as, batteries, and which fires one or  
23 several barbs attached to a length of wire and which, upon  
24 hitting a human, can send out a current capable of  
25 disrupting the person's nervous system in such a manner as  
26 to render him incapable of normal functioning or (ii) any

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

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

18 (12) (Blank); or

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

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

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

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

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

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

9 (c) Violations in specific places.

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

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

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

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development  
4 commits a Class 3 felony.

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

1 commits a Class 4 felony. "Courthouse" means any building  
2 that is used by the Circuit, Appellate, or Supreme Court  
3 of this State for the conduct of official business.

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

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

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

24 (d) The presence in an automobile other than a public  
25 omnibus of any weapon, instrument or substance referred to in  
26 subsection (a)(7) is prima facie evidence that it is in the

1 possession of, and is being carried by, all persons occupying  
2 such automobile at the time such weapon, instrument or  
3 substance is found, except under the following circumstances:

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

10 (e) Exemptions.

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

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

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

3 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

1 minor for the commission of an offense that if committed by an  
2 adult would be a felony, in which case the person may petition  
3 the circuit court in writing in the county of his or her  
4 residence for a hearing and relief from the prohibition. The  
5 Director or court may grant the relief if it is established by  
6 the petitioner to the court's or Director's satisfaction that:

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

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

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

24 (4) granting relief would not be contrary to the  
25 public interest; and

26 (5) granting relief would not be contrary to federal

1       law.

2       (b) It is unlawful for any person confined in a penal  
3 institution, which is a facility of the Illinois Department of  
4 Corrections, to possess any weapon prohibited under Section  
5 24-1 of this Code or any firearm or firearm ammunition,  
6 regardless of the intent with which he possesses it.

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

11       (d) The defense of necessity is not available to a person  
12 who is charged with a violation of subsection (b) of this  
13 Section.

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

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

1 and separate violation.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

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

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

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

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

24 (D) the person possessing the weapon was  
25 previously adjudicated a delinquent minor under the  
26 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

2 (E) the person possessing the weapon was engaged  
3 in a misdemeanor violation of the Cannabis Control  
4 Act, in a misdemeanor violation of the Illinois  
5 Controlled Substances Act, or in a misdemeanor  
6 violation of the Methamphetamine Control and Community  
7 Protection Act; or

8 (F) (blank); or

9 (G) the person possessing the weapon had an order  
10 of protection issued against him or her within the  
11 previous 2 years; or

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

16 (I) the person possessing the weapon was under 21  
17 years of age and in possession of a handgun, unless the  
18 person under 21 is engaged in lawful activities under  
19 the Wildlife Code or described in subsection  
20 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

1 (i) are broken down in a non-functioning state; or  
2 (ii) are not immediately accessible; or  
3 (iii) are unloaded and enclosed in a case, firearm  
4 carrying box, shipping box, or other container by a person  
5 is eligible under State and federal law to possess a  
6 firearm ~~who has been issued a currently valid Firearm~~  
7 ~~Owner's Identification Card.~~

8 (d) Sentence.

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

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

24 (3) Aggravated unlawful use of a weapon by a person  
25 who has been previously convicted of a felony in this  
26 State or another jurisdiction is a Class 2 felony for

1           which the person shall be sentenced to a term of  
2           imprisonment of not less than 3 years and not more than 7  
3           years, except as provided for in Section 5-4.5-110 of the  
4           Unified Code of Corrections.

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

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

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

15                 (720 ILCS 5/24-1.8)

16                 Sec. 24-1.8. Unlawful possession of a firearm by a street  
17                 gang member.

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

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

1 is a member of a street gang; or

2 (2) possesses or carries in any vehicle a firearm and  
3 firearm ammunition which are both immediately accessible  
4 at the time of the offense while on any street, road,  
5 alley, or any other lands, except when inside his or her  
6 own abode or garage, ~~and has not been issued a currently~~  
7 ~~valid Firearm Owner's Identification Card~~ and is a member  
8 of a street gang.

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

19 (c) For purposes of this Section:

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

23 "Street gang member" or "gang member" has the meaning  
24 ascribed to it in Section 10 of the Illinois Streetgang  
25 Terrorism Omnibus Prevention Act.

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

1 (720 ILCS 5/24-1.9)

2 Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
3 purchase of assault weapons, .50 caliber rifles, and .50  
4 caliber cartridges.

5 (a) Definitions. In this Section:

6 (1) "Assault weapon" means any of the following, except as  
7 provided in subdivision (2) of this subsection:

8 (A) A semiautomatic rifle that has the capacity to  
9 accept a detachable magazine or that may be readily  
10 modified to accept a detachable magazine, if the firearm  
11 has one or more of the following:

12 (i) a pistol grip or thumbhole stock;

13 (ii) any feature capable of functioning as a  
14 protruding grip that can be held by the non-trigger  
15 hand;

16 (iii) a folding, telescoping, thumbhole, or  
17 detachable stock, or a stock that is otherwise  
18 foldable or adjustable in a manner that operates to  
19 reduce the length, size, or any other dimension, or  
20 otherwise enhances the concealability of, the weapon;

21 (iv) a flash suppressor;

22 (v) a grenade launcher;

23 (vi) a shroud attached to the barrel or that  
24 partially or completely encircles the barrel, allowing  
25 the bearer to hold the firearm with the non-trigger

1 hand without being burned, but excluding a slide that  
2 encloses the barrel.

3 (B) A semiautomatic rifle that has a fixed magazine  
4 with the capacity to accept more than 10 rounds, except  
5 for an attached tubular device designed to accept, and  
6 capable of operating only with, .22 caliber rimfire  
7 ammunition.

8 (C) A semiautomatic pistol that has the capacity to  
9 accept a detachable magazine or that may be readily  
10 modified to accept a detachable magazine, if the firearm  
11 has one or more of the following:

12 (i) a threaded barrel;

13 (ii) a second pistol grip or another feature  
14 capable of functioning as a protruding grip that can  
15 be held by the non-trigger hand;

16 (iii) a shroud attached to the barrel or that  
17 partially or completely encircles the barrel, allowing  
18 the bearer to hold the firearm with the non-trigger  
19 hand without being burned, but excluding a slide that  
20 encloses the barrel;

21 (iv) a flash suppressor;

22 (v) the capacity to accept a detachable magazine  
23 at some location outside of the pistol grip; or

24 (vi) a buffer tube, arm brace, or other part that  
25 protrudes horizontally behind the pistol grip and is  
26 designed or redesigned to allow or facilitate a

1 firearm to be fired from the shoulder.

2 (D) A semiautomatic pistol that has a fixed magazine  
3 with the capacity to accept more than 15 rounds.

4 (E) Any shotgun with a revolving cylinder.

5 (F) A semiautomatic shotgun that has one or more of  
6 the following:

7 (i) a pistol grip or thumbhole stock;

8 (ii) any feature capable of functioning as a  
9 protruding grip that can be held by the non-trigger  
10 hand;

11 (iii) a folding or thumbhole stock;

12 (iv) a grenade launcher;

13 (v) a fixed magazine with the capacity of more  
14 than 5 rounds; or

15 (vi) the capacity to accept a detachable magazine.

16 (G) Any semiautomatic firearm that has the capacity to  
17 accept a belt ammunition feeding device.

18 (H) Any firearm that has been modified to be operable  
19 as an assault weapon as defined in this Section.

20 (I) Any part or combination of parts designed or  
21 intended to convert a firearm into an assault weapon,  
22 including any combination of parts from which an assault  
23 weapon may be readily assembled if those parts are in the  
24 possession or under the control of the same person.

25 (J) All of the following rifles, copies, duplicates,  
26 variants, or altered facsimiles with the capability of any

1 such weapon:

2 (i) All AK types, including the following:

3 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,  
4 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms  
5 AK-47, VEPR, WASR-10, and WUM.

6 (II) IZHMAASH Saiga AK.

7 (III) MAADI AK47 and ARM.

8 (IV) Norinco 56S, 56S2, 84S, and 86S.

9 (V) Poly Technologies AK47 and AKS.

10 (VI) SKS with a detachable magazine.

11 (ii) all AR types, including the following:

12 (I) AR-10.

13 (II) AR-15.

14 (III) Alexander Arms Overmatch Plus 16.

15 (IV) Armalite M15 22LR Carbine.

16 (V) Armalite M15-T.

17 (VI) Barrett REC7.

18 (VII) Beretta AR-70.

19 (VIII) Black Rain Ordnance Recon Scout.

20 (IX) Bushmaster ACR.

21 (X) Bushmaster Carbon 15.

22 (XI) Bushmaster MOE series.

23 (XII) Bushmaster XM15.

24 (XIII) Chiappa Firearms MFour rifles.

25 (XIV) Colt Match Target rifles.

26 (XV) CORE Rifle Systems CORE15 rifles.

- 1 (XVI) Daniel Defense M4A1 rifles.
- 2 (XVII) Devil Dog Arms 15 Series rifles.
- 3 (XVIII) Diamondback DB15 rifles.
- 4 (XIX) DoubleStar AR rifles.
- 5 (XX) DPMS Tactical rifles.
- 6 (XXI) DSA Inc. ZM-4 Carbine.
- 7 (XXII) Heckler & Koch MR556.
- 8 (XXIII) High Standard HSA-15 rifles.
- 9 (XXIV) Jesse James Nomad AR-15 rifle.
- 10 (XXV) Knight's Armament SR-15.
- 11 (XXVI) Lancer L15 rifles.
- 12 (XXVII) MGI Hydra Series rifles.
- 13 (XXVIII) Mossberg MMR Tactical rifles.
- 14 (XXIX) Noreen Firearms BN 36 rifle.
- 15 (XXX) Olympic Arms.
- 16 (XXXI) POF USA P415.
- 17 (XXXII) Precision Firearms AR rifles.
- 18 (XXXIII) Remington R-15 rifles.
- 19 (XXXIV) Rhino Arms AR rifles.
- 20 (XXXV) Rock River Arms LAR-15 or Rock River  
21 Arms LAR-47.
- 22 (XXXVI) Sig Sauer SIG516 rifles and MCX  
23 rifles.
- 24 (XXXVII) Smith & Wesson M&P15 rifles.
- 25 (XXXVIII) Stag Arms AR rifles.
- 26 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556

1 rifles.

2 (XL) Uselton Arms Air-Lite M-4 rifles.

3 (XLI) Windham Weaponry AR rifles.

4 (XLII) WMD Guns Big Beast.

5 (XLIII) Yankee Hill Machine Company, Inc.

6 YHM-15 rifles.

7 (iii) Barrett M107A1.

8 (iv) Barrett M82A1.

9 (v) Beretta CX4 Storm.

10 (vi) Calico Liberty Series.

11 (vii) CETME Sporter.

12 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and

13 AR 110C.

14 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22

15 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.

16 (x) Feather Industries AT-9.

17 (xi) Galil Model AR and Model ARM.

18 (xii) Hi-Point Carbine.

19 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.

20 (xiv) IWI TAVOR, Galil ACE rifle.

21 (xv) Kel-Tec Sub-2000, SU-16, and RFB.

22 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig

23 Sauer SG 551, and SIG MCX.

24 (xvii) Springfield Armory SAR-48.

25 (xviii) Steyr AUG.

26 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle

1 M-14/20CF.

2 (xx) All Thompson rifles, including the following:

3 (I) Thompson M1SB.

4 (II) Thompson T1100D.

5 (III) Thompson T150D.

6 (IV) Thompson T1B.

7 (V) Thompson T1B100D.

8 (VI) Thompson T1B50D.

9 (VII) Thompson T1BSB.

10 (VIII) Thompson T1-C.

11 (IX) Thompson T1D.

12 (X) Thompson T1SB.

13 (XI) Thompson T5.

14 (XII) Thompson T5100D.

15 (XIII) Thompson TM1.

16 (XIV) Thompson TM1C.

17 (xxi) UMAREX UZI rifle.

18 (xxii) UZI Mini Carbine, UZI Model A Carbine, and  
19 UZI Model B Carbine.

20 (xxiii) Valmet M62S, M71S, and M78.

21 (xxiv) Vector Arms UZI Type.

22 (xxv) Weaver Arms Nighthawk.

23 (xxvi) Wilkinson Arms Linda Carbine.

24 (K) All of the following pistols, copies, duplicates,  
25 variants, or altered facsimiles with the capability of any  
26 such weapon thereof:

- 1 (i) All AK types, including the following:
- 2 (I) Centurion 39 AK pistol.
- 3 (II) CZ Scorpion pistol.
- 4 (III) Draco AK-47 pistol.
- 5 (IV) HCR AK-47 pistol.
- 6 (V) IO Inc. Hellpup AK-47 pistol.
- 7 (VI) Krinkov pistol.
- 8 (VII) Mini Draco AK-47 pistol.
- 9 (VIII) PAP M92 pistol.
- 10 (IX) Yugo Krebs Krink pistol.
- 11 (ii) All AR types, including the following:
- 12 (I) American Spirit AR-15 pistol.
- 13 (II) Bushmaster Carbon 15 pistol.
- 14 (III) Chiappa Firearms M4 Pistol GEN II.
- 15 (IV) CORE Rifle Systems CORE15 Roscoe pistol.
- 16 (V) Daniel Defense MK18 pistol.
- 17 (VI) DoubleStar Corporation AR pistol.
- 18 (VII) DPMS AR-15 pistol.
- 19 (VIII) Jesse James Nomad AR-15 pistol.
- 20 (IX) Olympic Arms AR-15 pistol.
- 21 (X) Osprey Armament MK-18 pistol.
- 22 (XI) POF USA AR pistols.
- 23 (XII) Rock River Arms LAR 15 pistol.
- 24 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 25 (iii) Calico pistols.
- 26 (iv) DSA SA58 PKP FAL pistol.

- 1 (v) Encom MP-9 and MP-45.
- 2 (vi) Heckler & Koch model SP-89 pistol.
- 3 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and  
4 TEC-DC9.
- 5 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 6 (ix) Kel-Tec PLR 16 pistol.
- 7 (x) All MAC types, including the following:
- 8 (I) MAC-10.
- 9 (II) MAC-11.
- 10 (III) Masterpiece Arms MPA A930 Mini Pistol,  
11 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini  
12 Tactical Pistol.
- 13 (IV) Military Armament Corp. Ingram M-11.
- 14 (V) Velocity Arms VMAC.
- 15 (xi) Sig Sauer P556 pistol.
- 16 (xii) Sites Spectre.
- 17 (xiii) All Thompson types, including the  
18 following:
- 19 (I) Thompson TA510D.
- 20 (II) Thompson TA5.
- 21 (xiv) All UZI types, including Micro-UZI.
- 22 (L) All of the following shotguns, copies, duplicates,  
23 variants, or altered facsimiles with the capability of any  
24 such weapon thereof:
- 25 (i) DERYA Anakon MC-1980, Anakon SD12.
- 26 (ii) Doruk Lethal shotguns.

- 1 (iii) Franchi LAW-12 and SPAS 12.
- 2 (iv) All IZHMASH Saiga 12 types, including the
- 3 following:
- 4 (I) IZHMASH Saiga 12.
- 5 (II) IZHMASH Saiga 12S.
- 6 (III) IZHMASH Saiga 12S EXP-01.
- 7 (IV) IZHMASH Saiga 12K.
- 8 (V) IZHMASH Saiga 12K-030.
- 9 (VI) IZHMASH Saiga 12K-040 Taktika.
- 10 (v) Streetsweeper.
- 11 (vi) Striker 12.
- 12 (2) "Assault weapon" does not include:
- 13 (A) Any firearm that is an unserviceable firearm or
- 14 has been made permanently inoperable.
- 15 (B) An antique firearm or a replica of an antique
- 16 firearm.
- 17 (C) A firearm that is manually operated by bolt, pump,
- 18 lever or slide action, unless the firearm is a shotgun
- 19 with a revolving cylinder.
- 20 (D) Any air rifle as defined in Section 24.8-0.1 of
- 21 this Code.
- 22 (E) Any handgun, as defined under the Firearm
- 23 Concealed Carry Act, unless otherwise listed in this
- 24 Section.
- 25 (3) "Assault weapon attachment" means any device capable
- 26 of being attached to a firearm that is specifically designed

1 for making or converting a firearm into any of the firearms  
2 listed in paragraph (1) of this subsection (a).

3 (4) "Antique firearm" has the meaning ascribed to it in 18  
4 U.S.C. 921(a)(16).

5 (5) ".50 caliber rifle" means a centerfire rifle capable  
6 of firing a .50 caliber cartridge. The term does not include  
7 any antique firearm, any shotgun including a shotgun that has  
8 a rifle barrel, or any muzzle-loader which uses black powder  
9 for hunting or historical reenactments.

10 (6) ".50 caliber cartridge" means a cartridge in .50 BMG  
11 caliber, either by designation or actual measurement, that is  
12 capable of being fired from a centerfire rifle. The term ".50  
13 caliber cartridge" does not include any memorabilia or display  
14 item that is filled with a permanent inert substance or that is  
15 otherwise permanently altered in a manner that prevents ready  
16 modification for use as live ammunition or shotgun ammunition  
17 with a caliber measurement that is equal to or greater than .50  
18 caliber.

19 (7) "Detachable magazine" means an ammunition feeding  
20 device that may be removed from a firearm without disassembly  
21 of the firearm action, including an ammunition feeding device  
22 that may be readily removed from a firearm with the use of a  
23 bullet, cartridge, accessory, or other tool, or any other  
24 object that functions as a tool, including a bullet or  
25 cartridge.

26 (8) "Fixed magazine" means an ammunition feeding device

1 that is permanently attached to a firearm, or contained in and  
2 not removable from a firearm, or that is otherwise not a  
3 detachable magazine, but does not include an attached tubular  
4 device designed to accept, and capable of operating only with,  
5 .22 caliber rimfire ammunition.

6 (b) Except as provided in subsections (c), (d), and (e),  
7 on or after January 10, 2023 (the effective date of Public Act  
8 102-1116) ~~this amendatory Act of the 102nd General Assembly,~~  
9 it is unlawful for any person within this State to knowingly  
10 manufacture, deliver, sell, import, or purchase or cause to be  
11 manufactured, delivered, sold, imported, or purchased by  
12 another, an assault weapon, assault weapon attachment, .50  
13 caliber rifle, or .50 caliber cartridge.

14 (c) Except as otherwise provided in subsection (d),  
15 beginning January 1, 2024, it is unlawful for any person  
16 within this State to knowingly possess an assault weapon,  
17 assault weapon attachment, .50 caliber rifle, or .50 caliber  
18 cartridge.

19 (d) This Section does not apply to a person's possession  
20 of an assault weapon, assault weapon attachment, .50 caliber  
21 rifle, or .50 caliber cartridge device if the person lawfully  
22 possessed that assault weapon, assault weapon attachment, .50  
23 caliber rifle, or .50 caliber cartridge prohibited by  
24 subsection (c) of this Section, if the person has provided in  
25 an endorsement affidavit, prior to January 1, 2024, under oath  
26 or affirmation and in the form and manner prescribed by the

1 Illinois State Police, no later than October 1, 2023:

2 (1) (blank) ~~the affiant's Firearm Owner's~~  
3 ~~Identification Card number;~~

4 (2) an affirmation that the affiant: (i) possessed an  
5 assault weapon, assault weapon attachment, .50 caliber  
6 rifle, or .50 caliber cartridge before January 10, 2023  
7 (the effective date of Public Act 102-1116) ~~this~~  
8 ~~amendatory Act of the 102nd General Assembly;~~ or (ii)  
9 inherited the assault weapon, assault weapon attachment,  
10 .50 caliber rifle, or .50 caliber cartridge from a person  
11 with an endorsement under this Section or from a person  
12 authorized under subdivisions (1) through (5) of  
13 subsection (e) to possess the assault weapon, assault  
14 weapon attachment, .50 caliber rifle, or .50 caliber  
15 cartridge; and

16 (3) the make, model, caliber, and serial number of the  
17 .50 caliber rifle or assault weapon or assault weapons  
18 listed in paragraphs (J), (K), and (L) of subdivision (1)  
19 of subsection (a) of this Section possessed by the affiant  
20 prior to January 10, 2023 (the effective date of Public  
21 Act 102-1116) ~~this amendatory Act of the 102nd General~~  
22 ~~Assembly~~ and any assault weapons identified and published  
23 by the Illinois State Police pursuant to this subdivision  
24 (3). No later than October 1, 2023, and every October 1  
25 thereafter, the Illinois State Police shall, via  
26 rulemaking, identify, publish, and make available on its

1 website, the list of assault weapons subject to an  
2 endorsement affidavit under this subsection (d). The list  
3 shall identify, but is not limited to, the copies,  
4 duplicates, variants, and altered facsimiles of the  
5 assault weapons identified in paragraphs (J), (K), and (L)  
6 of subdivision (1) of subsection (a) of this Section and  
7 shall be consistent with the definition of "assault  
8 weapon" identified in this Section. The Illinois State  
9 Police may adopt emergency rulemaking in accordance with  
10 Section 5-45 of the Illinois Administrative Procedure Act.  
11 The adoption of emergency rules authorized by Section 5-45  
12 of the Illinois Administrative Procedure Act and this  
13 paragraph is deemed to be necessary for the public  
14 interest, safety, and welfare.

15 The affidavit form shall include the following statement  
16 printed in bold type: "Warning: Entering false information on  
17 this form is punishable as perjury under Section 32-2 of the  
18 Criminal Code of 2012. ~~Entering false information on this form  
19 is a violation of the Firearm Owners Identification Card Act."~~

20 In any administrative, civil, or criminal proceeding in  
21 this State, a completed endorsement affidavit submitted to the  
22 Illinois State Police by a person under this Section creates a  
23 rebuttable presumption that the person is entitled to possess  
24 and transport the assault weapon, assault weapon attachment,  
25 .50 caliber rifle, or .50 caliber cartridge.

26 Beginning 90 days after January 10, 2023 (the effective

1 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~  
2 ~~General Assembly~~, a person authorized under this Section to  
3 possess an assault weapon, assault weapon attachment, .50  
4 caliber rifle, or .50 caliber cartridge shall possess such  
5 items only:

6 (1) on private property owned or immediately  
7 controlled by the person;

8 (2) on private property that is not open to the public  
9 with the express permission of the person who owns or  
10 immediately controls such property;

11 (3) while on the premises of a licensed firearms  
12 dealer or gunsmith for the purpose of lawful repair;

13 (4) while engaged in the legal use of the assault  
14 weapon, assault weapon attachment, .50 caliber rifle, or  
15 .50 caliber cartridge at a properly licensed firing range  
16 or sport shooting competition venue; or

17 (5) while traveling to or from these locations,  
18 provided that the assault weapon, assault weapon  
19 attachment, or .50 caliber rifle is unloaded and the  
20 assault weapon, assault weapon attachment, .50 caliber  
21 rifle, or .50 caliber cartridge is enclosed in a case,  
22 firearm carrying box, shipping box, or other container.

23 Beginning on January 1, 2024, the person with the  
24 endorsement for an assault weapon, assault weapon attachment,  
25 .50 caliber rifle, or .50 caliber cartridge or a person  
26 authorized under subdivisions (1) through (5) of subsection

1 (e) to possess an assault weapon, assault weapon attachment,  
2 .50 caliber rifle, or .50 caliber cartridge may transfer the  
3 assault weapon, assault weapon attachment, .50 caliber rifle,  
4 or .50 caliber cartridge only to an heir, an individual  
5 residing in another state maintaining it in another state, or  
6 a dealer licensed as a federal firearms dealer under Section  
7 923 of the federal Gun Control Act of 1968. Within 10 days  
8 after transfer of the weapon except to an heir, the person  
9 shall notify the Illinois State Police of the name and address  
10 of the transferee ~~and comply with the requirements of~~  
11 ~~subsection (b) of Section 3 of the Firearm Owners~~  
12 ~~Identification Card Act.~~ The person to whom the weapon or  
13 ammunition is transferred shall, within 60 days of the  
14 transfer, complete an affidavit required under this Section. A  
15 person to whom the weapon is transferred may transfer it only  
16 as provided in this subsection.

17 Except as provided in subsection (e) and beginning on  
18 January 1, 2024, any person who moves into this State in  
19 possession of an assault weapon, assault weapon attachment,  
20 .50 caliber rifle, or .50 caliber cartridge shall, within 60  
21 days, ~~apply for a Firearm Owners Identification Card and~~  
22 complete an endorsement application as outlined in subsection  
23 (d).

24 Notwithstanding any other law, information contained in  
25 the endorsement affidavit shall be confidential, is exempt  
26 from disclosure under the Freedom of Information Act, and

1 shall not be disclosed, except to law enforcement agencies  
2 acting in the performance of their duties.

3 (e) The provisions of this Section regarding the purchase  
4 or possession of assault weapons, assault weapon attachments,  
5 .50 caliber rifles, and .50 cartridges, as well as the  
6 provisions of this Section that prohibit causing those items  
7 to be purchased or possessed, do not apply to:

8 (1) Peace officers, as defined in Section 2-13 of this  
9 Code.

10 (2) Qualified law enforcement officers and qualified  
11 retired law enforcement officers as defined in the Law  
12 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
13 and 926C) and as recognized under Illinois law.

14 (3) Acquisition and possession by a federal, State, or  
15 local law enforcement agency for the purpose of equipping  
16 the agency's peace officers as defined in paragraph (1) or  
17 (2) of this subsection (e).

18 (4) Wardens, superintendents, and keepers of prisons,  
19 penitentiaries, jails, and other institutions for the  
20 detention of persons accused or convicted of an offense.

21 (5) Members of the Armed Services or Reserve Forces of  
22 the United States or the Illinois National Guard, while  
23 performing their official duties or while traveling to or  
24 from their places of duty.

25 (6) Any company that employs armed security officers  
26 in this State at a nuclear energy, storage, weapons, or

1 development site or facility regulated by the federal  
2 Nuclear Regulatory Commission and any person employed as  
3 an armed security force member at a nuclear energy,  
4 storage, weapons, or development site or facility  
5 regulated by the federal Nuclear Regulatory Commission who  
6 has completed the background screening and training  
7 mandated by the rules and regulations of the federal  
8 Nuclear Regulatory Commission and while performing  
9 official duties.

10 (7) Any private security contractor agency licensed  
11 under the Private Detective, Private Alarm, Private  
12 Security, Fingerprint Vendor, and Locksmith Act of 2004  
13 that employs private security contractors and any private  
14 security contractor who is licensed and has been issued a  
15 firearm control card under the Private Detective, Private  
16 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
17 Act of 2004 while performing official duties.

18 The provisions of this Section do not apply to the  
19 manufacture, delivery, sale, import, purchase, or possession  
20 of an assault weapon, assault weapon attachment, .50 caliber  
21 rifle, or .50 caliber cartridge or causing the manufacture,  
22 delivery, sale, importation, purchase, or possession of those  
23 items:

24 (A) for sale or transfer to persons authorized under  
25 subdivisions (1) through (7) of this subsection (e) to  
26 possess those items;

1 (B) for sale or transfer to the United States or any  
2 department or agency thereof; or

3 (C) for sale or transfer in another state or for  
4 export.

5 This Section does not apply to or affect any of the  
6 following:

7 (i) Possession of any firearm if that firearm is  
8 sanctioned by the International Olympic Committee and by  
9 USA Shooting, the national governing body for  
10 international shooting competition in the United States,  
11 but only when the firearm is in the actual possession of an  
12 Olympic target shooting competitor or target shooting  
13 coach for the purpose of storage, transporting to and from  
14 Olympic target shooting practice or events if the firearm  
15 is broken down in a nonfunctioning state, is not  
16 immediately accessible, or is unloaded and enclosed in a  
17 firearm case, carrying box, shipping box, or other similar  
18 portable container designed for the safe transportation of  
19 firearms, and when the Olympic target shooting competitor  
20 or target shooting coach is engaging in those practices or  
21 events. For the purposes of this paragraph (8), "firearm"  
22 has the meaning provided in Section 2-7.5 ~~1.1 of the~~  
23 ~~Firearm Owners Identification Card Act.~~

24 (ii) Any nonresident who transports, within 24 hours,  
25 a weapon for any lawful purpose from any place where the  
26 nonresident may lawfully possess and carry that weapon to

1 any other place where the nonresident may lawfully possess  
2 and carry that weapon if, during the transportation, the  
3 weapon is unloaded, and neither the weapon nor any  
4 ammunition being transported is readily accessible or is  
5 directly accessible from the passenger compartment of the  
6 transporting vehicle. In the case of a vehicle without a  
7 compartment separate from the driver's compartment, the  
8 weapon or ammunition shall be contained in a locked  
9 container other than the glove compartment or console.

10 (iii) Possession of a weapon at an event taking place  
11 at the World Shooting and Recreational Complex at Sparta,  
12 only while engaged in the legal use of the weapon, or while  
13 traveling to or from that location if the weapon is broken  
14 down in a nonfunctioning state, is not immediately  
15 accessible, or is unloaded and enclosed in a firearm case,  
16 carrying box, shipping box, or other similar portable  
17 container designed for the safe transportation of  
18 firearms.

19 (iv) Possession of a weapon only for hunting use  
20 expressly permitted under the Wildlife Code, or while  
21 traveling to or from a location authorized for this  
22 hunting use under the Wildlife Code if the weapon is  
23 broken down in a nonfunctioning state, is not immediately  
24 accessible, or is unloaded and enclosed in a firearm case,  
25 carrying box, shipping box, or other similar portable  
26 container designed for the safe transportation of

1 firearms. By October 1, 2023, the Illinois State Police,  
2 in consultation with the Department of Natural Resources,  
3 shall adopt rules concerning the list of applicable  
4 weapons approved under this subparagraph (iv). The  
5 Illinois State Police may adopt emergency rules in  
6 accordance with Section 5-45 of the Illinois  
7 Administrative Procedure Act. The adoption of emergency  
8 rules authorized by Section 5-45 of the Illinois  
9 Administrative Procedure Act and this paragraph is deemed  
10 to be necessary for the public interest, safety, and  
11 welfare.

12 (v) The manufacture, transportation, possession, sale,  
13 or rental of blank-firing assault weapons and .50 caliber  
14 rifles, or the weapon's respective attachments, to persons  
15 authorized or permitted, or both authorized and permitted,  
16 to acquire and possess these weapons or attachments for  
17 the purpose of rental for use solely as props for a motion  
18 picture, television, or video production or entertainment  
19 event.

20 Any person not subject to this Section may submit an  
21 endorsement affidavit if the person chooses.

22 (f) Any sale or transfer with a background check initiated  
23 to the Illinois State Police on or before January 10, 2023 (the  
24 effective date of Public Act 102-1116) ~~this amendatory Act of~~  
25 ~~the 102nd General Assembly~~ is allowed to be completed after  
26 January 10, 2023 ~~the effective date of this amendatory Act~~

1 once an approval is issued by the Illinois State Police and any  
2 applicable waiting period under Section 24-3 has expired.

3 (g) The Illinois State Police shall take all steps  
4 necessary to carry out the requirements of this Section ~~within~~  
5 by October 1, 2023.

6 (h) The Illinois ~~Department of the~~ State Police shall also  
7 develop and implement a public notice and public outreach  
8 campaign to promote awareness about the provisions of Public  
9 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~  
10 and to increase compliance with this Section.

11 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

12 (720 ILCS 5/24-1.10)

13 Sec. 24-1.10. Manufacture, delivery, sale, and possession  
14 of large capacity ammunition feeding devices.

15 (a) In this Section:

16 "Handgun" has the meaning ascribed to it in the Firearm  
17 Concealed Carry Act.

18 "Long gun" means a rifle or shotgun.

19 "Large capacity ammunition feeding device" means:

20 (1) a magazine, belt, drum, feed strip, or similar  
21 device that has a capacity of, or that can be readily  
22 restored or converted to accept, more than 10 rounds of  
23 ammunition for long guns and more than 15 rounds of  
24 ammunition for handguns; or

25 (2) any combination of parts from which a device

1 described in paragraph (1) can be assembled.

2 "Large capacity ammunition feeding device" does not  
3 include an attached tubular device designed to accept, and  
4 capable of operating only with, .22 caliber rimfire  
5 ammunition. "Large capacity ammunition feeding device" does  
6 not include a tubular magazine that is contained in a  
7 lever-action firearm or any device that has been made  
8 permanently inoperable.

9 (b) Except as provided in subsections (e) and (f), it is  
10 unlawful for any person within this State to knowingly  
11 manufacture, deliver, sell, purchase, or cause to be  
12 manufactured, delivered, sold, or purchased a large capacity  
13 ammunition feeding device.

14 (c) Except as provided in subsections (d), (e), and (f),  
15 and beginning 90 days after January 10, 2023 (the effective  
16 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~  
17 ~~General Assembly~~, it is unlawful to knowingly possess a large  
18 capacity ammunition feeding device.

19 (d) Subsection (c) does not apply to a person's possession  
20 of a large capacity ammunition feeding device if the person  
21 lawfully possessed that large capacity ammunition feeding  
22 device before January 10, 2023 (the effective date of Public  
23 Act 102-1116) ~~this amendatory Act of the 102nd General~~  
24 ~~Assembly~~, provided that the person shall possess such device  
25 only:

26 (1) on private property owned or immediately

1 controlled by the person;

2 (2) on private property that is not open to the public  
3 with the express permission of the person who owns or  
4 immediately controls such property;

5 (3) while on the premises of a licensed firearms  
6 dealer or gunsmith for the purpose of lawful repair;

7 (4) while engaged in the legal use of the large  
8 capacity ammunition feeding device at a properly licensed  
9 firing range or sport shooting competition venue; or

10 (5) while traveling to or from these locations,  
11 provided that the large capacity ammunition feeding device  
12 is stored unloaded and enclosed in a case, firearm  
13 carrying box, shipping box, or other container.

14 A person authorized under this Section to possess a large  
15 capacity ammunition feeding device may transfer the large  
16 capacity ammunition feeding device only to an heir, an  
17 individual residing in another state maintaining it in another  
18 state, or a dealer licensed as a federal firearms dealer under  
19 Section 923 of the federal Gun Control Act of 1968. Within 10  
20 days after transfer of the large capacity ammunition feeding  
21 device except to an heir, the person shall notify the Illinois  
22 State Police of the name and address of the transferee ~~and~~  
23 ~~comply with the requirements of subsection (b) of Section 3 of~~  
24 ~~the Firearm Owners Identification Card Act.~~ The person to whom  
25 the large capacity ammunition feeding device is transferred  
26 shall, within 60 days of the transfer, notify the Illinois

1 State Police of the person's acquisition ~~and comply with the~~  
2 ~~requirements of subsection (b) of Section 3 of the Firearm~~  
3 ~~Owners Identification Card Act.~~ A person to whom the large  
4 capacity ammunition feeding device is transferred may transfer  
5 it only as provided in this subsection.

6 ~~Except as provided in subsections (e) and (f) and~~  
7 ~~beginning 90 days after the effective date of this amendatory~~  
8 ~~Act of the 102nd General Assembly, any person who moves into~~  
9 ~~this State in possession of a large capacity ammunition~~  
10 ~~feeding device shall, within 60 days, apply for a Firearm~~  
11 ~~Owners Identification Card.~~

12 (e) The provisions of this Section regarding the purchase  
13 or possession of large capacity ammunition feeding devices, as  
14 well as the provisions of this Section that prohibit causing  
15 those items to be purchased or possessed, do not apply to:

16 (1) Peace officers as defined in Section 2-13 of this  
17 Code.

18 (2) Qualified law enforcement officers and qualified  
19 retired law enforcement officers as defined in the Law  
20 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
21 and 926C) and as recognized under Illinois law.

22 (3) A federal, State, or local law enforcement agency  
23 for the purpose of equipping the agency's peace officers  
24 as defined in paragraph (1) or (2) of this subsection (e).

25 (4) Wardens, superintendents, and keepers of prisons,  
26 penitentiaries, jails, and other institutions for the

1 detention of persons accused or convicted of an offense.

2 (5) Members of the Armed Services or Reserve Forces of  
3 the United States or the Illinois National Guard, while  
4 performing their official duties or while traveling to or  
5 from their places of duty.

6 (6) Any company that employs armed security officers  
7 in this State at a nuclear energy, storage, weapons, or  
8 development site or facility regulated by the federal  
9 Nuclear Regulatory Commission and any person employed as  
10 an armed security force member at a nuclear energy,  
11 storage, weapons, or development site or facility  
12 regulated by the federal Nuclear Regulatory Commission who  
13 has completed the background screening and training  
14 mandated by the rules and regulations of the federal  
15 Nuclear Regulatory Commission and while performing  
16 official duties.

17 (7) Any private security contractor agency licensed  
18 under the Private Detective, Private Alarm, Private  
19 Security, Fingerprint Vendor, and Locksmith Act of 2004  
20 that employs private security contractors and any private  
21 security contractor who is licensed and has been issued a  
22 firearm control card under the Private Detective, Private  
23 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
24 Act of 2004 while performing official duties.

25 (f) This Section does not apply to or affect any of the  
26 following:

1           (1) Manufacture, delivery, sale, importation,  
2 purchase, or possession or causing to be manufactured,  
3 delivered, sold, imported, purchased, or possessed a large  
4 capacity ammunition feeding device:

5           (A) for sale or transfer to persons authorized  
6 under subdivisions (1) through (7) of subsection (e)  
7 to possess those items;

8           (B) for sale or transfer to the United States or  
9 any department or agency thereof; or

10          (C) for sale or transfer in another state or for  
11 export.

12          (2) Sale or rental of large capacity ammunition  
13 feeding devices for blank-firing assault weapons and .50  
14 caliber rifles, to persons authorized or permitted, or  
15 both authorized and permitted, to acquire these devices  
16 for the purpose of rental for use solely as props for a  
17 motion picture, television, or video production or  
18 entertainment event.

19          (g) Sentence. A person who knowingly manufactures,  
20 delivers, sells, purchases, possesses, or causes to be  
21 manufactured, delivered, sold, possessed, or purchased in  
22 violation of this Section a large capacity ammunition feeding  
23 device capable of holding more than 10 rounds of ammunition  
24 for long guns or more than 15 rounds of ammunition for handguns  
25 commits a petty offense with a fine of \$1,000 for each  
26 violation.

1           (h) The Illinois ~~Department of the~~ State Police shall also  
2 develop and implement a public notice and public outreach  
3 campaign to promote awareness about the provisions of Public  
4 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~  
5 and to increase compliance with this Section.

6           (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

7           (720 ILCS 5/24-2)

8           Sec. 24-2. Exemptions.

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

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

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

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

24                 (4) Special agents employed by a railroad or a public  
25 utility to perform police functions, and guards of armored

1 car companies, while actually engaged in the performance  
2 of the duties of their employment or commuting between  
3 their homes and places of employment; and watchmen while  
4 actually engaged in the performance of the duties of their  
5 employment.

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

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

10 (6) Any person regularly employed in a commercial or  
11 industrial operation as a security guard for the  
12 protection of persons employed and private property  
13 related to such commercial or industrial operation, while  
14 actually engaged in the performance of his or her duty or  
15 traveling between sites or properties belonging to the  
16 employer, and who, as a security guard, is a member of a  
17 security force registered with the Department of Financial  
18 and Professional Regulation; provided that such security  
19 guard has successfully completed a course of study,  
20 approved by and supervised by the Department of Financial  
21 and Professional Regulation, consisting of not less than  
22 48 hours of training that includes the theory of law  
23 enforcement, liability for acts, and the handling of  
24 weapons. A person shall be considered eligible for this  
25 exemption if he or she has completed the required 20 hours  
26 of training for a security officer and 28 hours of

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

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

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

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

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

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

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

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

8           (12.5) Probation officers while in the performance of  
9 their duties, or while commuting between their homes,  
10 places of employment or specific locations that are part  
11 of their assigned duties, with the consent of the chief  
12 judge of the circuit for which they are employed, if they  
13 have received weapons training according to requirements  
14 of the Peace Officer and Probation Officer Firearm  
15 Training Act.

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

20           (13.5) A person employed as an armed security guard at  
21 a nuclear energy, storage, weapons or development site or  
22 facility regulated by the Nuclear Regulatory Commission  
23 who has completed the background screening and training  
24 mandated by the rules and regulations of the Nuclear  
25 Regulatory Commission.

26           (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through  
2 (13.5) of this subsection to possess those weapons.

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

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

14 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
15 24-1.6 do not apply to or affect any of the following:

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

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

24 (3) Hunters, trappers, or fishermen while engaged in  
25 lawful hunting, trapping, or fishing under the provisions  
26 of the Wildlife Code or the Fish and Aquatic Life Code.

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

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

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

9           (1) Peace officers while in performance of their  
10 official duties.

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

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

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

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

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

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

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

25           The exemption granted under this subdivision (c)(6)  
26           shall also apply to any authorized agent of any such

1 contractor or subcontractor who is operating within the  
2 scope of his employment, where such activities involving  
3 such weapon, weapons or ammunition are necessary and  
4 incident to fulfilling the terms of such contract.

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

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

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

23 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
24 Section 24-1.6 do not apply to members of any club or  
25 organization organized for the purpose of practicing shooting  
26 at targets upon established target ranges, whether public or

1 private, while using their firearms on those target ranges.

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

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

7 (2) Bonafide collectors of antique or surplus military  
8 ordnance.

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

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

21 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
22 persons licensed under federal law to manufacture any device  
23 or attachment of any kind designed, used, or intended for use  
24 in silencing the report of any firearm, firearms, or  
25 ammunition for those firearms equipped with those devices, and  
26 actually engaged in the business of manufacturing those

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

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

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

25 (g-10) (Blank).

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any  
2 exemptions contained in this Article. The defendant shall have  
3 the burden of proving such an exemption.

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

20 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;  
21 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)

22 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

24 (A) A person commits the offense of unlawful sale or  
25 delivery of firearms when he or she knowingly does any of the

1 following:

2 (a) Sells or gives any firearm of a size which may be  
3 concealed upon the person to any person under 18 years of  
4 age.

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

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

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

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

15 "Mental institution" means any hospital,  
16 institution, clinic, evaluation facility, mental  
17 health center, or part thereof, which is used  
18 primarily for the care or treatment of persons with  
19 mental illness.

20 "Patient in a mental institution" means the person  
21 was admitted, either voluntarily or involuntarily, to  
22 a mental institution for mental health treatment,  
23 unless the treatment was voluntary and solely for an  
24 alcohol abuse disorder and no other secondary  
25 substance abuse disorder or mental illness.

26 (f) Sells or gives any firearms to any person who is a

1 person with an intellectual disability.

2 (g) Delivers any firearm, incidental to a sale,  
3 without withholding delivery of the firearm for at least  
4 72 hours after application for its purchase has been made,  
5 or delivers a stun gun or taser, incidental to a sale,  
6 without withholding delivery of the stun gun or taser for  
7 at least 24 hours after application for its purchase has  
8 been made. However, this paragraph (g) does not apply to:

9 (1) the sale of a firearm to a law enforcement officer if  
10 the seller of the firearm knows that the person to whom he  
11 or she is selling the firearm is a law enforcement officer  
12 or the sale of a firearm to a person who desires to  
13 purchase a firearm for use in promoting the public  
14 interest incident to his or her employment as a bank  
15 guard, armed truck guard, or other similar employment; (2)  
16 a mail order sale of a firearm from a federally licensed  
17 firearms dealer to a nonresident of Illinois under which  
18 the firearm is mailed to a federally licensed firearms  
19 dealer outside the boundaries of Illinois; (3) (blank);  
20 (4) the sale of a firearm to a dealer licensed as a federal  
21 firearms dealer under Section 923 of the federal Gun  
22 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
23 sale of any rifle, shotgun, or other long gun to a resident  
24 registered competitor or attendee or non-resident  
25 registered competitor or attendee by any dealer licensed  
26 as a federal firearms dealer under Section 923 of the

1 federal Gun Control Act of 1968 at competitive shooting  
2 events held at the World Shooting Complex sanctioned by a  
3 national governing body. For purposes of transfers or  
4 sales under subparagraph (5) of this paragraph (g), the  
5 Department of Natural Resources shall give notice to the  
6 Illinois State Police at least 30 calendar days prior to  
7 any competitive shooting events at the World Shooting  
8 Complex sanctioned by a national governing body. The  
9 notification shall be made on a form prescribed by the  
10 Illinois State Police. The sanctioning body shall provide  
11 a list of all registered competitors and attendees at  
12 least 24 hours before the events to the Illinois State  
13 Police. Any changes to the list of registered competitors  
14 and attendees shall be forwarded to the Illinois State  
15 Police as soon as practicable. The Illinois State Police  
16 must destroy the list of registered competitors and  
17 attendees no later than 30 days after the date of the  
18 event. Nothing in this paragraph (g) relieves a federally  
19 licensed firearm dealer from the requirements of  
20 conducting a NICS background check through the Illinois  
21 Point of Contact under 18 U.S.C. 922(t). For purposes of  
22 this paragraph (g), "application" means when the buyer and  
23 seller reach an agreement to purchase a firearm. For  
24 purposes of this paragraph (g), "national governing body"  
25 means a group of persons who adopt rules and formulate  
26 policy on behalf of a national firearm sporting

1 organization.

2 (h) While holding any license as a dealer, importer,  
3 manufacturer or pawnbroker under the federal Gun Control  
4 Act of 1968, manufactures, sells or delivers to any  
5 unlicensed person a handgun having a barrel, slide, frame  
6 or receiver which is a die casting of zinc alloy or any  
7 other nonhomogeneous metal which will melt or deform at a  
8 temperature of less than 800 degrees Fahrenheit. For  
9 purposes of this paragraph, (1) "firearm" has the meaning  
10 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~  
11 ~~defined as in the Firearm Owners Identification Card Act;~~  
12 and (2) "handgun" is defined as a firearm designed to be  
13 held and fired by the use of a single hand, and includes a  
14 combination of parts from which such a firearm can be  
15 assembled.

16 (i) Sells or gives a firearm of any size to any person  
17 under 18 years of age who is not eligible under State or  
18 federal law to possess a firearm ~~does not possess a valid~~  
19 ~~Firearm Owner's Identification Card.~~

20 (j) Sells or gives a firearm while engaged in the  
21 business of selling firearms at wholesale or retail  
22 without being licensed as a federal firearms dealer under  
23 Section 923 of the federal Gun Control Act of 1968 (18  
24 U.S.C. 923). In this paragraph (j):

25 A person "engaged in the business" means a person who  
26 devotes time, attention, and labor to engaging in the

1 activity as a regular course of trade or business with the  
2 principal objective of livelihood and profit, but does not  
3 include a person who makes occasional repairs of firearms  
4 or who occasionally fits special barrels, stocks, or  
5 trigger mechanisms to firearms.

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

15 (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
16 ~~to a person who does not display to the seller or~~  
17 ~~transferor of the firearm either: (1) a currently valid~~  
18 ~~Firearm Owner's Identification Card that has previously~~  
19 ~~been issued in the transferee's name by the Illinois State~~  
20 ~~Police under the provisions of the Firearm Owners~~  
21 ~~Identification Card Act; or (2) a currently valid license~~  
22 ~~to carry a concealed firearm that has previously been~~  
23 ~~issued in the transferee's name by the Illinois State~~  
24 ~~Police under the Firearm Concealed Carry Act. This~~  
25 ~~paragraph (k) does not apply to the transfer of a firearm~~  
26 ~~to a person who is exempt from the requirement of~~

1 ~~possessing a Firearm Owner's Identification Card under~~  
2 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
3 ~~For the purposes of this Section, a currently valid~~  
4 ~~Firearm Owner's Identification Card or license to carry a~~  
5 ~~concealed firearm means receipt of an approval number~~  
6 ~~issued in accordance with subsection (a 10) of Section 3~~  
7 ~~or Section 3.1 of the Firearm Owners Identification Card~~  
8 ~~Act.~~

9 (1) (Blank). ~~In addition to the other requirements~~  
10 ~~of this paragraph (k), all persons who are not~~  
11 ~~federally licensed firearms dealers must also have~~  
12 ~~complied with subsection (a 10) of Section 3 of the~~  
13 ~~Firearm Owners Identification Card Act by determining~~  
14 ~~the validity of a purchaser's Firearm Owner's~~  
15 ~~Identification Card.~~

16 (2) (Blank). ~~All sellers or transferors who have~~  
17 ~~complied with the requirements of subparagraph (1) of~~  
18 ~~this paragraph (k) shall not be liable for damages in~~  
19 ~~any civil action arising from the use or misuse by the~~  
20 ~~transferee of the firearm transferred, except for~~  
21 ~~willful or wanton misconduct on the part of the seller~~  
22 ~~or transferor.~~

23 (1) Not being entitled to the possession of a firearm,  
24 delivers the firearm, knowing it to have been stolen or  
25 converted. It may be inferred that a person who possesses  
26 a firearm with knowledge that its serial number has been

1 removed or altered has knowledge that the firearm is  
2 stolen or converted.

3 (B) Paragraph (h) of subsection (A) does not include  
4 firearms sold within 6 months after enactment of Public Act  
5 78-355 (approved August 21, 1973, effective October 1, 1973),  
6 nor is any firearm legally owned or possessed by any citizen or  
7 purchased by any citizen within 6 months after the enactment  
8 of Public Act 78-355 subject to confiscation or seizure under  
9 the provisions of that Public Act. Nothing in Public Act  
10 78-355 shall be construed to prohibit the gift or trade of any  
11 firearm if that firearm was legally held or acquired within 6  
12 months after the enactment of that Public Act.

13 (C) Sentence.

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

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

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

23 (4) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (a), (b), or (i) of  
25 subsection (A) in any school, on the real property  
26 comprising a school, within 1,000 feet of the real

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

21 (5) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (a) or (i) of  
23 subsection (A) in residential property owned, operated, or  
24 managed by a public housing agency or leased by a public  
25 housing agency as part of a scattered site or mixed-income  
26 development, in a public park, in a courthouse, on

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development,  
4 on the real property comprising any public park, on the  
5 real property comprising any courthouse, or on any public  
6 way within 1,000 feet of the real property comprising any  
7 public park, courthouse, or residential property owned,  
8 operated, or managed by a public housing agency or leased  
9 by a public housing agency as part of a scattered site or  
10 mixed-income development commits a Class 2 felony.

11 (6) Any person convicted of unlawful sale or delivery  
12 of firearms in violation of paragraph (j) of subsection  
13 (A) commits a Class A misdemeanor. A second or subsequent  
14 violation is a Class 4 felony.

15 (7) (Blank). ~~Any person convicted of unlawful sale or~~  
16 ~~delivery of firearms in violation of paragraph (k) of~~  
17 ~~subsection (A) commits a Class 4 felony, except that a~~  
18 ~~violation of subparagraph (1) of paragraph (k) of~~  
19 ~~subsection (A) shall not be punishable as a crime or petty~~  
20 ~~offense. A third or subsequent conviction for a violation~~  
21 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

22 (8) A person 18 years of age or older convicted of  
23 unlawful sale or delivery of firearms in violation of  
24 paragraph (a) or (i) of subsection (A), when the firearm  
25 that was sold or given to another person under 18 years of  
26 age was used in the commission of or attempt to commit a

1 forcible felony, shall be fined or imprisoned, or both,  
2 not to exceed the maximum provided for the most serious  
3 forcible felony so committed or attempted by the person  
4 under 18 years of age who was sold or given the firearm.

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

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

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

15 (D) For purposes of this Section:

16 "School" means a public or private elementary or secondary  
17 school, community college, college, or university.

18 "School related activity" means any sporting, social,  
19 academic, or other activity for which students' attendance or  
20 participation is sponsored, organized, or funded in whole or  
21 in part by a school or school district.

22 (E) (Blank). ~~A prosecution for a violation of paragraph~~  
23 ~~(k) of subsection (A) of this Section may be commenced within 6~~  
24 ~~years after the commission of the offense. A prosecution for a~~  
25 ~~violation of this Section other than paragraph (g) of~~  
26 ~~subsection (A) of this Section may be commenced within 5 years~~

1 ~~after the commission of the offense defined in the particular~~  
2 ~~paragraph.~~

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
4 102-813, eff. 5-13-22.)

5 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

6 Sec. 24-3.1. Unlawful possession of firearms and firearm  
7 ammunition.

8 (a) A person commits the offense of unlawful possession of  
9 firearms or firearm ammunition when:

10 (1) He is under 18 years of age and has in his  
11 possession any firearm of a size which may be concealed  
12 upon the person; or

13 (2) He is under 21 years of age, has been convicted of  
14 a misdemeanor other than a traffic offense or adjudged  
15 delinquent and has any firearms or firearm ammunition in  
16 his possession; or

17 (3) He is a narcotic addict and has any firearms or  
18 firearm ammunition in his possession; or

19 (4) He has been a patient in a mental institution  
20 within the past 5 years and has any firearms or firearm  
21 ammunition in his possession. For purposes of this  
22 paragraph (4):

23 "Mental institution" means any hospital,  
24 institution, clinic, evaluation facility, mental  
25 health center, or part thereof, which is used

1 primarily for the care or treatment of persons with  
2 mental illness.

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

9 (5) He is a person with an intellectual disability and  
10 has any firearms or firearm ammunition in his possession;  
11 or

12 (6) He has in his possession any explosive bullet.

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

21 (a-5) A person prohibited from possessing a firearm under  
22 this Section may petition the Director of the Illinois State  
23 Police for a hearing and relief from the prohibition, unless  
24 the prohibition was based upon a forcible felony, stalking,  
25 aggravated stalking, domestic battery, any violation of the  
26 Illinois Controlled Substances Act, the Methamphetamine

1 Control and Community Protection Act, or the Cannabis Control  
2 Act that is classified as a Class 2 or greater felony, any  
3 felony violation of Article 24 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, or any adjudication as a delinquent  
5 minor for the commission of an offense that if committed by an  
6 adult would be a felony, in which case the person may petition  
7 the circuit court in writing in the county of his or her  
8 residence for a hearing and relief from the prohibition. The  
9 Director or court may grant the relief if it is established by  
10 the petitioner to the court's or Director's satisfaction that:

11 (1) when in the circuit court, the State's Attorney  
12 has been served with a written copy of the petition at  
13 least 30 days before any hearing in the circuit court and  
14 at the hearing the State's Attorney was afforded an  
15 opportunity to present evidence and object to the  
16 petition;

17 (2) the petitioner has not been convicted of a  
18 forcible felony under the laws of this State or any other  
19 jurisdiction within 20 years of the filing of the  
20 petition, or at least 20 years have passed since the end of  
21 any period of imprisonment imposed in relation to that  
22 conviction;

23 (3) the circumstances regarding a criminal conviction,  
24 where applicable, the petitioner's criminal history and  
25 his reputation are such that the petitioner will not be  
26 likely to act in a manner dangerous to public safety;

1           (4) granting relief would not be contrary to the  
2           public interest; and

3           (5) granting relief would not be contrary to federal  
4           law.

5           (b) Sentence.

6           Unlawful possession of firearms, other than handguns, and  
7           firearm ammunition is a Class A misdemeanor. Unlawful  
8           possession of handguns is a Class 4 felony. The possession of  
9           each firearm or firearm ammunition in violation of this  
10          Section constitutes a single and separate violation.

11          (c) Nothing in paragraph (1) of subsection (a) of this  
12          Section prohibits a person under 18 years of age from  
13          participating in any lawful recreational activity with a  
14          firearm such as, but not limited to, practice shooting at  
15          targets upon established public or private target ranges or  
16          hunting, trapping, or fishing in accordance with the Wildlife  
17          Code or the Fish and Aquatic Life Code.

18          (Source: P.A. 99-143, eff. 7-27-15.)

19          (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

20          Sec. 24-3.2. Unlawful discharge of firearm projectiles.

21          (a) A person commits the offense of unlawful discharge of  
22          firearm projectiles when he or she knowingly or recklessly  
23          uses an armor piercing bullet, dragon's breath shotgun shell,  
24          bolo shell, or flechette shell in violation of this Section.

25          For purposes of this Section:

1 "Armor piercing bullet" means any handgun bullet or  
2 handgun ammunition with projectiles or projectile cores  
3 constructed entirely (excluding the presence of traces of  
4 other substances) from tungsten alloys, steel, iron, brass,  
5 bronze, beryllium copper or depleted uranium, or fully  
6 jacketed bullets larger than 22 caliber whose jacket has a  
7 weight of more than 25% of the total weight of the projectile,  
8 and excluding those handgun projectiles whose cores are  
9 composed of soft materials such as lead or lead alloys, zinc or  
10 zinc alloys, frangible projectiles designed primarily for  
11 sporting purposes, and any other projectiles or projectile  
12 cores that the U. S. Secretary of the Treasury finds to be  
13 primarily intended to be used for sporting purposes or  
14 industrial purposes or that otherwise does not constitute  
15 "armor piercing ammunition" as that term is defined by federal  
16 law.

17 "Dragon's breath shotgun shell" means any shotgun shell  
18 that contains exothermic pyrophoric mesh metal as the  
19 projectile and is designed for the purpose of throwing or  
20 spewing a flame or fireball to simulate a flame-thrower.

21 "Bolo shell" means any shell that can be fired in a firearm  
22 and expels as projectiles 2 or more metal balls connected by  
23 solid metal wire.

24 "Flechette shell" means any shell that can be fired in a  
25 firearm and expels 2 or more pieces of fin-stabilized solid  
26 metal wire or 2 or more solid dart-type projectiles.

1 (b) A person commits a Class X felony when he or she,  
2 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
3 ~~Firearm Owners Identification Card Act,~~ is loaded with an  
4 armor piercing bullet, dragon's breath shotgun shell, bolo  
5 shell, or flechette shell, intentionally or recklessly  
6 discharges such firearm and such bullet or shell strikes any  
7 other person.

8 (c) Any person who possesses, concealed on or about his or  
9 her person, an armor piercing bullet, dragon's breath shotgun  
10 shell, bolo shell, or flechette shell and a firearm suitable  
11 for the discharge thereof is guilty of a Class 2 felony.

12 (d) This Section does not apply to or affect any of the  
13 following:

14 (1) Peace officers;

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

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

21 (4) Federal officials required to carry firearms,  
22 while engaged in the performance of their official duties;

23 (5) United States Marshals, while engaged in the  
24 performance of their official duties.

25 (Source: P.A. 92-423, eff. 1-1-02.)

1 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

2 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

3 (a) It shall be unlawful for any person who holds a license  
4 to sell at retail any alcoholic liquor issued by the Illinois  
5 Liquor Control Commission or local liquor control commissioner  
6 under the Liquor Control Act of 1934 or an agent or employee of  
7 the licensee to sell or deliver to any other person a firearm  
8 in or on the real property of the establishment where the  
9 licensee is licensed to sell alcoholic liquors unless the sale  
10 or delivery of the firearm is otherwise lawful under this  
11 Article ~~and under the Firearm Owners Identification Card Act.~~

12 (b) Sentence. A violation of subsection (a) of this  
13 Section is a Class 4 felony.

14 (Source: P.A. 87-591.)

15 (720 ILCS 5/24-3.5)

16 Sec. 24-3.5. Unlawful purchase of a firearm.

17 (a) For purposes of this Section, "firearms transaction  
18 record form" means a form:

19 (1) executed by a transferee of a firearm stating: (i)  
20 the transferee's name and address (including county or  
21 similar political subdivision); (ii) whether the  
22 transferee is a citizen of the United States; (iii) the  
23 transferee's State of residence; and (iv) the date and  
24 place of birth, height, weight, and race of the  
25 transferee; and

1           (2) on which the transferee certifies that he or she  
2           is not prohibited by federal law from transporting or  
3           shipping a firearm in interstate or foreign commerce or  
4           receiving a firearm that has been shipped or transported  
5           in interstate or foreign commerce or possessing a firearm  
6           in or affecting commerce.

7           (b) A person commits the offense of unlawful purchase of a  
8           firearm who knowingly purchases or attempts to purchase a  
9           firearm with the intent to deliver that firearm to another  
10          person who is prohibited by federal or State law from  
11          possessing a firearm.

12          (c) A person commits the offense of unlawful purchase of a  
13          firearm when he or she, in purchasing or attempting to  
14          purchase a firearm, intentionally provides false or misleading  
15          information on a United States Department of the Treasury,  
16          Bureau of Alcohol, Tobacco and Firearms firearms transaction  
17          record form.

18          (d) Exemption. It is not a violation of subsection (b) of  
19          this Section for a person to make a gift or loan of a firearm  
20          to a person who is not prohibited by federal or State law from  
21          possessing a firearm ~~if the transfer of the firearm is made in~~  
22          ~~accordance with Section 3 of the Firearm Owners Identification~~  
23          ~~Card Act.~~

24          (e) Sentence.

25                 (1) A person who commits the offense of unlawful  
26                 purchase of a firearm:

1 (A) is guilty of a Class 2 felony for purchasing or  
2 attempting to purchase one firearm;

3 (B) is guilty of a Class 1 felony for purchasing or  
4 attempting to purchase not less than 2 firearms and  
5 not more than 5 firearms at the same time or within a  
6 one year period;

7 (C) is guilty of a Class X felony for which the  
8 offender shall be sentenced to a term of imprisonment  
9 of not less than 9 years and not more than 40 years for  
10 purchasing or attempting to purchase not less than 6  
11 firearms at the same time or within a 2 year period.

12 (2) In addition to any other penalty that may be  
13 imposed for a violation of this Section, the court may  
14 sentence a person convicted of a violation of subsection  
15 (c) of this Section to a fine not to exceed \$250,000 for  
16 each violation.

17 (f) A prosecution for unlawful purchase of a firearm may  
18 be commenced within 6 years after the commission of the  
19 offense.

20 (Source: P.A. 95-882, eff. 1-1-09.)

21 (720 ILCS 5/24-3B)

22 Sec. 24-3B. Firearms trafficking.

23 (a) A person commits firearms trafficking when he or she  
24 is prohibited under federal or State law from possessing a  
25 firearm ~~has not been issued a currently valid Firearm Owner's~~

1 ~~Identification Card~~ and knowingly:

2 (1) brings, or causes to be brought, into this State,  
3 a firearm or firearm ammunition for the purpose of sale,  
4 delivery, or transfer to any other person or with the  
5 intent to sell, deliver, or transfer the firearm or  
6 firearm ammunition to any other person; or

7 (2) brings, or causes to be brought, into this State,  
8 a firearm and firearm ammunition for the purpose of sale,  
9 delivery, or transfer to any other person or with the  
10 intent to sell, deliver, or transfer the firearm and  
11 firearm ammunition to any other person.

12 (a-5) (Blank). ~~This Section does not apply to:~~

13 ~~(1) a person exempt under Section 2 of the Firearm~~  
14 ~~Owners Identification Card Act from the requirement of~~  
15 ~~having possession of a Firearm Owner's Identification Card~~  
16 ~~previously issued in his or her name by the Illinois State~~  
17 ~~Police in order to acquire or possess a firearm or firearm~~  
18 ~~ammunition;~~

19 ~~(2) a common carrier under subsection (i) of Section~~  
20 ~~24-2 of this Code; or~~

21 ~~(3) a non-resident who may lawfully possess a firearm~~  
22 ~~in his or her resident state.~~

23 (b) Sentence.

24 (1) Firearms trafficking is a Class 1 felony for which  
25 the person, if sentenced to a term of imprisonment, shall  
26 be sentenced to not less than 4 years and not more than 20

1 years.

2 (2) Firearms trafficking by a person who has been  
3 previously convicted of firearms trafficking, gunrunning,  
4 or a felony offense for the unlawful sale, delivery, or  
5 transfer of a firearm or firearm ammunition in this State  
6 or another jurisdiction is a Class X felony.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (720 ILCS 5/24-4.1)

9 Sec. 24-4.1. Report of lost or stolen firearms.

10 (a) If a person ~~who possesses a valid Firearm Owner's~~  
11 ~~Identification Card and~~ who possesses or acquires a firearm  
12 thereafter loses the firearm, or if the firearm is stolen from  
13 the person, the person must report the loss or theft to the  
14 local law enforcement agency within 72 hours after obtaining  
15 knowledge of the loss or theft.

16 (b) A law enforcement agency having jurisdiction shall  
17 take a written report and shall, as soon as practical, enter  
18 the firearm's serial number as stolen into the Law Enforcement  
19 Agencies Data System (LEADS).

20 (c) A person shall not be in violation of this Section if:

21 (1) the failure to report is due to an act of God, act  
22 of war, or inability of a law enforcement agency to  
23 receive the report;

24 (2) the person is hospitalized, in a coma, or is  
25 otherwise seriously physically or mentally impaired as to

1 prevent the person from reporting; or

2 (3) the person's designee makes a report if the person  
3 is unable to make the report.

4 (d) Sentence. A person who violates this Section is guilty  
5 of a petty offense for a first violation. A second or  
6 subsequent violation of this Section is a Class A misdemeanor.  
7 (Source: P.A. 98-508, eff. 8-19-13.)

8 (720 ILCS 5/24-4.5 new)

9 Sec. 24-4.5. Dial-up system.

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

19 (b) Upon receiving a request from a federally licensed  
20 firearm dealer, gun show promoter, or gun show vendor, the  
21 Illinois State Police shall immediately approve, or, within  
22 the time period established by Section 24-3 of this Code  
23 regarding the delivery of firearms, stun guns, and tasers,  
24 notify the inquiring dealer, gun show promoter, or gun show  
25 vendor of any objection that would disqualify the transferee

1 from acquiring or possessing a firearm, stun gun, or taser. In  
2 conducting the inquiry, the Illinois State Police shall  
3 initiate and complete an automated search of its criminal  
4 history record information files and those of the Federal  
5 Bureau of Investigation, including the National Instant  
6 Criminal Background Check System, and of the files of the  
7 Department of Human Services relating to mental health and  
8 developmental disabilities to obtain any felony conviction or  
9 patient hospitalization information which would disqualify a  
10 person from obtaining a firearm.

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

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

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

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

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

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

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

8 (f) The Illinois State Police shall adopt rules not  
9 inconsistent with this Section to implement this system.

10 (720 ILCS 5/24-5.1)

11 Sec. 24-5.1. Serialization of unfinished frames or  
12 receivers; prohibition on unserialized firearms; exceptions;  
13 penalties.

14 (a) In this Section:

15 "Bona fide supplier" means an established business entity  
16 engaged in the development and sale of firearms parts to one or  
17 more federal firearms manufacturers or federal firearms  
18 importers.

19 "Federal firearms dealer" means a licensed manufacturer  
20 pursuant to 18 U.S.C. 921(a)(11).

21 "Federal firearms importer" means a licensed importer  
22 pursuant to 18 U.S.C. 921(a)(9).

23 "Federal firearms manufacturer" means a licensed  
24 manufacturer pursuant to 18 U.S.C. 921(a)(10).

25 "Frame or receiver" means a part of a firearm that, when

1 the complete weapon is assembled, is visible from the exterior  
2 and provides housing or a structure designed to hold or  
3 integrate one or more fire control components, even if pins or  
4 other attachments are required to connect those components to  
5 the housing or structure. For models of firearms in which  
6 multiple parts provide such housing or structure, the part or  
7 parts that the Director of the federal Bureau of Alcohol,  
8 Tobacco, Firearms and Explosives has determined are a frame or  
9 receiver constitute the frame or receiver. For purposes of  
10 this definition, "fire control component" means a component  
11 necessary for the firearm to initiate, complete, or continue  
12 the firing sequence, including any of the following: hammer,  
13 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,  
14 firing pin, striker, or slide rails.

15 "Security exemplar" means an object to be fabricated at  
16 the direction of the United States Attorney General that is  
17 (1) constructed of 3.7 ounces of material type 17-4 PH  
18 stainless steel in a shape resembling a handgun and (2)  
19 suitable for testing and calibrating metal detectors.

20 "Three-dimensional printer" means a computer or  
21 computer-drive machine capable of producing a  
22 three-dimensional object from a digital model.

23 "Undetectable firearm" means (1) a firearm constructed  
24 entirely of non-metal substances; (2) a firearm that, after  
25 removal of all parts but the major components of the firearm,  
26 is not detectable by walk-through metal detectors calibrated

1 and operated to detect the security exemplar; or (3) a firearm  
2 that includes a major component of a firearm, which, if  
3 subject to the types of detection devices commonly used at  
4 airports for security screening, would not generate an image  
5 that accurately depicts the shape of the component.  
6 "Undetectable firearm" does not include a firearm subject to  
7 the provisions of 18 U.S.C. 922(p) (3) through (6).

8 "Unfinished frame or receiver" means any forging, casting,  
9 printing, extrusion, machined body, or similar article that:

10 (1) has reached a stage in manufacture where it may  
11 readily be completed, assembled, or converted to be a  
12 functional firearm; or

13 (2) is marketed or sold to the public to become or be  
14 used as the frame or receiver of a functional firearm once  
15 completed, assembled, or converted.

16 "Unserialized" means lacking a serial number imprinted by:

17 (1) a federal firearms manufacturer, federal firearms  
18 importer, federal firearms dealer, or other federal  
19 licensee authorized to provide marking services, pursuant  
20 to a requirement under federal law; or

21 (2) a federal firearms dealer or other federal  
22 licensee authorized to provide marking services pursuant  
23 to subsection (f) of this Section.

24 (b) It is unlawful for any person to knowingly sell, offer  
25 to sell, or transfer an unserialized unfinished frame or  
26 receiver or unserialized firearm, including those produced

1 using a three-dimensional printer, unless the party purchasing  
2 or receiving the unfinished frame or receiver or unserialized  
3 firearm is a federal firearms importer, federal firearms  
4 manufacturer, or federal firearms dealer.

5 (c) Beginning 180 days after May 18, 2022 (the effective  
6 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
7 ~~General Assembly~~, it is unlawful for any person to knowingly  
8 possess, transport, or receive an unfinished frame or  
9 receiver, unless:

10 (1) the party possessing or receiving the unfinished  
11 frame or receiver is a federal firearms importer or  
12 federal firearms manufacturer;

13 (2) the unfinished frame or receiver is possessed or  
14 transported by a person for transfer to a federal firearms  
15 importer or federal firearms manufacturer; or

16 (3) the unfinished frame or receiver has been  
17 imprinted with a serial number issued by a federal  
18 firearms importer or federal firearms manufacturer in  
19 compliance with subsection (f) of this Section.

20 (d) Beginning 180 days after May 18, 2022 (the effective  
21 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
22 ~~General Assembly~~, unless the party receiving the firearm is a  
23 federal firearms importer or federal firearms manufacturer, it  
24 is unlawful for any person to knowingly possess, purchase,  
25 transport, or receive a firearm that is not imprinted with a  
26 serial number by (1) a federal firearms importer or federal

1 firearms manufacturer in compliance with all federal laws and  
2 regulations regulating the manufacture and import of firearms  
3 or (2) a federal firearms manufacturer, federal firearms  
4 dealer, or other federal licensee authorized to provide  
5 marking services in compliance with the unserialized firearm  
6 serialization process under subsection (f) of this Section.

7 (e) Any firearm or unfinished frame or receiver  
8 manufactured using a three-dimensional printer must also be  
9 serialized in accordance with the requirements of subsection  
10 (f) within 30 days after May 18, 2022 (the effective date of  
11 Public Act 102-889) ~~this amendatory Act of the 102nd General~~  
12 ~~Assembly~~, or prior to reaching a stage of manufacture where it  
13 may be readily completed, assembled, or converted to be a  
14 functional firearm.

15 (f) Unserialized unfinished frames or receivers and  
16 unserialized firearms serialized pursuant to this Section  
17 shall be serialized in compliance with all of the following:

18 (1) An unserialized unfinished frame or receiver and  
19 unserialized firearm shall be serialized by a federally  
20 licensed firearms dealer or other federal licensee  
21 authorized to provide marking services with the licensee's  
22 abbreviated federal firearms license number as a prefix  
23 (which is the first 3 and last 5 digits) followed by a  
24 hyphen, and then followed by a number as a suffix, such as  
25 12345678-(number). The serial number or numbers must be  
26 placed in a manner that accords with the requirements

1 under federal law for affixing serial numbers to firearms,  
2 including the requirements that the serial number or  
3 numbers be at the minimum size and depth, and not  
4 susceptible to being readily obliterated, altered, or  
5 removed, and the licensee must retain records that accord  
6 with the requirements under federal law in the case of the  
7 sale of a firearm. The imprinting of any serial number  
8 upon an ~~a~~ undetectable firearm must be done on a steel  
9 plaque in compliance with 18 U.S.C. 922(p).

10 (2) Every federally licensed firearms dealer or other  
11 federal licensee that engraves, casts, stamps, or  
12 otherwise conspicuously and permanently places a unique  
13 serial number pursuant to this Section shall maintain a  
14 record of such indefinitely. Licensees subject to the  
15 Firearm Dealer License Certification Act shall make all  
16 records accessible for inspection upon the request of the  
17 Illinois State Police or a law enforcement agency in  
18 accordance with Section 5-35 of the Firearm Dealer License  
19 Certification Act.

20 (3) Every federally licensed firearms dealer or other  
21 federal licensee that engraves, casts, stamps, or  
22 otherwise conspicuously and permanently places a unique  
23 serial number pursuant to this Section shall record it at  
24 the time of every transaction involving the transfer of a  
25 firearm, rifle, shotgun, finished frame or receiver, or  
26 unfinished frame or receiver that has been so marked in

1 compliance with the federal guidelines set forth in 27 CFR  
2 478.124.

3 (4) (Blank). ~~Every federally licensed firearms dealer~~  
4 ~~or other federal licensee that engraves, casts, stamps, or~~  
5 ~~otherwise conspicuously and permanently places a unique~~  
6 ~~serial number pursuant to this Section shall review and~~  
7 ~~confirm the validity of the owner's Firearm Owner's~~  
8 ~~Identification Card issued under the Firearm Owners~~  
9 ~~Identification Card Act prior to returning the firearm to~~  
10 ~~the owner.~~

11 (g) Within 30 days after May 18, 2022 (the effective date  
12 of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
13 ~~General Assembly~~, the Director of the Illinois State Police  
14 shall issue a public notice regarding the provisions of this  
15 Section. The notice shall include posting on the Illinois  
16 State Police website and may include written notification or  
17 any other means of communication statewide to all  
18 Illinois-based federal firearms manufacturers, federal  
19 firearms dealers, or other federal licensees authorized to  
20 provide marking services in compliance with the serialization  
21 process in subsection (f) in order to educate the public.

22 (h) Exceptions. This Section does not apply to an  
23 unserialized unfinished frame or receiver or an unserialized  
24 firearm that:

25 (1) has been rendered permanently inoperable;

26 (2) is an antique firearm, as defined in 18 U.S.C.

1 921(a)(16);

2 (3) was manufactured prior to October 22, 1968;

3 (4) is an unfinished frame or receiver and is  
4 possessed by a bona fide supplier exclusively for transfer  
5 to a federal firearms manufacturer or federal firearms  
6 importer, or is possessed by a federal firearms  
7 manufacturer or federal firearms importer in compliance  
8 with all federal laws and regulations regulating the  
9 manufacture and import of firearms; except this exemption  
10 does not apply if an unfinished frame or receiver is  
11 possessed for transfer or is transferred to a person other  
12 than a federal firearms manufacturer or federal firearms  
13 importer; or

14 (5) is possessed by a person who received the  
15 unserialized unfinished frame or receiver or unserialized  
16 firearm through inheritance, and is not otherwise  
17 prohibited from possessing the unserialized unfinished  
18 frame or receiver or unserialized firearm, for a period  
19 not exceeding 30 days after inheriting the unserialized  
20 unfinished frame or receiver or unserialized firearm.

21 (i) Penalties.

22 (1) A person who violates subsection (c) or (d) is  
23 guilty of a Class A misdemeanor for a first violation and  
24 is guilty of a Class 3 felony for a second or subsequent  
25 violation.

26 (2) A person who violates subsection (b) is guilty of

1 a Class 4 felony for a first violation and is guilty of a  
2 Class 2 felony for a second or subsequent violation.

3 (Source: P.A. 102-889, eff. 5-18-22; revised 1-3-24.)

4 (720 ILCS 5/24-9)

5 Sec. 24-9. Firearms; Child Protection.

6 (a) Except as provided in subsection (c), it is unlawful  
7 for any person to store or leave, within premises under his or  
8 her control, a firearm if the person knows or has reason to  
9 believe that a minor under the age of 14 years ~~who does not~~  
10 ~~have a Firearm Owners Identification Card~~ is likely to gain  
11 access to the firearm without the lawful permission of the  
12 person possessing the firearm, minor's parent, guardian, or  
13 person having charge of the minor, and the minor causes death  
14 or great bodily harm with the firearm, unless the firearm is:

15 (1) secured by a device or mechanism, other than the  
16 firearm safety, designed to render a firearm temporarily  
17 inoperable; or

18 (2) placed in a securely locked box or container; or

19 (3) placed in some other location that a reasonable  
20 person would believe to be secure from a minor under the  
21 age of 14 years.

22 (b) Sentence. A person who violates this Section is guilty  
23 of a Class C misdemeanor and shall be fined not less than  
24 \$1,000. A second or subsequent violation of this Section is a  
25 Class A misdemeanor.

1 (c) Subsection (a) does not apply:

2 (1) if the minor under 14 years of age gains access to  
3 a firearm and uses it in a lawful act of self-defense or  
4 defense of another; or

5 (2) to any firearm obtained by a minor under the age of  
6 14 because of an unlawful entry of the premises by the  
7 minor or another person.

8 (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
9 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
10 ~~Owners Identification Card Act.~~

11 (Source: P.A. 91-18, eff. 1-1-00.)

12 Section 165. The Methamphetamine Control and Community  
13 Protection Act is amended by changing Section 10 as follows:

14 (720 ILCS 646/10)

15 Sec. 10. Definitions. As used in this Act:

16 "Anhydrous ammonia" has the meaning provided in subsection  
17 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

18 "Anhydrous ammonia equipment" means all items used to  
19 store, hold, contain, handle, transfer, transport, or apply  
20 anhydrous ammonia for lawful purposes.

21 "Booby trap" means any device designed to cause physical  
22 injury when triggered by an act of a person approaching,  
23 entering, or moving through a structure, a vehicle, or any  
24 location where methamphetamine has been manufactured, is being

1 manufactured, or is intended to be manufactured.

2 "Deliver" or "delivery" has the meaning provided in  
3 subsection (h) of Section 102 of the Illinois Controlled  
4 Substances Act.

5 "Director" means the Director of the Illinois State Police  
6 or the Director's designated agents.

7 "Dispose" or "disposal" means to abandon, discharge,  
8 release, deposit, inject, dump, spill, leak, or place  
9 methamphetamine waste onto or into any land, water, or well of  
10 any type so that the waste has the potential to enter the  
11 environment, be emitted into the air, or be discharged into  
12 the soil or any waters, including groundwater.

13 "Emergency response" means the act of collecting evidence  
14 from or securing a methamphetamine laboratory site,  
15 methamphetamine waste site or other methamphetamine-related  
16 site and cleaning up the site, whether these actions are  
17 performed by public entities or private contractors paid by  
18 public entities.

19 "Emergency service provider" means a local, State, or  
20 federal peace officer, firefighter, emergency medical  
21 technician-ambulance, emergency medical  
22 technician-intermediate, emergency medical  
23 technician-paramedic, ambulance driver, or other medical or  
24 first aid personnel rendering aid, or any agent or designee of  
25 the foregoing.

26 "Finished methamphetamine" means methamphetamine in a form

1 commonly used for personal consumption.

2 "Firearm" has the meaning provided in Section 2-7.5 of the  
3 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
4 ~~Card Act.~~

5 "Manufacture" means to produce, prepare, compound,  
6 convert, process, synthesize, concentrate, purify, separate,  
7 extract, or package any methamphetamine, methamphetamine  
8 precursor, methamphetamine manufacturing catalyst,  
9 methamphetamine manufacturing reagent, methamphetamine  
10 manufacturing solvent, or any substance containing any of the  
11 foregoing.

12 "Methamphetamine" means the chemical methamphetamine (a  
13 Schedule II controlled substance under the Illinois Controlled  
14 Substances Act) or any salt, optical isomer, salt of optical  
15 isomer, or analog thereof, with the exception of  
16 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
17 scheduled substance with a separate listing under the Illinois  
18 Controlled Substances Act.

19 "Methamphetamine manufacturing catalyst" means any  
20 substance that has been used, is being used, or is intended to  
21 be used to activate, accelerate, extend, or improve a chemical  
22 reaction involved in the manufacture of methamphetamine.

23 "Methamphetamine manufacturing environment" means a  
24 structure or vehicle in which:

- 25 (1) methamphetamine is being or has been manufactured;  
26 (2) chemicals that are being used, have been used, or

1 are intended to be used to manufacture methamphetamine are  
2 stored;

3 (3) methamphetamine manufacturing materials that have  
4 been used to manufacture methamphetamine are stored; or

5 (4) methamphetamine manufacturing waste is stored.

6 "Methamphetamine manufacturing material" means any  
7 methamphetamine precursor, substance containing any  
8 methamphetamine precursor, methamphetamine manufacturing  
9 catalyst, substance containing any methamphetamine  
10 manufacturing catalyst, methamphetamine manufacturing  
11 reagent, substance containing any methamphetamine  
12 manufacturing reagent, methamphetamine manufacturing solvent,  
13 substance containing any methamphetamine manufacturing  
14 solvent, or any other chemical, substance, ingredient,  
15 equipment, apparatus, or item that is being used, has been  
16 used, or is intended to be used in the manufacture of  
17 methamphetamine.

18 "Methamphetamine manufacturing reagent" means any  
19 substance other than a methamphetamine manufacturing catalyst  
20 that has been used, is being used, or is intended to be used to  
21 react with and chemically alter any methamphetamine precursor.

22 "Methamphetamine manufacturing solvent" means any  
23 substance that has been used, is being used, or is intended to  
24 be used as a medium in which any methamphetamine precursor,  
25 methamphetamine manufacturing catalyst, methamphetamine  
26 manufacturing reagent, or any substance containing any of the

1     foregoing is dissolved, diluted, or washed during any part of  
2     the methamphetamine manufacturing process.

3             "Methamphetamine manufacturing waste" means any chemical,  
4     substance, ingredient, equipment, apparatus, or item that is  
5     left over from, results from, or is produced by the process of  
6     manufacturing methamphetamine, other than finished  
7     methamphetamine.

8             "Methamphetamine precursor" means ephedrine,  
9     pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
10    phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
11    isomer, or salt of an optical isomer of any of these chemicals.

12            "Multi-unit dwelling" means a unified structure used or  
13    intended for use as a habitation, home, or residence that  
14    contains 2 or more condominiums, apartments, hotel rooms,  
15    motel rooms, or other living units.

16            "Package" means an item marked for retail sale that is not  
17    designed to be further broken down or subdivided for the  
18    purpose of retail sale.

19            "Participate" or "participation" in the manufacture of  
20    methamphetamine means to produce, prepare, compound, convert,  
21    process, synthesize, concentrate, purify, separate, extract,  
22    or package any methamphetamine, methamphetamine precursor,  
23    methamphetamine manufacturing catalyst, methamphetamine  
24    manufacturing reagent, methamphetamine manufacturing solvent,  
25    or any substance containing any of the foregoing, or to assist  
26    in any of these actions, or to attempt to take any of these

1 actions, regardless of whether this action or these actions  
2 result in the production of finished methamphetamine.

3 "Person with a disability" means a person who suffers from  
4 a permanent physical or mental impairment resulting from  
5 disease, injury, functional disorder, or congenital condition  
6 which renders the person incapable of adequately providing for  
7 his or her own health and personal care.

8 "Procure" means to purchase, steal, gather, or otherwise  
9 obtain, by legal or illegal means, or to cause another to take  
10 such action.

11 "Second or subsequent offense" means an offense under this  
12 Act committed by an offender who previously committed an  
13 offense under this Act, the Illinois Controlled Substances  
14 Act, the Cannabis Control Act, or another Act of this State,  
15 another state, or the United States relating to  
16 methamphetamine, cannabis, or any other controlled substance.

17 "Standard dosage form", as used in relation to any  
18 methamphetamine precursor, means that the methamphetamine  
19 precursor is contained in a pill, tablet, capsule, caplet, gel  
20 cap, or liquid cap that has been manufactured by a lawful  
21 entity and contains a standard quantity of methamphetamine  
22 precursor.

23 "Unauthorized container", as used in relation to anhydrous  
24 ammonia, means any container that is not designed for the  
25 specific and sole purpose of holding, storing, transporting,  
26 or applying anhydrous ammonia. "Unauthorized container"

1 includes, but is not limited to, any propane tank, fire  
2 extinguisher, oxygen cylinder, gasoline can, food or beverage  
3 cooler, or compressed gas cylinder used in dispensing fountain  
4 drinks. "Unauthorized container" does not encompass anhydrous  
5 ammonia manufacturing plants, refrigeration systems where  
6 anhydrous ammonia is used solely as a refrigerant, anhydrous  
7 ammonia transportation pipelines, anhydrous ammonia tankers,  
8 or anhydrous ammonia barges.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 Section 170. The Code of Criminal Procedure of 1963 is  
11 amended by changing Sections 102-7.1, 110-10, 112A-5.5,  
12 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as  
13 follows:

14 (725 ILCS 5/102-7.1)

15 Sec. 102-7.1. "Category A offense". "Category A offense"  
16 means a Class 1 felony, Class 2 felony, Class X felony, first  
17 degree murder, a violation of Section 11-204 of the Illinois  
18 Vehicle Code, a second or subsequent violation of Section  
19 11-501 of the Illinois Vehicle Code, a violation of subsection  
20 (d) of Section 11-501 of the Illinois Vehicle Code, a  
21 violation of Section 11-401 of the Illinois Vehicle Code if  
22 the crash results in injury and the person failed to report the  
23 crash within 30 minutes, a violation of Section 9-3, 9-3.4,  
24 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,

1 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,  
2 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,  
3 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or  
4 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code  
5 of 2012, a violation of paragraph (5) or (6) of subsection (b)  
6 of Section 10-9 of the Criminal Code of 2012, a violation of  
7 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)  
8 of Section 11-1.50 of the Criminal Code of 2012, a violation of  
9 Section 12-7 of the Criminal Code of 2012 if the defendant  
10 inflicts bodily harm on the victim to obtain a confession,  
11 statement, or information, a violation of Section 12-7.5 of  
12 the Criminal Code of 2012 if the action results in bodily harm,  
13 a violation of paragraph (3) of subsection (b) of Section 17-2  
14 of the Criminal Code of 2012, a violation of subdivision  
15 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a  
16 violation of paragraph (6) of subsection (a) of Section 24-1  
17 of the Criminal Code of 2012, a first violation of Section  
18 24-1.6 of the Criminal Code of 2012 by a person 18 years of age  
19 or older where the factors listed in both items (A) and (C) or  
20 both items (A-5) and (C) of paragraph (3) of subsection (a) of  
21 Section 24-1.6 of the Criminal Code of 2012 are present, a  
22 Class 3 felony violation of paragraph (1) of subsection (a) of  
23 Section 2 of the Firearm Owners Identification Card Act  
24 committed before the effective date of this amendatory Act of  
25 the 103rd General Assembly, or a violation of Section 10 of the  
26 Sex Offender Registration Act.

1 (Source: P.A. 102-982, eff. 7-1-23.)

2 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

3 Sec. 110-10. Conditions of pretrial release.

4 (a) If a person is released prior to conviction, the  
5 conditions of pretrial release shall be that he or she will:

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

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

11 (3) (Blank);

12 (4) Not violate any criminal statute of any  
13 jurisdiction;

14 (5) At a time and place designated by the court,  
15 surrender all firearms in his or her possession to a law  
16 enforcement officer designated by the court to take  
17 custody of and impound the firearms ~~and physically~~  
18 ~~surrender his or her Firearm Owner's Identification Card~~  
19 to the clerk of the circuit court when the offense the  
20 person has been charged with is a forcible felony,  
21 stalking, aggravated stalking, domestic battery, any  
22 violation of the Illinois Controlled Substances Act, the  
23 Methamphetamine Control and Community Protection Act, or  
24 the Cannabis Control Act that is classified as a Class 2 or  
25 greater felony, or any felony violation of Article 24 of

1 the Criminal Code of 1961 or the Criminal Code of 2012; the  
2 court may, however, forgo the imposition of this condition  
3 when the circumstances of the case clearly do not warrant  
4 it or when its imposition would be impractical; ~~if the~~  
5 ~~Firearm Owner's Identification Card is confiscated, the~~  
6 ~~clerk of the circuit court shall mail the confiscated card~~  
7 ~~to the Illinois State Police;~~ all legally possessed  
8 firearms shall be returned to the person upon the charges  
9 being dismissed, or if the person is found not guilty,  
10 unless the finding of not guilty is by reason of insanity;  
11 and

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

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

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

15 (b) Additional conditions of release shall be set only  
16 when it is determined that they are necessary to ensure the  
17 defendant's appearance in court, ensure the defendant does not  
18 commit any criminal offense, ensure the defendant complies  
19 with all conditions of pretrial release, prevent the  
20 defendant's unlawful interference with the orderly  
21 administration of justice, or ensure compliance with the rules  
22 and procedures of problem solving courts. However, conditions  
23 shall include the least restrictive means and be  
24 individualized. Conditions shall not mandate rehabilitative  
25 services unless directly tied to the risk of pretrial  
26 misconduct. Conditions of supervision shall not include

1 punitive measures such as community service work or  
2 restitution. Conditions may include the following:

3 (0.05) Not depart this State without leave of the  
4 court;

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

7 (2) Refrain from possessing a firearm or other  
8 dangerous weapon;

9 (3) Refrain from approaching or communicating with  
10 particular persons or classes of persons;

11 (4) Refrain from going to certain described geographic  
12 areas or premises;

13 (5) Be placed under direct supervision of the Pretrial  
14 Services Agency, Probation Department or Court Services  
15 Department in a pretrial home supervision capacity with or  
16 without the use of an approved electronic monitoring  
17 device subject to Article 8A of Chapter V of the Unified  
18 Code of Corrections;

19 (6) For persons charged with violating Section 11-501  
20 of the Illinois Vehicle Code, refrain from operating a  
21 motor vehicle not equipped with an ignition interlock  
22 device, as defined in Section 1-129.1 of the Illinois  
23 Vehicle Code, pursuant to the rules promulgated by the  
24 Secretary of State for the installation of ignition  
25 interlock devices. Under this condition the court may  
26 allow a defendant who is not self-employed to operate a

1 vehicle owned by the defendant's employer that is not  
2 equipped with an ignition interlock device in the course  
3 and scope of the defendant's employment;

4 (7) Comply with the terms and conditions of an order  
5 of protection issued by the court under the Illinois  
6 Domestic Violence Act of 1986 or an order of protection  
7 issued by the court of another state, tribe, or United  
8 States territory;

9 (8) Sign a written admonishment requiring that he or  
10 she comply with the provisions of Section 110-12 regarding  
11 any change in his or her address. The defendant's address  
12 shall at all times remain a matter of record with the clerk  
13 of the court; and

14 (9) Such other reasonable conditions as the court may  
15 impose, so long as these conditions are the least  
16 restrictive means to achieve the goals listed in  
17 subsection (b), are individualized, and are in accordance  
18 with national best practices as detailed in the Pretrial  
19 Supervision Standards of the Supreme Court.

20 The defendant shall receive verbal and written  
21 notification of conditions of pretrial release and future  
22 court dates, including the date, time, and location of court.

23 (c) When a person is charged with an offense under Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
25 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, involving a victim who is a minor under

1 18 years of age living in the same household with the defendant  
2 at the time of the offense, in releasing the defendant, the  
3 judge shall impose conditions to restrict the defendant's  
4 access to the victim which may include, but are not limited to  
5 conditions that he will:

6 1. Vacate the household.

7 2. Make payment of temporary support to his  
8 dependents.

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

11 (d) When a person is charged with a criminal offense and  
12 the victim is a family or household member as defined in  
13 Article 112A, conditions shall be imposed at the time of the  
14 defendant's release that restrict the defendant's access to  
15 the victim. Unless provided otherwise by the court, the  
16 restrictions shall include requirements that the defendant do  
17 the following:

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

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

24 (e) Local law enforcement agencies shall develop  
25 standardized pretrial release forms for use in cases involving  
26 family or household members as defined in Article 112A,

1 including specific conditions of pretrial release as provided  
2 in subsection (d). Failure of any law enforcement department  
3 to develop or use those forms shall in no way limit the  
4 applicability and enforcement of subsections (d) and (f).

5 (f) If the defendant is released after conviction  
6 following appeal or other post-conviction proceeding, the  
7 conditions of the pretrial release shall be that he will, in  
8 addition to the conditions set forth in subsections (a) and  
9 (b) hereof:

10 (1) Duly prosecute his appeal;

11 (2) Appear at such time and place as the court may  
12 direct;

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

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

16 (5) If the judgment is affirmed or the cause reversed  
17 and remanded for a new trial, forthwith surrender to the  
18 officer from whose custody he was released.

19 (g) Upon a finding of guilty for any felony offense, the  
20 defendant shall physically surrender, at a time and place  
21 designated by the court, any and all firearms in his or her  
22 possession ~~and his or her Firearm Owner's Identification Card~~  
23 as a condition of being released pending sentencing.

24 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;  
25 102-1104, eff. 1-1-23.)

1 (725 ILCS 5/112A-5.5)

2 Sec. 112A-5.5. Time for filing petition; service on  
3 respondent, hearing on petition, and default orders.

4 (a) A petition for a protective order may be filed at any  
5 time, in person or online, after a criminal charge or  
6 delinquency petition is filed and before the charge or  
7 delinquency petition is dismissed, the defendant or juvenile  
8 is acquitted, or the defendant or juvenile completes service  
9 of his or her sentence.

10 (b) The request for an ex parte protective order may be  
11 considered without notice to the respondent under Section  
12 112A-17.5 of this Code.

13 (c) A summons shall be issued and served for a protective  
14 order. The summons may be served by delivery to the respondent  
15 personally in open court in the criminal or juvenile  
16 delinquency proceeding, in the form prescribed by subsection  
17 (d) of Supreme Court Rule 101, except that it shall require the  
18 respondent to answer or appear within 7 days. Attachments to  
19 the summons shall include the petition for protective order,  
20 supporting affidavits, if any, and any ex parte protective  
21 order that has been issued.

22 (d) The summons shall be served by the sheriff or other law  
23 enforcement officer at the earliest time available and shall  
24 take precedence over any other summons, except those of a  
25 similar emergency nature. Attachments to the summons shall  
26 include the petition for protective order, supporting

1 affidavits, if any, and any ex parte protective order that has  
2 been issued. Special process servers may be appointed at any  
3 time and their designation shall not affect the  
4 responsibilities and authority of the sheriff or other  
5 official process servers. In a county with a population over  
6 3,000,000, a special process server may not be appointed if  
7 the protective order grants the surrender of a child, the  
8 surrender of a firearm ~~or Firearm Owner's Identification Card,~~  
9 or the exclusive possession of a shared residence.

10 (e) If the respondent is not served within 30 days of the  
11 filing of the petition, the court shall schedule a court  
12 proceeding on the issue of service. Either the petitioner, the  
13 petitioner's counsel, or the State's Attorney shall appear and  
14 the court shall either order continued attempts at personal  
15 service or shall order service by publication, in accordance  
16 with Sections 2-203, 2-206, and 2-207 of the Code of Civil  
17 Procedure.

18 (f) The request for a final protective order can be  
19 considered at any court proceeding in the delinquency or  
20 criminal case after service of the petition. If the petitioner  
21 has not been provided notice of the court proceeding at least  
22 10 days in advance of the proceeding, the court shall schedule  
23 a hearing on the petition and provide notice to the  
24 petitioner.

25 (f-5) A court in a county with a population above 250,000  
26 shall offer the option of a remote hearing to a petitioner for

1 a protective order. The court has the discretion to grant or  
2 deny the request for a remote hearing. Each court shall  
3 determine the procedure for a remote hearing. The petitioner  
4 and respondent may appear remotely or in person.

5 The court shall issue and publish a court order, standing  
6 order, or local rule detailing information about the process  
7 for requesting and participating in a remote court appearance.  
8 The court order, standing order, or local rule shall be  
9 published on the court's website and posted on signs  
10 throughout the courthouse, including in the clerk's office.  
11 The sign shall be written in plain language and include  
12 information about the availability of remote court appearances  
13 and the process for requesting a remote hearing.

14 (g) Default orders.

15 (1) A final domestic violence order of protection may  
16 be entered by default:

17 (A) for any of the remedies sought in the  
18 petition, if the respondent has been served with  
19 documents under subsection (b) or (c) of this Section  
20 and if the respondent fails to appear on the specified  
21 return date or any subsequent hearing date agreed to  
22 by the petitioner and respondent or set by the court;  
23 or

24 (B) for any of the remedies provided under  
25 paragraph (1), (2), (3), (5), (6), (7), (8), (9),  
26 (10), (11), (14), (15), (17), or (18) of subsection

1 (b) of Section 112A-14 of this Code, or if the  
2 respondent fails to answer or appear in accordance  
3 with the date set in the publication notice or the  
4 return date indicated on the service of a household  
5 member.

6 (2) A final civil no contact order may be entered by  
7 default for any of the remedies provided in Section  
8 112A-14.5 of this Code, if the respondent has been served  
9 with documents under subsection (b) or (c) of this  
10 Section, and if the respondent fails to answer or appear  
11 in accordance with the date set in the publication notice  
12 or the return date indicated on the service of a household  
13 member.

14 (3) A final stalking no contact order may be entered  
15 by default for any of the remedies provided by Section  
16 112A-14.7 of this Code, if the respondent has been served  
17 with documents under subsection (b) or (c) of this Section  
18 and if the respondent fails to answer or appear in  
19 accordance with the date set in the publication notice or  
20 the return date indicated on the service of a household  
21 member.

22 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

23 (725 ILCS 5/112A-11.1)

24 Sec. 112A-11.1. Procedure for determining whether certain  
25 misdemeanor crimes are crimes of domestic violence for

1 purposes of federal law.

2 (a) When a defendant has been charged with a violation of  
3 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012, the State  
5 may, at arraignment or no later than 45 days after  
6 arraignment, for the purpose of notification to the Illinois  
7 State Police ~~Firearm Owner's Identification Card Office~~, serve  
8 on the defendant and file with the court a notice alleging that  
9 conviction of the offense would subject the defendant to the  
10 prohibitions of 18 U.S.C. 922(g)(9) because of the  
11 relationship between the defendant and the alleged victim and  
12 the nature of the alleged offense.

13 (b) The notice shall include the name of the person  
14 alleged to be the victim of the crime and shall specify the  
15 nature of the alleged relationship as set forth in 18 U.S.C.  
16 921(a)(33)(A)(ii). It shall also specify the element of the  
17 charged offense which requires the use or attempted use of  
18 physical force, or the threatened use of a deadly weapon, as  
19 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
20 notice that the defendant is entitled to a hearing on the  
21 allegation contained in the notice and that if the allegation  
22 is sustained, that determination and conviction shall be  
23 reported to the Illinois State Police ~~Firearm Owner's~~  
24 ~~Identification Card Office~~.

25 (c) After having been notified as provided in subsection  
26 (b) of this Section, the defendant may stipulate or admit,

1 orally on the record or in writing, that conviction of the  
2 offense would subject the defendant to the prohibitions of 18  
3 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
4 922(g)(9) shall be deemed established for purposes of Section  
5 112A-11.2. If the defendant denies the applicability of 18  
6 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
7 or stands mute with respect to that allegation, then the State  
8 shall bear the burden to prove beyond a reasonable doubt that  
9 the offense is one to which the prohibitions of 18 U.S.C.  
10 922(g)(9) apply. The court may consider reliable hearsay  
11 evidence submitted by either party provided that it is  
12 relevant to the determination of the allegation. Facts  
13 previously proven at trial or elicited at the time of entry of  
14 a plea of guilty shall be deemed established beyond a  
15 reasonable doubt and shall not be relitigated. At the  
16 conclusion of the hearing, or upon a stipulation or admission,  
17 as applicable, the court shall make a specific written  
18 determination with respect to the allegation.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (725 ILCS 5/112A-11.2)

21 Sec. 112A-11.2. Notification to the Illinois State Police  
22 ~~Firearm Owner's Identification Card Office~~ of determinations  
23 in certain misdemeanor cases. Upon judgment of conviction of a  
24 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
25 12-3.5 of the Criminal Code of 1961 or the Criminal Code of

1 2012 when the defendant has been determined, under Section  
2 112A-11.1, to be subject to the prohibitions of 18 U.S.C.  
3 922(g)(9), the circuit court clerk shall include notification  
4 and a copy of the written determination in a report of the  
5 conviction to the Illinois State Police ~~Firearm Owner's~~  
6 ~~Identification Card Office~~ to enable the office to report that  
7 determination to the Federal Bureau of Investigation and  
8 assist the Bureau in identifying persons prohibited from  
9 purchasing and possessing a firearm pursuant to the provisions  
10 of 18 U.S.C. 922.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

13 Sec. 112A-14. Domestic violence order of protection;  
14 remedies.

15 (a) (Blank).

16 (b) The court may order any of the remedies listed in this  
17 subsection (b). The remedies listed in this subsection (b)  
18 shall be in addition to other civil or criminal remedies  
19 available to petitioner.

20 (1) Prohibition of abuse. Prohibit respondent's  
21 harassment, interference with personal liberty,  
22 intimidation of a dependent, physical abuse, or willful  
23 deprivation, as defined in this Article, if such abuse has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

1           (2) Grant of exclusive possession of residence.  
2 Prohibit respondent from entering or remaining in any  
3 residence, household, or premises of the petitioner,  
4 including one owned or leased by respondent, if petitioner  
5 has a right to occupancy thereof. The grant of exclusive  
6 possession of the residence, household, or premises shall  
7 not affect title to real property, nor shall the court be  
8 limited by the standard set forth in subsection (c-2) of  
9 Section 501 of the Illinois Marriage and Dissolution of  
10 Marriage Act.

11           (A) Right to occupancy. A party has a right to  
12 occupancy of a residence or household if it is solely  
13 or jointly owned or leased by that party, that party's  
14 spouse, a person with a legal duty to support that  
15 party or a minor child in that party's care, or by any  
16 person or entity other than the opposing party that  
17 authorizes that party's occupancy (e.g., a domestic  
18 violence shelter). Standards set forth in subparagraph  
19 (B) shall not preclude equitable relief.

20           (B) Presumption of hardships. If petitioner and  
21 respondent each has the right to occupancy of a  
22 residence or household, the court shall balance (i)  
23 the hardships to respondent and any minor child or  
24 dependent adult in respondent's care resulting from  
25 entry of this remedy with (ii) the hardships to  
26 petitioner and any minor child or dependent adult in

1 petitioner's care resulting from continued exposure to  
2 the risk of abuse (should petitioner remain at the  
3 residence or household) or from loss of possession of  
4 the residence or household (should petitioner leave to  
5 avoid the risk of abuse). When determining the balance  
6 of hardships, the court shall also take into account  
7 the accessibility of the residence or household.  
8 Hardships need not be balanced if respondent does not  
9 have a right to occupancy.

10 The balance of hardships is presumed to favor  
11 possession by petitioner unless the presumption is  
12 rebutted by a preponderance of the evidence, showing  
13 that the hardships to respondent substantially  
14 outweigh the hardships to petitioner and any minor  
15 child or dependent adult in petitioner's care. The  
16 court, on the request of petitioner or on its own  
17 motion, may order respondent to provide suitable,  
18 accessible, alternate housing for petitioner instead  
19 of excluding respondent from a mutual residence or  
20 household.

21 (3) Stay away order and additional prohibitions. Order  
22 respondent to stay away from petitioner or any other  
23 person protected by the domestic violence order of  
24 protection, or prohibit respondent from entering or  
25 remaining present at petitioner's school, place of  
26 employment, or other specified places at times when

1 petitioner is present, or both, if reasonable, given the  
2 balance of hardships. Hardships need not be balanced for  
3 the court to enter a stay away order or prohibit entry if  
4 respondent has no right to enter the premises.

5 (A) If a domestic violence order of protection  
6 grants petitioner exclusive possession of the  
7 residence, prohibits respondent from entering the  
8 residence, or orders respondent to stay away from  
9 petitioner or other protected persons, then the court  
10 may allow respondent access to the residence to remove  
11 items of clothing and personal adornment used  
12 exclusively by respondent, medications, and other  
13 items as the court directs. The right to access shall  
14 be exercised on only one occasion as the court directs  
15 and in the presence of an agreed-upon adult third  
16 party or law enforcement officer.

17 (B) When the petitioner and the respondent attend  
18 the same public, private, or non-public elementary,  
19 middle, or high school, the court when issuing a  
20 domestic violence order of protection and providing  
21 relief shall consider the severity of the act, any  
22 continuing physical danger or emotional distress to  
23 the petitioner, the educational rights guaranteed to  
24 the petitioner and respondent under federal and State  
25 law, the availability of a transfer of the respondent  
26 to another school, a change of placement or a change of

1 program of the respondent, the expense, difficulty,  
2 and educational disruption that would be caused by a  
3 transfer of the respondent to another school, and any  
4 other relevant facts of the case. The court may order  
5 that the respondent not attend the public, private, or  
6 non-public elementary, middle, or high school attended  
7 by the petitioner, order that the respondent accept a  
8 change of placement or change of program, as  
9 determined by the school district or private or  
10 non-public school, or place restrictions on the  
11 respondent's movements within the school attended by  
12 the petitioner. The respondent bears the burden of  
13 proving by a preponderance of the evidence that a  
14 transfer, change of placement, or change of program of  
15 the respondent is not available. The respondent also  
16 bears the burden of production with respect to the  
17 expense, difficulty, and educational disruption that  
18 would be caused by a transfer of the respondent to  
19 another school. A transfer, change of placement, or  
20 change of program is not unavailable to the respondent  
21 solely on the ground that the respondent does not  
22 agree with the school district's or private or  
23 non-public school's transfer, change of placement, or  
24 change of program or solely on the ground that the  
25 respondent fails or refuses to consent or otherwise  
26 does not take an action required to effectuate a

1 transfer, change of placement, or change of program.  
2 When a court orders a respondent to stay away from the  
3 public, private, or non-public school attended by the  
4 petitioner and the respondent requests a transfer to  
5 another attendance center within the respondent's  
6 school district or private or non-public school, the  
7 school district or private or non-public school shall  
8 have sole discretion to determine the attendance  
9 center to which the respondent is transferred. If the  
10 court order results in a transfer of the minor  
11 respondent to another attendance center, a change in  
12 the respondent's placement, or a change of the  
13 respondent's program, the parents, guardian, or legal  
14 custodian of the respondent is responsible for  
15 transportation and other costs associated with the  
16 transfer or change.

17 (C) The court may order the parents, guardian, or  
18 legal custodian of a minor respondent to take certain  
19 actions or to refrain from taking certain actions to  
20 ensure that the respondent complies with the order. If  
21 the court orders a transfer of the respondent to  
22 another school, the parents, guardian, or legal  
23 custodian of the respondent is responsible for  
24 transportation and other costs associated with the  
25 change of school by the respondent.

26 (4) Counseling. Require or recommend the respondent to

1           undergo counseling for a specified duration with a social  
2           worker,       psychologist,       clinical       psychologist,  
3           psychiatrist, family service agency, alcohol or substance  
4           abuse program, mental health center guidance counselor,  
5           agency providing services to elders, program designed for  
6           domestic violence abusers, or any other guidance service  
7           the court deems appropriate. The court may order the  
8           respondent in any intimate partner relationship to report  
9           to an Illinois Department of Human Services protocol  
10          approved partner abuse intervention program for an  
11          assessment and to follow all recommended treatment.

12                 (5) Physical care and possession of the minor child.  
13           In order to protect the minor child from abuse, neglect,  
14           or unwarranted separation from the person who has been the  
15           minor child's primary caretaker, or to otherwise protect  
16           the well-being of the minor child, the court may do either  
17           or both of the following: (i) grant petitioner physical  
18           care or possession of the minor child, or both, or (ii)  
19           order respondent to return a minor child to, or not remove  
20           a minor child from, the physical care of a parent or person  
21           in loco parentis.

22           If the respondent is charged with abuse (as defined in  
23           Section 112A-3 of this Code) of a minor child, there shall  
24           be a rebuttable presumption that awarding physical care to  
25           respondent would not be in the minor child's best  
26           interest.

1           (6) Temporary allocation of parental responsibilities  
2           and significant decision-making responsibilities. Award  
3           temporary significant decision-making responsibility to  
4           petitioner in accordance with this Section, the Illinois  
5           Marriage and Dissolution of Marriage Act, the Illinois  
6           Parentage Act of 2015, and this State's Uniform  
7           Child-Custody Jurisdiction and Enforcement Act.

8           If the respondent is charged with abuse (as defined in  
9           Section 112A-3 of this Code) of a minor child, there shall  
10          be a rebuttable presumption that awarding temporary  
11          significant decision-making responsibility to respondent  
12          would not be in the child's best interest.

13          (7) Parenting time. Determine the parenting time, if  
14          any, of respondent in any case in which the court awards  
15          physical care or temporary significant decision-making  
16          responsibility of a minor child to petitioner. The court  
17          shall restrict or deny respondent's parenting time with a  
18          minor child if the court finds that respondent has done or  
19          is likely to do any of the following:

20                 (i) abuse or endanger the minor child during  
21                 parenting time;

22                 (ii) use the parenting time as an opportunity to  
23                 abuse or harass petitioner or petitioner's family or  
24                 household members;

25                 (iii) improperly conceal or detain the minor  
26                 child; or

1 (iv) otherwise act in a manner that is not in the  
2 best interests of the minor child.

3 The court shall not be limited by the standards set  
4 forth in Section 603.10 of the Illinois Marriage and  
5 Dissolution of Marriage Act. If the court grants parenting  
6 time, the order shall specify dates and times for the  
7 parenting time to take place or other specific parameters  
8 or conditions that are appropriate. No order for parenting  
9 time shall refer merely to the term "reasonable parenting  
10 time". Petitioner may deny respondent access to the minor  
11 child if, when respondent arrives for parenting time,  
12 respondent is under the influence of drugs or alcohol and  
13 constitutes a threat to the safety and well-being of  
14 petitioner or petitioner's minor children or is behaving  
15 in a violent or abusive manner. If necessary to protect  
16 any member of petitioner's family or household from future  
17 abuse, respondent shall be prohibited from coming to  
18 petitioner's residence to meet the minor child for  
19 parenting time, and the petitioner and respondent shall  
20 submit to the court their recommendations for reasonable  
21 alternative arrangements for parenting time. A person may  
22 be approved to supervise parenting time only after filing  
23 an affidavit accepting that responsibility and  
24 acknowledging accountability to the court.

25 (8) Removal or concealment of minor child. Prohibit  
26 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to appear in  
3 court, alone or with a minor child, to prevent abuse,  
4 neglect, removal or concealment of the child, to return  
5 the child to the custody or care of the petitioner, or to  
6 permit any court-ordered interview or examination of the  
7 child or the respondent.

8 (10) Possession of personal property. Grant petitioner  
9 exclusive possession of personal property and, if  
10 respondent has possession or control, direct respondent to  
11 promptly make it available to petitioner, if:

12 (i) petitioner, but not respondent, owns the  
13 property; or

14 (ii) the petitioner and respondent own the  
15 property jointly; sharing it would risk abuse of  
16 petitioner by respondent or is impracticable; and the  
17 balance of hardships favors temporary possession by  
18 petitioner.

19 If petitioner's sole claim to ownership of the  
20 property is that it is marital property, the court may  
21 award petitioner temporary possession thereof under the  
22 standards of subparagraph (ii) of this paragraph only if a  
23 proper proceeding has been filed under the Illinois  
24 Marriage and Dissolution of Marriage Act, as now or  
25 hereafter amended.

26 No order under this provision shall affect title to

1 property.

2 (11) Protection of property. Forbid the respondent  
3 from taking, transferring, encumbering, concealing,  
4 damaging, or otherwise disposing of any real or personal  
5 property, except as explicitly authorized by the court,  
6 if:

7 (i) petitioner, but not respondent, owns the  
8 property; or

9 (ii) the petitioner and respondent own the  
10 property jointly, and the balance of hardships favors  
11 granting this remedy.

12 If petitioner's sole claim to ownership of the  
13 property is that it is marital property, the court may  
14 grant petitioner relief under subparagraph (ii) of this  
15 paragraph only if a proper proceeding has been filed under  
16 the Illinois Marriage and Dissolution of Marriage Act, as  
17 now or hereafter amended.

18 The court may further prohibit respondent from  
19 improperly using the financial or other resources of an  
20 aged member of the family or household for the profit or  
21 advantage of respondent or of any other person.

22 (11.5) Protection of animals. Grant the petitioner the  
23 exclusive care, custody, or control of any animal owned,  
24 possessed, leased, kept, or held by either the petitioner  
25 or the respondent or a minor child residing in the  
26 residence or household of either the petitioner or the

1           respondent and order the respondent to stay away from the  
2           animal and forbid the respondent from taking,  
3           transferring, encumbering, concealing, harming, or  
4           otherwise disposing of the animal.

5           (12) Order for payment of support. Order respondent to  
6           pay temporary support for the petitioner or any child in  
7           the petitioner's care or over whom the petitioner has been  
8           allocated parental responsibility, when the respondent has  
9           a legal obligation to support that person, in accordance  
10          with the Illinois Marriage and Dissolution of Marriage  
11          Act, which shall govern, among other matters, the amount  
12          of support, payment through the clerk and withholding of  
13          income to secure payment. An order for child support may  
14          be granted to a petitioner with lawful physical care of a  
15          child, or an order or agreement for physical care of a  
16          child, prior to entry of an order allocating significant  
17          decision-making responsibility. Such a support order shall  
18          expire upon entry of a valid order allocating parental  
19          responsibility differently and vacating petitioner's  
20          significant decision-making responsibility unless  
21          otherwise provided in the order.

22          (13) Order for payment of losses. Order respondent to  
23          pay petitioner for losses suffered as a direct result of  
24          the abuse. Such losses shall include, but not be limited  
25          to, medical expenses, lost earnings or other support,  
26          repair or replacement of property damaged or taken,

1 reasonable attorney's fees, court costs, and moving or  
2 other travel expenses, including additional reasonable  
3 expenses for temporary shelter and restaurant meals.

4 (i) Losses affecting family needs. If a party is  
5 entitled to seek maintenance, child support, or  
6 property distribution from the other party under the  
7 Illinois Marriage and Dissolution of Marriage Act, as  
8 now or hereafter amended, the court may order  
9 respondent to reimburse petitioner's actual losses, to  
10 the extent that such reimbursement would be  
11 "appropriate temporary relief", as authorized by  
12 subsection (a) (3) of Section 501 of that Act.

13 (ii) Recovery of expenses. In the case of an  
14 improper concealment or removal of a minor child, the  
15 court may order respondent to pay the reasonable  
16 expenses incurred or to be incurred in the search for  
17 and recovery of the minor child, including, but not  
18 limited to, legal fees, court costs, private  
19 investigator fees, and travel costs.

20 (14) Prohibition of entry. Prohibit the respondent  
21 from entering or remaining in the residence or household  
22 while the respondent is under the influence of alcohol or  
23 drugs and constitutes a threat to the safety and  
24 well-being of the petitioner or the petitioner's children.

25 (14.5) Prohibition of firearm possession.

26 (A) A person who is subject to an existing

1 domestic violence order of protection issued under  
2 this Code may not lawfully possess firearms, stun  
3 guns, or tasers ~~weapons or a Firearm Owner's~~  
4 ~~Identification Card under Section 8.2 of the Firearm~~  
5 ~~Owners Identification Card Act.~~

6 (B) Any firearms in the possession of the  
7 respondent, except as provided in subparagraph (C) of  
8 this paragraph (14.5), shall be ordered by the court  
9 to be turned over to a person who is not prohibited  
10 under State or federal law from possessing firearms  
11 ~~with a valid Firearm Owner's Identification Card for~~  
12 ~~safekeeping. The court shall issue an order that the~~  
13 ~~respondent comply with Section 9.5 of the Firearm~~  
14 ~~Owners Identification Card Act.~~

15 (C) If the respondent is a peace officer as  
16 defined in Section 2-13 of the Criminal Code of 2012,  
17 the court shall order that any firearms used by the  
18 respondent in the performance of his or her duties as a  
19 peace officer be surrendered to the chief law  
20 enforcement executive of the agency in which the  
21 respondent is employed, who shall retain the firearms  
22 for safekeeping for the duration of the domestic  
23 violence order of protection.

24 (D) Upon expiration of the period of safekeeping,  
25 if the firearms ~~or Firearm Owner's Identification Card~~  
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to  
2 retrieve the firearms, or is not lawfully eligible to  
3 possess a firearm, upon petition from the local law  
4 enforcement agency, the court may order the local law  
5 enforcement agency to destroy the firearms, use the  
6 firearms for training purposes, or for any other  
7 application as deemed appropriate by the local law  
8 enforcement agency; or that the firearms be turned  
9 over to a third party who is lawfully eligible to  
10 possess firearms, and who does not reside with  
11 respondent.

12 (15) Prohibition of access to records. If a domestic  
13 violence order of protection prohibits respondent from  
14 having contact with the minor child, or if petitioner's  
15 address is omitted under subsection (b) of Section 112A-5  
16 of this Code, or if necessary to prevent abuse or wrongful  
17 removal or concealment of a minor child, the order shall  
18 deny respondent access to, and prohibit respondent from  
19 inspecting, obtaining, or attempting to inspect or obtain,  
20 school or any other records of the minor child who is in  
21 the care of petitioner.

22 (16) Order for payment of shelter services. Order  
23 respondent to reimburse a shelter providing temporary  
24 housing and counseling services to the petitioner for the  
25 cost of the services, as certified by the shelter and  
26 deemed reasonable by the court.

1           (17) Order for injunctive relief. Enter injunctive  
2 relief necessary or appropriate to prevent further abuse  
3 of a family or household member or to effectuate one of the  
4 granted remedies, if supported by the balance of  
5 hardships. If the harm to be prevented by the injunction  
6 is abuse or any other harm that one of the remedies listed  
7 in paragraphs (1) through (16) of this subsection is  
8 designed to prevent, no further evidence is necessary to  
9 establish that the harm is an irreparable injury.

10           (18) Telephone services.

11           (A) Unless a condition described in subparagraph  
12 (B) of this paragraph exists, the court may, upon  
13 request by the petitioner, order a wireless telephone  
14 service provider to transfer to the petitioner the  
15 right to continue to use a telephone number or numbers  
16 indicated by the petitioner and the financial  
17 responsibility associated with the number or numbers,  
18 as set forth in subparagraph (C) of this paragraph. In  
19 this paragraph (18), the term "wireless telephone  
20 service provider" means a provider of commercial  
21 mobile service as defined in 47 U.S.C. 332. The  
22 petitioner may request the transfer of each telephone  
23 number that the petitioner, or a minor child in his or  
24 her custody, uses. The clerk of the court shall serve  
25 the order on the wireless telephone service provider's  
26 agent for service of process provided to the Illinois

1 Commerce Commission. The order shall contain all of  
2 the following:

3 (i) The name and billing telephone number of  
4 the account holder including the name of the  
5 wireless telephone service provider that serves  
6 the account.

7 (ii) Each telephone number that will be  
8 transferred.

9 (iii) A statement that the provider transfers  
10 to the petitioner all financial responsibility for  
11 and right to the use of any telephone number  
12 transferred under this paragraph.

13 (B) A wireless telephone service provider shall  
14 terminate the respondent's use of, and shall transfer  
15 to the petitioner use of, the telephone number or  
16 numbers indicated in subparagraph (A) of this  
17 paragraph unless it notifies the petitioner, within 72  
18 hours after it receives the order, that one of the  
19 following applies:

20 (i) The account holder named in the order has  
21 terminated the account.

22 (ii) A difference in network technology would  
23 prevent or impair the functionality of a device on  
24 a network if the transfer occurs.

25 (iii) The transfer would cause a geographic or  
26 other limitation on network or service provision

1 to the petitioner.

2 (iv) Another technological or operational  
3 issue would prevent or impair the use of the  
4 telephone number if the transfer occurs.

5 (C) The petitioner assumes all financial  
6 responsibility for and right to the use of any  
7 telephone number transferred under this paragraph. In  
8 this paragraph, "financial responsibility" includes  
9 monthly service costs and costs associated with any  
10 mobile device associated with the number.

11 (D) A wireless telephone service provider may  
12 apply to the petitioner its routine and customary  
13 requirements for establishing an account or  
14 transferring a number, including requiring the  
15 petitioner to provide proof of identification,  
16 financial information, and customer preferences.

17 (E) Except for willful or wanton misconduct, a  
18 wireless telephone service provider is immune from  
19 civil liability for its actions taken in compliance  
20 with a court order issued under this paragraph.

21 (F) All wireless service providers that provide  
22 services to residential customers shall provide to the  
23 Illinois Commerce Commission the name and address of  
24 an agent for service of orders entered under this  
25 paragraph (18). Any change in status of the registered  
26 agent must be reported to the Illinois Commerce

1 Commission within 30 days of such change.

2 (G) The Illinois Commerce Commission shall  
3 maintain the list of registered agents for service for  
4 each wireless telephone service provider on the  
5 Commission's website. The Commission may consult with  
6 wireless telephone service providers and the Circuit  
7 Court Clerks on the manner in which this information  
8 is provided and displayed.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,  
11 other than payment of support, the court shall consider  
12 relevant factors, including, but not limited to, the  
13 following:

14 (i) the nature, frequency, severity, pattern, and  
15 consequences of the respondent's past abuse of the  
16 petitioner or any family or household member,  
17 including the concealment of his or her location in  
18 order to evade service of process or notice, and the  
19 likelihood of danger of future abuse to petitioner or  
20 any member of petitioner's or respondent's family or  
21 household; and

22 (ii) the danger that any minor child will be  
23 abused or neglected or improperly relocated from the  
24 jurisdiction, improperly concealed within the State,  
25 or improperly separated from the child's primary  
26 caretaker.

1           (2) In comparing relative hardships resulting to the  
2 parties from loss of possession of the family home, the  
3 court shall consider relevant factors, including, but not  
4 limited to, the following:

5           (i) availability, accessibility, cost, safety,  
6 adequacy, location, and other characteristics of  
7 alternate housing for each party and any minor child  
8 or dependent adult in the party's care;

9           (ii) the effect on the party's employment; and

10           (iii) the effect on the relationship of the party,  
11 and any minor child or dependent adult in the party's  
12 care, to family, school, church, and community.

13           (3) Subject to the exceptions set forth in paragraph  
14 (4) of this subsection (c), the court shall make its  
15 findings in an official record or in writing, and shall at  
16 a minimum set forth the following:

17           (i) That the court has considered the applicable  
18 relevant factors described in paragraphs (1) and (2)  
19 of this subsection (c).

20           (ii) Whether the conduct or actions of respondent,  
21 unless prohibited, will likely cause irreparable harm  
22 or continued abuse.

23           (iii) Whether it is necessary to grant the  
24 requested relief in order to protect petitioner or  
25 other alleged abused persons.

26           (4) (Blank).

1           (5)    Never    married    parties.    No    rights    or  
2    responsibilities    for    a    minor    child    born    outside    of  
3    marriage    attach    to    a    putative    father    until    a    father    and  
4    child    relationship    has    been    established    under    the    Illinois  
5    Parentage    Act    of    1984,    the    Illinois    Parentage    Act    of    2015,  
6    the    Illinois    Public    Aid    Code,    Section    12    of    the    Vital  
7    Records    Act,    the    Juvenile    Court    Act    of    1987,    the    Probate  
8    Act    of    1975,    the    Uniform    Interstate    Family    Support    Act,  
9    the    Expedited    Child    Support    Act    of    1990,    any    judicial,  
10   administrative,    or    other    act    of    another    state    or  
11   territory,    any    other    statute    of    this    State,    or    by    any  
12   foreign    nation    establishing    the    father    and    child  
13   relationship,    any    other    proceeding    substantially    in  
14   conformity    with    the    federal    Personal    Responsibility    and  
15   Work    Opportunity    Reconciliation    Act    of    1996,    or    when    both  
16   parties    appeared    in    open    court    or    at    an    administrative  
17   hearing    acknowledging    under    oath    or    admitting    by  
18   affirmation    the    existence    of    a    father    and    child  
19   relationship.    Absent    such    an    adjudication,    no    putative  
20   father    shall    be    granted    temporary    allocation    of    parental  
21   responsibilities,    including    parenting    time    with    the    minor  
22   child,    or    physical    care    and    possession    of    the    minor    child,  
23   nor    shall    an    order    of    payment    for    support    of    the    minor  
24   child    be    entered.

25           (d)    Balance    of    hardships;    findings.    If    the    court    finds  
26   that    the    balance    of    hardships    does    not    support    the    granting    of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
2 subsection (b) of this Section, which may require such  
3 balancing, the court's findings shall so indicate and shall  
4 include a finding as to whether granting the remedy will  
5 result in hardship to respondent that would substantially  
6 outweigh the hardship to petitioner from denial of the remedy.  
7 The findings shall be an official record or in writing.

8 (e) Denial of remedies. Denial of any remedy shall not be  
9 based, in whole or in part, on evidence that:

10 (1) respondent has cause for any use of force, unless  
11 that cause satisfies the standards for justifiable use of  
12 force provided by Article 7 of the Criminal Code of 2012;

13 (2) respondent was voluntarily intoxicated;

14 (3) petitioner acted in self-defense or defense of  
15 another, provided that, if petitioner utilized force, such  
16 force was justifiable under Article 7 of the Criminal Code  
17 of 2012;

18 (4) petitioner did not act in self-defense or defense  
19 of another;

20 (5) petitioner left the residence or household to  
21 avoid further abuse by respondent;

22 (6) petitioner did not leave the residence or  
23 household to avoid further abuse by respondent; or

24 (7) conduct by any family or household member excused  
25 the abuse by respondent, unless that same conduct would  
26 have excused such abuse if the parties had not been family

1 or household members.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

4 (725 ILCS 5/112A-14.7)

5 Sec. 112A-14.7. Stalking no contact order; remedies.

6 (a) The court may order any of the remedies listed in this  
7 Section. The remedies listed in this Section shall be in  
8 addition to other civil or criminal remedies available to  
9 petitioner. A stalking no contact order shall order one or  
10 more of the following:

11 (1) prohibit the respondent from threatening to commit  
12 or committing stalking;

13 (2) order the respondent not to have any contact with  
14 the petitioner or a third person specifically named by the  
15 court;

16 (3) prohibit the respondent from knowingly coming  
17 within, or knowingly remaining within a specified distance  
18 of the petitioner or the petitioner's residence, school,  
19 daycare, or place of employment, or any specified place  
20 frequented by the petitioner; however, the court may order  
21 the respondent to stay away from the respondent's own  
22 residence, school, or place of employment only if the  
23 respondent has been provided actual notice of the  
24 opportunity to appear and be heard on the petition;

25 (4) prohibit the respondent from ~~possessing a Firearm~~

1 ~~Owners Identification Card, or~~ possessing or buying  
2 firearms; and

3 (5) order other injunctive relief the court determines  
4 to be necessary to protect the petitioner or third party  
5 specifically named by the court.

6 (b) When the petitioner and the respondent attend the same  
7 public, private, or non-public elementary, middle, or high  
8 school, the court when issuing a stalking no contact order and  
9 providing relief shall consider the severity of the act, any  
10 continuing physical danger or emotional distress to the  
11 petitioner, the educational rights guaranteed to the  
12 petitioner and respondent under federal and State law, the  
13 availability of a transfer of the respondent to another  
14 school, a change of placement or a change of program of the  
15 respondent, the expense, difficulty, and educational  
16 disruption that would be caused by a transfer of the  
17 respondent to another school, and any other relevant facts of  
18 the case. The court may order that the respondent not attend  
19 the public, private, or non-public elementary, middle, or high  
20 school attended by the petitioner, order that the respondent  
21 accept a change of placement or program, as determined by the  
22 school district or private or non-public school, or place  
23 restrictions on the respondent's movements within the school  
24 attended by the petitioner. The respondent bears the burden of  
25 proving by a preponderance of the evidence that a transfer,  
26 change of placement, or change of program of the respondent is

1 not available. The respondent also bears the burden of  
2 production with respect to the expense, difficulty, and  
3 educational disruption that would be caused by a transfer of  
4 the respondent to another school. A transfer, change of  
5 placement, or change of program is not unavailable to the  
6 respondent solely on the ground that the respondent does not  
7 agree with the school district's or private or non-public  
8 school's transfer, change of placement, or change of program  
9 or solely on the ground that the respondent fails or refuses to  
10 consent to or otherwise does not take an action required to  
11 effectuate a transfer, change of placement, or change of  
12 program. When a court orders a respondent to stay away from the  
13 public, private, or non-public school attended by the  
14 petitioner and the respondent requests a transfer to another  
15 attendance center within the respondent's school district or  
16 private or non-public school, the school district or private  
17 or non-public school shall have sole discretion to determine  
18 the attendance center to which the respondent is transferred.  
19 If the court order results in a transfer of the minor  
20 respondent to another attendance center, a change in the  
21 respondent's placement, or a change of the respondent's  
22 program, the parents, guardian, or legal custodian of the  
23 respondent is responsible for transportation and other costs  
24 associated with the transfer or change.

25 (c) The court may order the parents, guardian, or legal  
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the  
2 respondent complies with the order. If the court orders a  
3 transfer of the respondent to another school, the parents,  
4 guardian, or legal custodian of the respondent are responsible  
5 for transportation and other costs associated with the change  
6 of school by the respondent.

7 (d) The court shall not hold a school district or private  
8 or non-public school or any of its employees in civil or  
9 criminal contempt unless the school district or private or  
10 non-public school has been allowed to intervene.

11 (e) The court may hold the parents, guardian, or legal  
12 custodian of a minor respondent in civil or criminal contempt  
13 for a violation of any provision of any order entered under  
14 this Article for conduct of the minor respondent in violation  
15 of this Article if the parents, guardian, or legal custodian  
16 directed, encouraged, or assisted the respondent minor in the  
17 conduct.

18 (f) Monetary damages are not recoverable as a remedy.

19 (g) If the stalking no contact order prohibits the  
20 respondent from ~~possessing a Firearm Owner's Identification~~  
21 ~~Card, or~~ possessing or buying firearms; the court shall  
22 confiscate the respondent's firearms and firearm ammunition  
23 ~~Firearm Owner's Identification Card and immediately return the~~  
24 ~~card to the Illinois State Police Firearm Owner's~~  
25 ~~Identification Card Office.~~

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (725 ILCS 5/112A-17.5)

2 Sec. 112A-17.5. Ex parte protective orders.

3 (a) The petitioner may request expedited consideration of  
4 the petition for an ex parte protective order. The court shall  
5 consider the request on an expedited basis without requiring  
6 the respondent's presence or requiring notice to the  
7 respondent.

8 (b) Issuance of ex parte protective orders in cases  
9 involving domestic violence. An ex parte domestic violence  
10 order of protection shall be issued if petitioner satisfies  
11 the requirements of this subsection (b) for one or more of the  
12 requested remedies. For each remedy requested, petitioner  
13 shall establish that:

14 (1) the court has jurisdiction under Section 112A-9 of  
15 this Code;

16 (2) the requirements of subsection (a) of Section  
17 112A-11.5 of this Code are satisfied; and

18 (3) there is good cause to grant the remedy,  
19 regardless of prior service of process or notice upon the  
20 respondent, because:

21 (A) for the remedy of prohibition of abuse  
22 described in paragraph (1) of subsection (b) of  
23 Section 112A-14 of this Code; stay away order and  
24 additional prohibitions described in paragraph (3) of  
25 subsection (b) of Section 112A-14 of this Code;

1 removal or concealment of minor child described in  
2 paragraph (8) of subsection (b) of Section 112A-14 of  
3 this Code; order to appear described in paragraph (9)  
4 of subsection (b) of Section 112A-14 of this Code;  
5 physical care and possession of the minor child  
6 described in paragraph (5) of subsection (b) of  
7 Section 112A-14 of this Code; protection of property  
8 described in paragraph (11) of subsection (b) of  
9 Section 112A-14 of this Code; prohibition of entry  
10 described in paragraph (14) of subsection (b) of  
11 Section 112A-14 of this Code; prohibition of firearm  
12 possession described in paragraph (14.5) of subsection  
13 (b) of Section 112A-14 of this Code; prohibition of  
14 access to records described in paragraph (15) of  
15 subsection (b) of Section 112A-14 of this Code;  
16 injunctive relief described in paragraph (16) of  
17 subsection (b) of Section 112A-14 of this Code; and  
18 telephone services described in paragraph (18) of  
19 subsection (b) of Section 112A-14 of this Code, the  
20 harm which that remedy is intended to prevent would be  
21 likely to occur if the respondent were given any prior  
22 notice, or greater notice than was actually given, of  
23 the petitioner's efforts to obtain judicial relief;

24 (B) for the remedy of grant of exclusive  
25 possession of residence described in paragraph (2) of  
26 subsection (b) of Section 112A-14 of this Code; the

1 immediate danger of further abuse of the petitioner by  
2 the respondent, if the petitioner chooses or had  
3 chosen to remain in the residence or household while  
4 the respondent was given any prior notice or greater  
5 notice than was actually given of the petitioner's  
6 efforts to obtain judicial relief outweighs the  
7 hardships to the respondent of an emergency order  
8 granting the petitioner exclusive possession of the  
9 residence or household; and the remedy shall not be  
10 denied because the petitioner has or could obtain  
11 temporary shelter elsewhere while prior notice is  
12 given to the respondent, unless the hardship to the  
13 respondent from exclusion from the home substantially  
14 outweigh the hardship to the petitioner; or

15 (C) for the remedy of possession of personal  
16 property described in paragraph (10) of subsection (b)  
17 of Section 112A-14 of this Code; improper disposition  
18 of the personal property would be likely to occur if  
19 the respondent were given any prior notice, or greater  
20 notice than was actually given, of the petitioner's  
21 efforts to obtain judicial relief or the petitioner  
22 has an immediate and pressing need for the possession  
23 of that property.

24 An ex parte domestic violence order of protection may not  
25 include the counseling, custody, or payment of support or  
26 monetary compensation remedies provided by paragraphs (4),

1 (12), (13), and (16) of subsection (b) of Section 112A-14 of  
2 this Code.

3 (c) Issuance of ex parte civil no contact order in cases  
4 involving sexual offenses. An ex parte civil no contact order  
5 shall be issued if the petitioner establishes that:

6 (1) the court has jurisdiction under Section 112A-9 of  
7 this Code;

8 (2) the requirements of subsection (a) of Section  
9 112A-11.5 of this Code are satisfied; and

10 (3) there is good cause to grant the remedy,  
11 regardless of prior service of process or of notice upon  
12 the respondent, because the harm which that remedy is  
13 intended to prevent would be likely to occur if the  
14 respondent were given any prior notice, or greater notice  
15 than was actually given, of the petitioner's efforts to  
16 obtain judicial relief.

17 The court may order any of the remedies under Section  
18 112A-14.5 of this Code.

19 (d) Issuance of ex parte stalking no contact order in  
20 cases involving stalking offenses. An ex parte stalking no  
21 contact order shall be issued if the petitioner establishes  
22 that:

23 (1) the court has jurisdiction under Section 112A-9 of  
24 this Code;

25 (2) the requirements of subsection (a) of Section  
26 112A-11.5 of this Code are satisfied; and

1           (3) there is good cause to grant the remedy,  
2           regardless of prior service of process or of notice upon  
3           the respondent, because the harm which that remedy is  
4           intended to prevent would be likely to occur if the  
5           respondent were given any prior notice, or greater notice  
6           than was actually given, of the petitioner's efforts to  
7           obtain judicial relief.

8           The court may order any of the remedies under Section  
9           112A-14.7 of this Code.

10          (e) Issuance of ex parte protective orders on court  
11          holidays and evenings.

12          When the court is unavailable at the close of business,  
13          the petitioner may file a petition for an ex parte protective  
14          order before any available circuit judge or associate judge  
15          who may grant relief under this Article. If the judge finds  
16          that petitioner has satisfied the prerequisites in subsection  
17          (b), (c), or (d) of this Section, the judge shall issue an ex  
18          parte protective order.

19          The chief judge of the circuit court may designate for  
20          each county in the circuit at least one judge to be reasonably  
21          available to issue orally, by telephone, by facsimile, or  
22          otherwise, an ex parte protective order at all times, whether  
23          or not the court is in session.

24          The judge who issued the order under this Section shall  
25          promptly communicate or convey the order to the sheriff to  
26          facilitate the entry of the order into the Law Enforcement

1 Agencies Data System by the Illinois State Police under  
2 Section 112A-28 of this Code. Any order issued under this  
3 Section and any documentation in support of it shall be  
4 certified on the next court day to the appropriate court. The  
5 clerk of that court shall immediately assign a case number,  
6 file the petition, order, and other documents with the court  
7 and enter the order of record and file it with the sheriff for  
8 service under subsection (f) of this Section. Failure to  
9 comply with the requirements of this subsection (e) shall not  
10 affect the validity of the order.

11 (f) Service of ex parte protective order on respondent.

12 (1) If an ex parte protective order is entered at the  
13 time a summons or arrest warrant is issued for the  
14 criminal charge, the petition for the protective order,  
15 any supporting affidavits, if any, and the ex parte  
16 protective order that has been issued shall be served with  
17 the summons or arrest warrant. The enforcement of a  
18 protective order under Section 112A-23 of this Code shall  
19 not be affected by the lack of service or delivery,  
20 provided the requirements of subsection (a) of Section  
21 112A-23 of this Code are otherwise met.

22 (2) If an ex parte protective order is entered after a  
23 summons or arrest warrant is issued and before the  
24 respondent makes an initial appearance in the criminal  
25 case, the summons shall be in the form prescribed by  
26 subsection (d) of Supreme Court Rule 101, except that it

1 shall require respondent to answer or appear within 7 days  
2 and shall be accompanied by the petition for the  
3 protective order, any supporting affidavits, if any, and  
4 the ex parte protective order that has been issued.

5 (3) If an ex parte protective order is entered after  
6 the respondent has been served notice of a petition for a  
7 final protective order and the respondent has requested a  
8 continuance to respond to the petition, the ex parte  
9 protective order shall be served: (A) in open court if the  
10 respondent is present at the proceeding at which the order  
11 was entered; or (B) by summons in the form prescribed by  
12 subsection (d) of Supreme Court Rule 101.

13 (4) No fee shall be charged for service of summons.

14 (5) The summons shall be served by the sheriff or  
15 other law enforcement officer at the earliest time and  
16 shall take precedence over other summonses except those of  
17 a similar emergency nature. Special process servers may be  
18 appointed at any time, and their designation shall not  
19 affect the responsibilities and authority of the sheriff  
20 or other official process servers. In a county with a  
21 population over 3,000,000, a special process server may  
22 not be appointed if an ex parte protective order grants  
23 the surrender of a child, ~~the surrender of a firearm or~~  
24 ~~Firearm Owner's Identification Card,~~ or the exclusive  
25 possession of a shared residence. Process may be served in  
26 court.

1           (g) Upon 7 days' notice to the petitioner, or a shorter  
2 notice period as the court may prescribe, a respondent subject  
3 to an ex parte protective order may appear and petition the  
4 court to re-hear the petition. Any petition to re-hear shall  
5 be verified and shall allege the following:

6           (1) that respondent did not receive prior notice of  
7 the initial hearing in which the ex parte protective order  
8 was entered under Section 112A-17.5 of this Code; and

9           (2) that respondent had a meritorious defense to the  
10 order or any of its remedies or that the order or any of  
11 its remedies was not authorized under this Article.

12           The verified petition and affidavit shall set forth the  
13 evidence of the meritorious defense that will be presented at  
14 a hearing. If the court finds that the evidence presented at  
15 the hearing on the petition establishes a meritorious defense  
16 by a preponderance of the evidence, the court may decide to  
17 vacate the protective order or modify the remedies.

18           (h) If the ex parte protective order granted petitioner  
19 exclusive possession of the residence and the petition of  
20 respondent seeks to re-open or vacate that grant, the court  
21 shall set a date for hearing within 14 days on all issues  
22 relating to exclusive possession. Under no circumstances shall  
23 a court continue a hearing concerning exclusive possession  
24 beyond the 14th day except by agreement of the petitioner and  
25 the respondent. Other issues raised by the pleadings may be  
26 consolidated for the hearing if the petitioner, the

1 respondent, and the court do not object.

2 (i) Duration of ex parte protective order. An ex parte  
3 order shall remain in effect until the court considers the  
4 request for a final protective order after notice has been  
5 served on the respondent or a default final protective order  
6 is entered, whichever occurs first. If a court date is  
7 scheduled for the issuance of a default protective order and  
8 the petitioner fails to personally appear or appear through  
9 counsel or the prosecuting attorney, the petition shall be  
10 dismissed and the ex parte order terminated.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 175. The Unified Code of Corrections is amended by  
13 changing Sections 3-2-10.5, 5-5-3, 5-5-3.2, and 5-6-3 as  
14 follows:

15 (730 ILCS 5/3-2-10.5)

16 Sec. 3-2-10.5. Retiring security employees and parole  
17 agents; purchase of service firearm and badge. The Director  
18 shall establish a program to allow a security employee or  
19 parole agent of the Department who is honorably retiring in  
20 good standing to purchase either one or both of the following:

21 (1) any badge previously issued to the security employee or  
22 parole agent by the Department; or (2) ~~if the security~~  
23 ~~employee or parole agent has a currently valid Firearm Owner's~~  
24 ~~Identification Card,~~ the service firearm issued or previously

1 issued to the security employee or parole agent by the  
2 Department. The badge must be permanently and conspicuously  
3 marked in such a manner that the individual who possesses the  
4 badge is not mistaken for an actively serving law enforcement  
5 officer. The cost of the firearm shall be the replacement  
6 value of the firearm and not the firearm's fair market value.  
7 (Source: P.A. 102-719, eff. 5-6-22.)

8 (730 ILCS 5/5-5-3)

9 Sec. 5-5-3. Disposition.

10 (a) (Blank).

11 (b) (Blank).

12 (c) (1) (Blank).

13 (2) A period of probation, a term of periodic imprisonment  
14 or conditional discharge shall not be imposed for the  
15 following offenses. The court shall sentence the offender to  
16 not less than the minimum term of imprisonment set forth in  
17 this Code for the following offenses, and may order a fine or  
18 restitution or both in conjunction with such term of  
19 imprisonment:

20 (A) First degree murder.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the  
24 Illinois Controlled Substances Act, or a violation of  
25 subdivision (c)(1.5) of Section 401 of that Act which

1 relates to more than 5 grams of a substance containing  
2 fentanyl or an analog thereof.

3 (D-5) A violation of subdivision (c) (1) of Section 401  
4 of the Illinois Controlled Substances Act which relates to  
5 3 or more grams of a substance containing heroin or an  
6 analog thereof.

7 (E) (Blank).

8 (F) A Class 1 or greater felony if the offender had  
9 been convicted of a Class 1 or greater felony, including  
10 any state or federal conviction for an offense that  
11 contained, at the time it was committed, the same elements  
12 as an offense now (the date of the offense committed after  
13 the prior Class 1 or greater felony) classified as a Class  
14 1 or greater felony, within 10 years of the date on which  
15 the offender committed the offense for which he or she is  
16 being sentenced, except as otherwise provided in Section  
17 40-10 of the Substance Use Disorder Act.

18 (F-3) A Class 2 or greater felony sex offense or  
19 felony firearm offense if the offender had been convicted  
20 of a Class 2 or greater felony, including any state or  
21 federal conviction for an offense that contained, at the  
22 time it was committed, the same elements as an offense now  
23 (the date of the offense committed after the prior Class 2  
24 or greater felony) classified as a Class 2 or greater  
25 felony, within 10 years of the date on which the offender  
26 committed the offense for which he or she is being

1 sentenced, except as otherwise provided in Section 40-10  
2 of the Substance Use Disorder Act.

3 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
4 of the Criminal Code of 1961 or the Criminal Code of 2012  
5 for which imprisonment is prescribed in those Sections.

6 (G) Residential burglary, except as otherwise provided  
7 in Section 40-10 of the Substance Use Disorder Act.

8 (H) Criminal sexual assault.

9 (I) Aggravated battery of a senior citizen as  
10 described in Section 12-4.6 or subdivision (a)(4) of  
11 Section 12-3.05 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012.

13 (J) A forcible felony if the offense was related to  
14 the activities of an organized gang.

15 Before July 1, 1994, for the purposes of this  
16 paragraph, "organized gang" means an association of 5 or  
17 more persons, with an established hierarchy, that  
18 encourages members of the association to perpetrate crimes  
19 or provides support to the members of the association who  
20 do commit crimes.

21 Beginning July 1, 1994, for the purposes of this  
22 paragraph, "organized gang" has the meaning ascribed to it  
23 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
24 Prevention Act.

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the offense

1 of hate crime when the underlying offense upon which the  
2 hate crime is based is felony aggravated assault or felony  
3 mob action.

4 (M) A second or subsequent conviction for the offense  
5 of institutional vandalism if the damage to the property  
6 exceeds \$300.

7 (N) A Class 3 felony violation of paragraph (1) of  
8 subsection (a) of Section 2 of the Firearm Owners  
9 Identification Card Act committed before the effective  
10 date of this amendatory Act of the 103rd General Assembly.

11 (O) A violation of Section 12-6.1 or 12-6.5 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 (P) A violation of paragraph (1), (2), (3), (4), (5),  
14 or (7) of subsection (a) of Section 11-20.1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (P-5) A violation of paragraph (6) of subsection (a)  
17 of Section 11-20.1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 if the victim is a household or  
19 family member of the defendant.

20 (Q) A violation of subsection (b) or (b-5) of Section  
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012.

23 (R) A violation of Section 24-3A of the Criminal Code  
24 of 1961 or the Criminal Code of 2012.

25 (S) (Blank).

26 (T) (Blank).

1 (U) A second or subsequent violation of Section 6-303  
2 of the Illinois Vehicle Code committed while his or her  
3 driver's license, permit, or privilege was revoked because  
4 of a violation of Section 9-3 of the Criminal Code of 1961  
5 or the Criminal Code of 2012, relating to the offense of  
6 reckless homicide, or a similar provision of a law of  
7 another state.

8 (V) A violation of paragraph (4) of subsection (c) of  
9 Section 11-20.1B or paragraph (4) of subsection (c) of  
10 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
11 (6) of subsection (a) of Section 11-20.1 of the Criminal  
12 Code of 2012 when the victim is under 13 years of age and  
13 the defendant has previously been convicted under the laws  
14 of this State or any other state of the offense of child  
15 pornography, aggravated child pornography, aggravated  
16 criminal sexual abuse, aggravated criminal sexual assault,  
17 predatory criminal sexual assault of a child, or any of  
18 the offenses formerly known as rape, deviate sexual  
19 assault, indecent liberties with a child, or aggravated  
20 indecent liberties with a child where the victim was under  
21 the age of 18 years or an offense that is substantially  
22 equivalent to those offenses.

23 (W) A violation of Section 24-3.5 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012.

25 (X) A violation of subsection (a) of Section 31-1a of  
26 the Criminal Code of 1961 or the Criminal Code of 2012.

1           (Y) A conviction for unlawful possession of a firearm  
2 by a street gang member when the firearm was loaded or  
3 contained firearm ammunition.

4           (Z) A Class 1 felony committed while he or she was  
5 serving a term of probation or conditional discharge for a  
6 felony.

7           (AA) Theft of property exceeding \$500,000 and not  
8 exceeding \$1,000,000 in value.

9           (BB) Laundering of criminally derived property of a  
10 value exceeding \$500,000.

11           (CC) Knowingly selling, offering for sale, holding for  
12 sale, or using 2,000 or more counterfeit items or  
13 counterfeit items having a retail value in the aggregate  
14 of \$500,000 or more.

15           (DD) A conviction for aggravated assault under  
16 paragraph (6) of subsection (c) of Section 12-2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 if the  
18 firearm is aimed toward the person against whom the  
19 firearm is being used.

20           (EE) A conviction for a violation of paragraph (2) of  
21 subsection (a) of Section 24-3B of the Criminal Code of  
22 2012.

23           (3) (Blank).

24           (4) A minimum term of imprisonment of not less than 10  
25 consecutive days or 30 days of community service shall be  
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
4 this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court, shall  
9 be imposed for a second violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
12 (4.9) of this subsection (c), a minimum term of imprisonment  
13 of 30 days or 300 hours of community service, as determined by  
14 the court, shall be imposed for a third or subsequent  
15 violation of Section 6-303 of the Illinois Vehicle Code. The  
16 court may give credit toward the fulfillment of community  
17 service hours for participation in activities and treatment as  
18 determined by court services.

19 (4.5) A minimum term of imprisonment of 30 days shall be  
20 imposed for a third violation of subsection (c) of Section  
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this  
23 subsection (c), a minimum term of imprisonment of 180 days  
24 shall be imposed for a fourth or subsequent violation of  
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be  
2 imposed for a violation of subsection (a-5) of Section 6-303  
3 of the Illinois Vehicle Code, as provided in subsection (b-5)  
4 of that Section.

5 (4.8) A mandatory prison sentence shall be imposed for a  
6 second violation of subsection (a-5) of Section 6-303 of the  
7 Illinois Vehicle Code, as provided in subsection (c-5) of that  
8 Section. The person's driving privileges shall be revoked for  
9 a period of not less than 5 years from the date of his or her  
10 release from prison.

11 (4.9) A mandatory prison sentence of not less than 4 and  
12 not more than 15 years shall be imposed for a third violation  
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
14 Code, as provided in subsection (d-2.5) of that Section. The  
15 person's driving privileges shall be revoked for the remainder  
16 of his or her life.

17 (4.10) A mandatory prison sentence for a Class 1 felony  
18 shall be imposed, and the person shall be eligible for an  
19 extended term sentence, for a fourth or subsequent violation  
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
21 Code, as provided in subsection (d-3.5) of that Section. The  
22 person's driving privileges shall be revoked for the remainder  
23 of his or her life.

24 (5) The court may sentence a corporation or unincorporated  
25 association convicted of any offense to:

26 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section 5-5-6  
3 of this Code.

4 (5.1) In addition to any other penalties imposed, and  
5 except as provided in paragraph (5.2) or (5.3), a person  
6 convicted of violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for at least 90 days but not  
9 more than one year, if the violation resulted in damage to the  
10 property of another person.

11 (5.2) In addition to any other penalties imposed, and  
12 except as provided in paragraph (5.3), a person convicted of  
13 violating subsection (c) of Section 11-907 of the Illinois  
14 Vehicle Code shall have his or her driver's license, permit,  
15 or privileges suspended for at least 180 days but not more than  
16 2 years, if the violation resulted in injury to another  
17 person.

18 (5.3) In addition to any other penalties imposed, a person  
19 convicted of violating subsection (c) of Section 11-907 of the  
20 Illinois Vehicle Code shall have his or her driver's license,  
21 permit, or privileges suspended for 2 years, if the violation  
22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person  
24 convicted of violating Section 3-707 of the Illinois Vehicle  
25 Code shall have his or her driver's license, permit, or  
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person  
3 convicted of violating Section 3-707 of the Illinois Vehicle  
4 Code during a period in which his or her driver's license,  
5 permit, or privileges were suspended for a previous violation  
6 of that Section shall have his or her driver's license,  
7 permit, or privileges suspended for an additional 6 months  
8 after the expiration of the original 3-month suspension and  
9 until he or she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

13 (9) A defendant convicted of a second or subsequent  
14 offense of ritualized abuse of a child may be sentenced to a  
15 term of natural life imprisonment.

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000 for a  
18 first offense and \$2,000 for a second or subsequent offense  
19 upon a person convicted of or placed on supervision for  
20 battery when the individual harmed was a sports official or  
21 coach at any level of competition and the act causing harm to  
22 the sports official or coach occurred within an athletic  
23 facility or within the immediate vicinity of the athletic  
24 facility at which the sports official or coach was an active  
25 participant of the athletic contest held at the athletic  
26 facility. For the purposes of this paragraph (11), "sports

1 official" means a person at an athletic contest who enforces  
2 the rules of the contest, such as an umpire or referee;  
3 "athletic facility" means an indoor or outdoor playing field  
4 or recreational area where sports activities are conducted;  
5 and "coach" means a person recognized as a coach by the  
6 sanctioning authority that conducted the sporting event.

7 (12) A person may not receive a disposition of court  
8 supervision for a violation of Section 5-16 of the Boat  
9 Registration and Safety Act if that person has previously  
10 received a disposition of court supervision for a violation of  
11 that Section.

12 (13) A person convicted of or placed on court supervision  
13 for an assault or aggravated assault when the victim and the  
14 offender are family or household members as defined in Section  
15 103 of the Illinois Domestic Violence Act of 1986 or convicted  
16 of domestic battery or aggravated domestic battery may be  
17 required to attend a Partner Abuse Intervention Program under  
18 protocols set forth by the Illinois Department of Human  
19 Services under such terms and conditions imposed by the court.  
20 The costs of such classes shall be paid by the offender.

21 (d) In any case in which a sentence originally imposed is  
22 vacated, the case shall be remanded to the trial court. The  
23 trial court shall hold a hearing under Section 5-4-1 of this  
24 Code which may include evidence of the defendant's life, moral  
25 character and occupation during the time since the original  
26 sentence was passed. The trial court shall then impose

1 sentence upon the defendant. The trial court may impose any  
2 sentence which could have been imposed at the original trial  
3 subject to Section 5-5-4 of this Code. If a sentence is vacated  
4 on appeal or on collateral attack due to the failure of the  
5 trier of fact at trial to determine beyond a reasonable doubt  
6 the existence of a fact (other than a prior conviction)  
7 necessary to increase the punishment for the offense beyond  
8 the statutory maximum otherwise applicable, either the  
9 defendant may be re-sentenced to a term within the range  
10 otherwise provided or, if the State files notice of its  
11 intention to again seek the extended sentence, the defendant  
12 shall be afforded a new trial.

13 (e) In cases where prosecution for aggravated criminal  
14 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012 results in conviction  
16 of a defendant who was a family member of the victim at the  
17 time of the commission of the offense, the court shall  
18 consider the safety and welfare of the victim and may impose a  
19 sentence of probation only where:

20 (1) the court finds (A) or (B) or both are  
21 appropriate:

22 (A) the defendant is willing to undergo a court  
23 approved counseling program for a minimum duration of  
24 2 years; or

25 (B) the defendant is willing to participate in a  
26 court approved plan, including, but not limited to,

1 the defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the  
5 family;

6 (iv) restitution for harm done to the victim;

7 and

8 (v) compliance with any other measures that  
9 the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the  
11 victim's counseling services, to the extent that the court  
12 finds, after considering the defendant's income and  
13 assets, that the defendant is financially capable of  
14 paying for such services, if the victim was under 18 years  
15 of age at the time the offense was committed and requires  
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section  
18 5-6-4; except where the court determines at the hearing that  
19 the defendant violated a condition of his or her probation  
20 restricting contact with the victim or other family members or  
21 commits another offense with the victim or other family  
22 members, the court shall revoke the defendant's probation and  
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and  
25 "victim" shall have the meanings ascribed to them in Section  
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under  
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
4 11-14.3, 11-14.4 except for an offense that involves keeping a  
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
7 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, the defendant shall undergo medical  
9 testing to determine whether the defendant has any sexually  
10 transmissible disease, including a test for infection with  
11 human immunodeficiency virus (HIV) or any other identified  
12 causative agent of acquired immunodeficiency syndrome (AIDS).  
13 Any such medical test shall be performed only by appropriately  
14 licensed medical practitioners and may include an analysis of  
15 any bodily fluids as well as an examination of the defendant's  
16 person. Except as otherwise provided by law, the results of  
17 such test shall be kept strictly confidential by all medical  
18 personnel involved in the testing and must be personally  
19 delivered in a sealed envelope to the judge of the court in  
20 which the conviction was entered for the judge's inspection in  
21 camera. Acting in accordance with the best interests of the  
22 victim and the public, the judge shall have the discretion to  
23 determine to whom, if anyone, the results of the testing may be  
24 revealed. The court shall notify the defendant of the test  
25 results. The court shall also notify the victim if requested  
26 by the victim, and if the victim is under the age of 15 and if

1 requested by the victim's parents or legal guardian, the court  
2 shall notify the victim's parents or legal guardian of the  
3 test results. The court shall provide information on the  
4 availability of HIV testing and counseling at Department of  
5 Public Health facilities to all parties to whom the results of  
6 the testing are revealed and shall direct the State's Attorney  
7 to provide the information to the victim when possible. The  
8 court shall order that the cost of any such test shall be paid  
9 by the county and may be taxed as costs against the convicted  
10 defendant.

11 (g-5) When an inmate is tested for an airborne  
12 communicable disease, as determined by the Illinois Department  
13 of Public Health, including, but not limited to, tuberculosis,  
14 the results of the test shall be personally delivered by the  
15 warden or his or her designee in a sealed envelope to the judge  
16 of the court in which the inmate must appear for the judge's  
17 inspection in camera if requested by the judge. Acting in  
18 accordance with the best interests of those in the courtroom,  
19 the judge shall have the discretion to determine what if any  
20 precautions need to be taken to prevent transmission of the  
21 disease in the courtroom.

22 (h) Whenever a defendant is convicted of an offense under  
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
24 defendant shall undergo medical testing to determine whether  
25 the defendant has been exposed to human immunodeficiency virus  
26 (HIV) or any other identified causative agent of acquired

1 immunodeficiency syndrome (AIDS). Except as otherwise provided  
2 by law, the results of such test shall be kept strictly  
3 confidential by all medical personnel involved in the testing  
4 and must be personally delivered in a sealed envelope to the  
5 judge of the court in which the conviction was entered for the  
6 judge's inspection in camera. Acting in accordance with the  
7 best interests of the public, the judge shall have the  
8 discretion to determine to whom, if anyone, the results of the  
9 testing may be revealed. The court shall notify the defendant  
10 of a positive test showing an infection with the human  
11 immunodeficiency virus (HIV). The court shall provide  
12 information on the availability of HIV testing and counseling  
13 at Department of Public Health facilities to all parties to  
14 whom the results of the testing are revealed and shall direct  
15 the State's Attorney to provide the information to the victim  
16 when possible. The court shall order that the cost of any such  
17 test shall be paid by the county and may be taxed as costs  
18 against the convicted defendant.

19 (i) All fines and penalties imposed under this Section for  
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
21 Vehicle Code, or a similar provision of a local ordinance, and  
22 any violation of the Child Passenger Protection Act, or a  
23 similar provision of a local ordinance, shall be collected and  
24 disbursed by the circuit clerk as provided under the Criminal  
25 and Traffic Assessment Act.

26 (j) In cases when prosecution for any violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
2 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
3 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
4 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
5 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012, any violation of the Illinois Controlled  
7 Substances Act, any violation of the Cannabis Control Act, or  
8 any violation of the Methamphetamine Control and Community  
9 Protection Act results in conviction, a disposition of court  
10 supervision, or an order of probation granted under Section 10  
11 of the Cannabis Control Act, Section 410 of the Illinois  
12 Controlled Substances Act, or Section 70 of the  
13 Methamphetamine Control and Community Protection Act of a  
14 defendant, the court shall determine whether the defendant is  
15 employed by a facility or center as defined under the Child  
16 Care Act of 1969, a public or private elementary or secondary  
17 school, or otherwise works with children under 18 years of age  
18 on a daily basis. When a defendant is so employed, the court  
19 shall order the Clerk of the Court to send a copy of the  
20 judgment of conviction or order of supervision or probation to  
21 the defendant's employer by certified mail. If the employer of  
22 the defendant is a school, the Clerk of the Court shall direct  
23 the mailing of a copy of the judgment of conviction or order of  
24 supervision or probation to the appropriate regional  
25 superintendent of schools. The regional superintendent of  
26 schools shall notify the State Board of Education of any

1 notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted  
3 of a felony and who has not been previously convicted of a  
4 misdemeanor or felony and who is sentenced to a term of  
5 imprisonment in the Illinois Department of Corrections shall  
6 as a condition of his or her sentence be required by the court  
7 to attend educational courses designed to prepare the  
8 defendant for a high school diploma and to work toward a high  
9 school diploma or to work toward passing high school  
10 equivalency testing or to work toward completing a vocational  
11 training program offered by the Department of Corrections. If  
12 a defendant fails to complete the educational training  
13 required by his or her sentence during the term of  
14 incarceration, the Prisoner Review Board shall, as a condition  
15 of mandatory supervised release, require the defendant, at his  
16 or her own expense, to pursue a course of study toward a high  
17 school diploma or passage of high school equivalency testing.  
18 The Prisoner Review Board shall revoke the mandatory  
19 supervised release of a defendant who wilfully fails to comply  
20 with this subsection (j-5) upon his or her release from  
21 confinement in a penal institution while serving a mandatory  
22 supervised release term; however, the inability of the  
23 defendant after making a good faith effort to obtain financial  
24 aid or pay for the educational training shall not be deemed a  
25 wilful failure to comply. The Prisoner Review Board shall  
26 recommit the defendant whose mandatory supervised release term

1 has been revoked under this subsection (j-5) as provided in  
2 Section 3-3-9. This subsection (j-5) does not apply to a  
3 defendant who has a high school diploma or has successfully  
4 passed high school equivalency testing. This subsection (j-5)  
5 does not apply to a defendant who is determined by the court to  
6 be a person with a developmental disability or otherwise  
7 mentally incapable of completing the educational or vocational  
8 program.

9 (k) (Blank).

10 (l) (A) Except as provided in paragraph (C) of subsection  
11 (l), whenever a defendant, who is not a citizen or national of  
12 the United States, is convicted of any felony or misdemeanor  
13 offense, the court after sentencing the defendant may, upon  
14 motion of the State's Attorney, hold sentence in abeyance and  
15 remand the defendant to the custody of the Attorney General of  
16 the United States or his or her designated agent to be deported  
17 when:

18 (1) a final order of deportation has been issued  
19 against the defendant pursuant to proceedings under the  
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not  
22 deprecate the seriousness of the defendant's conduct and  
23 would not be inconsistent with the ends of justice.

24 Otherwise, the defendant shall be sentenced as provided in  
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation  
2 under Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, or Section 70 of the  
4 Methamphetamine Control and Community Protection Act, the  
5 court may, upon motion of the State's Attorney to suspend the  
6 sentence imposed, commit the defendant to the custody of the  
7 Attorney General of the United States or his or her designated  
8 agent when:

9 (1) a final order of deportation has been issued  
10 against the defendant pursuant to proceedings under the  
11 Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not  
13 deprecate the seriousness of the defendant's conduct and  
14 would not be inconsistent with the ends of justice.

15 (C) This subsection (1) does not apply to offenders who  
16 are subject to the provisions of paragraph (2) of subsection  
17 (a) of Section 3-6-3.

18 (D) Upon motion of the State's Attorney, if a defendant  
19 sentenced under this Section returns to the jurisdiction of  
20 the United States, the defendant shall be recommitted to the  
21 custody of the county from which he or she was sentenced.  
22 Thereafter, the defendant shall be brought before the  
23 sentencing court, which may impose any sentence that was  
24 available under Section 5-5-3 at the time of initial  
25 sentencing. In addition, the defendant shall not be eligible  
26 for additional earned sentence credit as provided under

1 Section 3-6-3.

2 (m) A person convicted of criminal defacement of property  
3 under Section 21-1.3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, in which the property damage exceeds  
5 \$300 and the property damaged is a school building, shall be  
6 ordered to perform community service that may include cleanup,  
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a  
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
11 of 1961 or the Criminal Code of 2012 (i) to an impact  
12 incarceration program if the person is otherwise eligible for  
13 that program under Section 5-8-1.1, (ii) to community service,  
14 or (iii) if the person has a substance use disorder, as defined  
15 in the Substance Use Disorder Act, to a treatment program  
16 licensed under that Act.

17 (o) Whenever a person is convicted of a sex offense as  
18 defined in Section 2 of the Sex Offender Registration Act, the  
19 defendant's driver's license or permit shall be subject to  
20 renewal on an annual basis in accordance with the provisions  
21 of license renewal established by the Secretary of State.

22 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
23 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
24 1-1-24.)

25 (730 ILCS 5/5-5-3.2)

1           Sec. 5-5-3.2. Factors in aggravation and extended-term  
2 sentencing.

3           (a) The following factors shall be accorded weight in  
4 favor of imposing a term of imprisonment or may be considered  
5 by the court as reasons to impose a more severe sentence under  
6 Section 5-8-1 or Article 4.5 of Chapter V:

7           (1) the defendant's conduct caused or threatened  
8 serious harm;

9           (2) the defendant received compensation for committing  
10 the offense;

11           (3) the defendant has a history of prior delinquency  
12 or criminal activity;

13           (4) the defendant, by the duties of his office or by  
14 his position, was obliged to prevent the particular  
15 offense committed or to bring the offenders committing it  
16 to justice;

17           (5) the defendant held public office at the time of  
18 the offense, and the offense related to the conduct of  
19 that office;

20           (6) the defendant utilized his professional reputation  
21 or position in the community to commit the offense, or to  
22 afford him an easier means of committing it;

23           (7) the sentence is necessary to deter others from  
24 committing the same crime;

25           (8) the defendant committed the offense against a  
26 person 60 years of age or older or such person's property;

1           (9) the defendant committed the offense against a  
2 person who has a physical disability or such person's  
3 property;

4           (10) by reason of another individual's actual or  
5 perceived race, color, creed, religion, ancestry, gender,  
6 sexual orientation, physical or mental disability, or  
7 national origin, the defendant committed the offense  
8 against (i) the person or property of that individual;  
9 (ii) the person or property of a person who has an  
10 association with, is married to, or has a friendship with  
11 the other individual; or (iii) the person or property of a  
12 relative (by blood or marriage) of a person described in  
13 clause (i) or (ii). For the purposes of this Section,  
14 "sexual orientation" has the meaning ascribed to it in  
15 paragraph (O-1) of Section 1-103 of the Illinois Human  
16 Rights Act;

17           (11) the offense took place in a place of worship or on  
18 the grounds of a place of worship, immediately prior to,  
19 during or immediately following worship services. For  
20 purposes of this subparagraph, "place of worship" shall  
21 mean any church, synagogue or other building, structure or  
22 place used primarily for religious worship;

23           (12) the defendant was convicted of a felony committed  
24 while he was on pretrial release or his own recognizance  
25 pending trial for a prior felony and was convicted of such  
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,  
2 conditional discharge, or mandatory supervised release  
3 under subsection (d) of Section 5-8-1 for a prior felony;

4 (13) the defendant committed or attempted to commit a  
5 felony while he was wearing a bulletproof vest. For the  
6 purposes of this paragraph (13), a bulletproof vest is any  
7 device which is designed for the purpose of protecting the  
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or  
10 supervision such as, but not limited to, family member as  
11 defined in Section 11-0.1 of the Criminal Code of 2012,  
12 teacher, scout leader, baby sitter, or day care worker, in  
13 relation to a victim under 18 years of age, and the  
14 defendant committed an offense in violation of Section  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
16 11-14.4 except for an offense that involves keeping a  
17 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012 against that victim;

21 (15) the defendant committed an offense related to the  
22 activities of an organized gang. For the purposes of this  
23 factor, "organized gang" has the meaning ascribed to it in  
24 Section 10 of the Streetgang Terrorism Omnibus Prevention  
25 Act;

26 (16) the defendant committed an offense in violation

1 of one of the following Sections while in a school,  
2 regardless of the time of day or time of year; on any  
3 conveyance owned, leased, or contracted by a school to  
4 transport students to or from school or a school related  
5 activity; on the real property of a school; or on a public  
6 way within 1,000 feet of the real property comprising any  
7 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
8 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
9 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
10 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
11 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
12 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
13 1961 or the Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation  
15 of one of the following Sections while in a day care  
16 center, regardless of the time of day or time of year; on  
17 the real property of a day care center, regardless of the  
18 time of day or time of year; or on a public way within  
19 1,000 feet of the real property comprising any day care  
20 center, regardless of the time of day or time of year:  
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of  
3 any person's activity as a community policing volunteer or  
4 to prevent any person from engaging in activity as a  
5 community policing volunteer. For the purpose of this  
6 Section, "community policing volunteer" has the meaning  
7 ascribed to it in Section 2-3.5 of the Criminal Code of  
8 2012;

9 (18) the defendant committed the offense in a nursing  
10 home or on the real property comprising a nursing home.  
11 For the purposes of this paragraph (18), "nursing home"  
12 means a skilled nursing or intermediate long term care  
13 facility that is subject to license by the Illinois  
14 Department of Public Health under the Nursing Home Care  
15 Act, the Specialized Mental Health Rehabilitation Act of  
16 2013, the ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm  
18 dealer and was previously convicted of a violation of  
19 subsection (a) of Section 3 of the Firearm Owners  
20 Identification Card Act before its repeal by this  
21 amendatory Act of the 103rd General Assembly and has now  
22 committed ~~either a felony violation of the Firearm Owners~~  
23 ~~Identification Card Act or~~ an act of armed violence while  
24 armed with a firearm;

25 (20) the defendant (i) committed the offense of  
26 reckless homicide under Section 9-3 of the Criminal Code

1 of 1961 or the Criminal Code of 2012 or the offense of  
2 driving under the influence of alcohol, other drug or  
3 drugs, intoxicating compound or compounds or any  
4 combination thereof under Section 11-501 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance  
6 and (ii) was operating a motor vehicle in excess of 20  
7 miles per hour over the posted speed limit as provided in  
8 Article VI of Chapter 11 of the Illinois Vehicle Code;

9 (21) the defendant (i) committed the offense of  
10 reckless driving or aggravated reckless driving under  
11 Section 11-503 of the Illinois Vehicle Code and (ii) was  
12 operating a motor vehicle in excess of 20 miles per hour  
13 over the posted speed limit as provided in Article VI of  
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a  
16 person that the defendant knew, or reasonably should have  
17 known, was a member of the Armed Forces of the United  
18 States serving on active duty. For purposes of this clause  
19 (22), the term "Armed Forces" means any of the Armed  
20 Forces of the United States, including a member of any  
21 reserve component thereof or National Guard unit called to  
22 active duty;

23 (23) the defendant committed the offense against a  
24 person who was elderly or infirm or who was a person with a  
25 disability by taking advantage of a family or fiduciary  
26 relationship with the elderly or infirm person or person

1 with a disability;

2 (24) the defendant committed any offense under Section  
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 and possessed 100 or more images;

5 (25) the defendant committed the offense while the  
6 defendant or the victim was in a train, bus, or other  
7 vehicle used for public transportation;

8 (26) the defendant committed the offense of child  
9 pornography or aggravated child pornography, specifically  
10 including paragraph (1), (2), (3), (4), (5), or (7) of  
11 subsection (a) of Section 11-20.1 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 where a child engaged in,  
13 solicited for, depicted in, or posed in any act of sexual  
14 penetration or bound, fettered, or subject to sadistic,  
15 masochistic, or sadomasochistic abuse in a sexual context  
16 and specifically including paragraph (1), (2), (3), (4),  
17 (5), or (7) of subsection (a) of Section 11-20.1B or  
18 Section 11-20.3 of the Criminal Code of 1961 where a child  
19 engaged in, solicited for, depicted in, or posed in any  
20 act of sexual penetration or bound, fettered, or subject  
21 to sadistic, masochistic, or sadomasochistic abuse in a  
22 sexual context;

23 (27) the defendant committed the offense of first  
24 degree murder, assault, aggravated assault, battery,  
25 aggravated battery, robbery, armed robbery, or aggravated  
26 robbery against a person who was a veteran and the

1 defendant knew, or reasonably should have known, that the  
2 person was a veteran performing duties as a representative  
3 of a veterans' organization. For the purposes of this  
4 paragraph (27), "veteran" means an Illinois resident who  
5 has served as a member of the United States Armed Forces, a  
6 member of the Illinois National Guard, or a member of the  
7 United States Reserve Forces; and "veterans' organization"  
8 means an organization comprised of members of which  
9 substantially all are individuals who are veterans or  
10 spouses, widows, or widowers of veterans, the primary  
11 purpose of which is to promote the welfare of its members  
12 and to provide assistance to the general public in such a  
13 way as to confer a public benefit;

14 (28) the defendant committed the offense of assault,  
15 aggravated assault, battery, aggravated battery, robbery,  
16 armed robbery, or aggravated robbery against a person that  
17 the defendant knew or reasonably should have known was a  
18 letter carrier or postal worker while that person was  
19 performing his or her duties delivering mail for the  
20 United States Postal Service;

21 (29) the defendant committed the offense of criminal  
22 sexual assault, aggravated criminal sexual assault,  
23 criminal sexual abuse, or aggravated criminal sexual abuse  
24 against a victim with an intellectual disability, and the  
25 defendant holds a position of trust, authority, or  
26 supervision in relation to the victim;

1           (30) the defendant committed the offense of promoting  
2 juvenile prostitution, patronizing a prostitute, or  
3 patronizing a minor engaged in prostitution and at the  
4 time of the commission of the offense knew that the  
5 prostitute or minor engaged in prostitution was in the  
6 custody or guardianship of the Department of Children and  
7 Family Services;

8           (31) the defendant (i) committed the offense of  
9 driving while under the influence of alcohol, other drug  
10 or drugs, intoxicating compound or compounds or any  
11 combination thereof in violation of Section 11-501 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance and (ii) the defendant during the commission of  
14 the offense was driving his or her vehicle upon a roadway  
15 designated for one-way traffic in the opposite direction  
16 of the direction indicated by official traffic control  
17 devices;

18           (32) the defendant committed the offense of reckless  
19 homicide while committing a violation of Section 11-907 of  
20 the Illinois Vehicle Code;

21           (33) the defendant was found guilty of an  
22 administrative infraction related to an act or acts of  
23 public indecency or sexual misconduct in the penal  
24 institution. In this paragraph (33), "penal institution"  
25 has the same meaning as in Section 2-14 of the Criminal  
26 Code of 2012; or

1           (34) the defendant committed the offense of leaving  
2           the scene of a crash in violation of subsection (b) of  
3           Section 11-401 of the Illinois Vehicle Code and the crash  
4           resulted in the death of a person and at the time of the  
5           offense, the defendant was: (i) driving under the  
6           influence of alcohol, other drug or drugs, intoxicating  
7           compound or compounds or any combination thereof as  
8           defined by Section 11-501 of the Illinois Vehicle Code; or  
9           (ii) operating the motor vehicle while using an electronic  
10          communication device as defined in Section 12-610.2 of the  
11          Illinois Vehicle Code.

12          For the purposes of this Section:

13          "School" is defined as a public or private elementary or  
14          secondary school, community college, college, or university.

15          "Day care center" means a public or private State  
16          certified and licensed day care center as defined in Section  
17          2.09 of the Child Care Act of 1969 that displays a sign in  
18          plain view stating that the property is a day care center.

19          "Intellectual disability" means significantly subaverage  
20          intellectual functioning which exists concurrently with  
21          impairment in adaptive behavior.

22          "Public transportation" means the transportation or  
23          conveyance of persons by means available to the general  
24          public, and includes paratransit services.

25          "Traffic control devices" means all signs, signals,  
26          markings, and devices that conform to the Illinois Manual on

1 Uniform Traffic Control Devices, placed or erected by  
2 authority of a public body or official having jurisdiction,  
3 for the purpose of regulating, warning, or guiding traffic.

4 (b) The following factors, related to all felonies, may be  
5 considered by the court as reasons to impose an extended term  
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after  
8 having been previously convicted in Illinois or any other  
9 jurisdiction of the same or similar class felony or  
10 greater class felony, when such conviction has occurred  
11 within 10 years after the previous conviction, excluding  
12 time spent in custody, and such charges are separately  
13 brought and tried and arise out of different series of  
14 acts; or

15 (2) When a defendant is convicted of any felony and  
16 the court finds that the offense was accompanied by  
17 exceptionally brutal or heinous behavior indicative of  
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony  
20 committed against:

21 (i) a person under 12 years of age at the time of  
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time  
24 of the offense or such person's property; or

25 (iii) a person who had a physical disability at  
26 the time of the offense or such person's property; or

1           (4) When a defendant is convicted of any felony and  
2 the offense involved any of the following types of  
3 specific misconduct committed as part of a ceremony, rite,  
4 initiation, observance, performance, practice or activity  
5 of any actual or ostensible religious, fraternal, or  
6 social group:

7           (i) the brutalizing or torturing of humans or  
8 animals;

9           (ii) the theft of human corpses;

10          (iii) the kidnapping of humans;

11          (iv) the desecration of any cemetery, religious,  
12 fraternal, business, governmental, educational, or  
13 other building or property; or

14          (v) ritualized abuse of a child; or

15           (5) When a defendant is convicted of a felony other  
16 than conspiracy and the court finds that the felony was  
17 committed under an agreement with 2 or more other persons  
18 to commit that offense and the defendant, with respect to  
19 the other individuals, occupied a position of organizer,  
20 supervisor, financier, or any other position of management  
21 or leadership, and the court further finds that the felony  
22 committed was related to or in furtherance of the criminal  
23 activities of an organized gang or was motivated by the  
24 defendant's leadership in an organized gang; or

25           (6) When a defendant is convicted of an offense  
26 committed while using a firearm with a laser sight

1 attached to it. For purposes of this paragraph, "laser  
2 sight" has the meaning ascribed to it in Section 26-7 of  
3 the Criminal Code of 2012; or

4 (7) When a defendant who was at least 17 years of age  
5 at the time of the commission of the offense is convicted  
6 of a felony and has been previously adjudicated a  
7 delinquent minor under the Juvenile Court Act of 1987 for  
8 an act that if committed by an adult would be a Class X or  
9 Class 1 felony when the conviction has occurred within 10  
10 years after the previous adjudication, excluding time  
11 spent in custody; or

12 (8) When a defendant commits any felony and the  
13 defendant used, possessed, exercised control over, or  
14 otherwise directed an animal to assault a law enforcement  
15 officer engaged in the execution of his or her official  
16 duties or in furtherance of the criminal activities of an  
17 organized gang in which the defendant is engaged; or

18 (9) When a defendant commits any felony and the  
19 defendant knowingly video or audio records the offense  
20 with the intent to disseminate the recording.

21 (c) The following factors may be considered by the court  
22 as reasons to impose an extended term sentence under Section  
23 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
24 offenses:

25 (1) When a defendant is convicted of first degree  
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section  
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
3 occurred within 10 years after the previous conviction,  
4 excluding time spent in custody, and the charges are  
5 separately brought and tried and arise out of different  
6 series of acts.

7 (1.5) When a defendant is convicted of first degree  
8 murder, after having been previously convicted of domestic  
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
10 (720 ILCS 5/12-3.3) committed on the same victim or after  
11 having been previously convicted of violation of an order  
12 of protection (720 ILCS 5/12-30) in which the same victim  
13 was the protected person.

14 (2) When a defendant is convicted of voluntary  
15 manslaughter, second degree murder, involuntary  
16 manslaughter, or reckless homicide in which the defendant  
17 has been convicted of causing the death of more than one  
18 individual.

19 (3) When a defendant is convicted of aggravated  
20 criminal sexual assault or criminal sexual assault, when  
21 there is a finding that aggravated criminal sexual assault  
22 or criminal sexual assault was also committed on the same  
23 victim by one or more other individuals, and the defendant  
24 voluntarily participated in the crime with the knowledge  
25 of the participation of the others in the crime, and the  
26 commission of the crime was part of a single course of

1           conduct during which there was no substantial change in  
2           the nature of the criminal objective.

3           (4) If the victim was under 18 years of age at the time  
4           of the commission of the offense, when a defendant is  
5           convicted of aggravated criminal sexual assault or  
6           predatory criminal sexual assault of a child under  
7           subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
8           of Section 12-14.1 of the Criminal Code of 1961 or the  
9           Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

10          (5) When a defendant is convicted of a felony  
11          violation of Section 24-1 of the Criminal Code of 1961 or  
12          the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
13          finding that the defendant is a member of an organized  
14          gang.

15          (6) When a defendant was convicted of unlawful use of  
16          weapons under Section 24-1 of the Criminal Code of 1961 or  
17          the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
18          a weapon that is not readily distinguishable as one of the  
19          weapons enumerated in Section 24-1 of the Criminal Code of  
20          1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

21          (7) When a defendant is convicted of an offense  
22          involving the illegal manufacture of a controlled  
23          substance under Section 401 of the Illinois Controlled  
24          Substances Act (720 ILCS 570/401), the illegal manufacture  
25          of methamphetamine under Section 25 of the Methamphetamine  
26          Control and Community Protection Act (720 ILCS 646/25), or

1 the illegal possession of explosives and an emergency  
2 response officer in the performance of his or her duties  
3 is killed or injured at the scene of the offense while  
4 responding to the emergency caused by the commission of  
5 the offense. In this paragraph, "emergency" means a  
6 situation in which a person's life, health, or safety is  
7 in jeopardy; and "emergency response officer" means a  
8 peace officer, community policing volunteer, fireman,  
9 emergency medical technician-ambulance, emergency medical  
10 technician-intermediate, emergency medical  
11 technician-paramedic, ambulance driver, other medical  
12 assistance or first aid personnel, or hospital emergency  
13 room personnel.

14 (8) When the defendant is convicted of attempted mob  
15 action, solicitation to commit mob action, or conspiracy  
16 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
17 Criminal Code of 2012, where the criminal object is a  
18 violation of Section 25-1 of the Criminal Code of 2012,  
19 and an electronic communication is used in the commission  
20 of the offense. For the purposes of this paragraph (8),  
21 "electronic communication" shall have the meaning provided  
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has  
24 the meaning ascribed to it in Section 10 of the Illinois  
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been  
2 convicted of a felony violation of Section 11-1.20, 11-1.30,  
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
5 when the victim of the offense is under 18 years of age at the  
6 time of the commission of the offense and, during the  
7 commission of the offense, the victim was under the influence  
8 of alcohol, regardless of whether or not the alcohol was  
9 supplied by the offender; and the offender, at the time of the  
10 commission of the offense, knew or should have known that the  
11 victim had consumed alcohol.

12 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
13 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
14 8-20-21; 102-982, eff. 7-1-23.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 Sec. 5-6-3. Conditions of probation and of conditional  
17 discharge.

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

20 (1) not violate any criminal statute of any  
21 jurisdiction;

22 (2) report to or appear in person before such person  
23 or agency as directed by the court. To comply with the  
24 provisions of this paragraph (2), in lieu of requiring the  
25 person on probation or conditional discharge to appear in

1 person for the required reporting or meetings, the officer  
2 may utilize technology, including cellular and other  
3 electronic communication devices or platforms, that allow  
4 for communication between the supervised person and the  
5 officer in accordance with standards and guidelines  
6 established by the Administrative Office of the Illinois  
7 Courts;

8 (3) refrain from possessing a firearm or other  
9 dangerous weapon where the offense is a felony or, if a  
10 misdemeanor, the offense involved the intentional or  
11 knowing infliction of bodily harm or threat of bodily  
12 harm;

13 (4) not leave the State without the consent of the  
14 court or, in circumstances in which the reason for the  
15 absence is of such an emergency nature that prior consent  
16 by the court is not possible, without the prior  
17 notification and approval of the person's probation  
18 officer. Transfer of a person's probation or conditional  
19 discharge supervision to another state is subject to  
20 acceptance by the other state pursuant to the Interstate  
21 Compact for Adult Offender Supervision;

22 (5) permit the probation officer to visit him at his  
23 home or elsewhere to the extent necessary to discharge his  
24 duties;

25 (6) perform no less than 30 hours of community service  
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is  
2 funded and approved by the county board where the offense  
3 was committed, where the offense was related to or in  
4 furtherance of the criminal activities of an organized  
5 gang and was motivated by the offender's membership in or  
6 allegiance to an organized gang. The community service  
7 shall include, but not be limited to, the cleanup and  
8 repair of any damage caused by a violation of Section  
9 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
10 2012 and similar damage to property located within the  
11 municipality or county in which the violation occurred.  
12 When possible and reasonable, the community service should  
13 be performed in the offender's neighborhood. For purposes  
14 of this Section, "organized gang" has the meaning ascribed  
15 to it in Section 10 of the Illinois Streetgang Terrorism  
16 Omnibus Prevention Act. The court may give credit toward  
17 the fulfillment of community service hours for  
18 participation in activities and treatment as determined by  
19 court services. Community service shall not interfere with  
20 the school hours, school-related activities, or work  
21 commitments of the minor or the minor's parent, guardian,  
22 or legal custodian;

23 (7) if he or she is at least 17 years of age and has  
24 been sentenced to probation or conditional discharge for a  
25 misdemeanor or felony in a county of 3,000,000 or more  
26 inhabitants and has not been previously convicted of a

1           misdemeanor or felony, may be required by the sentencing  
2           court to attend educational courses designed to prepare  
3           the defendant for a high school diploma and to work toward  
4           a high school diploma or to work toward passing high  
5           school equivalency testing or to work toward completing a  
6           vocational training program approved by the court. The  
7           person on probation or conditional discharge must attend a  
8           public institution of education to obtain the educational  
9           or vocational training required by this paragraph (7). The  
10          court shall revoke the probation or conditional discharge  
11          of a person who willfully fails to comply with this  
12          paragraph (7). The person on probation or conditional  
13          discharge shall be required to pay for the cost of the  
14          educational courses or high school equivalency testing if  
15          a fee is charged for those courses or testing. The court  
16          shall resentence the offender whose probation or  
17          conditional discharge has been revoked as provided in  
18          Section 5-6-4. This paragraph (7) does not apply to a  
19          person who has a high school diploma or has successfully  
20          passed high school equivalency testing. This paragraph (7)  
21          does not apply to a person who is determined by the court  
22          to be a person with a developmental disability or  
23          otherwise mentally incapable of completing the educational  
24          or vocational program;

25               (8) if convicted of possession of a substance  
26               prohibited by the Cannabis Control Act, the Illinois

1           Controlled Substances Act, or the Methamphetamine Control  
2           and Community Protection Act after a previous conviction  
3           or disposition of supervision for possession of a  
4           substance prohibited by the Cannabis Control Act or  
5           Illinois Controlled Substances Act or after a sentence of  
6           probation under Section 10 of the Cannabis Control Act,  
7           Section 410 of the Illinois Controlled Substances Act, or  
8           Section 70 of the Methamphetamine Control and Community  
9           Protection Act and upon a finding by the court that the  
10          person is addicted, undergo treatment at a substance abuse  
11          program approved by the court;

12           (8.5) if convicted of a felony sex offense as defined  
13           in the Sex Offender Management Board Act, the person shall  
14           undergo and successfully complete sex offender treatment  
15           by a treatment provider approved by the Board and  
16           conducted in conformance with the standards developed  
17           under the Sex Offender Management Board Act;

18           (8.6) if convicted of a sex offense as defined in the  
19           Sex Offender Management Board Act, refrain from residing  
20           at the same address or in the same condominium unit or  
21           apartment unit or in the same condominium complex or  
22           apartment complex with another person he or she knows or  
23           reasonably should know is a convicted sex offender or has  
24           been placed on supervision for a sex offense; the  
25           provisions of this paragraph do not apply to a person  
26           convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex  
2 offenders;

3 (8.7) if convicted for an offense committed on or  
4 after June 1, 2008 (the effective date of Public Act  
5 95-464) that would qualify the accused as a child sex  
6 offender as defined in Section 11-9.3 or 11-9.4 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012,  
8 refrain from communicating with or contacting, by means of  
9 the Internet, a person who is not related to the accused  
10 and whom the accused reasonably believes to be under 18  
11 years of age; for purposes of this paragraph (8.7),  
12 "Internet" has the meaning ascribed to it in Section  
13 16-0.1 of the Criminal Code of 2012; and a person is not  
14 related to the accused if the person is not: (i) the  
15 spouse, brother, or sister of the accused; (ii) a  
16 descendant of the accused; (iii) a first or second cousin  
17 of the accused; or (iv) a step-child or adopted child of  
18 the accused;

19 (8.8) if convicted for an offense under Section 11-6,  
20 11-9.1, 11-14.4 that involves soliciting for a juvenile  
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
22 of the Criminal Code of 1961 or the Criminal Code of 2012,  
23 or any attempt to commit any of these offenses, committed  
24 on or after June 1, 2009 (the effective date of Public Act  
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the offender's probation officer,  
3 except in connection with the offender's employment or  
4 search for employment with the prior approval of the  
5 offender's probation officer;

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

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

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

24 (8.9) if convicted of a sex offense as defined in the  
25 Sex Offender Registration Act committed on or after  
26 January 1, 2010 (the effective date of Public Act 96-262),

1       refrain from accessing or using a social networking  
2       website as defined in Section 17-0.5 of the Criminal Code  
3       of 2012;

4           (9) if convicted of a felony or of any misdemeanor  
5       violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
6       12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
7       2012 that was determined, pursuant to Section 112A-11.1 of  
8       the Code of Criminal Procedure of 1963, to trigger the  
9       prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
10      at a time and place designated by the court, ~~his or her~~  
11      ~~Firearm Owner's Identification Card~~ and any and all  
12      firearms in his or her possession. ~~The Court shall return~~  
13      ~~to the Illinois State Police Firearm Owner's~~  
14      ~~Identification Card Office the person's Firearm Owner's~~  
15      ~~Identification Card;~~

16           (10) if convicted of a sex offense as defined in  
17      subsection (a-5) of Section 3-1-2 of this Code, unless the  
18      offender is a parent or guardian of the person under 18  
19      years of age present in the home and no non-familial  
20      minors are present, not participate in a holiday event  
21      involving children under 18 years of age, such as  
22      distributing candy or other items to children on  
23      Halloween, wearing a Santa Claus costume on or preceding  
24      Christmas, being employed as a department store Santa  
25      Claus, or wearing an Easter Bunny costume on or preceding  
26      Easter;

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

8 (12) if convicted of a violation of the  
9 Methamphetamine Control and Community Protection Act, the  
10 Methamphetamine Precursor Control Act, or a  
11 methamphetamine related offense:

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

15 (B) prohibited from purchasing, possessing, or  
16 having under his or her control any product containing  
17 ammonium nitrate; and

18 (13) if convicted of a hate crime involving the  
19 protected class identified in subsection (a) of Section  
20 12-7.1 of the Criminal Code of 2012 that gave rise to the  
21 offense the offender committed, perform public or  
22 community service of no less than 200 hours and enroll in  
23 an educational program discouraging hate crimes that  
24 includes racial, ethnic, and cultural sensitivity training  
25 ordered by the court.

26 (b) The Court may in addition to other reasonable

1 conditions relating to the nature of the offense or the  
2 rehabilitation of the defendant as determined for each  
3 defendant in the proper discretion of the Court require that  
4 the person:

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

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational  
10 training;

11 (4) undergo medical, psychological or psychiatric  
12 treatment; or treatment for drug addiction or alcoholism;

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

20 (iv) provide nonfinancial contributions to his own  
21 support at home or in a foster home;

22 (v) with the consent of the superintendent of the  
23 facility, attend an educational program at a facility  
24 other than the school in which the offense was  
25 committed if he or she is convicted of a crime of  
26 violence as defined in Section 2 of the Crime Victims

1 Compensation Act committed in a school, on the real  
2 property comprising a school, or within 1,000 feet of  
3 the real property comprising a school;

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

6 (9) perform some reasonable public or community  
7 service;

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

12 (i) remain within the interior premises of the  
13 place designated for his confinement during the hours  
14 designated by the court;

15 (ii) admit any person or agent designated by the  
16 court into the offender's place of confinement at any  
17 time for purposes of verifying the offender's  
18 compliance with the conditions of his confinement; and

19 (iii) if further deemed necessary by the court or  
20 the probation or court services department ~~Probation~~  
21 ~~or Court Services Department~~, be placed on an approved  
22 electronic monitoring device, subject to Article 8A of  
23 Chapter V;

24 (iv) for persons convicted of any alcohol,  
25 cannabis or controlled substance violation who are  
26 placed on an approved monitoring device as a condition

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

18 The Chief Judge of the circuit court of the county  
19 may by administrative order establish a program for  
20 electronic monitoring of offenders, in which a vendor  
21 supplies and monitors the operation of the electronic  
22 monitoring device, and collects the fees on behalf of  
23 the county. The program shall include provisions for  
24 indigent offenders and the collection of unpaid fees.  
25 The program shall not unduly burden the offender and  
26 shall be subject to review by the Chief Judge.

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

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

1 electronic monitoring device, and collects the fees on  
2 behalf of the county. The program shall include  
3 provisions for indigent offenders and the collection  
4 of unpaid fees. The program shall not unduly burden  
5 the offender and shall be subject to review by the  
6 Chief Judge.

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

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

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

24 (13) contribute a reasonable sum of money, not to  
25 exceed the maximum amount of the fine authorized for the  
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the  
2 Anti-Crime Advisory Council Act, or (ii) for offenses  
3 under the jurisdiction of the Department of Natural  
4 Resources, to the fund established by the Department of  
5 Natural Resources for the purchase of evidence for  
6 investigation purposes and to conduct investigations as  
7 outlined in Section 805-105 of the Department of Natural  
8 Resources (Conservation) Law;

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

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

21 (16) refrain from having in his or her body the  
22 presence of any illicit drug prohibited by the Illinois  
23 Controlled Substances Act or the Methamphetamine Control  
24 and Community Protection Act, unless prescribed by a  
25 physician, and submit samples of his or her blood or urine  
26 or both for tests to determine the presence of any illicit

1 drug;

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

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

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the offender's probation officer,  
24 except in connection with the offender's employment or  
25 search for employment with the prior approval of the  
26 offender's probation officer;

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

11           (iii) submit to the installation on the offender's  
12 computer or device with Internet capability, at the  
13 subject's expense, of one or more hardware or software  
14 systems to monitor the Internet use; and

15           (iv) submit to any other appropriate restrictions  
16 concerning the offender's use of or access to a  
17 computer or any other device with Internet capability  
18 imposed by the offender's probation officer; and

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

23           (c) The court may as a condition of probation or of  
24 conditional discharge require that a person under 18 years of  
25 age found guilty of any alcohol, cannabis or controlled  
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If  
2 such person is in possession of a permit or license, the court  
3 may require that the minor refrain from driving or operating  
4 any motor vehicle during the period of probation or  
5 conditional discharge, except as may be necessary in the  
6 course of the minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional  
8 discharge shall be given a certificate setting forth the  
9 conditions thereof.

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

18 Persons committed to imprisonment as a condition of  
19 probation or conditional discharge shall not be committed to  
20 the Department of Corrections.

21 (f) The court may combine a sentence of periodic  
22 imprisonment under Article 7 or a sentence to a county impact  
23 incarceration program under Article 8 with a sentence of  
24 probation or conditional discharge.

25 (g) An offender sentenced to probation or to conditional  
26 discharge and who during the term of either undergoes

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

1 and collects the fees on behalf of the county. The program  
2 shall include provisions for indigent offenders and the  
3 collection of unpaid fees. The program shall not unduly burden  
4 the offender and shall be subject to review by the Chief Judge.  
5 A person shall not be assessed costs or fees for mandatory  
6 testing for drugs, alcohol, or both, if the person is an  
7 indigent person as defined in paragraph (2) of subsection (a)  
8 of Section 5-105 of the Code of Civil Procedure.

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

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

1 jurisdiction has been transferred.

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

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

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

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

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

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

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

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

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

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

1 (m) Except for restitution, and assessments issued for  
2 adjudications under Section 5-125 of the Juvenile Court Act of  
3 1987, fines and assessments, such as fees or administrative  
4 costs, authorized under this Section shall not be ordered or  
5 imposed on a minor subject to Article III, IV, or V of the  
6 Juvenile Court Act of 1987, or a minor under the age of 18  
7 transferred to adult court or excluded from juvenile court  
8 jurisdiction under Article V of the Juvenile Court Act of  
9 1987, or the minor's parent, guardian, or legal custodian.

10 (n) ~~(m)~~ A person on probation, conditional discharge, or  
11 supervision shall not be ordered to refrain from having  
12 cannabis or alcohol in his or her body unless:

13 (1) the person is under 21 years old;

14 (2) the person was sentenced to probation, conditional  
15 discharge, or supervision for an offense which had as an  
16 element of the offense the presence of an intoxicating  
17 compound in the person's body;

18 (3) the person is participating in a problem-solving  
19 court certified by the Illinois Supreme Court;

20 (4) the person has undergone a validated clinical  
21 assessment and the clinical treatment plan includes  
22 alcohol or cannabis testing; or

23 (5) a court ordered evaluation recommends that the  
24 person refrain from using alcohol or cannabis, provided  
25 the evaluation is a validated clinical assessment and the  
26 recommendation originates from a clinical treatment plan.

1           If the court has made findings that alcohol use was a  
2 contributing factor in the commission of the underlying  
3 offense, the court may order a person on probation,  
4 conditional discharge, or supervision to refrain from having  
5 alcohol in his or her body during the time between sentencing  
6 and the completion of a validated clinical assessment,  
7 provided that such order shall not exceed 30 days and shall be  
8 terminated if the clinical treatment plan does not recommend  
9 abstinence or testing, or both.

10           In this subsection (n) ~~(m)~~, "validated clinical  
11 assessment" and "clinical treatment plan" have the meanings  
12 ascribed to them in Section 10 of the Drug Court Treatment Act.

13           In any instance in which the court orders testing for  
14 cannabis or alcohol, the court shall state the reasonable  
15 relation the condition has to the person's crime for which the  
16 person was placed on probation, conditional discharge, or  
17 supervision.

18           (o) ~~(n)~~ A person on probation, conditional discharge, or  
19 supervision shall not be ordered to refrain from use or  
20 consumption of any substance lawfully prescribed by a medical  
21 provider or authorized by the Compassionate Use of Medical  
22 Cannabis Program Act, except where use is prohibited in  
23 paragraph (3) or (4) of subsection (n) ~~(m)~~.

24           (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
25 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.  
26 1-1-24; revised 12-15-23.)

1 (730 ILCS 5/3-2-13 rep.)

2 Section 180. The Unified Code of Corrections is amended by  
3 repealing Section 3-2-13.

4 Section 185. The Probation and Probation Officers Act is  
5 amended by changing Section 15.2 as follows:

6 (730 ILCS 110/15.2)

7 Sec. 15.2. Retiring probation officer; purchase of service  
8 firearm and badge. Each department shall establish a program  
9 to allow a probation officer of the department who is  
10 honorably retiring in good standing to purchase either one or  
11 both of the following: (1) any badge previously issued to the  
12 probation officer by the department; or (2) ~~if the probation~~  
13 ~~officer has a currently valid Firearm Owner's Identification~~  
14 ~~Card,~~ the service firearm issued or previously issued to the  
15 probation officer by the department. The badge must be  
16 permanently and conspicuously marked in such a manner that the  
17 individual who possesses the badge is not mistaken for an  
18 actively serving law enforcement officer. The cost of the  
19 firearm shall be the replacement value of the firearm and not  
20 the firearm's fair market value.

21 (Source: P.A. 102-719, eff. 5-6-22.)

22 Section 190. The Stalking No Contact Order Act is amended

1 by changing Section 80 as follows:

2 (740 ILCS 21/80)

3 Sec. 80. Stalking no contact orders; remedies.

4 (a) If the court finds that the petitioner has been a  
5 victim of stalking, a stalking no contact order shall issue;  
6 provided that the petitioner must also satisfy the  
7 requirements of Section 95 on emergency orders or Section 100  
8 on plenary orders. The petitioner shall not be denied a  
9 stalking no contact order because the petitioner or the  
10 respondent is a minor. The court, when determining whether or  
11 not to issue a stalking no contact order, may not require  
12 physical injury on the person of the petitioner. Modification  
13 and extension of prior stalking no contact orders shall be in  
14 accordance with this Act.

15 (b) A stalking no contact order shall order one or more of  
16 the following:

17 (1) prohibit the respondent from threatening to commit  
18 or committing stalking;

19 (2) order the respondent not to have any contact with  
20 the petitioner or a third person specifically named by the  
21 court;

22 (3) prohibit the respondent from knowingly coming  
23 within, or knowingly remaining within a specified distance  
24 of the petitioner or the petitioner's residence, school,  
25 daycare, or place of employment, or any specified place

1 frequented by the petitioner; however, the court may order  
2 the respondent to stay away from the respondent's own  
3 residence, school, or place of employment only if the  
4 respondent has been provided actual notice of the  
5 opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from ~~possessing a Firearm~~  
7 ~~Owners Identification Card,~~ or possessing or buying  
8 firearms; and

9 (5) order other injunctive relief the court determines  
10 to be necessary to protect the petitioner or third party  
11 specifically named by the court.

12 (b-5) When the petitioner and the respondent attend the  
13 same public, private, or non-public elementary, middle, or  
14 high school, the court when issuing a stalking no contact  
15 order and providing relief shall consider the severity of the  
16 act, any continuing physical danger or emotional distress to  
17 the petitioner, the educational rights guaranteed to the  
18 petitioner and respondent under federal and State law, the  
19 availability of a transfer of the respondent to another  
20 school, a change of placement or a change of program of the  
21 respondent, the expense, difficulty, and educational  
22 disruption that would be caused by a transfer of the  
23 respondent to another school, and any other relevant facts of  
24 the case. The court may order that the respondent not attend  
25 the public, private, or non-public elementary, middle, or high  
26 school attended by the petitioner, order that the respondent

1 accept a change of placement or program, as determined by the  
2 school district or private or non-public school, or place  
3 restrictions on the respondent's movements within the school  
4 attended by the petitioner. The respondent bears the burden of  
5 proving by a preponderance of the evidence that a transfer,  
6 change of placement, or change of program of the respondent is  
7 not available. The respondent also bears the burden of  
8 production with respect to the expense, difficulty, and  
9 educational disruption that would be caused by a transfer of  
10 the respondent to another school. A transfer, change of  
11 placement, or change of program is not unavailable to the  
12 respondent solely on the ground that the respondent does not  
13 agree with the school district's or private or non-public  
14 school's transfer, change of placement, or change of program  
15 or solely on the ground that the respondent fails or refuses to  
16 consent to or otherwise does not take an action required to  
17 effectuate a transfer, change of placement, or change of  
18 program. When a court orders a respondent to stay away from the  
19 public, private, or non-public school attended by the  
20 petitioner and the respondent requests a transfer to another  
21 attendance center within the respondent's school district or  
22 private or non-public school, the school district or private  
23 or non-public school shall have sole discretion to determine  
24 the attendance center to which the respondent is transferred.  
25 In the event the court order results in a transfer of the minor  
26 respondent to another attendance center, a change in the

1 respondent's placement, or a change of the respondent's  
2 program, the parents, guardian, or legal custodian of the  
3 respondent is responsible for transportation and other costs  
4 associated with the transfer or change.

5 (b-6) The court may order the parents, guardian, or legal  
6 custodian of a minor respondent to take certain actions or to  
7 refrain from taking certain actions to ensure that the  
8 respondent complies with the order. In the event the court  
9 orders a transfer of the respondent to another school, the  
10 parents, guardian, or legal custodian of the respondent are  
11 responsible for transportation and other costs associated with  
12 the change of school by the respondent.

13 (b-7) The court shall not hold a school district or  
14 private or non-public school or any of its employees in civil  
15 or criminal contempt unless the school district or private or  
16 non-public school has been allowed to intervene.

17 (b-8) The court may hold the parents, guardian, or legal  
18 custodian of a minor respondent in civil or criminal contempt  
19 for a violation of any provision of any order entered under  
20 this Act for conduct of the minor respondent in violation of  
21 this Act if the parents, guardian, or legal custodian  
22 directed, encouraged, or assisted the respondent minor in such  
23 conduct.

24 (c) The court may award the petitioner costs and attorneys  
25 fees if a stalking no contact order is granted.

26 (d) Monetary damages are not recoverable as a remedy.

1 (e) If the stalking no contact order prohibits the  
2 respondent from ~~possessing a Firearm Owner's Identification~~  
3 ~~Card, or~~ possessing or buying firearms; the court shall  
4 confiscate the respondent's firearms ~~Firearm Owner's~~  
5 ~~Identification Card and immediately return the card to the~~  
6 ~~Illinois State Police Firearm Owner's Identification Card~~  
7 ~~Office.~~

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 195. The Mental Health and Developmental  
10 Disabilities Confidentiality Act is amended by changing  
11 Section 12 as follows:

12 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

13 Sec. 12. (a) If the United States Secret Service or the  
14 Illinois State Police requests information from a mental  
15 health or developmental disability facility, as defined in  
16 Section 1-107 and 1-114 of the Mental Health and Developmental  
17 Disabilities Code, relating to a specific recipient and the  
18 facility director determines that disclosure of such  
19 information may be necessary to protect the life of, or to  
20 prevent the infliction of great bodily harm to, a public  
21 official, or a person under the protection of the United  
22 States Secret Service, only the following information may be  
23 disclosed: the recipient's name, address, and age and the date  
24 of any admission to or discharge from a facility; and any

1 information which would indicate whether or not the recipient  
2 has a history of violence or presents a danger of violence to  
3 the person under protection. Any information so disclosed  
4 shall be used for investigative purposes only and shall not be  
5 publicly disseminated. Any person participating in good faith  
6 in the disclosure of such information in accordance with this  
7 provision shall have immunity from any liability, civil,  
8 criminal or otherwise, if such information is disclosed  
9 relying upon the representation of an officer of the United  
10 States Secret Service or the Illinois State Police that a  
11 person is under the protection of the United States Secret  
12 Service or is a public official.

13 For the purpose of this subsection (a), the term "public  
14 official" means the Governor, Lieutenant Governor, Attorney  
15 General, Secretary of State, State Comptroller, State  
16 Treasurer, member of the General Assembly, member of the  
17 United States Congress, Judge of the United States as defined  
18 in 28 U.S.C. 451, Justice of the United States as defined in 28  
19 U.S.C. 451, United States Magistrate Judge as defined in 28  
20 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
21 Supreme, Appellate, Circuit, or Associate Judge of the State  
22 of Illinois. The term shall also include the spouse, child or  
23 children of a public official.

24 (b) The Department of Human Services (acting as successor  
25 to the Department of Mental Health and Developmental  
26 Disabilities) and all public or private hospitals and mental

1 health facilities are required, as hereafter described in this  
2 subsection, to furnish the Illinois State Police only such  
3 information as may be required for the sole purpose of  
4 determining whether an individual who may be or may have been a  
5 patient is disqualified because of that status from receiving  
6 or retaining a firearm under paragraph (4) of subsection (a)  
7 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
8 ~~Identification Card or falls within the federal prohibitors~~  
9 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
10 ~~of the Firearm Owners Identification Card Act~~, or falls within  
11 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
12 physicians, clinical psychologists, or qualified examiners at  
13 public or private mental health facilities or parts thereof as  
14 defined in this subsection shall, in the form and manner  
15 required by the Department, provide notice directly to the  
16 Department of Human Services, or to his or her employer who  
17 shall then report to the Department, within 24 hours after  
18 determining that a person poses a clear and present danger to  
19 himself, herself, or others, or within 7 days after a person 14  
20 years or older is determined to be a person with a  
21 developmental disability by a physician, clinical  
22 psychologist, or qualified examiner as described in this  
23 subsection (b) Section 1.1 of the Firearm Owners  
24 ~~Identification Card Act~~. If a person is a patient as described  
25 in clause (2)(A) ~~(1)~~ of the definition of "patient" in this  
26 subsection ~~Section 1.1 of the Firearm Owners Identification~~

1 ~~Card Act~~, this information shall be furnished within 7 days  
2 after admission to a public or private hospital or mental  
3 health facility or the provision of services. Any such  
4 information disclosed under this subsection shall remain  
5 privileged and confidential, and shall not be redisclosed,  
6 except as required by clause (e)(2) of Section 24-4.5 of the  
7 Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~  
8 ~~Firearm Owners Identification Card Act~~, nor utilized for any  
9 other purpose. The method of requiring the providing of such  
10 information shall guarantee that no information is released  
11 beyond what is necessary for this purpose. In addition, the  
12 information disclosed shall be provided by the Department  
13 within the time period established by Section 24-3 of the  
14 Criminal Code of 2012 regarding the delivery of firearms. The  
15 method used shall be sufficient to provide the necessary  
16 information within the prescribed time period, which may  
17 include periodically providing lists to the Department of  
18 Human Services or any public or private hospital or mental  
19 health facility of ~~Firearm Owner's Identification Card~~  
20 applicants for firearm purchases on which the Department or  
21 hospital shall indicate the identities of those individuals  
22 who are to its knowledge disqualified from having a firearm  
23 ~~Firearm Owner's Identification Card~~ for reasons described  
24 herein. The Department may provide for a centralized source of  
25 information for the State on this subject under its  
26 jurisdiction. The identity of the person reporting under this

1 subsection shall not be disclosed to the subject of the  
2 report. For the purposes of this subsection, the physician,  
3 clinical psychologist, or qualified examiner making the  
4 determination and his or her employer shall not be held  
5 criminally, civilly, or professionally liable for making or  
6 not making the notification required under this subsection,  
7 except for willful or wanton misconduct.

8 Any person, institution, or agency, under this Act,  
9 participating in good faith in the reporting or disclosure of  
10 records and communications otherwise in accordance with this  
11 provision or with rules, regulations or guidelines issued by  
12 the Department shall have immunity from any liability, civil,  
13 criminal or otherwise, that might result by reason of the  
14 action. For the purpose of any proceeding, civil or criminal,  
15 arising out of a report or disclosure in accordance with this  
16 provision, the good faith of any person, institution, or  
17 agency so reporting or disclosing shall be presumed. The full  
18 extent of the immunity provided in this subsection (b) shall  
19 apply to any person, institution or agency that fails to make a  
20 report or disclosure in the good faith belief that the report  
21 or disclosure would violate federal regulations governing the  
22 confidentiality of alcohol and drug abuse patient records  
23 implementing 42 U.S.C. 290dd-3 and 290ee-3.

24 For purposes of this subsection (b) only, the following  
25 terms shall have the meaning prescribed:

26 (1) (Blank).

1 (1.3) "Clear and present danger" has the meaning as  
2 defined in Section 6-103.3 of the Mental Health and  
3 Developmental Disabilities Code 1.1 of the Firearm Owners  
4 Identification Card Act.

5 (1.5) "Person with a developmental disability" has the  
6 meaning as defined in Section 6-103.3 of the Mental Health  
7 and Developmental Disabilities Code 1.1 of the Firearm  
8 Owners Identification Card Act.

9 (2) "Patient" means (A) a person who voluntarily  
10 receives mental health treatment as an in-patient or  
11 resident of any public or private mental health facility,  
12 unless the treatment was solely for an alcohol abuse  
13 disorder and no other secondary substance abuse disorder  
14 or mental illness; or (B) a person who voluntarily  
15 receives mental health treatment as an out-patient or is  
16 provided services by a public or private mental health  
17 facility, and who poses a clear and present danger to  
18 himself, herself, or to others ~~has the meaning as defined~~  
19 ~~in Section 1.1 of the Firearm Owners Identification Card~~  
20 ~~Act.~~

21 (3) "Mental health facility" means any licensed  
22 private hospital or hospital affiliate, institution, or  
23 facility, or part thereof, and any facility, or part  
24 thereof, operated by the State or a political subdivision  
25 thereof which provide treatment of persons with mental  
26 illness and includes all hospitals, institutions, clinics,

1 evaluation facilities, mental health centers, colleges,  
2 universities, long-term care facilities, and nursing  
3 homes, or parts thereof, which provide treatment of  
4 persons with mental illness whether or not the primary  
5 purpose is to provide treatment of persons with mental  
6 illness ~~has the meaning as defined in Section 1.1 of the~~  
7 ~~Firearm Owners Identification Card Act.~~

8 (c) Upon the request of a peace officer who takes a person  
9 into custody and transports such person to a mental health or  
10 developmental disability facility pursuant to Section 3-606 or  
11 4-404 of the Mental Health and Developmental Disabilities Code  
12 or who transports a person from such facility, a facility  
13 director shall furnish said peace officer the name, address,  
14 age and name of the nearest relative of the person transported  
15 to or from the mental health or developmental disability  
16 facility. In no case shall the facility director disclose to  
17 the peace officer any information relating to the diagnosis,  
18 treatment or evaluation of the person's mental or physical  
19 health.

20 For the purposes of this subsection (c), the terms "mental  
21 health or developmental disability facility", "peace officer"  
22 and "facility director" shall have the meanings ascribed to  
23 them in the Mental Health and Developmental Disabilities Code.

24 (d) Upon the request of a peace officer or prosecuting  
25 authority who is conducting a bona fide investigation of a  
26 criminal offense, or attempting to apprehend a fugitive from

1 justice, a facility director may disclose whether a person is  
2 present at the facility. Upon request of a peace officer or  
3 prosecuting authority who has a valid forcible felony warrant  
4 issued, a facility director shall disclose: (1) whether the  
5 person who is the subject of the warrant is present at the  
6 facility and (2) the date of that person's discharge or future  
7 discharge from the facility. The requesting peace officer or  
8 prosecuting authority must furnish a case number and the  
9 purpose of the investigation or an outstanding arrest warrant  
10 at the time of the request. Any person, institution, or agency  
11 participating in good faith in disclosing such information in  
12 accordance with this subsection (d) is immune from any  
13 liability, civil, criminal or otherwise, that might result by  
14 reason of the action.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 Section 200. The Illinois Domestic Violence Act of 1986 is  
17 amended by changing Sections 210 and 214 as follows:

18 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

19 Sec. 210. Process.

20 (a) Summons. Any action for an order of protection,  
21 whether commenced alone or in conjunction with another  
22 proceeding, is a distinct cause of action and requires that a  
23 separate summons be issued and served, except that in pending  
24 cases the following methods may be used:

1           (1) By delivery of the summons to respondent  
2 personally in open court in pending civil or criminal  
3 cases.

4           (2) By notice in accordance with Section 210.1 in  
5 civil cases in which the defendant has filed a general  
6 appearance.

7           The summons shall be in the form prescribed by Supreme  
8 Court Rule 101(d), except that it shall require respondent to  
9 answer or appear within 7 days. Attachments to the summons or  
10 notice shall include the petition for order of protection and  
11 supporting affidavits, if any, and any emergency order of  
12 protection that has been issued. The enforcement of an order  
13 of protection under Section 223 shall not be affected by the  
14 lack of service, delivery, or notice, provided the  
15 requirements of subsection (d) of that Section are otherwise  
16 met.

17           (b) Blank.

18           (c) Expedited service. The summons shall be served by the  
19 sheriff or other law enforcement officer at the earliest time  
20 and shall take precedence over other summonses except those of  
21 a similar emergency nature. Special process servers may be  
22 appointed at any time, and their designation shall not affect  
23 the responsibilities and authority of the sheriff or other  
24 official process servers. In counties with a population over  
25 3,000,000, a special process server may not be appointed if  
26 the order of protection grants the surrender of a child, the

1 surrender of a firearm ~~or firearm owners identification card,~~  
2 or the exclusive possession of a shared residence.

3 (d) Remedies requiring actual notice. The counseling,  
4 payment of support, payment of shelter services, and payment  
5 of losses remedies provided by paragraphs 4, 12, 13, and 16 of  
6 subsection (b) of Section 214 may be granted only if  
7 respondent has been personally served with process, has  
8 answered or has made a general appearance.

9 (e) Remedies upon constructive notice. Service of process  
10 on a member of respondent's household or by publication shall  
11 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
12 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
13 214, but only if: (i) petitioner has made all reasonable  
14 efforts to accomplish actual service of process personally  
15 upon respondent, but respondent cannot be found to effect such  
16 service and (ii) petitioner files an affidavit or presents  
17 sworn testimony as to those efforts.

18 (f) Default. A plenary order of protection may be entered  
19 by default as follows:

20 (1) For any of the remedies sought in the petition, if  
21 respondent has been served or given notice in accordance  
22 with subsection (a) and if respondent then fails to appear  
23 as directed or fails to appear on any subsequent  
24 appearance or hearing date agreed to by the parties or set  
25 by the court; or

26 (2) For any of the remedies provided in accordance

1 with subsection (e), if respondent fails to answer or  
2 appear in accordance with the date set in the publication  
3 notice or the return date indicated on the service of a  
4 household member.

5 (g) Emergency orders. If an order is granted under  
6 subsection (c) of Section 217, the court shall immediately  
7 file a certified copy of the order with the sheriff or other  
8 law enforcement official charged with maintaining Department  
9 of State Police records.

10 (Source: P.A. 101-508, eff. 1-1-20.)

11 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

12 Sec. 214. Order of protection; remedies.

13 (a) Issuance of order. If the court finds that petitioner  
14 has been abused by a family or household member or that  
15 petitioner is a high-risk adult who has been abused,  
16 neglected, or exploited, as defined in this Act, an order of  
17 protection prohibiting the abuse, neglect, or exploitation  
18 shall issue; provided that petitioner must also satisfy the  
19 requirements of one of the following Sections, as appropriate:  
20 Section 217 on emergency orders, Section 218 on interim  
21 orders, or Section 219 on plenary orders. Petitioner shall not  
22 be denied an order of protection because petitioner or  
23 respondent is a minor. The court, when determining whether or  
24 not to issue an order of protection, shall not require  
25 physical manifestations of abuse on the person of the victim.

1 Modification and extension of prior orders of protection shall  
2 be in accordance with this Act.

3 (b) Remedies and standards. The remedies to be included in  
4 an order of protection shall be determined in accordance with  
5 this Section and one of the following Sections, as  
6 appropriate: Section 217 on emergency orders, Section 218 on  
7 interim orders, and Section 219 on plenary orders. The  
8 remedies listed in this subsection shall be in addition to  
9 other civil or criminal remedies available to petitioner.

10 (1) Prohibition of abuse, neglect, or exploitation.  
11 Prohibit respondent's harassment, interference with  
12 personal liberty, intimidation of a dependent, physical  
13 abuse, or willful deprivation, neglect or exploitation, as  
14 defined in this Act, or stalking of the petitioner, as  
15 defined in Section 12-7.3 of the Criminal Code of 2012, if  
16 such abuse, neglect, exploitation, or stalking has  
17 occurred or otherwise appears likely to occur if not  
18 prohibited.

19 (2) Grant of exclusive possession of residence.  
20 Prohibit respondent from entering or remaining in any  
21 residence, household, or premises of the petitioner,  
22 including one owned or leased by respondent, if petitioner  
23 has a right to occupancy thereof. The grant of exclusive  
24 possession of the residence, household, or premises shall  
25 not affect title to real property, nor shall the court be  
26 limited by the standard set forth in subsection (c-2) of

1 Section 501 of the Illinois Marriage and Dissolution of  
2 Marriage Act.

3 (A) Right to occupancy. A party has a right to  
4 occupancy of a residence or household if it is solely  
5 or jointly owned or leased by that party, that party's  
6 spouse, a person with a legal duty to support that  
7 party or a minor child in that party's care, or by any  
8 person or entity other than the opposing party that  
9 authorizes that party's occupancy (e.g., a domestic  
10 violence shelter). Standards set forth in subparagraph  
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and  
13 respondent each has the right to occupancy of a  
14 residence or household, the court shall balance (i)  
15 the hardships to respondent and any minor child or  
16 dependent adult in respondent's care resulting from  
17 entry of this remedy with (ii) the hardships to  
18 petitioner and any minor child or dependent adult in  
19 petitioner's care resulting from continued exposure to  
20 the risk of abuse (should petitioner remain at the  
21 residence or household) or from loss of possession of  
22 the residence or household (should petitioner leave to  
23 avoid the risk of abuse). When determining the balance  
24 of hardships, the court shall also take into account  
25 the accessibility of the residence or household.  
26 Hardships need not be balanced if respondent does not

1           have a right to occupancy.

2           The balance of hardships is presumed to favor  
3 possession by petitioner unless the presumption is  
4 rebutted by a preponderance of the evidence, showing  
5 that the hardships to respondent substantially  
6 outweigh the hardships to petitioner and any minor  
7 child or dependent adult in petitioner's care. The  
8 court, on the request of petitioner or on its own  
9 motion, may order respondent to provide suitable,  
10 accessible, alternate housing for petitioner instead  
11 of excluding respondent from a mutual residence or  
12 household.

13           (3) Stay away order and additional prohibitions. Order  
14 respondent to stay away from petitioner or any other  
15 person protected by the order of protection, or prohibit  
16 respondent from entering or remaining present at  
17 petitioner's school, place of employment, or other  
18 specified places at times when petitioner is present, or  
19 both, if reasonable, given the balance of hardships.  
20 Hardships need not be balanced for the court to enter a  
21 stay away order or prohibit entry if respondent has no  
22 right to enter the premises.

23           (A) If an order of protection grants petitioner  
24 exclusive possession of the residence, or prohibits  
25 respondent from entering the residence, or orders  
26 respondent to stay away from petitioner or other

1           protected persons, then the court may allow respondent  
2           access to the residence to remove items of clothing  
3           and personal adornment used exclusively by respondent,  
4           medications, and other items as the court directs. The  
5           right to access shall be exercised on only one  
6           occasion as the court directs and in the presence of an  
7           agreed-upon adult third party or law enforcement  
8           officer.

9           (B) When the petitioner and the respondent attend  
10          the same public, private, or non-public elementary,  
11          middle, or high school, the court when issuing an  
12          order of protection and providing relief shall  
13          consider the severity of the act, any continuing  
14          physical danger or emotional distress to the  
15          petitioner, the educational rights guaranteed to the  
16          petitioner and respondent under federal and State law,  
17          the availability of a transfer of the respondent to  
18          another school, a change of placement or a change of  
19          program of the respondent, the expense, difficulty,  
20          and educational disruption that would be caused by a  
21          transfer of the respondent to another school, and any  
22          other relevant facts of the case. The court may order  
23          that the respondent not attend the public, private, or  
24          non-public elementary, middle, or high school attended  
25          by the petitioner, order that the respondent accept a  
26          change of placement or change of program, as

1 determined by the school district or private or  
2 non-public school, or place restrictions on the  
3 respondent's movements within the school attended by  
4 the petitioner. The respondent bears the burden of  
5 proving by a preponderance of the evidence that a  
6 transfer, change of placement, or change of program of  
7 the respondent is not available. The respondent also  
8 bears the burden of production with respect to the  
9 expense, difficulty, and educational disruption that  
10 would be caused by a transfer of the respondent to  
11 another school. A transfer, change of placement, or  
12 change of program is not unavailable to the respondent  
13 solely on the ground that the respondent does not  
14 agree with the school district's or private or  
15 non-public school's transfer, change of placement, or  
16 change of program or solely on the ground that the  
17 respondent fails or refuses to consent or otherwise  
18 does not take an action required to effectuate a  
19 transfer, change of placement, or change of program.  
20 When a court orders a respondent to stay away from the  
21 public, private, or non-public school attended by the  
22 petitioner and the respondent requests a transfer to  
23 another attendance center within the respondent's  
24 school district or private or non-public school, the  
25 school district or private or non-public school shall  
26 have sole discretion to determine the attendance

1 center to which the respondent is transferred. In the  
2 event the court order results in a transfer of the  
3 minor respondent to another attendance center, a  
4 change in the respondent's placement, or a change of  
5 the respondent's program, the parents, guardian, or  
6 legal custodian of the respondent is responsible for  
7 transportation and other costs associated with the  
8 transfer or change.

9 (C) The court may order the parents, guardian, or  
10 legal custodian of a minor respondent to take certain  
11 actions or to refrain from taking certain actions to  
12 ensure that the respondent complies with the order. In  
13 the event the court orders a transfer of the  
14 respondent to another school, the parents, guardian,  
15 or legal custodian of the respondent is responsible  
16 for transportation and other costs associated with the  
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to  
19 undergo counseling for a specified duration with a social  
20 worker, psychologist, clinical psychologist,  
21 psychiatrist, family service agency, alcohol or substance  
22 abuse program, mental health center guidance counselor,  
23 agency providing services to elders, program designed for  
24 domestic violence abusers or any other guidance service  
25 the court deems appropriate. The Court may order the  
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol  
2 approved partner abuse intervention program for an  
3 assessment and to follow all recommended treatment.

4 (5) Physical care and possession of the minor child.  
5 In order to protect the minor child from abuse, neglect,  
6 or unwarranted separation from the person who has been the  
7 minor child's primary caretaker, or to otherwise protect  
8 the well-being of the minor child, the court may do either  
9 or both of the following: (i) grant petitioner physical  
10 care or possession of the minor child, or both, or (ii)  
11 order respondent to return a minor child to, or not remove  
12 a minor child from, the physical care of a parent or person  
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has  
15 committed abuse (as defined in Section 103) of a minor  
16 child, there shall be a rebuttable presumption that  
17 awarding physical care to respondent would not be in the  
18 minor child's best interest.

19 (6) Temporary allocation of parental responsibilities:  
20 significant decision-making. Award temporary  
21 decision-making responsibility to petitioner in accordance  
22 with this Section, the Illinois Marriage and Dissolution  
23 of Marriage Act, the Illinois Parentage Act of 2015, and  
24 this State's Uniform Child-Custody Jurisdiction and  
25 Enforcement Act.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding temporary significant decision-making  
4 responsibility to respondent would not be in the child's  
5 best interest.

6 (7) Parenting time. Determine the parenting time, if  
7 any, of respondent in any case in which the court awards  
8 physical care or allocates temporary significant  
9 decision-making responsibility of a minor child to  
10 petitioner. The court shall restrict or deny respondent's  
11 parenting time with a minor child if the court finds that  
12 respondent has done or is likely to do any of the  
13 following: (i) abuse or endanger the minor child during  
14 parenting time; (ii) use the parenting time as an  
15 opportunity to abuse or harass petitioner or petitioner's  
16 family or household members; (iii) improperly conceal or  
17 detain the minor child; or (iv) otherwise act in a manner  
18 that is not in the best interests of the minor child. The  
19 court shall not be limited by the standards set forth in  
20 Section 603.10 of the Illinois Marriage and Dissolution of  
21 Marriage Act. If the court grants parenting time, the  
22 order shall specify dates and times for the parenting time  
23 to take place or other specific parameters or conditions  
24 that are appropriate. No order for parenting time shall  
25 refer merely to the term "reasonable parenting time".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for parenting time,  
2 respondent is under the influence of drugs or alcohol and  
3 constitutes a threat to the safety and well-being of  
4 petitioner or petitioner's minor children or is behaving  
5 in a violent or abusive manner.

6 If necessary to protect any member of petitioner's  
7 family or household from future abuse, respondent shall be  
8 prohibited from coming to petitioner's residence to meet  
9 the minor child for parenting time, and the parties shall  
10 submit to the court their recommendations for reasonable  
11 alternative arrangements for parenting time. A person may  
12 be approved to supervise parenting time only after filing  
13 an affidavit accepting that responsibility and  
14 acknowledging accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit  
16 respondent from removing a minor child from the State or  
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in  
19 court, alone or with a minor child, to prevent abuse,  
20 neglect, removal or concealment of the child, to return  
21 the child to the custody or care of the petitioner or to  
22 permit any court-ordered interview or examination of the  
23 child or the respondent.

24 (10) Possession of personal property. Grant petitioner  
25 exclusive possession of personal property and, if  
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the  
3 property; or

4 (ii) the parties own the property jointly; sharing  
5 it would risk abuse of petitioner by respondent or is  
6 impracticable; and the balance of hardships favors  
7 temporary possession by petitioner.

8 If petitioner's sole claim to ownership of the  
9 property is that it is marital property, the court may  
10 award petitioner temporary possession thereof under the  
11 standards of subparagraph (ii) of this paragraph only if a  
12 proper proceeding has been filed under the Illinois  
13 Marriage and Dissolution of Marriage Act, as now or  
14 hereafter amended.

15 No order under this provision shall affect title to  
16 property.

17 (11) Protection of property. Forbid the respondent  
18 from taking, transferring, encumbering, concealing,  
19 damaging or otherwise disposing of any real or personal  
20 property, except as explicitly authorized by the court,  
21 if:

22 (i) petitioner, but not respondent, owns the  
23 property; or

24 (ii) the parties own the property jointly, and the  
25 balance of hardships favors granting this remedy.

26 If petitioner's sole claim to ownership of the

1 property is that it is marital property, the court may  
2 grant petitioner relief under subparagraph (ii) of this  
3 paragraph only if a proper proceeding has been filed under  
4 the Illinois Marriage and Dissolution of Marriage Act, as  
5 now or hereafter amended.

6 The court may further prohibit respondent from  
7 improperly using the financial or other resources of an  
8 aged member of the family or household for the profit or  
9 advantage of respondent or of any other person.

10 (11.5) Protection of animals. Grant the petitioner the  
11 exclusive care, custody, or control of any animal owned,  
12 possessed, leased, kept, or held by either the petitioner  
13 or the respondent or a minor child residing in the  
14 residence or household of either the petitioner or the  
15 respondent and order the respondent to stay away from the  
16 animal and forbid the respondent from taking,  
17 transferring, encumbering, concealing, harming, or  
18 otherwise disposing of the animal.

19 (12) Order for payment of support. Order respondent to  
20 pay temporary support for the petitioner or any child in  
21 the petitioner's care or over whom the petitioner has been  
22 allocated parental responsibility, when the respondent has  
23 a legal obligation to support that person, in accordance  
24 with the Illinois Marriage and Dissolution of Marriage  
25 Act, which shall govern, among other matters, the amount  
26 of support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may  
2 be granted to a petitioner with lawful physical care of a  
3 child, or an order or agreement for physical care of a  
4 child, prior to entry of an order allocating significant  
5 decision-making responsibility. Such a support order shall  
6 expire upon entry of a valid order allocating parental  
7 responsibility differently and vacating the petitioner's  
8 significant decision-making authority, unless otherwise  
9 provided in the order.

10 (13) Order for payment of losses. Order respondent to  
11 pay petitioner for losses suffered as a direct result of  
12 the abuse, neglect, or exploitation. Such losses shall  
13 include, but not be limited to, medical expenses, lost  
14 earnings or other support, repair or replacement of  
15 property damaged or taken, reasonable attorney's fees,  
16 court costs and moving or other travel expenses, including  
17 additional reasonable expenses for temporary shelter and  
18 restaurant meals.

19 (i) Losses affecting family needs. If a party is  
20 entitled to seek maintenance, child support or  
21 property distribution from the other party under the  
22 Illinois Marriage and Dissolution of Marriage Act, as  
23 now or hereafter amended, the court may order  
24 respondent to reimburse petitioner's actual losses, to  
25 the extent that such reimbursement would be  
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an  
3 improper concealment or removal of a minor child, the  
4 court may order respondent to pay the reasonable  
5 expenses incurred or to be incurred in the search for  
6 and recovery of the minor child, including but not  
7 limited to legal fees, court costs, private  
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent  
10 from entering or remaining in the residence or household  
11 while the respondent is under the influence of alcohol or  
12 drugs and constitutes a threat to the safety and  
13 well-being of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (a) Prohibit a respondent against whom an order of  
16 protection was issued from possessing any firearms  
17 during the duration of the order if the order:

18 (1) was issued after a hearing of which such  
19 person received actual notice, and at which such  
20 person had an opportunity to participate;

21 (2) restrains such person from harassing,  
22 stalking, or threatening an intimate partner of  
23 such person or child of such intimate partner or  
24 person, or engaging in other conduct that would  
25 place an intimate partner in reasonable fear of  
26 bodily injury to the partner or child; and

1 (3) (i) includes a finding that such person  
2 represents a credible threat to the physical  
3 safety of such intimate partner or child; or (ii)  
4 by its terms explicitly prohibits the use,  
5 attempted use, or threatened use of physical force  
6 against such intimate partner or child that would  
7 reasonably be expected to cause bodily injury.

8 ~~Any Firearm Owner's Identification Card in the~~  
9 ~~possession of the respondent, except as provided in~~  
10 ~~subsection (b), shall be ordered by the court to be~~  
11 ~~turned over to the local law enforcement agency. The~~  
12 ~~local law enforcement agency shall immediately mail~~  
13 ~~the card to the Illinois State Police Firearm Owner's~~  
14 ~~Identification Card Office for safekeeping.~~ The court  
15 shall issue a warrant for seizure of any firearm in the  
16 possession of the respondent, to be kept by the local  
17 law enforcement agency for safekeeping, except as  
18 provided in subsection (b). The period of safekeeping  
19 shall be for the duration of the order of protection.  
20 The firearm or firearms ~~and Firearm Owner's~~  
21 ~~Identification Card, if unexpired,~~ shall at the  
22 respondent's request, be returned to the respondent at  
23 the end of the order of protection. It is the  
24 respondent's responsibility to notify the Illinois  
25 State Police ~~Firearm Owner's Identification Card~~  
26 ~~Office.~~

1 (b) If the respondent is a peace officer as  
2 defined in Section 2-13 of the Criminal Code of 2012,  
3 the court shall order that any firearms used by the  
4 respondent in the performance of his or her duties as a  
5 peace officer be surrendered to the chief law  
6 enforcement executive of the agency in which the  
7 respondent is employed, who shall retain the firearms  
8 for safekeeping for the duration of the order of  
9 protection.

10 (c) Upon expiration of the period of safekeeping,  
11 if the firearms ~~or Firearm Owner's Identification Card~~  
12 cannot be returned to respondent because respondent  
13 cannot be located, fails to respond to requests to  
14 retrieve the firearms, or is not lawfully eligible to  
15 possess a firearm, upon petition from the local law  
16 enforcement agency, the court may order the local law  
17 enforcement agency to destroy the firearms, use the  
18 firearms for training purposes, or for any other  
19 application as deemed appropriate by the local law  
20 enforcement agency; or that the firearms be turned  
21 over to a third party who is lawfully eligible to  
22 possess firearms, and who does not reside with  
23 respondent.

24 (15) Prohibition of access to records. If an order of  
25 protection prohibits respondent from having contact with  
26 the minor child, or if petitioner's address is omitted

1 under subsection (b) of Section 203, or if necessary to  
2 prevent abuse or wrongful removal or concealment of a  
3 minor child, the order shall deny respondent access to,  
4 and prohibit respondent from inspecting, obtaining, or  
5 attempting to inspect or obtain, school or any other  
6 records of the minor child who is in the care of  
7 petitioner.

8 (16) Order for payment of shelter services. Order  
9 respondent to reimburse a shelter providing temporary  
10 housing and counseling services to the petitioner for the  
11 cost of the services, as certified by the shelter and  
12 deemed reasonable by the court.

13 (17) Order for injunctive relief. Enter injunctive  
14 relief necessary or appropriate to prevent further abuse  
15 of a family or household member or further abuse, neglect,  
16 or exploitation of a high-risk adult with disabilities or  
17 to effectuate one of the granted remedies, if supported by  
18 the balance of hardships. If the harm to be prevented by  
19 the injunction is abuse or any other harm that one of the  
20 remedies listed in paragraphs (1) through (16) of this  
21 subsection is designed to prevent, no further evidence is  
22 necessary that the harm is an irreparable injury.

23 (18) Telephone services.

24 (A) Unless a condition described in subparagraph  
25 (B) of this paragraph exists, the court may, upon  
26 request by the petitioner, order a wireless telephone

1 service provider to transfer to the petitioner the  
2 right to continue to use a telephone number or numbers  
3 indicated by the petitioner and the financial  
4 responsibility associated with the number or numbers,  
5 as set forth in subparagraph (C) of this paragraph.  
6 For purposes of this paragraph (18), the term  
7 "wireless telephone service provider" means a provider  
8 of commercial mobile service as defined in 47 U.S.C.  
9 332. The petitioner may request the transfer of each  
10 telephone number that the petitioner, or a minor child  
11 in his or her custody, uses. The clerk of the court  
12 shall serve the order on the wireless telephone  
13 service provider's agent for service of process  
14 provided to the Illinois Commerce Commission. The  
15 order shall contain all of the following:

16 (i) The name and billing telephone number of  
17 the account holder including the name of the  
18 wireless telephone service provider that serves  
19 the account.

20 (ii) Each telephone number that will be  
21 transferred.

22 (iii) A statement that the provider transfers  
23 to the petitioner all financial responsibility for  
24 and right to the use of any telephone number  
25 transferred under this paragraph.

26 (B) A wireless telephone service provider shall

1 terminate the respondent's use of, and shall transfer  
2 to the petitioner use of, the telephone number or  
3 numbers indicated in subparagraph (A) of this  
4 paragraph unless it notifies the petitioner, within 72  
5 hours after it receives the order, that one of the  
6 following applies:

7 (i) The account holder named in the order has  
8 terminated the account.

9 (ii) A difference in network technology would  
10 prevent or impair the functionality of a device on  
11 a network if the transfer occurs.

12 (iii) The transfer would cause a geographic or  
13 other limitation on network or service provision  
14 to the petitioner.

15 (iv) Another technological or operational  
16 issue would prevent or impair the use of the  
17 telephone number if the transfer occurs.

18 (C) The petitioner assumes all financial  
19 responsibility for and right to the use of any  
20 telephone number transferred under this paragraph. In  
21 this paragraph, "financial responsibility" includes  
22 monthly service costs and costs associated with any  
23 mobile device associated with the number.

24 (D) A wireless telephone service provider may  
25 apply to the petitioner its routine and customary  
26 requirements for establishing an account or

1           transferring a number, including requiring the  
2           petitioner to provide proof of identification,  
3           financial information, and customer preferences.

4           (E) Except for willful or wanton misconduct, a  
5           wireless telephone service provider is immune from  
6           civil liability for its actions taken in compliance  
7           with a court order issued under this paragraph.

8           (F) All wireless service providers that provide  
9           services to residential customers shall provide to the  
10          Illinois Commerce Commission the name and address of  
11          an agent for service of orders entered under this  
12          paragraph (18). Any change in status of the registered  
13          agent must be reported to the Illinois Commerce  
14          Commission within 30 days of such change.

15          (G) The Illinois Commerce Commission shall  
16          maintain the list of registered agents for service for  
17          each wireless telephone service provider on the  
18          Commission's website. The Commission may consult with  
19          wireless telephone service providers and the Circuit  
20          Court Clerks on the manner in which this information  
21          is provided and displayed.

22          (c) Relevant factors; findings.

23           (1) In determining whether to grant a specific remedy,  
24           other than payment of support, the court shall consider  
25           relevant factors, including but not limited to the  
26           following:

1 (i) the nature, frequency, severity, pattern and  
2 consequences of the respondent's past abuse, neglect  
3 or exploitation of the petitioner or any family or  
4 household member, including the concealment of his or  
5 her location in order to evade service of process or  
6 notice, and the likelihood of danger of future abuse,  
7 neglect, or exploitation to petitioner or any member  
8 of petitioner's or respondent's family or household;  
9 and

10 (ii) the danger that any minor child will be  
11 abused or neglected or improperly relocated from the  
12 jurisdiction, improperly concealed within the State or  
13 improperly separated from the child's primary  
14 caretaker.

15 (2) In comparing relative hardships resulting to the  
16 parties from loss of possession of the family home, the  
17 court shall consider relevant factors, including but not  
18 limited to the following:

19 (i) availability, accessibility, cost, safety,  
20 adequacy, location and other characteristics of  
21 alternate housing for each party and any minor child  
22 or dependent adult in the party's care;

23 (ii) the effect on the party's employment; and

24 (iii) the effect on the relationship of the party,  
25 and any minor child or dependent adult in the party's  
26 care, to family, school, church and community.

1           (3) Subject to the exceptions set forth in paragraph  
2           (4) of this subsection, the court shall make its findings  
3           in an official record or in writing, and shall at a minimum  
4           set forth the following:

5                   (i) That the court has considered the applicable  
6                   relevant factors described in paragraphs (1) and (2)  
7                   of this subsection.

8                   (ii) Whether the conduct or actions of respondent,  
9                   unless prohibited, will likely cause irreparable harm  
10                  or continued abuse.

11                  (iii) Whether it is necessary to grant the  
12                  requested relief in order to protect petitioner or  
13                  other alleged abused persons.

14           (4) For purposes of issuing an ex parte emergency  
15           order of protection, the court, as an alternative to or as  
16           a supplement to making the findings described in  
17           paragraphs (c)(3)(i) through (c)(3)(iii) of this  
18           subsection, may use the following procedure:

19                   When a verified petition for an emergency order of  
20                   protection in accordance with the requirements of Sections  
21                   203 and 217 is presented to the court, the court shall  
22                   examine petitioner on oath or affirmation. An emergency  
23                   order of protection shall be issued by the court if it  
24                   appears from the contents of the petition and the  
25                   examination of petitioner that the averments are  
26                   sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency  
2 order of protection.

3 (5) Never married parties. No rights or  
4 responsibilities for a minor child born outside of  
5 marriage attach to a putative father until a father and  
6 child relationship has been established under the Illinois  
7 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
8 the Illinois Public Aid Code, Section 12 of the Vital  
9 Records Act, the Juvenile Court Act of 1987, the Probate  
10 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
11 Support Act, the Uniform Interstate Family Support Act,  
12 the Expedited Child Support Act of 1990, any judicial,  
13 administrative, or other act of another state or  
14 territory, any other Illinois statute, or by any foreign  
15 nation establishing the father and child relationship, any  
16 other proceeding substantially in conformity with the  
17 Personal Responsibility and Work Opportunity  
18 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
19 both parties appeared in open court or at an  
20 administrative hearing acknowledging under oath or  
21 admitting by affirmation the existence of a father and  
22 child relationship. Absent such an adjudication, finding,  
23 or acknowledgment, no putative father shall be granted  
24 temporary allocation of parental responsibilities,  
25 including parenting time with the minor child, or physical  
26 care and possession of the minor child, nor shall an order

1 of payment for support of the minor child be entered.

2 (d) Balance of hardships; findings. If the court finds  
3 that the balance of hardships does not support the granting of  
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
5 subsection (b) of this Section, which may require such  
6 balancing, the court's findings shall so indicate and shall  
7 include a finding as to whether granting the remedy will  
8 result in hardship to respondent that would substantially  
9 outweigh the hardship to petitioner from denial of the remedy.  
10 The findings shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be  
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless  
14 that cause satisfies the standards for justifiable use of  
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of  
18 another, provided that, if petitioner utilized force, such  
19 force was justifiable under Article 7 of the Criminal Code  
20 of 2012;

21 (4) Petitioner did not act in self-defense or defense  
22 of another;

23 (5) Petitioner left the residence or household to  
24 avoid further abuse, neglect, or exploitation by  
25 respondent;

26 (6) Petitioner did not leave the residence or

1 household to avoid further abuse, neglect, or exploitation  
2 by respondent;

3 (7) Conduct by any family or household member excused  
4 the abuse, neglect, or exploitation by respondent, unless  
5 that same conduct would have excused such abuse, neglect,  
6 or exploitation if the parties had not been family or  
7 household members.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 205. The Revised Uniform Unclaimed Property Act is  
10 amended by changing Section 15-705 as follows:

11 (765 ILCS 1026/15-705)

12 Sec. 15-705. Exceptions to the sale of tangible property.  
13 The administrator shall dispose of tangible property  
14 identified by this Section in accordance with this Section.

15 (a) Military medals or decorations. The administrator may  
16 not sell a medal or decoration awarded for military service in  
17 the armed forces of the United States. Instead, the  
18 administrator, with the consent of the respective organization  
19 under paragraph (1), agency under paragraph (2), or entity  
20 under paragraph (3), may deliver a medal or decoration to be  
21 held in custody for the owner, to:

22 (1) a military veterans organization qualified under  
23 Section 501(c)(19) of the Internal Revenue Code;

24 (2) the agency that awarded the medal or decoration;

1 or

2 (3) a governmental entity.

3 After delivery, the administrator is not responsible for  
4 the safekeeping of the medal or decoration.

5 (b) Property with historical value. Property that the  
6 administrator reasonably believes may have historical value  
7 may be, at his or her discretion, loaned to an accredited  
8 museum in the United States where it will be kept until such  
9 time as the administrator orders it to be returned to his or  
10 her custody.

11 (c) Human remains. If human remains are delivered to the  
12 administrator under this Act, the administrator shall deliver  
13 those human remains to the coroner of the county in which the  
14 human remains were abandoned for disposition under Section  
15 3-3034 of the Counties Code. The only human remains that may be  
16 delivered to the administrator under this Act and that the  
17 administrator may receive are those that are reported and  
18 delivered as contents of a safe deposit box.

19 (d) Evidence in a criminal investigation. Property that  
20 may have been used in the commission of a crime or that may  
21 assist in the investigation of a crime, as determined after  
22 consulting with the Illinois State Police, shall be delivered  
23 to the Illinois State Police or other appropriate law  
24 enforcement authority to allow law enforcement to determine  
25 whether a criminal investigation should take place. Any such  
26 property delivered to a law enforcement authority shall be

1 held in accordance with existing statutes and rules related to  
2 the gathering, retention, and release of evidence.

3 (e) Firearms.

4 (1) The administrator, in cooperation with the  
5 Illinois State Police, shall develop a procedure to  
6 determine whether a firearm delivered to the administrator  
7 under this Act has been stolen or used in the commission of  
8 a crime. The Illinois State Police shall determine the  
9 appropriate disposition of a firearm that has been stolen  
10 or used in the commission of a crime. The administrator  
11 shall attempt to return a firearm that has not been stolen  
12 or used in the commission of a crime to the rightful owner  
13 if the Illinois State Police determines that the owner may  
14 lawfully possess the firearm.

15 (2) If the administrator is unable to return a firearm  
16 to its owner, the administrator shall transfer custody of  
17 the firearm to the Illinois State Police. Legal title to a  
18 firearm transferred to the Illinois State Police under  
19 this subsection (e) is vested in the Illinois State Police  
20 by operation of law if:

21 (i) the administrator cannot locate the owner of  
22 the firearm;

23 (ii) the owner of the firearm may not lawfully  
24 possess the firearm;

25 (iii) the apparent owner does not respond to  
26 notice published under Section 15-503 of this Act; or

1 (iv) the apparent owner responds to notice  
2 published under Section 15-502 and states that he or  
3 she no longer claims an interest in the firearm.

4 (3) With respect to a firearm whose title is  
5 transferred to the Illinois State Police under this  
6 subsection (e), the Illinois State Police may:

7 (i) retain the firearm for use by the crime  
8 laboratory system, for training purposes, or for any  
9 other application as deemed appropriate by the  
10 Department;

11 (ii) transfer the firearm to the Illinois State  
12 Museum if the firearm has historical value; or

13 (iii) destroy the firearm if it is not retained  
14 pursuant to subparagraph (i) or transferred pursuant  
15 to subparagraph (ii).

16 As used in this subsection, "firearm" has the meaning  
17 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
18 ~~Firearm Owners Identification Card Act.~~

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 995. No acceleration or delay. Where this Act  
21 makes changes in a statute that is represented in this Act by  
22 text that is not yet or no longer in effect (for example, a  
23 Section represented by multiple versions), the use of that  
24 text does not accelerate or delay the taking effect of (i) the  
25 changes made by this Act or (ii) provisions derived from any

1 other Public Act.

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 120/2	from Ch. 102, par. 42
4	5 ILCS 140/7.5	
5	5 ILCS 805/15	
6	5 ILCS 830/10-5	
7	5 ILCS 840/40	
8	20 ILCS 805/805-538	
9	20 ILCS 2505/2505-306	
10	20 ILCS 2605/2605-10	was 20 ILCS 2605/55a in part
11	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
12	20 ILCS 2605/2605-200	was 20 ILCS 2605/55a in part
13	20 ILCS 2605/2605-595	
14	20 ILCS 2605/2605-605	
15	20 ILCS 2605/2605-304 rep.	
16	20 ILCS 2605/2605-610 rep.	
17	20 ILCS 2610/17b	
18	20 ILCS 2630/2.2	
19	20 ILCS 2910/1	from Ch. 127 1/2, par. 501
20	20 ILCS 3930/7.9	
21	30 ILCS 105/6z-99	
22	30 ILCS 105/6z-127	
23	30 ILCS 500/1-10	
24	30 ILCS 715/3	from Ch. 56 1/2, par. 1703
25	50 ILCS 710/1	from Ch. 85, par. 515

1 50 ILCS 725/7.2 rep.  
2 55 ILCS 5/3-6042  
3 105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6  
4 105 ILCS 5/10-27.1A  
5 105 ILCS 5/34-8.05  
6 225 ILCS 210/2005 from Ch. 96 1/2, par. 1-2005  
7 225 ILCS 447/35-30  
8 225 ILCS 447/35-35  
9 230 ILCS 10/5.4  
10 405 ILCS 5/1-106 from Ch. 91 1/2, par. 1-106  
11 405 ILCS 5/1-116 from Ch. 91 1/2, par. 1-116  
12 405 ILCS 5/6-103.1  
13 405 ILCS 5/6-103.2  
14 405 ILCS 5/6-103.3  
15 410 ILCS 45/2 from Ch. 111 1/2, par. 1302  
16 430 ILCS 65/Act rep.  
17 430 ILCS 66/25  
18 430 ILCS 66/30  
19 430 ILCS 66/40  
20 430 ILCS 66/66  
21 430 ILCS 66/70  
22 430 ILCS 66/80  
23 430 ILCS 66/105  
24 430 ILCS 67/35  
25 430 ILCS 67/40  
26 430 ILCS 68/5-20

1	430 ILCS 68/5-25	
2	430 ILCS 68/5-40	
3	430 ILCS 68/5-85	
4	520 ILCS 5/3.2	from Ch. 61, par. 3.2
5	520 ILCS 5/3.2a	from Ch. 61, par. 3.2a
6	625 ILCS 5/2-116	from Ch. 95 1/2, par. 2-116
7	720 ILCS 5/2-7.1	
8	720 ILCS 5/2-7.5	
9	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
10	720 ILCS 5/16-0.1	
11	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
12	720 ILCS 5/24-1	from Ch. 38, par. 24-1
13	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
14	720 ILCS 5/24-1.6	
15	720 ILCS 5/24-1.8	
16	720 ILCS 5/24-1.9	
17	720 ILCS 5/24-1.10	
18	720 ILCS 5/24-2	
19	720 ILCS 5/24-3	from Ch. 38, par. 24-3
20	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
21	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
22	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
23	720 ILCS 5/24-3.5	
24	720 ILCS 5/24-3B	
25	720 ILCS 5/24-4.1	
26	720 ILCS 5/24-4.5 new	

1 720 ILCS 5/24-5.1  
2 720 ILCS 5/24-9  
3 720 ILCS 646/10  
4 725 ILCS 5/102-7.1  
5 725 ILCS 5/110-10 from Ch. 38, par. 110-10  
6 725 ILCS 5/112A-5.5  
7 725 ILCS 5/112A-11.1  
8 725 ILCS 5/112A-11.2  
9 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14  
10 725 ILCS 5/112A-14.7  
11 725 ILCS 5/112A-17.5  
12 730 ILCS 5/3-2-10.5  
13 730 ILCS 5/5-5-3  
14 730 ILCS 5/5-5-3.2  
15 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3  
16 730 ILCS 5/3-2-13 rep.  
17 730 ILCS 110/15.2  
18 740 ILCS 21/80  
19 740 ILCS 110/12 from Ch. 91 1/2, par. 812  
20 750 ILCS 60/210 from Ch. 40, par. 2312-10  
21 750 ILCS 60/214 from Ch. 40, par. 2312-14  
22 765 ILCS 1026/15-705