



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2963

Introduced 1/20/2006, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
20 ILCS 2605/2605-120 rep.	
50 ILCS 710/1	from Ch. 85, par. 515
105 ILCS 5/10-27.1A	
105 ILCS 5/34-8.05	
225 ILCS 447/35-35	
430 ILCS 65/Act rep.	
520 ILCS 5/3.2	from Ch. 61, par. 3.2
720 ILCS 5/2-7.1	
720 ILCS 5/2-7.5	
720 ILCS 5/12-4.2	from Ch. 38, par. 12-4.2
720 ILCS 5/12-4.2-5	
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	from Ch. 38, par. 24-2
720 ILCS 5/24-3	from Ch. 38, par. 24-3
720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
720 ILCS 5/24-3.5	
720 ILCS 5/24-4.5 new	
720 ILCS 5/24-9	
720 ILCS 335/1	from Ch. 121 1/2, par. 157.13
720 ILCS 646/10	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
730 ILCS 5/5-5-3.2	from Ch. 38, par. 1005-5-3.2
740 ILCS 110/12	from Ch. 91 1/2, par. 812
765 ILCS 1025/1	from Ch. 141, par. 101

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

LRB094 18563 RLC 53897 b

FISCAL NOTE ACT
MAY APPLY

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 Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-45 as follows:

7 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)
8 Sec. 2605-45. Division of Administration. The Division of
9 Administration shall exercise the following functions:

10 (1) Exercise the rights, powers, and duties vested in
11 the Department by the Governor's Office of Management and
12 Budget Bureau of the Budget Act.

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

15 (3) Exercise the rights, powers, and duties vested in
16 the Department by the Personnel Code.

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

20 (5) Exercise the rights, powers, and duties vested in
21 the former Division of State Troopers by Section 17 of the
22 State Police Act.

23 (6) Exercise the rights, powers, and duties vested in
24 the Department by "An Act relating to internal auditing in
25 State government", approved August 11, 1967 (repealed; now
26 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

27 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
28 ~~vested in the Department by the Firearm Owners~~
29 ~~Identification Card Act.~~

30 (7) Exercise other duties that may be assigned by the
31 Director to fulfill the responsibilities and achieve the
32 purposes of the Department.

1 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised
2 8-23-03.)

3 (20 ILCS 2605/2605-120 rep.)

4 Section 10. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by repealing Section
6 2605-120.

7 Section 15. The Peace Officer Firearm Training Act is
8 amended by changing Section 1 as follows:

9 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

11 (a) "Peace officer" means (i) any person who by virtue of
12 his office or public employment is vested by law with a primary
13 duty to maintain public order or to make arrests for offenses,
14 whether that duty extends to all offenses or is limited to
15 specific offenses, and who is employed in such capacity by any
16 county or municipality or (ii) any retired law enforcement
17 officers qualified under federal law to carry a concealed
18 weapon.

19 (b) "Firearms" means any weapon or device defined as a
20 firearm in Section 2-7.5 of the Criminal Code of 1961 ~~1.1 of~~
21 ~~"An Act relating to the acquisition, possession and transfer of~~
22 ~~firearms and firearm ammunition, to provide a penalty for the~~
23 ~~violation thereof and to make an appropriation in connection~~
24 ~~therewith", approved August 3, 1967, as amended.~~

25 (Source: P.A. 94-103, eff. 7-1-05.)

26 Section 20. The School Code is amended by changing Sections
27 10-27.1A and 34-8.05 as follows:

28 (105 ILCS 5/10-27.1A)

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

30 (a) All school officials, including teachers, guidance
31 counselors, and support staff, shall immediately notify the

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

24 (b) Upon receiving a report from any school official
25 pursuant to this Section, or from any other person, the
26 principal or his or her designee shall immediately notify a
27 local law enforcement agency. If the person found to be in
28 possession of a firearm on school grounds is a student, the
29 principal or his or her designee shall also immediately notify
30 that student's parent or guardian. Any principal or his or her
31 designee acting in good faith who makes such reports under this
32 Section shall have immunity from any civil or criminal
33 liability that might otherwise be incurred or imposed as a
34 result of making the reports. Knowingly and willfully failing
35 to comply with this Section is a petty offense. A second or
36 subsequent offense is a Class C misdemeanor. If the person

1 found to be in possession of the firearm on school grounds is a
2 minor, the law enforcement agency shall detain that minor until
3 such time as the agency makes a determination pursuant to
4 clause (a) of subsection (1) of Section 5-401 of the Juvenile
5 Court Act of 1987, as to whether the agency reasonably believes
6 that the minor is delinquent. If the law enforcement agency
7 determines that probable cause exists to believe that the minor
8 committed a violation of item (4) of subsection (a) of Section
9 24-1 of the Criminal Code of 1961 while on school grounds, the
10 agency shall detain the minor for processing pursuant to
11 Section 5-407 of the Juvenile Court Act of 1987.

12 (c) On or after January 1, 1997, upon receipt of any
13 written, electronic, or verbal report from any school personnel
14 regarding a verified incident involving a firearm in a school
15 or on school owned or leased property, including any conveyance
16 owned, leased, or used by the school for the transport of
17 students or school personnel, the superintendent or his or her
18 designee shall report all such firearm-related incidents
19 occurring in a school or on school property to the local law
20 enforcement authorities immediately and to the Department of
21 State Police in a form, manner, and frequency as prescribed by
22 the Department of State Police.

23 The State Board of Education shall receive an annual
24 statistical compilation and related data associated with
25 incidents involving firearms in schools from the Department of
26 State Police. The State Board of Education shall compile this
27 information by school district and make it available to the
28 public.

29 (d) As used in this Section, the term "firearm" shall have
30 the meaning ascribed to it in Section 2-7.5 of the Criminal
31 Code of 1961 ~~1.1 of the Firearm Owners Identification Card Act.~~

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

34 As used in this Section, the term "school grounds" includes
35 the real property comprising any school, any conveyance owned,
36 leased, or contracted by a school to transport students to or

1 from school or a school-related activity, or any public way
2 within 1,000 feet of the real property comprising any school.

3 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

4 (105 ILCS 5/34-8.05)

5 Sec. 34-8.05. Reporting firearms in schools. On or after
6 January 1, 1997, upon receipt of any written, electronic, or
7 verbal report from any school personnel regarding a verified
8 incident involving a firearm in a school or on school owned or
9 leased property, including any conveyance owned, leased, or
10 used by the school for the transport of students or school
11 personnel, the general superintendent or his or her designee
12 shall report all such firearm-related incidents occurring in a
13 school or on school property to the local law enforcement
14 authorities no later than 24 hours after the occurrence of the
15 incident and to the Department of State Police in a form,
16 manner, and frequency as prescribed by the Department of State
17 Police.

18 The State Board of Education shall receive an annual
19 statistical compilation and related data associated with
20 incidents involving firearms in schools from the Department of
21 State Police. As used in this Section, the term "firearm" shall
22 have the meaning ascribed to it in Section 2-7.5 of the
23 Criminal Code of 1961 ~~1.1 of the Firearm Owners Identification~~
24 ~~Card Act.~~

25 (Source: P.A. 89-498, eff. 6-27-96.)

26 Section 25. The Private Detective, Private Alarm, Private
27 Security, and Locksmith Act of 2004 is amended by changing
28 Section 35-35 as follows:

29 (225 ILCS 447/35-35)

30 (Section scheduled to be repealed on January 1, 2014)

31 Sec. 35-35. Requirement of a firearm authorization card.

32 (a) No person shall perform duties that include the use,
33 carrying, or possession of a firearm in the performance of

1 those duties without complying with the provisions of this
2 Section and having been issued a valid firearm authorization
3 card by the Department.

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

17 (c) Possession of a valid firearm authorization card allows
18 an employee to carry a firearm not otherwise prohibited by law
19 while the employee is engaged in the performance of his or her
20 duties or while the employee is commuting directly to or from
21 the employee's place or places of employment, provided that
22 this is accomplished within one hour from departure from home
23 or place of employment.

24 (d) The Department shall issue a firearm authorization card
25 to a person who has passed an approved firearm training course,
26 who is currently employed by an agency licensed by this Act,
27 and has met all the requirements of this Act, ~~and who possesses~~
28 ~~a valid firearm owner identification card~~. Application for the
29 firearm authorization card shall be made by the employer to the
30 Department on forms provided by the Department. The Department
31 shall forward the card to the employer who shall be responsible
32 for its issuance to the employee. The firearm authorization
33 card shall be issued by the Department and shall identify the
34 person holding it and the name of the course where the employee
35 received firearm instruction and shall specify the type of
36 weapon or weapons the person is authorized by the Department to

1 carry and for which the person has been trained.

2 (e) Expiration and requirements for renewal of firearm
3 authorization cards shall be determined by rule.

4 (f) The Department may, in addition to any other
5 disciplinary action permitted by this Act, refuse to issue,
6 suspend, or revoke a firearm authorization card if the
7 applicant or holder has been convicted of any felony or crime
8 involving the illegal use, carrying, or possession of a deadly
9 weapon or for a violation of this Act or rules promulgated
10 under this Act. ~~The Department shall refuse to issue or shall~~
11 ~~revoke a firearm authorization card if the applicant or holder~~
12 ~~fails to possess a valid firearm owners identification card.~~
13 The Director shall summarily suspend a firearm authorization
14 card if the Director finds that its continued use would
15 constitute an imminent danger to the public. A hearing shall be
16 held before the Board within 30 days if the Director summarily
17 suspends a firearm authorization card.

18 (g) Notwithstanding any other provision of this Act to the
19 contrary, all requirements relating to firearms authorization
20 cards do not apply to a peace officer.

21 (Source: P.A. 93-438, eff. 8-5-03.)

22 (430 ILCS 65/Act rep.)

23 Section 30. The Firearm Owners Identification Card Act is
24 repealed.

25 Section 35. The Wildlife Code is amended by changing
26 Section 3.2 as follows:

27 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

28 Sec. 3.2. Hunting license; application; instruction.
29 Before the Department or any county, city, village, township,
30 incorporated town clerk or his duly designated agent or any
31 other person authorized or designated by the Department to
32 issue hunting licenses shall issue a hunting license to any
33 person, the person shall file his application with the

1 Department or other party authorized to issue licenses on a
2 form provided by the Department and further give definite proof
3 of identity and place of legal residence. Each clerk
4 designating agents to issue licenses and stamps shall furnish
5 the Department, within 10 days following the appointment, the
6 names and mailing addresses of the agents. Each clerk or his
7 duly designated agent shall be authorized to sell licenses and
8 stamps only within the territorial area for which he was
9 elected or appointed. No duly designated agent is authorized to
10 furnish licenses or stamps for issuance by any other business
11 establishment. Each application shall be executed and sworn to
12 and shall set forth the name and description of the applicant
13 and place of residence.

14 No hunting license shall be issued to any person born on or
15 after January 1, 1980 unless he presents the person authorized
16 to issue the license evidence that he has held a hunting
17 license issued by the State of Illinois or another state in a
18 prior year, or a certificate of competency as provided in this
19 Section. Persons under 16 years of age may be issued a Lifetime
20 Hunting or Sportsmen's Combination License as provided under
21 Section 20-45 of the Fish and Aquatic Life Code but shall not
22 be entitled to hunt unless they have a certificate of
23 competency as provided in this Section and they shall have the
24 certificate in their possession while hunting.

25 The Department of Natural Resources shall authorize
26 personnel of the Department or certified volunteer instructors
27 to conduct courses, of not less than 10 hours in length, in
28 firearms and hunter safety, which may include training in bow
29 and arrow safety, at regularly specified intervals throughout
30 the State. Persons successfully completing the course shall
31 receive a certificate of competency. The Department of Natural
32 Resources may further cooperate with any reputable association
33 or organization in establishing courses if the organization has
34 as one of its objectives the promotion of safety in the
35 handling of firearms or bow and arrow.

36 The Department of Natural Resources shall designate any

1 person found by it to be competent to give instruction in the
2 handling of firearms, hunter safety, and bow and arrow. The
3 persons so appointed shall give the course of instruction and
4 upon the successful completion shall issue to the person
5 instructed a certificate of competency in the safe handling of
6 firearms, hunter safety, and bow and arrow. No charge shall be
7 made for any course of instruction except for materials or
8 ammunition consumed. The Department of Natural Resources shall
9 furnish information on the requirements of hunter safety
10 education programs to be distributed free of charge to
11 applicants for hunting licenses by the persons appointed and
12 authorized to issue licenses. Funds for the conducting of
13 firearms and hunter safety courses shall be taken from the fee
14 charged for the Firearm Owners Identification Card.

15 The fee for a hunting license to hunt all species for a
16 resident of Illinois is \$7. For residents age 65 or older, the
17 fee is one-half of the fee charged for a hunting license to
18 hunt all species for a resident of Illinois. Nonresidents shall
19 be charged \$50 for a hunting license.

20 Nonresidents may be issued a nonresident hunting license
21 for a period not to exceed 10 consecutive days' hunting in the
22 State and shall be charged a fee of \$28.

23 A special nonresident hunting license authorizing a
24 nonresident to take game birds by hunting on a game breeding
25 and hunting preserve area only, established under Section 3.27,
26 shall be issued upon proper application being made and payment
27 of a fee equal to that for a resident hunting license. The
28 expiration date of this license shall be on the same date each
29 year that game breeding and hunting preserve area licenses
30 expire.

31 Each applicant for a State Migratory Waterfowl Stamp,
32 regardless of his residence or other condition, shall pay a fee
33 of \$10 and shall receive a stamp. Except as provided under
34 Section 20-45 of the Fish and Aquatic Life Code, the stamp
35 shall be signed by the person or affixed to his license or
36 permit in a space designated by the Department for that

1 purpose.

2 Each applicant for a State Habitat Stamp, regardless of his
3 residence or other condition, shall pay a fee of \$5 and shall
4 receive a stamp. 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 Nothing in this Section shall be construed as to require
9 the purchase of more than one State Habitat Stamp by any person
10 in any one license year.

11 The Department shall furnish the holders of hunting
12 licenses and stamps with an insignia as evidence of possession
13 of license, or license and stamp, as the Department may
14 consider advisable. The insignia shall be exhibited and used as
15 the Department may order.

16 All other hunting licenses and all State stamps shall
17 expire upon March 31 of each year.

18 Every person holding any license, permit, or stamp issued
19 under the provisions of this Act shall have it in his
20 possession for immediate presentation for inspection to the
21 officers and authorized employees of the Department, any
22 sheriff, deputy sheriff, or any other peace officer making a
23 demand for it. This provision shall not apply to Department
24 owned or managed sites where it is required that all hunters
25 deposit their license or ~~permit, or Firearm Owner's~~
26 ~~Identification Card~~ at the check station upon entering the
27 hunting areas.

28 (Source: P.A. 93-554, eff. 8-20-03.)

29 Section 40. The Criminal Code of 1961 is amended by
30 changing Sections 2-7.1, 12-4.2, 12-4.2-5, 24-1.1, 24-1.6,
31 24-2, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9, by changing and
32 renumbering Section 5/2-7.5, and by adding Section 24-4.5 as
33 follows:

34 (720 ILCS 5/2-7.1)

1 Sec. 2-7.1. "Firearm ~~"Firearm"~~ and ~~"firearm"~~ ammunition".
2 "Firearm ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any
3 self-contained cartridge or shotgun shell, by whatever name
4 known, which is designed to be used or adaptable to use in a
5 firearm; excluding, however:

6 (1) any ammunition exclusively designed for use with a
7 device used exclusively for signalling or safety and required
8 or recommended by the United States Coast Guard or the
9 Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use with a stud
11 or rivet driver or other similar industrial ammunition ~~have the~~
12 meanings ascribed to them in Section 1.1 of the Firearm Owners
13 Identification Card Act.

14 (Source: P.A. 91-544, eff. 1-1-00.)

15 (720 ILCS 5/2-7.5)

16 Sec. 2-7.5 ~~5/2-7.5~~. "Firearm".

17 Except as otherwise provided in a specific Section, "firearm"
18 means any device, by whatever name known, which is designed to
19 expel a projectile or projectiles by the action of an
20 explosion, expansion of gas or escape of gas; excluding,
21 however:

22 (1) any pneumatic gun, spring gun, paint ball gun or B-B
23 gun which either expels a single globular projectile not
24 exceeding .18 inch in diameter and which has a maximum muzzle
25 velocity of less than 700 feet per second or breakable paint
26 balls containing washable marking colors;

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

30 (3) any device used exclusively for the firing of stud
31 cartridges, explosive rivets or similar industrial ammunition;
32 and

33 (4) an antique firearm (other than a machine-gun) which,
34 although designed as a weapon, the Department of State Police
35 finds by reason of the date of its manufacture, value, design,

1 and other characteristics is primarily a collector's item and
2 is not likely to be used as a weapon ~~has the meaning ascribed~~
3 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~
4 ~~Act.~~

5 (Source: P.A. 91-404, eff. 1-1-00.)

6 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

7 Sec. 12-4.2. Aggravated Battery with a firearm.

8 (a) A person commits aggravated battery with a firearm when
9 he, in committing a battery, knowingly or intentionally by
10 means of the discharging of a firearm (1) causes any injury to
11 another person, or (2) causes any injury to a person he knows
12 to be a peace officer, a community policing volunteer, a
13 correctional institution employee or a fireman while the
14 officer, volunteer, employee or fireman is engaged in the
15 execution of any of his official duties, or to prevent the
16 officer, volunteer, employee or fireman from performing his
17 official duties, or in retaliation for the officer, volunteer,
18 employee or fireman performing his official duties, or (3)
19 causes any injury to a person he knows to be an emergency
20 medical technician - ambulance, emergency medical technician -
21 intermediate, emergency medical technician - paramedic,
22 ambulance driver, or other medical assistance or first aid
23 personnel, employed by a municipality or other governmental
24 unit, while the emergency medical technician - ambulance,
25 emergency medical technician - intermediate, emergency medical
26 technician - paramedic, ambulance driver, or other medical
27 assistance or first aid personnel is engaged in the execution
28 of any of his official duties, or to prevent the emergency
29 medical technician - ambulance, emergency medical technician -
30 intermediate, emergency medical technician - paramedic,
31 ambulance driver, or other medical assistance or first aid
32 personnel from performing his official duties, or in
33 retaliation for the emergency medical technician - ambulance,
34 emergency medical technician - intermediate, emergency medical
35 technician - paramedic, ambulance driver, or other medical

1 assistance or first aid personnel performing his official
2 duties, (4) causes any injury to a person he or she knows to be
3 a teacher or other person employed in a school and the teacher
4 or other employee is upon grounds of a school or grounds
5 adjacent to a school, or is in any part of a building used for
6 school purposes, or (5) causes any injury to a person he or she
7 knows to be an emergency management worker while the emergency
8 management worker is engaged in the execution of any of his or
9 her official duties, or to prevent the emergency management
10 worker from performing his or her official duties, or in
11 retaliation for the emergency management worker performing his
12 or her official duties.

13 (b) A violation of subsection (a)(1) of this Section is a
14 Class X felony. A violation of subsection (a)(2), subsection
15 (a)(3), subsection (a)(4), or subsection (a)(5) of this Section
16 is a Class X felony for which the sentence shall be a term of
17 imprisonment of no less than 15 years and no more than 60
18 years.

19 (c) For purposes of this Section, "firearm" is defined as
20 in Section 2-7.5 of this Code ~~"An Act relating to the~~
21 ~~acquisition, possession and transfer of firearms and firearm~~
22 ~~ammunition, to provide a penalty for the violation thereof and~~
23 ~~to make an appropriation in connection therewith", approved~~
24 ~~August 1, 1967, as amended.~~

25 (Source: P.A. 94-243, eff. 1-1-06.)

26 (720 ILCS 5/12-4.2-5)

27 Sec. 12-4.2-5. Aggravated battery with a machine gun or a
28 firearm equipped with any device or attachment designed or used
29 for silencing the report of a firearm. (a) A person commits
30 aggravated battery with a machine gun or a firearm equipped
31 with a device designed or used for silencing the report of a
32 firearm when he or she, in committing a battery, knowingly or
33 intentionally by means of the discharging of a machine gun or a
34 firearm equipped with a device designed or used for silencing
35 the report of a firearm (1) causes any injury to another

1 person, or (2) causes any injury to a person he or she knows to
2 be a peace officer, a person summoned by a peace officer, a
3 correctional institution employee or a fireman while the
4 officer, employee or fireman is engaged in the execution of any
5 of his or her official duties, or to prevent the officer,
6 employee or fireman from performing his or her official duties,
7 or in retaliation for the officer, employee or fireman
8 performing his or her official duties, or (3) causes any injury
9 to a person he or she knows to be an emergency medical
10 technician - ambulance, emergency medical technician -
11 intermediate, emergency medical technician - paramedic,
12 ambulance driver, or other medical assistance or first aid
13 personnel, employed by a municipality or other governmental
14 unit, while the emergency medical technician - ambulance,
15 emergency medical technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver, or other medical
17 assistance or first aid personnel is engaged in the execution
18 of any of his or her official duties, or to prevent the
19 emergency medical technician - ambulance, emergency medical
20 technician - intermediate, emergency medical technician -
21 paramedic, ambulance driver, or other medical assistance or
22 first aid personnel from performing his or her official duties,
23 or in retaliation for the emergency medical technician -
24 ambulance, emergency medical technician - intermediate,
25 emergency medical technician - paramedic, ambulance driver, or
26 other medical assistance or first aid personnel performing his
27 or her official duties, or (4) causes any injury to a person he
28 or she knows to be an emergency management worker while the
29 emergency management worker is engaged in the execution of any
30 of his or her official duties, or to prevent the emergency
31 management worker from performing his or her official duties,
32 or in retaliation for the emergency management worker
33 performing his or her official duties.

34 (b) A violation of subsection (a) (1) of this Section is a
35 Class X felony for which the person shall be sentenced to a
36 term of imprisonment of no less than 12 years and no more than

1 45 years. A violation of subsection (a) (2), subsection (a)
2 (3), or subsection (a) (4) of this Section is a Class X felony
3 for which the sentence shall be a term of imprisonment of no
4 less than 20 years and no more than 60 years.

5 (c) For purposes of this Section, "firearm" is defined as
6 in Section 2-7.5 of this Code ~~the Firearm Owners Identification~~
7 ~~Card Act.~~

8 (d) For purposes of this Section, "machine gun" has the
9 meaning ascribed to it in clause (i) of paragraph (7) of
10 subsection (a) of Section 24-1 of this Code.

11 (Source: P.A. 94-243, eff. 1-1-06.)

12 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

13 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
14 Felons or Persons in the Custody of the Department of
15 Corrections Facilities.

16 (a) It is unlawful for a person to knowingly possess on or
17 about his person or on his land or in his own abode or fixed
18 place of business any weapon prohibited under Section 24-1 of
19 this Act or any firearm or any firearm ammunition if the person
20 has been convicted of a felony under the laws of this State or
21 any other jurisdiction. This Section shall not apply if the
22 person has been granted relief by the United States Attorney
23 General under Section 925 of the federal Gun Control Act of
24 1968 (Title 18 U.S.C. Section 925), as amended ~~Director of the~~
25 ~~Department of State Police under Section 10 of the Firearm~~
26 ~~Owners Identification Card Act.~~

27 (b) It is unlawful for any person confined in a penal
28 institution, which is a facility of the Illinois Department of
29 Corrections, to possess any weapon prohibited under Section
30 24-1 of this Code or any firearm or firearm ammunition,
31 regardless of the intent with which he possesses it.

32 (c) It shall be an affirmative defense to a violation of
33 subsection (b), that such possession was specifically
34 authorized by rule, regulation, or directive of the Illinois
35 Department of Corrections or order issued pursuant thereto.

1 (d) The defense of necessity is not available to a person
2 who is charged with a violation of subsection (b) of this
3 Section.

4 (e) Sentence. Violation of this Section by a person not
5 confined in a penal institution shall be a Class 3 felony for
6 which the person, if sentenced to a term of imprisonment, shall
7 be sentenced to no less than 2 years and no more than 10 years
8 and any second or subsequent violation shall be a Class 2
9 felony for which the person shall be sentenced to a term of
10 imprisonment of not less than 3 years and not more than 14
11 years. Violation of this Section by a person not confined in a
12 penal institution who has been convicted of a forcible felony,
13 a felony violation of Article 24 of this Code ~~or of the Firearm~~
14 ~~Owners Identification Card Act~~, stalking or aggravated
15 stalking, or a Class 2 or greater felony under the Illinois
16 Controlled Substances Act, the Cannabis Control Act, or the
17 Methamphetamine Control and Community Protection Act is a Class
18 2 felony for which the person shall be sentenced to not less
19 than 3 years and not more than 14 years. Violation of this
20 Section by a person who is on parole or mandatory supervised
21 release is a Class 2 felony for which the person, if sentenced
22 to a term of imprisonment, shall be sentenced to not less than
23 3 years and not more than 14 years. Violation of this Section
24 by a person not confined in a penal institution is a Class X
25 felony when the firearm possessed is a machine gun. Any person
26 who violates this Section while confined in a penal
27 institution, which is a facility of the Illinois Department of
28 Corrections, is guilty of a Class 1 felony, if he possesses any
29 weapon prohibited under Section 24-1 of this Code regardless of
30 the intent with which he possesses it, a Class X felony if he
31 possesses any firearm, firearm ammunition or explosive, and a
32 Class X felony for which the offender shall be sentenced to not
33 less than 12 years and not more than 50 years when the firearm
34 possessed is a machine gun. A violation of this Section while
35 wearing or in possession of body armor as defined in Section
36 33F-1 is a Class X felony punishable by a term of imprisonment

1 of not less than 10 years and not more than 40 years. The
2 possession of each firearm or firearm ammunition in violation
3 of this Section constitutes a single and separate violation.

4 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
5 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits the offense of aggravated unlawful use
9 of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode or fixed
13 place of business any pistol, revolver, stun gun or taser
14 or other firearm; or

15 (2) Carries or possesses on or about his or her person,
16 upon any public street, alley, or other public lands within
17 the corporate limits of a city, village or incorporated
18 town, except when an invitee thereon or therein, for the
19 purpose of the display of such weapon or the lawful
20 commerce in weapons, or except when on his or her own land
21 or in his or her own abode or fixed place of business, any
22 pistol, revolver, stun gun or taser or other firearm; and

23 (3) One of the following factors is present:

24 (A) the firearm possessed was uncased, loaded and
25 immediately accessible at the time of the offense; or

26 (B) the firearm possessed was uncased, unloaded
27 and the ammunition for the weapon was immediately
28 accessible at the time of the offense; or

29 (C) (blank) ~~the person possessing the firearm has~~
30 ~~not been issued a currently valid Firearm Owner's~~
31 ~~Identification Card; or~~

32 (D) the person possessing the weapon was
33 previously adjudicated a delinquent minor under the
34 Juvenile Court Act of 1987 for an act that if committed
35 by an adult would be a felony; or

1 (E) the person possessing the weapon was engaged in
2 a misdemeanor violation of the Cannabis Control Act, in
3 a misdemeanor violation of the Illinois Controlled
4 Substances Act, or in a misdemeanor violation of the
5 Methamphetamine Control and Community Protection Act;
6 or

7 (F) the person possessing the weapon is a member of
8 a street gang or is engaged in street gang related
9 activity, as defined in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act; or

11 (G) the person possessing the weapon had a order of
12 protection issued against him or her within the
13 previous 2 years; or

14 (H) the person possessing the weapon was engaged in
15 the commission or attempted commission of a
16 misdemeanor involving the use or threat of violence
17 against the person or property of another; or

18 (I) the person possessing the weapon was under 21
19 years of age and in possession of a handgun as defined
20 in Section 24-3, unless the person under 21 is engaged
21 in lawful activities under the Wildlife Code or
22 described in subsection 24-2(b)(1), (b)(3), or
23 24-2(f).

24 (b) "Stun gun or taser" as used in this Section has the
25 same definition given to it in Section 24-1 of this Code.

26 (c) This Section does not apply to or affect the
27 transportation or possession of weapons that:

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

29 (ii) are not immediately accessible; or

30 (iii) are unloaded and enclosed in a case, firearm
31 carrying box, shipping box, or other container ~~by a~~
32 ~~person who has been issued a currently valid Firearm~~
33 ~~Owner's Identification Card.~~

34 (d) Sentence. Aggravated unlawful use of a weapon is a
35 Class 4 felony; a second or subsequent offense is a Class 2
36 felony for which the person shall be sentenced to a term of

1 imprisonment of not less than 3 years and not more than 7
2 years. Aggravated unlawful use of a weapon by a person who has
3 been previously convicted of a felony in this State or another
4 jurisdiction is a Class 2 felony for which the person shall be
5 sentenced to a term of imprisonment of not less than 3 years
6 and not more than 7 years. ~~Aggravated unlawful use of a weapon~~
7 ~~while wearing or in possession of body armor as defined in~~
8 ~~Section 33F-1 by a person who 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 a~~
11 ~~Class X felony.~~ The possession of each firearm in violation of
12 this Section constitutes a single and separate violation.

13 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
14 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

15 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

16 Sec. 24-2. Exemptions.

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

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

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

27 (3) Members of the Armed Services or Reserve Forces of
28 the United States or the Illinois National Guard or the
29 Reserve Officers Training Corps, while in the performance
30 of their official duty.

31 (4) Special agents employed by a railroad or a public
32 utility to perform police functions, and guards of armored
33 car companies, while actually engaged in the performance of
34 the duties of their employment or commuting between their
35 homes and places of employment; and watchmen while actually

1 engaged in the performance of the duties of their
2 employment.

3 (5) Persons licensed as private security contractors,
4 private detectives, or private alarm contractors, or
5 employed by an agency certified by the Department of
6 Professional Regulation, if their duties include the
7 carrying of a weapon under the provisions of the Private
8 Detective, Private Alarm, Private Security, and Locksmith
9 Act of 2004, while actually engaged in the performance of
10 the duties of their employment or commuting between their
11 homes and places of employment, provided that such
12 commuting is accomplished within one hour from departure
13 from home or place of employment, as the case may be.
14 Persons exempted under this subdivision (a)(5) shall be
15 required to have completed a course of study in firearms
16 handling and training approved and supervised by the
17 Department of Professional Regulation as prescribed by
18 Section 28 of the Private Detective, Private Alarm, Private
19 Security, and Locksmith Act of 2004, prior to becoming
20 eligible for this exemption. The Department of
21 Professional Regulation shall provide suitable
22 documentation demonstrating the successful completion of
23 the prescribed firearms training. Such documentation shall
24 be carried at all times when such persons are in possession
25 of a concealable weapon.

26 (6) Any person regularly employed in a commercial or
27 industrial operation as a security guard for the protection
28 of persons employed and private property related to such
29 commercial or industrial operation, while actually engaged
30 in the performance of his or her duty or traveling between
31 sites or properties belonging to the employer, and who, as
32 a security guard, is a member of a security force of at
33 least 5 persons registered with the Department of
34 Professional Regulation; provided that such security guard
35 has successfully completed a course of study, approved by
36 and supervised by the Department of Professional

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

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

21 (8) Persons employed by a financial institution for the
22 protection of other employees and property related to such
23 financial institution, while actually engaged in the
24 performance of their duties, commuting between their homes
25 and places of employment, or traveling between sites or
26 properties owned or operated by such financial
27 institution, provided that any person so employed has
28 successfully completed a course of study, approved by and
29 supervised by the Department of Professional Regulation,
30 consisting of not less than 40 hours of training which
31 includes theory of law enforcement, liability for acts, and
32 the handling of weapons. A person shall be considered to be
33 eligible for this exemption if he or she has completed the
34 required 20 hours of training for a security officer and 20
35 hours of required firearm training, and has been issued a
36 firearm authorization card by the Department of

1 Professional Regulation. Conditions for renewal of firearm
2 authorization cards issued under the provisions of this
3 Section shall be the same as for those issued under the
4 provisions of the Private Detective, Private Alarm,
5 Private Security, and Locksmith Act of 2004. Such firearm
6 authorization card shall be carried by the person so
7 trained at all times when such person is in possession of a
8 concealable weapon. For purposes of this subsection,
9 "financial institution" means a bank, savings and loan
10 association, credit union or company providing armored car
11 services.

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

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

17 (11) Investigators of the Office of the State's
18 Attorneys Appellate Prosecutor authorized by the board of
19 governors of the Office of the State's Attorneys Appellate
20 Prosecutor to carry weapons pursuant to Section 7.06 of the
21 State's Attorneys Appellate Prosecutor's Act.

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

24 (12.5) Probation officers while in the performance of
25 their duties, or while commuting between their homes,
26 places of employment or specific locations that are part of
27 their assigned duties, with the consent of the chief judge
28 of the circuit for which they are employed.

29 (13) Court Security Officers while in the performance
30 of their official duties, or while commuting between their
31 homes and places of employment, with the consent of the
32 Sheriff.

33 (13.5) A person employed as an armed security guard at
34 a nuclear energy, storage, weapons or development site or
35 facility regulated by the Nuclear Regulatory Commission
36 who has completed the background screening and training

1 mandated by the rules and regulations of the Nuclear
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons
4 to persons authorized under subdivisions (1) through
5 (13.5) of this subsection to possess those weapons.

6 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
7 24-1.6 do not apply to or affect any of the following:

8 (1) Members of any club or organization organized for
9 the purpose of practicing shooting at targets upon
10 established target ranges, whether public or private, and
11 patrons of such ranges, while such members or patrons are
12 using their firearms on those target ranges.

13 (2) Duly authorized military or civil organizations
14 while parading, with the special permission of the
15 Governor.

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

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

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

22 (1) Peace officers while in performance of their
23 official duties.

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

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

30 (4) Manufacture, transportation, or sale of machine
31 guns to persons authorized under subdivisions (1) through
32 (3) of this subsection to possess machine guns, if the
33 machine guns are broken down in a non-functioning state or
34 are not immediately accessible.

35 (5) Persons licensed under federal law to manufacture
36 any weapon from which 8 or more shots or bullets can be

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

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

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

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

33 During transportation, any such weapon shall be broken
34 down in a non-functioning state, or not immediately
35 accessible.

36 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace
2 officer.

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

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

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

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

16 (2) Bonafide collectors of antique or surplus military
17 ordinance.

18 (3) Laboratories having a department of forensic
19 ballistics, or specializing in the development of
20 ammunition or explosive ordinance.

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

30 (g-5) Subsection 24-1(a)(6) does not apply to or affect
31 persons licensed under federal law to manufacture any device or
32 attachment of any kind designed, used, or intended for use in
33 silencing the report of any firearm, firearms, or ammunition
34 for those firearms equipped with those devices, and actually
35 engaged in the business of manufacturing those devices,
36 firearms, or ammunition, but only with respect to activities

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

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

15 (i) Nothing in this Article shall prohibit, apply to, or
16 affect the transportation, carrying, or possession, of any
17 pistol or revolver, stun gun, taser, or other firearm consigned
18 to a common carrier operating under license of the State of
19 Illinois or the federal government, where such transportation,
20 carrying, or possession is incident to the lawful
21 transportation in which such common carrier is engaged; and
22 nothing in this Article shall prohibit, apply to, or affect the
23 transportation, carrying, or possession of any pistol,
24 revolver, stun gun, taser, or other firearm, not the subject of
25 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
26 this Article, which is unloaded and enclosed in a case, firearm
27 carrying box, shipping box, or other container, ~~by the~~
28 ~~possessor of a valid Firearm Owners Identification Card.~~

29 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
30 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

31 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

32 Sec. 24-3. Unlawful Sale of Firearms.

33 (A) A person commits the offense of unlawful sale of
34 firearms when he or she knowingly does any of the following:

35 (a) Sells or gives any firearm of a size which may be

1 concealed upon the person to any person under 18 years of
2 age.

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

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

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

10 (e) Sells or gives any firearm to any person who has
11 been a patient in a mental hospital within the past 5
12 years.

13 (f) Sells or gives any firearms to any person who is
14 mentally retarded.

15 (g) Delivers any firearm of a size which may be
16 concealed upon the person, incidental to a sale, without
17 withholding delivery of such firearm for at least 72 hours
18 after application for its purchase has been made, or
19 delivers any rifle, shotgun or other long gun, or a stun
20 gun or taser, incidental to a sale, without withholding
21 delivery of such rifle, shotgun or other long gun, or a
22 stun gun or taser for at least 24 hours after application
23 for its purchase has been made. However, this paragraph (g)
24 does not apply to: (1) the sale of a firearm to a law
25 enforcement officer if the seller of the firearm knows that
26 the person to whom he or she is selling the firearm is a
27 law enforcement officer or the sale of a firearm to a
28 person who desires to purchase a firearm for use in
29 promoting the public interest incident to his or her
30 employment as a bank guard, armed truck guard, or other
31 similar employment; (2) a mail order sale of a firearm to a
32 nonresident of Illinois under which the firearm is mailed
33 to a point outside the boundaries of Illinois; (3) the sale
34 of a firearm to a nonresident of Illinois while at a
35 firearm showing or display recognized by the Illinois
36 Department of State Police; or (4) the sale of a firearm to

1 a dealer licensed as a federal firearms dealer under
2 Section 923 of the federal Gun Control Act of 1968 (18
3 U.S.C. 923). For purposes of this paragraph (g),
4 "application" means when the buyer and seller reach an
5 agreement to purchase a firearm.

6 (h) While holding any license as a dealer, importer,
7 manufacturer or pawnbroker under the federal Gun Control
8 Act of 1968, manufactures, sells or delivers to any
9 unlicensed person a handgun having a barrel, slide, frame
10 or receiver which is a die casting of zinc alloy or any
11 other nonhomogeneous metal which will melt or deform at a
12 temperature of less than 800 degrees Fahrenheit. For
13 purposes of this paragraph, (1) "firearm" is defined as in
14 Section 2-7.5 of this Code ~~the Firearm Owners~~
15 ~~Identification Card Act~~; and (2) "handgun" is defined as a
16 firearm designed to be held and fired by the use of a
17 single hand, and includes a combination of parts from which
18 such a firearm can be assembled.

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

22 (j) Sells or gives a firearm while engaged in the
23 business of selling firearms at wholesale or retail without
24 being licensed as a federal firearms dealer under Section
25 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
26 In this paragraph (j):

27 A person "engaged in the business" means a person who
28 devotes time, attention, and labor to engaging in the
29 activity as a regular course of trade or business with the
30 principal objective of livelihood and profit, but does not
31 include a person who makes occasional repairs of firearms
32 or who occasionally fits special barrels, stocks, or
33 trigger mechanisms to firearms.

34 "With the principal objective of livelihood and
35 profit" means that the intent underlying the sale or
36 disposition of firearms is predominantly one of obtaining

1 livelihood and pecuniary gain, as opposed to other intents,
2 such as improving or liquidating a personal firearms
3 collection; however, proof of profit shall not be required
4 as to a person who engages in the regular and repetitive
5 purchase and disposition of firearms for criminal purposes
6 or terrorism.

7 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
8 ~~to a person who does not display to the seller or~~
9 ~~transferor of the firearm a currently valid Firearm Owner's~~
10 ~~Identification Card that has previously been issued in the~~
11 ~~transferee's name by the Department of State Police under~~
12 ~~the provisions of the Firearm Owners Identification Card~~
13 ~~Act. This paragraph (k) does not apply to the transfer of a~~
14 ~~firearm to a person who is exempt from the requirement of~~
15 ~~possessing a Firearm Owner's Identification Card under~~
16 ~~Section 2 of the Firearm Owners Identification Card Act.~~
17 ~~For the purposes of this Section, a currently valid Firearm~~
18 ~~Owner's Identification Card means (i) a Firearm Owner's~~
19 ~~Identification Card that has not expired or (ii) if the~~
20 ~~transferor is licensed as a federal firearms dealer under~~
21 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
22 ~~U.S.C. 923), an approval number issued in accordance with~~
23 ~~Section 3.1 of the Firearm Owners Identification Card Act~~
24 ~~shall be proof that the Firearm Owner's Identification Card~~
25 ~~was valid.~~

26 (B) Paragraph (h) of subsection (A) does not include
27 firearms sold within 6 months after enactment of Public Act
28 78-355 (approved August 21, 1973, effective October 1, 1973),
29 nor is any firearm legally owned or possessed by any citizen or
30 purchased by any citizen within 6 months after the enactment of
31 Public Act 78-355 subject to confiscation or seizure under the
32 provisions of that Public Act. Nothing in Public Act 78-355
33 shall be construed to prohibit the gift or trade of any firearm
34 if that firearm was legally held or acquired within 6 months
35 after the enactment of that Public Act.

36 (C) Sentence.

1 (1) Any person convicted of unlawful sale of firearms
2 in violation of any of paragraphs (c) through (h) of
3 subsection (A) commits a Class 4 felony.

4 (2) Any person convicted of unlawful sale of firearms
5 in violation of paragraph (b) or (i) of subsection (A)
6 commits a Class 3 felony.

7 (3) Any person convicted of unlawful sale of firearms
8 in violation of paragraph (a) of subsection (A) commits a
9 Class 2 felony.

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

32 (5) Any person convicted of unlawful sale of firearms
33 in violation of paragraph (a) or (i) of subsection (A) in
34 residential property owned, operated, or managed by a
35 public housing agency or leased by a public housing agency
36 as part of a scattered site or mixed-income development, in

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

12 (6) Any person convicted of unlawful sale of firearms
13 in violation of paragraph (j) of subsection (A) commits a
14 Class A misdemeanor. A second or subsequent violation is a
15 Class 4 felony.

16 (7) (Blank). ~~Any person convicted of unlawful sale of~~
17 ~~firearms in violation of paragraph (k) of subsection (A)~~
18 ~~commits a Class 4 felony. A third or subsequent conviction~~
19 ~~for a violation of paragraph (k) of subsection (A) is a~~
20 ~~Class 1 felony.~~

21 (D) For purposes of this Section:

22 "School" means a public or private elementary or secondary
23 school, community college, college, or university.

24 "School related activity" means any sporting, social,
25 academic, or other activity for which students' attendance or
26 participation is sponsored, organized, or funded in whole or in
27 part by a school or school district.

28 (E) A prosecution for a violation of paragraph (k) of
29 subsection (A) of this Section may be commenced within 6 years
30 after the commission of the offense. A prosecution for a
31 violation of this Section other than paragraph (g) of
32 subsection (A) of this Section may be commenced within 5 years
33 after the commission of the offense defined in the particular
34 paragraph.

35 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6,
36 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

1 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

2 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

3 (a) A person commits the offense of unlawful discharge of
4 firearm projectiles when he or she knowingly or recklessly uses
5 an armor piercing bullet, dragon's breath shotgun shell, bolo
6 shell, or flechette shell in violation of this Section.

7 For purposes of this Section:

8 "Armor piercing bullet" means any handgun bullet or handgun
9 ammunition with projectiles or projectile cores constructed
10 entirely (excluding the presence of traces of other substances)
11 from tungsten alloys, steel, iron, brass, bronze, beryllium
12 copper or depleted uranium, or fully jacketed bullets larger
13 than 22 caliber whose jacket has a weight of more than 25% of
14 the total weight of the projectile, and excluding those handgun
15 projectiles whose cores are composed of soft materials such as
16 lead or lead alloys, zinc or zinc alloys, frangible projectiles
17 designed primarily for sporting purposes, and any other
18 projectiles or projectile cores that the U. S. Secretary of the
19 Treasury finds to be primarily intended to be used for sporting
20 purposes or industrial purposes or that otherwise does not
21 constitute "armor piercing ammunition" as that term is defined
22 by federal law.

23 "Dragon's breath shotgun shell" means any shotgun shell
24 that contains exothermic pyrophoric mesh metal as the
25 projectile and is designed for the purpose of throwing or
26 spewing a flame or fireball to simulate a flame-thrower.

27 "Bolo shell" means any shell that can be fired in a firearm
28 and expels as projectiles 2 or more metal balls connected by
29 solid metal wire.

30 "Flechette shell" means any shell that can be fired in a
31 firearm and expels 2 or more pieces of fin-stabilized solid
32 metal wire or 2 or more solid dart-type projectiles.

33 (b) A person commits a Class X felony when he or she,
34 knowing that a firearm, as defined in Section 2-7.5 of this
35 Code ~~1.1 of the Firearm Owners Identification Card Act~~, is

1 loaded with an armor piercing bullet, dragon's breath shotgun
2 shell, bolo shell, or flechette shell, intentionally or
3 recklessly discharges such firearm and such bullet or shell
4 strikes any other person.

5 (c) Any person who possesses, concealed on or about his or
6 her person, an armor piercing bullet, dragon's breath shotgun
7 shell, bolo shell, or flechette shell and a firearm suitable
8 for the discharge thereof is guilty of a Class 2 felony.

9 (d) This Section does not apply to or affect any of the
10 following:

11 (1) Peace officers;

12 (2) Wardens, superintendents and keepers of prisons,
13 penitentiaries, jails and other institutions for the
14 detention of persons accused or convicted of an offense;

15 (3) Members of the Armed Services or Reserve Forces of
16 the United States or the Illinois National Guard while in
17 the performance of their official duties;

18 (4) Federal officials required to carry firearms,
19 while engaged in the performance of their official duties;

20 (5) United States Marshals, while engaged in the
21 performance of their official duties.

22 (Source: P.A. 92-423, eff. 1-1-02.)

23 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

24 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

25 (a) It shall be unlawful for any person who holds a license
26 to sell at retail any alcoholic liquor issued by the Illinois
27 Liquor Control Commission or local liquor control commissioner
28 under the Liquor Control Act of 1934 or an agent or employee of
29 the licensee to sell or deliver to any other person a firearm
30 in or on the real property of the establishment where the
31 licensee is licensed to sell alcoholic liquors unless the sale
32 or delivery of the firearm is otherwise lawful under this
33 Article ~~and under the Firearm Owners Identification Card Act.~~

34 (b) Sentence. A violation of subsection (a) of this Section
35 is a Class 4 felony.

1 (Source: P.A. 87-591.)

2 (720 ILCS 5/24-3.5)

3 Sec. 24-3.5. Unlawful purchase of a firearm.

4 (a) For purposes of this Section, "firearms transaction
5 record form" means a form:

6 (1) executed by a transferee of a firearm stating: (i)
7 the transferee's name and address (including county or
8 similar political subdivision); (ii) whether the
9 transferee is a citizen of the United States; (iii) the
10 transferee's State of residence; and (iv) the date and
11 place of birth, height, weight, and race of the transferee;
12 and

13 (2) on which the transferee certifies that he or she is
14 not prohibited by federal law from transporting or shipping
15 a firearm in interstate or foreign commerce or receiving a
16 firearm that has been shipped or transported in interstate
17 or foreign commerce or possessing a firearm in or affecting
18 commerce.

19 (b) A person commits the offense of unlawful purchase of a
20 firearm who knowingly purchases or attempts to purchase a
21 firearm with the intent to deliver that firearm to another
22 person who is prohibited by federal or State law from
23 possessing a firearm.

24 (c) A person commits the offense of unlawful purchase of a
25 firearm when he or she, in purchasing or attempting to purchase
26 a firearm, intentionally provides false or misleading
27 information on a United States Department of the Treasury,
28 Bureau of Alcohol, Tobacco and Firearms firearms transaction
29 record form.

30 (d) Exemption. It is not a violation of subsection (b) of
31 this Section for a person to make a gift or loan of a firearm to
32 a person who is not prohibited by federal or State law from
33 possessing a firearm ~~if the transfer of the firearm is made in~~
34 ~~accordance with Section 3 of the Firearm Owners Identification~~
35 ~~Card Act.~~

1 (e) Sentence.

2 (1) A person who commits the offense of unlawful
3 purchase of a firearm:

4 (A) is guilty of a Class 4 felony for purchasing or
5 attempting to purchase one firearm;

6 (B) is guilty of a Class 3 felony for purchasing or
7 attempting to purchase not less than 2 firearms and not
8 more than 5 firearms at the same time or within a one
9 year period;

10 (C) is guilty of a Class 2 felony for purchasing or
11 attempting to purchase not less than 6 firearms and not
12 more than 10 firearms at the same time or within a 2
13 year period;

14 (D) is guilty of a Class 1 felony for purchasing or
15 attempting to purchase not less than 11 firearms and
16 not more than 20 firearms at the same time or within a
17 3 year period;

18 (E) is guilty of a Class X felony for which the
19 person shall be sentenced to a term of imprisonment of
20 not less than 6 years and not more than 30 years for
21 purchasing or attempting to purchase not less than 21
22 firearms and not more than 30 firearms at the same time
23 or within a 4 year period;

24 (F) is guilty of a Class X felony for which the
25 person shall be sentenced to a term of imprisonment of
26 not less than 6 years and not more than 40 years for
27 purchasing or attempting to purchase not less than 31
28 firearms and not more than 40 firearms at the same time
29 or within a 5 year period;

30 (G) is guilty of a Class X felony for which the
31 person shall be sentenced to a term of imprisonment of
32 not less than 6 years and not more than 50 years for
33 purchasing or attempting to purchase more than 40
34 firearms at the same time or within a 6 year period.

35 (2) In addition to any other penalty that may be
36 imposed for a violation of this Section, the court may

1 sentence a person convicted of a violation of subsection
2 (c) of this Section to a fine not to exceed \$250,000 for
3 each violation.

4 (f) A prosecution for unlawful purchase of a firearm may be
5 commenced within 6 years after the commission of the offense.

6 (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)

7 (720 ILCS 5/24-4.5 new)

8 Sec. 24-4.5. Dial up system.

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

19 (b) Upon receiving a request from a federally licensed
20 firearm dealer, gun show promoter, or gun show vendor, the
21 Department of 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
26 from acquiring or possessing a firearm, stun gun, or taser. In
27 conducting the inquiry, the Department of State Police shall
28 initiate and complete an automated search of its criminal
29 history record information files and those of the Federal
30 Bureau of Investigation, including the National Instant
31 Criminal Background Check System, and of the files of the
32 Department of Human Services relating to mental health and
33 developmental disabilities to obtain any felony conviction or
34 patient hospitalization information which would disqualify a
35 person from obtaining a firearm.

1 (c) If receipt of a firearm would not violate Section 24-3
2 of this Code or federal law, the Department of State Police
3 shall:

4 (1) assign a unique identification number to the
5 transfer; and

6 (2) provide the licensee, gun show promoter, or gun
7 show vendor with the number.

8 (d) Approvals issued by the Department of State Police for
9 the purchase of a firearm are valid for 30 days from the date
10 of issue.

11 (e) The Department of State Police must act as the Illinois
12 Point of Contact for the National Instant Criminal Background
13 Check System.

14 (f) The Department of State Police shall promulgate rules
15 not inconsistent with this Section to implement this system.

16 (720 ILCS 5/24-9)

17 Sec. 24-9. Firearms; Child Protection.

18 (a) Except as provided in subsection (c), it is unlawful
19 for any person to store or leave, within premises under his or
20 her control, a firearm if the person knows or has reason to
21 believe that a minor under the age of 14 years ~~who does not~~
22 ~~have a Firearm Owners Identification Card~~ is likely to gain
23 access to the firearm without the lawful permission of the
24 minor's parent, guardian, or person having charge of the minor,
25 and the minor causes death or great bodily harm with the
26 firearm, unless the firearm is:

27 (1) secured by a device or mechanism, other than the
28 firearm safety, designed to render a firearm temporarily
29 inoperable; or

30 (2) placed in a securely locked box or container; or

31 (3) placed in some other location that a reasonable
32 person would believe to be secure from a minor under the
33 age of 14 years.

34 (b) Sentence. A person who violates this Section is guilty
35 of a Class C misdemeanor and shall be fined not less than

1 \$1,000. A second or subsequent violation of this Section is a
2 Class A misdemeanor.

3 (c) Subsection (a) does not apply:

4 (1) if the minor under 14 years of age gains access to
5 a firearm and uses it in a lawful act of self-defense or
6 defense of another; or

7 (2) to any firearm obtained by a minor under the age of
8 14 because of an unlawful entry of the premises by the
9 minor or another person.

10 (d) For the purposes of this Section, "firearm" has the
11 meaning ascribed to it in Section 2-7.5 of this Code ~~1.1 of the~~
12 ~~Firearm Owners Identification Card Act.~~

13 (Source: P.A. 91-18, eff. 1-1-00.)

14 Section 45. The Marks and Serial Numbers Act is amended by
15 changing Section 1 as follows:

16 (720 ILCS 335/1) (from Ch. 121 1/2, par. 157.13)

17 Sec. 1. Any person who removes, alters, defaces, covers or
18 destroys the manufacturers' serial number or any other
19 manufacturers' number or distinguishing identification mark
20 upon any machine or other article of merchandise, other than a
21 motor vehicle as defined in Section 1-146 of the Illinois
22 Vehicle Code or a firearm as defined in Section 2-7.5 of the
23 Criminal Code of 1961 ~~the Firearm Owners Identification Card~~
24 ~~Act~~, for the purpose of concealing or destroying the identity
25 of such machine or other article of merchandise shall be guilty
26 of a Class B misdemeanor.

27 (Source: P.A. 93-906, eff. 8-11-04.)

28 Section 50. The Methamphetamine Control and Community
29 Protection Act is amended by changing Section 10 as follows:

30 (720 ILCS 646/10)

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

32 "Anhydrous ammonia" has the meaning provided in subsection

1 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

2 "Anhydrous ammonia equipment" means all items used to
3 store, hold, contain, handle, transfer, transport, or apply
4 anhydrous ammonia for lawful purposes.

5 "Booby trap" means any device designed to cause physical
6 injury when triggered by an act of a person approaching,
7 entering, or moving through a structure, a vehicle, or any
8 location where methamphetamine has been manufactured, is being
9 manufactured, or is intended to be manufactured.

10 "Deliver" or "delivery" has the meaning provided in
11 subsection (h) of Section 102 of the Illinois Controlled
12 Substances Act.

13 "Director" means the Director of State Police or the
14 Director's designated agents.

15 "Dispose" or "disposal" means to abandon, discharge,
16 release, deposit, inject, dump, spill, leak, or place
17 methamphetamine waste onto or into any land, water, or well of
18 any type so that the waste has the potential to enter the
19 environment, be emitted into the air, or be discharged into the
20 soil or any waters, including groundwater.

21 "Emergency response" means the act of collecting evidence,
22 securing a methamphetamine laboratory site, methamphetamine
23 waste site or other methamphetamine-related site and cleaning
24 up the site, whether these actions are performed by public
25 entities or private contractors paid by public entities.

26 "Emergency service provider" means a local, State, or
27 federal peace officer, firefighter, emergency medical
28 technician-ambulance, emergency medical
29 technician-intermediate, emergency medical
30 technician-paramedic, ambulance driver, or other medical or
31 first aid personnel rendering aid, or any agent or designee of
32 the foregoing.

33 "Finished methamphetamine" means methamphetamine in a form
34 commonly used for personal consumption.

35 "Firearm" has the meaning provided in Section 2-7.5 of the
36 Criminal Code of 1961 ~~1.1 of the Firearm Owners Identification~~

1 ~~Card Act.~~

2 "Manufacture" means to produce, prepare, compound,
3 convert, process, synthesize, concentrate, purify, separate,
4 extract, or package any methamphetamine, methamphetamine
5 precursor, methamphetamine manufacturing catalyst,
6 methamphetamine manufacturing reagent, methamphetamine
7 manufacturing solvent, or any substance containing any of the
8 foregoing.

9 "Methamphetamine" means the chemical methamphetamine (a
10 Schedule II controlled substance under the Illinois Controlled
11 Substances Act) or any salt, optical isomer, salt of optical
12 isomer, or analog thereof, with the exception of
13 3,4-Methylenedioxymethamphetamine (MDMA) or any other
14 scheduled substance with a separate listing under the Illinois
15 Controlled Substances Act.

16 "Methamphetamine manufacturing catalyst" means any
17 substance that has been used, is being used, or is intended to
18 be used to activate, accelerate, extend, or improve a chemical
19 reaction involved in the manufacture of methamphetamine.

20 "Methamphetamine manufacturing environment" means a
21 structure or vehicle in which:

- 22 (1) methamphetamine is being or has been manufactured;
23 (2) chemicals that are being used, have been used, or
24 are intended to be used to manufacture methamphetamine are
25 stored;
26 (3) methamphetamine manufacturing materials that have
27 been used to manufacture methamphetamine are stored; or
28 (4) methamphetamine manufacturing waste is stored.

29 "Methamphetamine manufacturing material" means any
30 methamphetamine precursor, substance containing any
31 methamphetamine precursor, methamphetamine manufacturing
32 catalyst, substance containing any methamphetamine
33 manufacturing catalyst, methamphetamine manufacturing reagent,
34 substance containing any methamphetamine manufacturing
35 reagent, methamphetamine manufacturing solvent, substance
36 containing any methamphetamine manufacturing solvent, or any

1 other chemical, substance, ingredient, equipment, apparatus,
2 or item that is being used, has been used, or is intended to be
3 used in the manufacture of methamphetamine.

4 "Methamphetamine manufacturing reagent" means any
5 substance other than a methamphetamine manufacturing catalyst
6 that has been used, is being used, or is intended to be used to
7 react with and chemically alter any methamphetamine precursor.

8 "Methamphetamine manufacturing solvent" means any
9 substance that has been used, is being used, or is intended to
10 be used as a medium in which any methamphetamine precursor,
11 methamphetamine manufacturing catalyst, methamphetamine
12 manufacturing reagent, or any substance containing any of the
13 foregoing is dissolved, diluted, or washed during any part of
14 the methamphetamine manufacturing process.

15 "Methamphetamine manufacturing waste" means any chemical,
16 substance, ingredient, equipment, apparatus, or item that is
17 left over from, results from, or is produced by the process of
18 manufacturing methamphetamine, other than finished
19 methamphetamine.

20 "Methamphetamine precursor" means ephedrine,
21 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
22 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
23 isomer, or salt of an optical isomer of any of these chemicals.

24 "Multi-unit dwelling" means a unified structure used or
25 intended for use as a habitation, home, or residence that
26 contains 2 or more condominiums, apartments, hotel rooms, motel
27 rooms, or other living units.

28 "Package" means an item marked for retail sale that is not
29 designed to be further broken down or subdivided for the
30 purpose of retail sale.

31 "Participate" or "participation" in the manufacture of
32 methamphetamine means to produce, prepare, compound, convert,
33 process, synthesize, concentrate, purify, separate, extract,
34 or package any methamphetamine, methamphetamine precursor,
35 methamphetamine manufacturing catalyst, methamphetamine
36 manufacturing reagent, methamphetamine manufacturing solvent,

1 or any substance containing any of the foregoing, or to assist
2 in any of these actions, or to attempt to take any of these
3 actions, regardless of whether this action or these actions
4 result in the production of finished methamphetamine.

5 "Person with a disability" means a person who suffers from
6 a permanent physical or mental impairment resulting from
7 disease, injury, functional disorder, or congenital condition
8 which renders the person incapable of adequately providing for
9 his or her own health and personal care.

10 "Procure" means to purchase, steal, gather, or otherwise
11 obtain, by legal or illegal means, or to cause another to take
12 such action.

13 "Second or subsequent offense" means an offense under this
14 Act committed by an offender who previously committed an
15 offense under this Act, the Illinois Controlled Substances Act,
16 the Cannabis Control Act, or another Act of this State, another
17 state, or the United States relating to methamphetamine,
18 cannabis, or any other controlled substance.

19 "Standard dosage form", as used in relation to any
20 methamphetamine precursor, means that the methamphetamine
21 precursor is contained in a pill, tablet, capsule, caplet, gel
22 cap, or liquid cap that has been manufactured by a lawful
23 entity and contains a standard quantity of methamphetamine
24 precursor.

25 "Unauthorized container", as used in relation to anhydrous
26 ammonia, means any container that is not designed for the
27 specific and sole purpose of holding, storing, transporting, or
28 applying anhydrous ammonia. "Unauthorized container" includes,
29 but is not limited to, any propane tank, fire extinguisher,
30 oxygen cylinder, gasoline can, food or beverage cooler, or
31 compressed gas cylinder used in dispensing fountain drinks.
32 "Unauthorized container" does not encompass anhydrous ammonia
33 manufacturing plants, refrigeration systems where anhydrous
34 ammonia is used solely as a refrigerant, anhydrous ammonia
35 transportation pipelines, anhydrous ammonia tankers, or
36 anhydrous ammonia barges.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 Section 55. The Unified Code of Corrections is amended by
3 changing Sections 5-5-3 and 5-5-3.2 as follows:

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
5 Sec. 5-5-3. Disposition.

6 (a) Except as provided in Section 11-501 of the Illinois
7 Vehicle Code, every person convicted of an offense shall be
8 sentenced as provided in this Section.

9 (b) The following options shall be appropriate
10 dispositions, alone or in combination, for all felonies and
11 misdemeanors other than those identified in subsection (c) of
12 this Section:

13 (1) A period of probation.

14 (2) A term of periodic imprisonment.

15 (3) A term of conditional discharge.

16 (4) A term of imprisonment.

17 (5) An order directing the offender to clean up and
18 repair the damage, if the offender was convicted under
19 paragraph (h) of Section 21-1 of the Criminal Code of 1961
20 (now repealed).

21 (6) A fine.

22 (7) An order directing the offender to make restitution
23 to the victim under Section 5-5-6 of this Code.

24 (8) A sentence of participation in a county impact
25 incarceration program under Section 5-8-1.2 of this Code.

26 (9) A term of imprisonment in combination with a term
27 of probation when the offender has been admitted into a
28 drug court program under Section 20 of the Drug Court
29 Treatment Act.

30 Neither a fine nor restitution shall be the sole
31 disposition for a felony and either or both may be imposed only
32 in conjunction with another disposition.

33 (c) (1) When a defendant is found guilty of first degree
34 murder the State may either seek a sentence of imprisonment

1 under Section 5-8-1 of this Code, or where appropriate seek
2 a sentence of death under Section 9-1 of the Criminal Code
3 of 1961.

4 (2) A period of probation, a term of periodic
5 imprisonment or conditional discharge shall not be imposed
6 for the following offenses. The court shall sentence the
7 offender to not less than the minimum term of imprisonment
8 set forth in this Code for the following offenses, and may
9 order a fine or restitution or both in conjunction with
10 such term of imprisonment:

11 (A) First degree murder where the death penalty is
12 not imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the
16 Illinois Controlled Substances Act, or a violation of
17 subdivision (c) (1) or (c) (2) of Section 401 of that Act
18 which relates to more than 5 grams of a substance
19 containing heroin or cocaine or an analog thereof.

20 (E) A violation of Section 5.1 or 9 of the Cannabis
21 Control Act.

22 (F) A Class 2 or greater felony if the offender had
23 been convicted of a Class 2 or greater felony within 10
24 years of the date on which the offender committed the
25 offense for which he or she is being sentenced, except
26 as otherwise provided in Section 40-10 of the
27 Alcoholism and Other Drug Abuse and Dependency Act.

28 (F-5) A violation of Section 24-1, 24-1.1, or
29 24-1.6 of the Criminal Code of 1961 for which
30 imprisonment is prescribed in those Sections.

31 (G) Residential burglary, except as otherwise
32 provided in Section 40-10 of the Alcoholism and Other
33 Drug Abuse and Dependency Act.

34 (H) Criminal sexual assault.

35 (I) Aggravated battery of a senior citizen.

36 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this
3 paragraph, "organized gang" means an association of 5
4 or more persons, with an established hierarchy, that
5 encourages members of the association to perpetrate
6 crimes or provides support to the members of the
7 association who do commit crimes.

8 Beginning July 1, 1994, for the purposes of this
9 paragraph, "organized gang" has the meaning ascribed
10 to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the
14 offense of hate crime when the underlying offense upon
15 which the hate crime is based is felony aggravated
16 assault or felony mob action.

17 (M) A second or subsequent conviction for the
18 offense of institutional vandalism if the damage to the
19 property exceeds \$300.

20 (N) (Blank). ~~A Class 3 felony violation of~~
21 ~~paragraph (1) of subsection (a) of Section 2 of the~~
22 ~~Firearm Owners Identification Card Act.~~

23 (O) A violation of Section 12-6.1 of the Criminal
24 Code of 1961.

25 (P) A violation of paragraph (1), (2), (3), (4),
26 (5), or (7) of subsection (a) of Section 11-20.1 of the
27 Criminal Code of 1961.

28 (Q) A violation of Section 20-1.2 or 20-1.3 of the
29 Criminal Code of 1961.

30 (R) A violation of Section 24-3A of the Criminal
31 Code of 1961.

32 (S) (Blank).

33 (T) A second or subsequent violation of the
34 Methamphetamine Control and Community Protection Act.

35 (3) (Blank).

36 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraph (4.3) of this
6 subsection (c), a minimum of 100 hours of community service
7 shall be imposed for a second violation of Section 6-303 of
8 the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court,
11 shall be imposed for a second violation of subsection (c)
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraph (4.5) and
14 paragraph (4.6) of this subsection (c), a minimum term of
15 imprisonment of 30 days or 300 hours of community service,
16 as determined by the court, shall be imposed for a third or
17 subsequent violation of Section 6-303 of the Illinois
18 Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall
20 be imposed for a third violation of subsection (c) of
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.6) A minimum term of imprisonment of 180 days shall
23 be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle
25 Code.

26 (5) The court may sentence an offender convicted of a
27 business offense or a petty offense or a corporation or
28 unincorporated association convicted of any offense to:

29 (A) a period of conditional discharge;

30 (B) a fine;

31 (C) make restitution to the victim under Section
32 5-5-6 of this Code.

33 (5.1) In addition to any penalties imposed under
34 paragraph (5) of this subsection (c), and except as
35 provided in paragraph (5.2) or (5.3), a person convicted of
36 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 90 days but
3 not more than one year, if the violation resulted in damage
4 to the property of another person.

5 (5.2) In addition to any penalties imposed under
6 paragraph (5) of this subsection (c), and except as
7 provided in paragraph (5.3), a person convicted of
8 violating subsection (c) of Section 11-907 of the Illinois
9 Vehicle Code shall have his or her driver's license,
10 permit, or privileges suspended for at least 180 days but
11 not more than 2 years, if the violation resulted in injury
12 to another person.

13 (5.3) In addition to any penalties imposed under
14 paragraph (5) of this subsection (c), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for 2 years, if the
18 violation resulted in the death of another person.

19 (6) In no case shall an offender be eligible for a
20 disposition of probation or conditional discharge for a
21 Class 1 felony committed while he was serving a term of
22 probation or conditional discharge for a felony.

23 (7) When a defendant is adjudged a habitual criminal
24 under Article 33B of the Criminal Code of 1961, the court
25 shall sentence the defendant to a term of natural life
26 imprisonment.

27 (8) When a defendant, over the age of 21 years, is
28 convicted of a Class 1 or Class 2 felony, after having
29 twice been convicted in any state or federal court of an
30 offense that contains the same elements as an offense now
31 classified in Illinois as a Class 2 or greater Class felony
32 and such charges are separately brought and tried and arise
33 out of different series of acts, such defendant shall be
34 sentenced as a Class X offender. This paragraph shall not
35 apply unless (1) the first felony was committed after the
36 effective date of this amendatory Act of 1977; and (2) the

1 second felony was committed after conviction on the first;
2 and (3) the third felony was committed after conviction on
3 the second. A person sentenced as a Class X offender under
4 this paragraph is not eligible to apply for treatment as a
5 condition of probation as provided by Section 40-10 of the
6 Alcoholism and Other Drug Abuse and Dependency Act.

7 (9) A defendant convicted of a second or subsequent
8 offense of ritualized abuse of a child may be sentenced to
9 a term of natural life imprisonment.

10 (10) (Blank).

11 (11) The court shall impose a minimum fine of \$1,000
12 for a first offense and \$2,000 for a second or subsequent
13 offense upon a person convicted of or placed on supervision
14 for battery when the individual harmed was a sports
15 official or coach at any level of competition and the act
16 causing harm to the sports official or coach occurred
17 within an athletic facility or within the immediate
18 vicinity of the athletic facility at which the sports
19 official or coach was an active participant of the athletic
20 contest held at the athletic facility. For the purposes of
21 this paragraph (11), "sports official" means a person at an
22 athletic contest who enforces the rules of the contest,
23 such as an umpire or referee; "athletic facility" means an
24 indoor or outdoor playing field or recreational area where
25 sports activities are conducted; and "coach" means a person
26 recognized as a coach by the sanctioning authority that
27 conducted the sporting event.

28 (12) A person may not receive a disposition of court
29 supervision for a violation of Section 5-16 of the Boat
30 Registration and Safety Act if that person has previously
31 received a disposition of court supervision for a violation
32 of that Section.

33 (d) In any case in which a sentence originally imposed is
34 vacated, the case shall be remanded to the trial court. The
35 trial court shall hold a hearing under Section 5-4-1 of the
36 Unified Code of Corrections which may include evidence of the

1 defendant's life, moral character and occupation during the
2 time since the original sentence was passed. The trial court
3 shall then impose sentence upon the defendant. The trial court
4 may impose any sentence which could have been imposed at the
5 original trial subject to Section 5-5-4 of the Unified Code of
6 Corrections. If a sentence is vacated on appeal or on
7 collateral attack due to the failure of the trier of fact at
8 trial to determine beyond a reasonable doubt the existence of a
9 fact (other than a prior conviction) necessary to increase the
10 punishment for the offense beyond the statutory maximum
11 otherwise applicable, either the defendant may be re-sentenced
12 to a term within the range otherwise provided or, if the State
13 files notice of its intention to again seek the extended
14 sentence, the defendant shall be afforded a new trial.

15 (e) In cases where prosecution for aggravated criminal
16 sexual abuse under Section 12-16 of the Criminal Code of 1961
17 results in conviction of a defendant who was a family member of
18 the victim at the time of the commission of the offense, the
19 court shall consider the safety and welfare of the victim and
20 may impose a sentence of probation only where:

21 (1) the court finds (A) or (B) or both are appropriate:

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the
27 defendant's:

28 (i) removal from the household;

29 (ii) restricted contact with the victim;

30 (iii) continued financial support of the
31 family;

32 (iv) restitution for harm done to the victim;

33 and

34 (v) compliance with any other measures that
35 the court may deem appropriate; and

36 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of paying
4 for such services, if the victim was under 18 years of age
5 at the time the offense was committed and requires
6 counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section
8 5-6-4; except where the court determines at the hearing that
9 the defendant violated a condition of his or her probation
10 restricting contact with the victim or other family members or
11 commits another offense with the victim or other family
12 members, the court shall revoke the defendant's probation and
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 12-12 of the Criminal Code of 1961.

17 (f) This Article shall not deprive a court in other
18 proceedings to order a forfeiture of property, to suspend or
19 cancel a license, to remove a person from office, or to impose
20 any other civil penalty.

21 (g) Whenever a defendant is convicted of an offense under
22 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
23 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
24 of the Criminal Code of 1961, the defendant shall undergo
25 medical testing to determine whether the defendant has any
26 sexually transmissible disease, including a test for infection
27 with human immunodeficiency virus (HIV) or any other identified
28 causative agent of acquired immunodeficiency syndrome (AIDS).
29 Any such medical test shall be performed only by appropriately
30 licensed medical practitioners and may include an analysis of
31 any bodily fluids as well as an examination of the defendant's
32 person. Except as otherwise provided by law, the results of
33 such test shall be kept strictly confidential by all medical
34 personnel involved in the testing and must be personally
35 delivered in a sealed envelope to the judge of the court in
36 which the conviction was entered for the judge's inspection in

1 camera. Acting in accordance with the best interests of the
2 victim and the public, the judge shall have the discretion to
3 determine to whom, if anyone, the results of the testing may be
4 revealed. The court shall notify the defendant of the test
5 results. The court shall also notify the victim if requested by
6 the victim, and if the victim is under the age of 15 and if
7 requested by the victim's parents or legal guardian, the court
8 shall notify the victim's parents or legal guardian of the test
9 results. The court shall provide information on the
10 availability of HIV testing and counseling at Department of
11 Public Health facilities to all parties to whom the results of
12 the testing are revealed and shall direct the State's Attorney
13 to provide the information to the victim when possible. A
14 State's Attorney may petition the court to obtain the results
15 of any HIV test administered under this Section, and the court
16 shall grant the disclosure if the State's Attorney shows it is
17 relevant in order to prosecute a charge of criminal
18 transmission of HIV under Section 12-16.2 of the Criminal Code
19 of 1961 against the defendant. The court shall order that the
20 cost of any such test shall be paid by the county and may be
21 taxed as costs against the convicted defendant.

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court
27 in which the inmate must appear for the judge's inspection in
28 camera if requested by the judge. Acting in accordance with the
29 best interests of those in the courtroom, the judge shall have
30 the discretion to determine what if any precautions need to be
31 taken to prevent transmission of the disease in the courtroom.

32 (h) Whenever a defendant is convicted of an offense under
33 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
34 defendant shall undergo medical testing to determine whether
35 the defendant has been exposed to human immunodeficiency virus
36 (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. A State's Attorney may petition the court to
17 obtain the results of any HIV test administered under this
18 Section, and the court shall grant the disclosure if the
19 State's Attorney shows it is relevant in order to prosecute a
20 charge of criminal transmission of HIV under Section 12-16.2 of
21 the Criminal Code of 1961 against the defendant. The court
22 shall order that the cost of any such test shall be paid by the
23 county and may be taxed as costs against the convicted
24 defendant.

25 (i) All fines and penalties imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois
27 Vehicle Code, or a similar provision of a local ordinance, and
28 any violation of the Child Passenger Protection Act, or a
29 similar provision of a local ordinance, shall be collected and
30 disbursed by the circuit clerk as provided under Section 27.5
31 of the Clerks of Courts Act.

32 (j) In cases when prosecution for any violation of Section
33 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
34 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
35 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
36 Code of 1961, any violation of the Illinois Controlled

1 Substances Act, any violation of the Cannabis Control Act, or
2 any violation of the Methamphetamine Control and Community
3 Protection Act results in conviction, a disposition of court
4 supervision, or an order of probation granted under Section 10
5 of the Cannabis Control Act, Section 410 of the Illinois
6 Controlled Substance Act, or Section 70 of the Methamphetamine
7 Control and Community Protection Act of a defendant, the court
8 shall determine whether the defendant is employed by a facility
9 or center as defined under the Child Care Act of 1969, a public
10 or private elementary or secondary school, or otherwise works
11 with children under 18 years of age on a daily basis. When a
12 defendant is so employed, the court shall order the Clerk of
13 the Court to send a copy of the judgment of conviction or order
14 of supervision or probation to the defendant's employer by
15 certified mail. If the employer of the defendant is a school,
16 the Clerk of the Court shall direct the mailing of a copy of
17 the judgment of conviction or order of supervision or probation
18 to the appropriate regional superintendent of schools. The
19 regional superintendent of schools shall notify the State Board
20 of Education of any notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted
22 of a felony and who has not been previously convicted of a
23 misdemeanor or felony and who is sentenced to a term of
24 imprisonment in the Illinois Department of Corrections shall as
25 a condition of his or her sentence be required by the court to
26 attend educational courses designed to prepare the defendant
27 for a high school diploma and to work toward a high school
28 diploma or to work toward passing the high school level Test of
29 General Educational Development (GED) or to work toward
30 completing a vocational training program offered by the
31 Department of Corrections. If a defendant fails to complete the
32 educational training required by his or her sentence during the
33 term of incarceration, the Prisoner Review Board shall, as a
34 condition of mandatory supervised release, require the
35 defendant, at his or her own expense, to pursue a course of
36 study toward a high school diploma or passage of the GED test.

1 The Prisoner Review Board shall revoke the mandatory supervised
2 release of a defendant who wilfully fails to comply with this
3 subsection (j-5) upon his or her release from confinement in a
4 penal institution while serving a mandatory supervised release
5 term; however, the inability of the defendant after making a
6 good faith effort to obtain financial aid or pay for the
7 educational training shall not be deemed a wilful failure to
8 comply. The Prisoner Review Board shall recommit the defendant
9 whose mandatory supervised release term has been revoked under
10 this subsection (j-5) as provided in Section 3-3-9. This
11 subsection (j-5) does not apply to a defendant who has a high
12 school diploma or has successfully passed the GED test. This
13 subsection (j-5) does not apply to a defendant who is
14 determined by the court to be developmentally disabled or
15 otherwise mentally incapable of completing the educational or
16 vocational program.

17 (k) A court may not impose a sentence or disposition for a
18 felony or misdemeanor that requires the defendant to be
19 implanted or injected with or to use any form of birth control.

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is an alien as defined by
22 the Immigration and Nationality Act, is convicted of any
23 felony or misdemeanor offense, the court after sentencing
24 the defendant may, upon motion of the State's Attorney,
25 hold sentence in abeyance and remand the defendant to the
26 custody of the Attorney General of the United States or his
27 or her designated agent to be deported when:

28 (1) a final order of deportation has been issued
29 against the defendant pursuant to proceedings under
30 the Immigration and Nationality Act, and

31 (2) the deportation of the defendant would not
32 deprecate the seriousness of the defendant's conduct
33 and would not be inconsistent with the ends of justice.

34 Otherwise, the defendant shall be sentenced as
35 provided in this Chapter V.

36 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on
2 probation under Section 10 of the Cannabis Control Act,
3 Section 410 of the Illinois Controlled Substances Act, or
4 Section 70 of the Methamphetamine Control and Community
5 Protection Act, the court may, upon motion of the State's
6 Attorney to suspend the sentence imposed, commit the
7 defendant to the custody of the Attorney General of the
8 United States or his or her designated agent when:

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under
11 the Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not
13 deprecate the seriousness of the defendant's conduct
14 and 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
17 subsection (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
21 the custody of the county from which he or she was
22 sentenced. Thereafter, the defendant shall be brought
23 before the sentencing court, which may impose any sentence
24 that was available under Section 5-5-3 at the time of
25 initial sentencing. In addition, the defendant shall not be
26 eligible for additional good conduct credit for
27 meritorious service as provided under Section 3-6-6.

28 (m) A person convicted of criminal defacement of property
29 under Section 21-1.3 of the Criminal Code of 1961, in which the
30 property damage exceeds \$300 and the property damaged is a
31 school building, shall be ordered to perform community service
32 that may include cleanup, removal, or painting over the
33 defacement.

34 (n) The court may sentence a person convicted of a
35 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
36 Code of 1961 (i) to an impact incarceration program if the

1 person is otherwise eligible for that program under Section
2 5-8-1.1, (ii) to community service, or (iii) if the person is
3 an addict or alcoholic, as defined in the Alcoholism and Other
4 Drug Abuse and Dependency Act, to a substance or alcohol abuse
5 program licensed under that Act.

6 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
7 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
8 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
9 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
10 eff. 9-11-05; revised 8-19-05.)

11 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

12 Sec. 5-5-3.2. Factors in Aggravation.

13 (a) The following factors shall be accorded weight in favor
14 of imposing a term of imprisonment or may be considered by the
15 court as reasons to impose a more severe sentence under Section
16 5-8-1:

17 (1) the defendant's conduct caused or threatened
18 serious harm;

19 (2) the defendant received compensation for committing
20 the offense;

21 (3) the defendant has a history of prior delinquency or
22 criminal activity;

23 (4) the defendant, by the duties of his office or by
24 his position, was obliged to prevent the particular offense
25 committed or to bring the offenders committing it to
26 justice;

27 (5) the defendant held public office at the time of the
28 offense, and the offense related to the conduct of that
29 office;

30 (6) the defendant utilized his professional reputation
31 or position in the community to commit the offense, or to
32 afford him an easier means of committing it;

33 (7) the sentence is necessary to deter others from
34 committing the same crime;

35 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a
3 person who is physically handicapped or such person's
4 property;

5 (10) by reason of another individual's actual or
6 perceived race, color, creed, religion, ancestry, gender,
7 sexual orientation, physical or mental disability, or
8 national origin, the defendant committed the offense
9 against (i) the person or property of that individual; (ii)
10 the person or property of a person who has an association
11 with, is married to, or has a friendship with the other
12 individual; or (iii) the person or property of a relative
13 (by blood or marriage) of a person described in clause (i)
14 or (ii). For the purposes of this Section, "sexual
15 orientation" means heterosexuality, homosexuality, or
16 bisexuality;

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 released on bail 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
27 committed while he was serving a period of probation,
28 conditional discharge, or mandatory supervised release
29 under subsection (d) of Section 5-8-1 for a prior felony;

30 (13) the defendant committed or attempted to commit a
31 felony while he was wearing a bulletproof vest. For the
32 purposes of this paragraph (13), a bulletproof vest is any
33 device which is designed for the purpose of protecting the
34 wearer from bullets, shot or other lethal projectiles;

35 (14) the defendant held a position of trust or
36 supervision such as, but not limited to, family member as

1 defined in Section 12-12 of the Criminal Code of 1961,
2 teacher, scout leader, baby sitter, or day care worker, in
3 relation to a victim under 18 years of age, and the
4 defendant committed an offense in violation of Section
5 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
6 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
7 against that victim;

8 (15) the defendant committed an offense related to the
9 activities of an organized gang. For the purposes of this
10 factor, "organized gang" has the meaning ascribed to it in
11 Section 10 of the Streetgang Terrorism Omnibus Prevention
12 Act;

13 (16) the defendant committed an offense in violation of
14 one of the following Sections while in a school, regardless
15 of the time of day or time of year; on any conveyance
16 owned, leased, or contracted by a school to transport
17 students to or from school or a school related activity; on
18 the real property of a school; or on a public way within
19 1,000 feet of the real property comprising any school:
20 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
23 33A-2 of the Criminal Code of 1961;

24 (16.5) the defendant committed an offense in violation
25 of one of the following Sections while in a day care
26 center, regardless of the time of day or time of year; on
27 the real property of a day care center, regardless of the
28 time of day or time of year; or on a public way within
29 1,000 feet of the real property comprising any day care
30 center, regardless of the time of day or time of year:
31 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
32 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
33 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
34 33A-2 of the Criminal Code of 1961;

35 (17) the defendant committed the offense by reason of
36 any person's activity as a community policing volunteer or

1 to prevent any person from engaging in activity as a
2 community policing volunteer. For the purpose of this
3 Section, "community policing volunteer" has the meaning
4 ascribed to it in Section 2-3.5 of the Criminal Code of
5 1961;

6 (18) the defendant committed the offense in a nursing
7 home or on the real property comprising a nursing home. For
8 the purposes of this paragraph (18), "nursing home" means a
9 skilled nursing or intermediate long term care facility
10 that is subject to license by the Illinois Department of
11 Public Health under the Nursing Home Care Act;

12 (19) the defendant was a federally licensed firearm
13 dealer and was previously convicted of a violation of
14 subsection (a) of Section 3 of the Firearm Owners
15 Identification Card Act before its repeal by this
16 amendatory Act of the 94th General Assembly and has now
17 committed ~~either a felony violation of the Firearm Owners~~
18 ~~Identification Card Act or~~ an act of armed violence while
19 armed with a firearm; ~~or~~

20 (20) the defendant (i) committed the offense of
21 reckless homicide under Section 9-3 of the Criminal Code of
22 1961 or the offense of driving under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds or any combination thereof under Section 11-501
25 of the Illinois Vehicle Code or a similar provision of a
26 local ordinance and (ii) was operating a motor vehicle in
27 excess of 20 miles per hour over the posted speed limit as
28 provided in Article VI of Chapter 11 of the Illinois
29 Vehicle Code; or

30 (21) ~~(20)~~ the defendant (i) committed the offense of
31 reckless driving or aggravated reckless driving under
32 Section 11-503 of the Illinois Vehicle Code and (ii) was
33 operating a motor vehicle in excess of 20 miles per hour
34 over the posted speed limit as provided in Article VI of
35 Chapter 11 of the Illinois Vehicle Code.

36 For the purposes of this Section:

1 "School" is defined as a public or private elementary or
2 secondary school, community college, college, or university.

3 "Day care center" means a public or private State certified
4 and licensed day care center as defined in Section 2.09 of the
5 Child Care Act of 1969 that displays a sign in plain view
6 stating that the property is a day care center.

7 (b) The following factors may be considered by the court as
8 reasons to impose an extended term sentence under Section 5-8-2
9 upon any offender:

10 (1) When a defendant is convicted of any felony, after
11 having been previously convicted in Illinois or any other
12 jurisdiction of the same or similar class felony or greater
13 class felony, when such conviction has occurred within 10
14 years after the previous conviction, excluding time spent
15 in custody, and such charges are separately brought and
16 tried and arise out of different series of acts; or

17 (2) When a defendant is convicted of any felony and the
18 court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) When a defendant is convicted of voluntary
22 manslaughter, second degree murder, involuntary
23 manslaughter or reckless homicide in which the defendant
24 has been convicted of causing the death of more than one
25 individual; or

26 (4) When a defendant is convicted of any felony
27 committed against:

28 (i) a person under 12 years of age at the time of
29 the offense or such person's property;

30 (ii) a person 60 years of age or older at the time
31 of the offense or such person's property; or

32 (iii) a person physically handicapped at the time
33 of the offense or such person's property; or

34 (5) In the case of a defendant convicted of aggravated
35 criminal sexual assault or criminal sexual assault, when
36 the court finds that aggravated criminal sexual assault or

1 criminal sexual assault was also committed on the same
2 victim by one or more other individuals, and the defendant
3 voluntarily participated in the crime with the knowledge of
4 the participation of the others in the crime, and the
5 commission of the crime was part of a single course of
6 conduct during which there was no substantial change in the
7 nature of the criminal objective; or

8 (6) When a defendant is convicted of any felony and the
9 offense involved any of the following types of specific
10 misconduct committed as part of a ceremony, rite,
11 initiation, observance, performance, practice or activity
12 of any actual or ostensible religious, fraternal, or social
13 group:

14 (i) the brutalizing or torturing of humans or
15 animals;

16 (ii) the theft of human corpses;

17 (iii) the kidnapping of humans;

18 (iv) the desecration of any cemetery, religious,
19 fraternal, business, governmental, educational, or
20 other building or property; or

21 (v) ritualized abuse of a child; or

22 (7) When a defendant is convicted of first degree
23 murder, after having been previously convicted in Illinois
24 of any offense listed under paragraph (c)(2) of Section
25 5-5-3, when such conviction has occurred within 10 years
26 after the previous conviction, excluding time spent in
27 custody, and such charges are separately brought and tried
28 and arise out of different series of acts; or

29 (8) When a defendant is convicted of a felony other
30 than conspiracy and the court finds that the felony was
31 committed under an agreement with 2 or more other persons
32 to commit that offense and the defendant, with respect to
33 the other individuals, occupied a position of organizer,
34 supervisor, financier, or any other position of management
35 or leadership, and the court further finds that the felony
36 committed was related to or in furtherance of the criminal

1 activities of an organized gang or was motivated by the
2 defendant's leadership in an organized gang; or

3 (9) When a defendant is convicted of a felony violation
4 of Section 24-1 of the Criminal Code of 1961 and the court
5 finds that the defendant is a member of an organized gang;
6 or

7 (10) When a defendant committed the offense using a
8 firearm with a laser sight attached to it. For purposes of
9 this paragraph (10), "laser sight" has the meaning ascribed
10 to it in Section 24.6-5 of the Criminal Code of 1961; or

11 (11) When a defendant who was at least 17 years of age
12 at the time of the commission of the offense is convicted
13 of a felony and has been previously adjudicated a
14 delinquent minor under the Juvenile Court Act of 1987 for
15 an act that if committed by an adult would be a Class X or
16 Class 1 felony when the conviction has occurred within 10
17 years after the previous adjudication, excluding time
18 spent in custody; or

19 (12) When a defendant commits an offense involving the
20 illegal manufacture of a controlled substance under
21 Section 401 of the Illinois Controlled Substances Act, the
22 illegal manufacture of methamphetamine under Section 25 of
23 the Methamphetamine Control and Community Protection Act,
24 or the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while
27 responding to the emergency caused by the commission of the
28 offense. In this paragraph (12), "emergency" means a
29 situation in which a person's life, health, or safety is in
30 jeopardy; and "emergency response officer" means a peace
31 officer, community policing volunteer, fireman, emergency
32 medical technician-ambulance, emergency medical
33 technician-intermediate, emergency medical
34 technician-paramedic, ambulance driver, other medical
35 assistance or first aid personnel, or hospital emergency
36 room personnel.

1 (b-1) For the purposes of this Section, "organized gang"
2 has the meaning ascribed to it in Section 10 of the Illinois
3 Streetgang Terrorism Omnibus Prevention Act.

4 (c) The court may impose an extended term sentence under
5 Section 5-8-2 upon any offender who was convicted of aggravated
6 criminal sexual assault or predatory criminal sexual assault of
7 a child under subsection (a)(1) of Section 12-14.1 of the
8 Criminal Code of 1961 where the victim was under 18 years of
9 age at the time of the commission of the offense.

10 (d) The court may impose an extended term sentence under
11 Section 5-8-2 upon any offender who was convicted of unlawful
12 use of weapons under Section 24-1 of the Criminal Code of 1961
13 for possessing a weapon that is not readily distinguishable as
14 one of the weapons enumerated in Section 24-1 of the Criminal
15 Code of 1961.

16 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
17 eff. 9-11-05; revised 8-19-05.)

18 Section 60. The Mental Health and Developmental
19 Disabilities Confidentiality Act is amended by changing
20 Section 12 as follows:

21 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

22 Sec. 12. (a) If the United States Secret Service or the
23 Department of State Police requests information from a mental
24 health or developmental disability facility, as defined in
25 Section 1-107 and 1-114 of the Mental Health and Developmental
26 Disabilities Code, relating to a specific recipient and the
27 facility director determines that disclosure of such
28 information may be necessary to protect the life of, or to
29 prevent the infliction of great bodily harm to, a public
30 official, or a person under the protection of the United States
31 Secret Service, only the following information may be
32 disclosed: the recipient's name, address, and age and the date
33 of any admission to or discharge from a facility; and any
34 information which would indicate whether or not the recipient

1 has a history of violence or presents a danger of violence to
2 the person under protection. Any information so disclosed shall
3 be used for investigative purposes only and shall not be
4 publicly disseminated. Any person participating in good faith
5 in the disclosure of such information in accordance with this
6 provision shall have immunity from any liability, civil,
7 criminal or otherwise, if such information is disclosed relying
8 upon the representation of an officer of the United States
9 Secret Service or the Department of State Police that a person
10 is under the protection of the United States Secret Service or
11 is a public official.

12 For the purpose of this subsection (a), the term "public
13 official" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, State Comptroller, State
15 Treasurer or member of the General Assembly. The term shall
16 also include the spouse, child or children of a public
17 official.

18 (b) The Department of Human Services (acting as successor
19 to the Department of Mental Health and Developmental
20 Disabilities) and all private hospitals are required, as
21 hereafter described in this subsection, to furnish the
22 Department of State Police only such information as may be
23 required for the sole purpose of determining whether an
24 individual who may be or may have been a patient is
25 disqualified because of that status from receiving or retaining
26 a firearm under paragraph (4) of subsection (a) of Section
27 24-3.1 of the Criminal Code of 1961 ~~Firearm Owner's~~
28 ~~Identification Card under subsection (c) of Section 8 of the~~
29 ~~Firearm Owners Identification Card Act~~. All private hospitals
30 shall, in the form and manner required by the Department,
31 provide such information as shall be necessary for the
32 Department to comply with the reporting requirements to the
33 Department of State Police. Such information shall be furnished
34 within 30 days after admission to a private hospital. Any such
35 information disclosed under this subsection shall remain
36 privileged and confidential, and shall not be redisclosed nor

1 utilized for any other purpose. The method of requiring the
2 providing of such information shall guarantee that no
3 information is released beyond what is necessary for this
4 purpose. In addition, the information disclosed shall be
5 provided by the Department within the time period established
6 by Section 24-3 of the Criminal Code of 1961 regarding the
7 delivery of firearms. The method used shall be sufficient to
8 provide the necessary information within the prescribed time
9 period, which may include periodically providing lists to the
10 Department of Human Services or any private hospital of ~~Firearm~~
11 ~~Owner's Identification Card~~ applicants for firearm purchases
12 on which the Department or hospital shall indicate the
13 identities of those individuals who are to its knowledge
14 disqualified from having a firearm ~~Firearm Owner's~~
15 ~~Identification Card~~ for reasons described herein. The
16 Department may provide for a centralized source of information
17 for the State on this subject under its jurisdiction.

18 Any person, institution, or agency, under this Act,
19 participating in good faith in the reporting or disclosure of
20 records and communications otherwise in accordance with this
21 provision or with rules, regulations or guidelines issued by
22 the Department shall have immunity from any liability, civil,
23 criminal or otherwise, that might result by reason of the
24 action. For the purpose of any proceeding, civil or criminal,
25 arising out of a report or disclosure in accordance with this
26 provision, the good faith of any person, institution, or agency
27 so reporting or disclosing shall be presumed. The full extent
28 of the immunity provided in this subsection (b) shall apply to
29 any person, institution or agency that fails to make a report
30 or disclosure in the good faith belief that the report or
31 disclosure would violate federal regulations governing the
32 confidentiality of alcohol and drug abuse patient records
33 implementing 42 U.S.C. 290dd-3 and 290ee-3.

34 For purposes of this subsection (b) only, the following
35 terms shall have the meaning prescribed:

36 (1) "Hospital" means only that type of institution

1 which is providing full-time residential facilities and
2 treatment for in-patients and excludes institutions, such
3 as community clinics, which only provide treatment to
4 out-patients.

5 (2) "Patient" shall mean only a person who is an
6 in-patient or resident of any hospital, not an out-patient
7 or client seen solely for periodic consultation.

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
27 justice, a facility director may disclose whether a person is
28 present at the facility. Upon request of a peace officer or
29 prosecuting authority who has a valid forcible felony warrant
30 issued, a facility director shall disclose: (1) whether the
31 person who is the subject of the warrant is present at the
32 facility and (2) the date of that person's discharge or future
33 discharge from the facility. The requesting peace officer or
34 prosecuting authority must furnish a case number and the
35 purpose of the investigation or an outstanding arrest warrant
36 at the time of the request. Any person, institution, or agency

1 participating in good faith in disclosing such information in
2 accordance with this subsection (d) is immune from any
3 liability, civil, criminal or otherwise, that might result by
4 reason of the action.

5 (Source: P.A. 92-738, eff. 7-25-02.)

6 Section 65. The Uniform Disposition of Unclaimed Property
7 Act is amended by changing Section 1 as follows:

8 (765 ILCS 1025/1) (from Ch. 141, par. 101)

9 Sec. 1. As used in this Act, unless the context otherwise
10 requires:

11 (a) "Banking organization" means any bank, trust company,
12 savings bank, industrial bank, land bank, safe deposit company,
13 or a private banker.

14 (b) "Business association" means any corporation, joint
15 stock company, business trust, partnership, or any
16 association, limited liability company, or other business
17 entity consisting of one or more persons, whether or not for
18 profit.

19 (c) "Financial organization" means any savings and loan
20 association, building and loan association, credit union,
21 currency exchange, co-operative bank, mutual funds, or
22 investment company.

23 (d) "Holder" means any person in possession of property
24 subject to this Act belonging to another, or who is trustee in
25 case of a trust, or is indebted to another on an obligation
26 subject to this Act.

27 (e) "Life insurance corporation" means any association or
28 corporation transacting the business of insurance on the lives
29 of persons or insurance appertaining thereto, including, but
30 not by way of limitation, endowments and annuities.

31 (f) "Owner" means a depositor in case of a deposit, a
32 beneficiary in case of a trust, a creditor, claimant, or payee
33 in case of other property, or any person having a legal or
34 equitable interest in property subject to this Act, or his

1 legal representative.

2 (g) "Person" means any individual, business association,
3 financial organization, government or political subdivision or
4 agency, public authority, estate, trust, or any other legal or
5 commercial entity.

6 (h) "Utility" means any person who owns or operates, for
7 public use, any plant, equipment, property, franchise, or
8 license for the transmission of communications or the
9 production, storage, transmission, sale, delivery, or
10 furnishing of electricity, water, steam, oil or gas.

11 (i) (Blank).

12 (j) "Insurance company" means any person transacting the
13 kinds of business enumerated in Section 4 of the Illinois
14 Insurance Code other than life insurance.

15 (k) "Economic loss", as used in Sections 2a and 9 of this
16 Act includes, but is not limited to, delivery charges,
17 mark-downs and write-offs, carrying costs, restocking charges,
18 lay-aways, special orders, issuance of credit memos, and the
19 costs of special services or goods provided that reduce the
20 property value or that result in lost sales opportunity.

21 (l) "Reportable property" means property, tangible or
22 intangible, presumed abandoned under this Act that must be
23 appropriately and timely reported and remitted to the Office of
24 the State Treasurer under this Act. Interest, dividends, stock
25 splits, warrants, or other rights that become reportable
26 property under this Act include the underlying security or
27 commodity giving rise to the interest, dividend, split,
28 warrant, or other right to which the owner would be entitled.

29 (m) "Firearm" has the meaning ascribed to that term in
30 Section 2-7.5 of the Criminal Code of 1961 ~~the Firearm Owners~~
31 ~~Identification Card Act.~~

32 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
33 eff. 6-2-00.)