



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 5831

2 AMENDMENT NO. _____. Amend House Bill 5831 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

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

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

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

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures

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

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

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

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

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

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

21 (i) Information contained in a local emergency energy plan
22 submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under Section
24 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution of
26 surcharge moneys collected and remitted by wireless carriers

1 under the Wireless Emergency Telephone Safety Act.

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

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

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

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

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

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act or the St. Clair County
3 Transit District under the Bi-State Transit Safety Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

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

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

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

23 (u) Records and information provided to an independent team
24 of experts under Brian's Law.

25 (v) Names and information of people who have applied for or
26 received Firearm Owner's Identification Cards or certificates

1 of handgun registration under the Firearm Owners
2 Identification Card and Certificate of Handgun Registration
3 Act.

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

7 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
8 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
9 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

10 Section 10. The Department of State Police Law of the Civil
11 Administrative Code of Illinois is amended by changing Sections
12 2605-45 and 2605-120 as follows:

13 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

14 Sec. 2605-45. Division of Administration. The Division of
15 Administration shall exercise the following functions:

16 (1) Exercise the rights, powers, and duties vested in
17 the Department by the Governor's Office of Management and
18 Budget Act.

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

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

23 (4) Operate an electronic data processing and computer
24 center for the storage and retrieval of data pertaining to

1 criminal activity.

2 (5) Exercise the rights, powers, and duties vested in
3 the former Division of State Troopers by Section 17 of the
4 State Police Act.

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

9 (6.5) Exercise the rights, powers, and duties vested in
10 the Department by the Firearm Owners Identification Card
11 and Certificate of Handgun Registration Act.

12 (7) Exercise other duties that may be assigned by the
13 Director to fulfill the responsibilities and achieve the
14 purposes of the Department.

15 (Source: P.A. 94-793, eff. 5-19-06.)

16 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-120. Firearm Owners Identification Card and
18 Certificate of Handgun Registration Act. To exercise the
19 rights, powers, and duties that have been vested in the
20 Department of Public Safety by the Firearm Owners
21 Identification Card and Certificate of Handgun Registration
22 Act.

23 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
24 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
25 eff. 8-14-98; 91-239, eff. 1-1-00.)

1 Section 15. The State Finance Act is amended by adding
2 Sections 5.811, 5.812, 5.813, 6z-93, and 6z-94 as follows:

3 (30 ILCS 105/5.811 new)

4 Sec. 5.811. The National Instant Criminal Background Check
5 System Improvement Fund.

6 (30 ILCS 105/5.812 new)

7 Sec. 5.812. The Illinois LEADS Information and Technology
8 Improvement Fund.

9 (30 ILCS 105/5.813 new)

10 Sec. 5.813. The Handgun Certificate Administration Fund.

11 (30 ILCS 105/6z-93 new)

12 Sec. 6z-93. National Instant Criminal Background Check
13 System Improvement Fund.

14 (a) There is created in the State treasury a special fund
15 known as National Instant Criminal Background Check System
16 Improvement Fund. The Fund shall receive revenue pursuant to
17 Section 3.4 of the Firearm Owners Identification Card and
18 Certificate of Handgun Registration Act. The Fund may also
19 receive revenue from grants, donations, appropriations, and
20 any other legal source.

21 (b) The Department of State Police shall use moneys in the

1 Fund to perform its duties and responsibilities under
2 subsection (e) of Section 3.1 of the Firearm Owners
3 Identification Card and Certificate of Handgun Registration
4 Act.

5 (c) Expenditures may be made from the Fund only as
6 appropriated by the General Assembly by law.

7 (d) Investment income that is attributable to the
8 investment of moneys in the Fund shall be retained in the Fund
9 for the uses specified in this Section.

10 (e) The Fund shall not be subject to administrative
11 chargebacks.

12 (30 ILCS 105/6z-94 new)

13 Sec. 6z-94. Illinois LEADS Information and Technology
14 Improvement Fund.

15 (a) There is created in the State treasury a special fund
16 known as the Illinois LEADS Information and Technology
17 Improvement Fund. The Fund shall receive revenue pursuant to
18 Section 3.4 of the Firearm Owners Identification Card and
19 Certificate of Handgun Registration Act. The Fund may also
20 receive revenue from grants, donations, appropriations, and
21 any other legal source.

22 (b) The Department of State Police shall use the moneys in
23 the Fund to update and improve the technology used for the Law
24 Enforcement Agencies Data System (LEADS) system. The Fund shall
25 also be used to support the Department's responsibilities in

1 managing background checks and public safety record-keeping.

2 (c) Moneys in the Fund shall also be used to fund grants
3 made available to local law enforcement to support their
4 technological infrastructure.

5 (d) Expenditures may be made from the Fund only as
6 appropriated by the General Assembly by law.

7 (e) Investment income that is attributable to the
8 investment of moneys in the Fund shall be retained in the Fund
9 for the uses specified in this Section.

10 (f) The Fund shall not be subject to administrative
11 chargebacks.

12 Section 20. The School Code is amended by changing Sections
13 10-22.6, 10-27.1A, and 34-8.05 as follows:

14 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

15 Sec. 10-22.6. Suspension or expulsion of pupils; school
16 searches.

17 (a) To expel pupils guilty of gross disobedience or
18 misconduct, including gross disobedience or misconduct
19 perpetuated by electronic means, and no action shall lie
20 against them for such expulsion. Expulsion shall take place
21 only after the parents have been requested to appear at a
22 meeting of the board, or with a hearing officer appointed by
23 it, to discuss their child's behavior. Such request shall be
24 made by registered or certified mail and shall state the time,

1 place and purpose of the meeting. The board, or a hearing
2 officer appointed by it, at such meeting shall state the
3 reasons for dismissal and the date on which the expulsion is to
4 become effective. If a hearing officer is appointed by the
5 board he shall report to the board a written summary of the
6 evidence heard at the meeting and the board may take such
7 action thereon as it finds appropriate. An expelled pupil may
8 be immediately transferred to an alternative program in the
9 manner provided in Article 13A or 13B of this Code. A pupil
10 must not be denied transfer because of the expulsion, except in
11 cases in which such transfer is deemed to cause a threat to the
12 safety of students or staff in the alternative program.

13 (b) To suspend or by policy to authorize the superintendent
14 of the district or the principal, assistant principal, or dean
15 of students of any school to suspend pupils guilty of gross
16 disobedience or misconduct, or to suspend pupils guilty of
17 gross disobedience or misconduct on the school bus from riding
18 the school bus, and no action shall lie against them for such
19 suspension. The board may by policy authorize the
20 superintendent of the district or the principal, assistant
21 principal, or dean of students of any school to suspend pupils
22 guilty of such acts for a period not to exceed 10 school days.
23 If a pupil is suspended due to gross disobedience or misconduct
24 on a school bus, the board may suspend the pupil in excess of
25 10 school days for safety reasons. Any suspension shall be
26 reported immediately to the parents or guardian of such pupil

1 along with a full statement of the reasons for such suspension
2 and a notice of their right to a review. The school board must
3 be given a summary of the notice, including the reason for the
4 suspension and the suspension length. Upon request of the
5 parents or guardian the school board or a hearing officer
6 appointed by it shall review such action of the superintendent
7 or principal, assistant principal, or dean of students. At such
8 review the parents or guardian of the pupil may appear and
9 discuss the suspension with the board or its hearing officer.
10 If a hearing officer is appointed by the board he shall report
11 to the board a written summary of the evidence heard at the
12 meeting. After its hearing or upon receipt of the written
13 report of its hearing officer, the board may take such action
14 as it finds appropriate. A pupil who is suspended in excess of
15 20 school days may be immediately transferred to an alternative
16 program in the manner provided in Article 13A or 13B of this
17 Code. A pupil must not be denied transfer because of the
18 suspension, except in cases in which such transfer is deemed to
19 cause a threat to the safety of students or staff in the
20 alternative program.

21 (c) The Department of Human Services shall be invited to
22 send a representative to consult with the board at such meeting
23 whenever there is evidence that mental illness may be the cause
24 for expulsion or suspension.

25 (d) The board may expel a student for a definite period of
26 time not to exceed 2 calendar years, as determined on a case by

1 case basis. A student who is determined to have brought one of
2 the following objects to school, any school-sponsored activity
3 or event, or any activity or event that bears a reasonable
4 relationship to school shall be expelled for a period of not
5 less than one year:

6 (1) A firearm. For the purposes of this Section,
7 "firearm" means any gun, rifle, shotgun, weapon as defined
8 by Section 921 of Title 18 of the United States Code,
9 firearm as defined in Section 1.1 of the Firearm Owners
10 Identification Card and Certificate of Handgun
11 Registration Act, or firearm as defined in Section 24-1 of
12 the Criminal Code of 1961. The expulsion period under this
13 subdivision (1) may be modified by the superintendent, and
14 the superintendent's determination may be modified by the
15 board on a case-by-case basis.

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

24 Expulsion or suspension shall be construed in a manner
25 consistent with the Federal Individuals with Disabilities
26 Education Act. A student who is subject to suspension or

1 expulsion as provided in this Section may be eligible for a
2 transfer to an alternative school program in accordance with
3 Article 13A of the School Code. The provisions of this
4 subsection (d) apply in all school districts, including special
5 charter districts and districts organized under Article 34.

6 (d-5) The board may suspend or by regulation authorize the
7 superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend a
9 student for a period not to exceed 10 school days or may expel
10 a student for a definite period of time not to exceed 2
11 calendar years, as determined on a case by case basis, if (i)
12 that student has been determined to have made an explicit
13 threat on an Internet website against a school employee, a
14 student, or any school-related personnel, (ii) the Internet
15 website through which the threat was made is a site that was
16 accessible within the school at the time the threat was made or
17 was available to third parties who worked or studied within the
18 school grounds at the time the threat was made, and (iii) the
19 threat could be reasonably interpreted as threatening to the
20 safety and security of the threatened individual because of his
21 or her duties or employment status or status as a student
22 inside the school. The provisions of this subsection (d-5)
23 apply in all school districts, including special charter
24 districts and districts organized under Article 34 of this
25 Code.

26 (e) To maintain order and security in the schools, school

1 authorities may inspect and search places and areas such as
2 lockers, desks, parking lots, and other school property and
3 equipment owned or controlled by the school, as well as
4 personal effects left in those places and areas by students,
5 without notice to or the consent of the student, and without a
6 search warrant. As a matter of public policy, the General
7 Assembly finds that students have no reasonable expectation of
8 privacy in these places and areas or in their personal effects
9 left in these places and areas. School authorities may request
10 the assistance of law enforcement officials for the purpose of
11 conducting inspections and searches of lockers, desks, parking
12 lots, and other school property and equipment owned or
13 controlled by the school for illegal drugs, weapons, or other
14 illegal or dangerous substances or materials, including
15 searches conducted through the use of specially trained dogs.
16 If a search conducted in accordance with this Section produces
17 evidence that the student has violated or is violating either
18 the law, local ordinance, or the school's policies or rules,
19 such evidence may be seized by school authorities, and
20 disciplinary action may be taken. School authorities may also
21 turn over such evidence to law enforcement authorities. The
22 provisions of this subsection (e) apply in all school
23 districts, including special charter districts and districts
24 organized under Article 34.

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if
3 a student is suspended or expelled for any reason from any
4 public or private school in this or any other state, the
5 student must complete the entire term of the suspension or
6 expulsion in an alternative school program under Article 13A of
7 this Code or an alternative learning opportunities program
8 under Article 13B of this Code before being admitted into the
9 school district if there is no threat to the safety of students
10 or staff in the alternative program. This subsection (g)
11 applies to all school districts, including special charter
12 districts and districts organized under Article 34 of this
13 Code.

14 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
15 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

16 (105 ILCS 5/10-27.1A)

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

18 (a) All school officials, including teachers, guidance
19 counselors, and support staff, shall immediately notify the
20 office of the principal in the event that they observe any
21 person in possession of a firearm on school grounds; provided
22 that taking such immediate action to notify the office of the
23 principal would not immediately endanger the health, safety, or
24 welfare of students who are under the direct supervision of the
25 school official or the school official. If the health, safety,

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

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

1 liability that might otherwise be incurred or imposed as a
2 result of making the reports. Knowingly and willfully failing
3 to comply with this Section is a petty offense. A second or
4 subsequent offense is a Class C misdemeanor. If the person
5 found to be in possession of the firearm on school grounds is a
6 minor, the law enforcement agency shall detain that minor until
7 such time as the agency makes a determination pursuant to
8 clause (a) of subsection (1) of Section 5-401 of the Juvenile
9 Court Act of 1987, as to whether the agency reasonably believes
10 that the minor is delinquent. If the law enforcement agency
11 determines that probable cause exists to believe that the minor
12 committed a violation of item (4) of subsection (a) of Section
13 24-1 of the Criminal Code of 1961 while on school grounds, the
14 agency shall detain the minor for processing pursuant to
15 Section 5-407 of the Juvenile Court Act of 1987.

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

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

7 (d) As used in this Section, the term "firearm" shall have
8 the meaning ascribed to it in Section 1.1 of the Firearm Owners
9 Identification Card and Certificate of Handgun Registration
10 Act.

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

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

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

19 (105 ILCS 5/34-8.05)

20 Sec. 34-8.05. Reporting firearms in schools. On or after
21 January 1, 1997, upon receipt of any written, electronic, or
22 verbal report from any school personnel regarding a verified
23 incident involving a firearm in a school or on school owned or
24 leased property, including any conveyance owned, leased, or
25 used by the school for the transport of students or school

1 personnel, the general superintendent or his or her designee
2 shall report all such firearm-related incidents occurring in a
3 school or on school property to the local law enforcement
4 authorities no later than 24 hours after the occurrence of the
5 incident and to the Department of State Police in a form,
6 manner, and frequency as prescribed by the Department of State
7 Police.

8 The State Board of Education shall receive an annual
9 statistical compilation and related data associated with
10 incidents involving firearms in schools from the Department of
11 State Police. As used in this Section, the term "firearm" shall
12 have the meaning ascribed to it in Section 1.1 of the Firearm
13 Owners Identification Card and Certificate of Handgun
14 Registration Act.

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

16 Section 25. The Lead Poisoning Prevention Act is amended by
17 changing Section 2 as follows:

18 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

20 "Abatement" means the removal or encapsulation of all
21 leadbearing substances in a residential building or dwelling
22 unit.

23 "Child care facility" means any structure used by a child
24 care provider licensed by the Department of Children and Family

1 Services or public school structure frequented by children
2 through 6 years of age.

3 "Delegate agency" means a unit of local government or
4 health department approved by the Department to carry out the
5 provisions of this Act.

6 "Department" means the Department of Public Health of the
7 State of Illinois.

8 "Dwelling" means any structure all or part of which is
9 designed or used for human habitation.

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

22 "Exposed surface" means any interior or exterior surface of
23 a dwelling or residential building.

24 "Lead abatement contractor" means any person or entity
25 licensed by the Department to perform lead abatement and
26 mitigation.

1 "Lead abatement worker" means any person employed by a lead
2 abatement contractor and licensed by the Department to perform
3 lead abatement and mitigation.

4 "Lead bearing substance" means any item containing or
5 coated with lead such that the lead content is more than
6 six-hundredths of one percent (0.06%) lead by total weight; or
7 any dust on surfaces or in furniture or other nonpermanent
8 elements of the dwelling; or any paint or other surface coating
9 material containing more than five-tenths of one percent (0.5%)
10 lead by total weight (calculated as lead metal) in the total
11 non-volatile content of liquid paint; or lead bearing
12 substances containing greater than one milligram per square
13 centimeter or any lower standard for lead content in
14 residential paint as may be established by federal law or
15 regulation; or more than 1 milligram per square centimeter in
16 the dried film of paint or previously applied substance; or
17 item or dust on item containing lead in excess of the amount
18 specified in the rules and regulations authorized by this Act
19 or a lower standard for lead content as may be established by
20 federal law or regulation. "Lead bearing substance" does not
21 include firearm ammunition or components as defined by the
22 Firearm Owners Identification Card and Certificate of Handgun
23 Registration Act.

24 "Lead hazard" means a lead bearing substance that poses an
25 immediate health hazard to humans.

26 "Lead poisoning" means the condition of having blood lead

1 levels in excess of those considered safe under State and
2 federal rules and regulations.

3 "Low risk area" means an area in the State determined by
4 the Department to be low risk for lead exposure for children
5 through 6 years of age. The Department shall consider the
6 factors named in "high risk area" to determine low risk areas.

7 "Mitigation" means the remediation, in a manner described
8 in Section 9, of a lead hazard so that the lead bearing
9 substance does not pose an immediate health hazard to humans.

10 "Owner" means any person, who alone, jointly, or severally
11 with others:

12 (a) Has legal title to any dwelling or residential
13 building, with or without accompanying actual possession
14 of the dwelling or residential building, or

15 (b) Has charge, care or control of the dwelling or
16 residential building as owner or agent of the owner, or as
17 executor, administrator, trustee, or guardian of the
18 estate of the owner.

19 "Person" means any one or more natural persons, legal
20 entities, governmental bodies, or any combination.

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

25 "Risk assessment" means a questionnaire to be developed by
26 the Department for use by physicians and other health care

1 providers to determine risk factors for children through 6
2 years of age residing in areas designated as low risk for lead
3 exposure.

4 (Source: P.A. 94-879, eff. 6-20-06.)

5 Section 30. The Firearm Owners Identification Card Act is
6 amended by changing Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and
7 14 and by adding Section 3.4 as follows:

8 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

9 Sec. 0.01. Short title. This Act may be cited as the
10 Firearm Owners Identification Card and Certificate of Handgun
11 Registration Act.

12 (Source: P.A. 86-1324.)

13 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

14 Sec. 1. It is hereby declared as a matter of legislative
15 determination that in order to promote and protect the health,
16 safety and welfare of the public, it is necessary and in the
17 public interest to provide a system of identifying persons who
18 are not qualified to acquire or possess firearms, firearm
19 ammunition, stun guns, and tasers within the State of Illinois
20 by the establishment of a system of Firearm Owner's
21 Identification Cards and handgun registration, thereby
22 establishing a practical and workable system by which law
23 enforcement authorities will be afforded an opportunity to

1 identify those persons who are prohibited by Section 24-3.1 of
2 the "Criminal Code of 1961", as amended, from acquiring or
3 possessing firearms and firearm ammunition and who are
4 prohibited by this Act from acquiring stun guns and tasers, and
5 to identify the ownership of handguns that have been recovered
6 or seized as evidence.

7 (Source: P.A. 94-6, eff. 1-1-06.)

8 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

9 Sec. 1.1. For purposes of this Act:

10 "Has been adjudicated as a mental defective" means the
11 person is the subject of a determination by a court, board,
12 commission or other lawful authority that a person, as a result
13 of marked subnormal intelligence, or mental illness, mental
14 impairment, incompetency, condition, or disease:

15 (1) is a danger to himself, herself, or to others;

16 (2) lacks the mental capacity to manage his or her own
17 affairs;

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

20 (4) is incompetent to stand trial in a criminal case;

21 (5) is not guilty by reason of lack of mental
22 responsibility pursuant to Articles 50a and 72b of the
23 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

24 "Certificate of handgun registration" means a certificate
25 issued by the Illinois Department of State Police pursuant to

1 Section 3.4 of this Act.

2 "Counterfeit" means to copy or imitate, without legal
3 authority, with intent to deceive.

4 "Federally licensed firearm dealer" means a person who is
5 licensed as a federal firearms dealer under Section 923 of the
6 federal Gun Control Act of 1968 (18 U.S.C. 923).

7 "Firearm" means any device, by whatever name known, which
8 is designed to expel a projectile or projectiles by the action
9 of an explosion, expansion of gas or escape of gas; excluding,
10 however:

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

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

19 (3) any device used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial
21 ammunition; and

22 (4) an antique firearm (other than a machine-gun)
23 which, although designed as a weapon, the Department of
24 State Police finds by reason of the date of its
25 manufacture, value, design, and other characteristics is
26 primarily a collector's item and is not likely to be used

1 as a weapon.

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

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

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "Gun show" means an event or function:

13 (1) at which the sale and transfer of firearms is the
14 regular and normal course of business and where 50 or more
15 firearms are displayed, offered, or exhibited for sale,
16 transfer, or exchange; or

17 (2) at which not less than 10 gun show vendors display,
18 offer, or exhibit for sale, sell, transfer, or exchange
19 firearms.

20 "Gun show" includes the entire premises provided for an
21 event or function, including parking areas for the event or
22 function, that is sponsored to facilitate the purchase, sale,
23 transfer, or exchange of firearms as described in this Section.

24 "Gun show" does not include training or safety classes,
25 competitive shooting events, such as rifle, shotgun, or handgun
26 matches, trap, skeet, or sporting clays shoots, dinners,

1 banquets, raffles, or any other event where the sale or
2 transfer of firearms is not the primary course of business.

3 "Gun show promoter" means a person who organizes or
4 operates a gun show.

5 "Gun show vendor" means a person who exhibits, sells,
6 offers for sale, transfers, or exchanges any firearms at a gun
7 show, regardless of whether the person arranges with a gun show
8 promoter for a fixed location from which to exhibit, sell,
9 offer for sale, transfer, or exchange any firearm.

10 "Handgun" means a firearm designed to be held and fired by
11 the use of a single hand, and includes a combination of parts
12 from which the firearm can be assembled.

13 "Sanctioned competitive shooting event" means a shooting
14 contest officially recognized by a national or state shooting
15 sport association, and includes any sight-in or practice
16 conducted in conjunction with the event.

17 "Stun gun or taser" has the meaning ascribed to it in
18 Section 24-1 of the Criminal Code of 1961.

19 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
20 eff. 8-21-07; 95-581, eff. 6-1-08.)

21 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

22 Sec. 3. (a) Except as provided in Section 3a, no person may
23 knowingly transfer, or cause to be transferred, any firearm,
24 firearm ammunition, stun gun, or taser to any person within
25 this State unless the transferee with whom he deals displays a

1 currently valid Firearm Owner's Identification Card which has
2 previously been issued in his name by the Department of State
3 Police under the provisions of this Act. In addition, all
4 firearm, stun gun, and taser transfers by federally licensed
5 firearm dealers are subject to Section 3.1. In addition, the
6 transferor and transferee of a handgun shall be subject to
7 Section 3.4 of this Act regardless of whether the transferor is
8 a federally licensed firearm dealer.

9 (a-5) Any person who is not a federally licensed firearm
10 dealer and who desires to transfer or sell a firearm while that
11 person is on the grounds of a gun show must, before selling or
12 transferring the firearm, request the Department of State
13 Police to conduct a background check on the prospective
14 recipient of the firearm in accordance with Section 3.1.
15 Whenever a person who is exempt from Section 3.4 of this Act
16 transfers a handgun to a person who is not exempt, the
17 transferor shall notify the Department of State Police of the
18 transfer, on a form or in a manner prescribed by the
19 Department, within 10 days after the transfer.

20 (b) Any person within this State who transfers or causes to
21 be transferred any firearm, stun gun, or taser shall keep a
22 record of such transfer for a period of 10 years from the date
23 of transfer. Such record shall contain the date of the
24 transfer; the description, serial number or other information
25 identifying the firearm, stun gun, or taser if no serial number
26 is available; and, if the transfer was completed within this

1 State, the transferee's Firearm Owner's Identification Card
2 number. On or after January 1, 2006, the record shall contain
3 the date of application for transfer of the firearm. On demand
4 of a peace officer such transferor shall produce for inspection
5 such record of transfer. If the transfer or sale took place at
6 a gun show, the record shall include the unique identification
7 number. Failure to record the unique identification number is a
8 petty offense.

9 (b-5) Any resident may purchase ammunition from a person
10 outside of Illinois. Any resident purchasing ammunition
11 outside the State of Illinois must provide the seller with a
12 copy of his or her valid Firearm Owner's Identification Card
13 and either his or her Illinois driver's license or Illinois
14 State Identification Card prior to the shipment of the
15 ammunition. The ammunition may be shipped only to an address on
16 either of those 2 documents.

17 (c) The provisions of this Section regarding the transfer
18 of firearm ammunition shall not apply to those persons
19 specified in paragraph (b) of Section 2 of this Act.

20 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
21 eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)

22 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

23 Sec. 3.1. Dial up system.

24 (a) The Department of State Police shall provide a dial up
25 telephone system or utilize other existing technology which

1 shall be used by any federally licensed firearm dealer, gun
2 show promoter, or gun show vendor who is to transfer a firearm,
3 stun gun, or taser under the provisions of this Act. The
4 Department of State Police may utilize existing technology
5 which allows the caller to be charged a fee not to exceed \$2.
6 Fees collected by the Department of State Police shall be
7 deposited in the State Police Services Fund and used to provide
8 the service.

9 (b) Upon receiving a request from a federally licensed
10 firearm dealer, gun show promoter, or gun show vendor, the
11 Department of State Police shall immediately approve, or within
12 the time period established by Section 24-3 of the Criminal
13 Code of 1961 regarding the delivery of firearms, stun guns, and
14 tasers notify the inquiring dealer, gun show promoter, or gun
15 show vendor of any objection that would disqualify the
16 transferee from acquiring or possessing a firearm, stun gun, or
17 taser. In conducting the inquiry, the Department of State
18 Police shall initiate and complete an automated search of its
19 criminal history record information files and those of the
20 Federal Bureau of Investigation, including the National
21 Instant Criminal Background Check System, and of the files of
22 the Department of Human Services relating to mental health and
23 developmental disabilities to obtain any felony conviction or
24 patient hospitalization information which would disqualify a
25 person from obtaining or require revocation of a currently
26 valid Firearm Owner's Identification Card.

1 (c) If receipt of a firearm would not violate Section 24-3
2 of the Criminal Code of 1961, federal law, or this Act the
3 Department of State Police 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) (1) The Department of State Police must act as the
12 Illinois Point of Contact for the National Instant Criminal
13 Background Check System.

14 (2) The Department of State Police and the Department of
15 Human Services shall, in accordance with State and federal law
16 regarding confidentiality, enter into a memorandum of
17 understanding with the Federal Bureau of Investigation for the
18 purpose of implementing the National Instant Criminal
19 Background Check System in the State. The Department of State
20 Police shall report the name, date of birth, and physical
21 description of any person prohibited from possessing a firearm
22 pursuant to the Firearm Owners Identification Card and
23 Certificate of Handgun Registration Act or 18 U.S.C. 922(g) and

24 (n) to the National Instant Criminal Background Check System
25 Index, Denied Persons Files. The Department of State Police
26 shall implement a program to distribute grant moneys, with

1 funds appropriated for that purpose, to units of local
2 government to facilitate participation in the National Instant
3 Criminal Background Check System by their enforcement
4 agencies.

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

7 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
8 eff. 8-21-07; 95-564, eff. 6-1-08.)

9 (430 ILCS 65/3.4 new)

10 Sec. 3.4. Certificate of handgun registration.

11 (a) No person shall transport or possess a handgun in this
12 State without a certificate of handgun registration issued for
13 that handgun by the Department of State Police.

14 (b) The provisions of this Section prohibiting a person
15 from transporting or possessing a handgun without a certificate
16 of handgun registration do not apply to the following persons:

17 (1) any person who is exempt from the Firearm Owners
18 Identification Card Act requirements pursuant to
19 subsection (b) of Section 2 of this Act;

20 (2) any person who is exempt from the Firearm Owners
21 Identification Card Act requirements pursuant to
22 subsection (c) of Section 2 of this Act; and

23 (3) a federally licensed firearm dealer holding a new
24 handgun for transfer or sale.

25 (c) An applicant for an original or transferred certificate

1 of handgun registration shall submit an application to the
2 Department, prepared and furnished at convenient locations
3 throughout the State or by electronic means. The application
4 shall request the following information from the applicant:

5 (1) the applicant's name, address, and telephone
6 number;

7 (2) a copy of the applicant's Illinois Firearm Owner's
8 Identification Card;

9 (3) the name of the manufacturer, the caliber or gauge,
10 the model, the type, and the serial number identification
11 of the handgun to be registered;

12 (4) the source from which the handgun was obtained,
13 including the name and address of the source;

14 (5) the date the handgun was acquired;

15 (6) any other information that the Department shall
16 find reasonably necessary or desirable to effectuate the
17 purposes of this Act and to arrive at a fair determination
18 as to whether the terms of this Act have been complied
19 with; and

20 (7) an affidavit signed by the applicant certifying
21 that the applicant:

22 (A) possesses a valid Firearm Owner's
23 Identification Card;

24 (B) as of the date of application, would still be
25 eligible to receive a Firearm Owner's Identification
26 Card from the Department.

1 (d) Any person who transports or possesses a handgun
2 without a current certificate of handgun registration is guilty
3 of a Class 2 felony. Any person who knowingly enters false or
4 misleading information or who submits false or misleading
5 evidence in connection with the application described in
6 subsection (c) of this Section is guilty of a Class 2 felony.
7 Any person who knows or should know that his or her registered
8 handgun is lost, stolen, missing, or destroyed but does not
9 report that occurrence to local law enforcement is guilty of a
10 Class A misdemeanor. Any person who sells, transfers, or
11 otherwise disposes of his or her registered handgun and does
12 not notify the Department of that sale, transfer, or
13 disposition within the timelines in this Act is guilty of a
14 Class A misdemeanor. Any federally licensed dealer who does not
15 submit an application on behalf of a purchaser in accordance
16 with subsection (1-5) of this Section is guilty of a Class A
17 misdemeanor.

18 (e) The Department shall issue an original or transferred
19 certificate of registration or shall issue a written denial of
20 the application within 30 days after the application is
21 received.

22 (e-5) There is created in the State treasury the Handgun
23 Certificate Administration Fund to be used by the Department of
24 State Police for the administration of handgun registration as
25 required by this Act.

26 (f) Except as provided in subsection (g) of this Section, a

1 nonrefundable application fee of \$20 shall be payable for each
2 original or transferred certificate of handgun registration.
3 All moneys received from this \$20 fee shall be deposited as
4 follows:

5 (1) \$10 to the Handgun Certificate Administration Fund
6 for the administration of handgun registration;

7 (2) \$5 to the Illinois LEADS Information and Technology
8 Improvement Fund; and

9 (3) \$5 to the National Instant Criminal Background
10 Check System Improvement Fund.

11 (g) A nonrefundable application fee of \$20 shall be payable
12 for each original or transferred certificate of handgun
13 registration submitted to the Department within 90 days after
14 the effective date of this amendatory Act of the 97th General
15 Assembly. All moneys received from this \$20 fee shall be
16 deposited as follows:

17 (1) \$10 to the Handgun Certificate Administration Fund
18 for the administration of handgun registration;

19 (2) \$5 to the Illinois LEADS Information and Technology
20 Improvement Fund; and

21 (3) \$5 to the National Instant Criminal Background
22 Check System Improvement Fund.

23 (h) A nonrefundable fee of \$10 shall be payable for each
24 duplicate or replacement certificate of handgun registration.
25 All moneys received from this \$10 fee shall be deposited into
26 the Handgun Certificate Administration Fund for the

1 administration of handgun registration.

2 (i) Certificates of handgun registration shall expire
3 every 5 years. The fee for renewal of a certificate of handgun
4 registration is \$10. All moneys received from this \$10 fee
5 shall be deposited into the Handgun Certificate Administration
6 Fund for the administration of handgun registration.

7 (j) Every person issued a certificate of handgun
8 registration shall notify local law enforcement within 72 hours
9 when:

10 (1) the person knows, or should have known, that his or
11 her handgun is lost, stolen, destroyed, or otherwise
12 missing; or

13 (2) the person knows, or should have known, that his or
14 her certificate of handgun registration is lost, stolen,
15 destroyed, or otherwise missing.

16 (j-5) Every person issued a certificate of handgun
17 registration shall notify the Department in a manner prescribed
18 by the Department within 72 hours of any of the following
19 events:

20 (1) a change in any of the information appearing on the
21 certificate of handgun registration;

22 (2) the sale, transfer, inheritance, or other
23 disposition of the registered handgun.

24 (k) Every person issued a certificate of handgun
25 registration, in addition to any other requirements of this
26 Section, shall immediately return to the Department his or her

1 copy of the certificate of handgun registration for any handgun
2 which is lost, stolen, destroyed, or otherwise disposed of.

3 (l) If an owner transfers ownership of a handgun, he or she
4 shall execute to the transferee, at the time of the delivery of
5 the handgun, an assignment of registration in the space
6 provided on the certificate of handgun registration, and shall
7 cause the certificate and assignment to be delivered to the
8 transferee.

9 (l-5) In the case of a federally licensed firearm dealer
10 making a sale of a new handgun, the dealer shall submit the
11 application described in subsection (c) of this Section along
12 with the required fee to the Department on the purchaser's
13 behalf within 20 days from the date of sale. If the purchaser
14 does not receive an original certificate of handgun
15 registration or a written denial of the application submitted
16 on his or her behalf by the dealer within 50 days from the date
17 of purchase, the purchaser shall inquire to the Department
18 regarding the status of his or her application.

19 (m) Within 20 days after the delivery to a transferee of a
20 handgun or the delivery of the certificate and assignment,
21 whichever occurs sooner, the transferee shall execute the
22 application for a new certificate of handgun registration in
23 the space provided on the certificate and cause the certificate
24 and application to be mailed or delivered to the Department.

25 (n) No transferee shall knowingly accept ownership of a
26 handgun from a transferor who has failed to obtain a

1 certificate of handgun registration in violation of this
2 Section, or who fails to execute an assignment of registration
3 to the transferee as required by subsection (l) of this
4 Section.

5 (o) Any person who accepts delivery of a handgun that has
6 not been previously registered and assigned to the transferee
7 shall file an application for an original certificate of
8 handgun registration within 20 days after taking possession of
9 the handgun. Any person who owns a handgun on the effective
10 date of this amendatory Act of the 97th General Assembly shall
11 file an application for an original certificate of handgun
12 registration not later than 90 days after the effective date of
13 this amendatory Act of the 97th General Assembly.

14 (p) Transfer of ownership of a registered handgun shall not
15 be considered complete until the transferee has complied with
16 subsection (m) of this Section, provided that a transferor who
17 has complied with subsections (j) and (l) of this Section, and
18 has complied with the requirements of Section 3 and 3.1, if
19 applicable, shall not be liable as an owner by virtue of the
20 transferee's failure to comply with subsection (m) for damages
21 arising out of use of the handgun.

22 (q) The Department has authority to deny an application for
23 or to revoke and seize a certificate of handgun registration
24 previously issued under this Section if the Department finds
25 that:

26 (1) the person does not possess a valid Firearm Owner's

1 Identification Card;

2 (2) false or misleading information was submitted to
3 the Department in connection with the application; or

4 (3) the handgun is unlawful for the applicant to own.

5 (r) The Department of State Police and local law
6 enforcement may exchange any information that is necessary for
7 the proper administration of this Section unless the exchange
8 is specifically prohibited by State or federal law.

9 (s) Whenever an application for a Certificate of Handgun
10 Registration is denied, whenever the Department fails to act on
11 an application within 30 days of its receipt, or whenever such
12 a certificate is revoked or seized, the aggrieved party may
13 appeal to the Director of the Department of State Police for a
14 hearing upon such denial, failure to act, revocation or
15 seizure, unless the denial, failure to act, revocation, or
16 seizure was based upon a forcible felony, stalking, aggravated
17 stalking, domestic battery, any violation of the Illinois
18 Controlled Substances Act, the Methamphetamine Control and
19 Community Protection Act, or the Cannabis Control Act that is
20 classified as a Class 2 or greater felony, any felony violation
21 of Article 24 of the Criminal Code of 1961, or any adjudication
22 as a delinquent minor for the commission of an offense that if
23 committed by an adult would be a felony, in which case the
24 aggrieved party may petition the circuit court in writing in
25 the county of his or her residence for a hearing upon such
26 denial, failure to act, revocation, or seizure.

1 (1) At least 30 days before any hearing in the circuit
2 court, the petitioner shall serve the relevant State's
3 Attorney with a copy of the petition. The State's Attorney
4 may object to the petition and present evidence. At the
5 hearing the court shall determine whether substantial
6 justice has been done. Should the court determine that
7 substantial justice has not been done, the court shall
8 issue an order directing the Department of State Police to
9 issue a Certificate.

10 (2) Any person prohibited from possessing a firearm
11 under Sections 24-1.1 or 24-3.1 of the Criminal Code of
12 1961 or acquiring a Certificate of Handgun Registration
13 under Section 3.4 of this Act may apply to the Director of
14 the Department of State Police or petition the circuit
15 court in the county where the petitioner resides, whichever
16 is applicable in accordance with this subsection (s),
17 requesting relief from such prohibition and the Director or
18 court may grant such relief if it is established by the
19 applicant to the court's or Director's satisfaction that:

20 (A) when in the circuit court, the State's Attorney
21 has been served with a written copy of the petition at
22 least 30 days before any such hearing in the circuit
23 court and at the hearing the State's Attorney was
24 afforded an opportunity to present evidence and object
25 to the petition;

26 (B) the applicant has not been convicted of a

1 forcible felony under the laws of this State or any
2 other jurisdiction within 20 years of the applicant's
3 application for a Firearm Owner's Identification Card,
4 or at least 20 years have passed since the end of any
5 period of imprisonment imposed in relation to that
6 conviction;

7 (C) the circumstances regarding a criminal
8 conviction, where applicable, the applicant's criminal
9 history and his reputation are such that the applicant
10 will not be likely to act in a manner dangerous to
11 public safety; and

12 (D) granting relief would not be contrary to the
13 public interest.

14 (3) When a minor is adjudicated delinquent for an
15 offense which if committed by an adult would be a felony,
16 the court shall notify the Department of State Police.

17 (4) The court shall review the denial of an application
18 or the revocation of a Certificate of Handgun Registration
19 of a person who has been adjudicated delinquent for an
20 offense that if committed by an adult would be a felony if
21 an application for relief has been filed at least 10 years
22 after the adjudication of delinquency and the court
23 determines that the applicant should be granted relief from
24 disability to obtain a Certificate of Handgun
25 Registration. If the court grants relief, the court shall
26 notify the Department of State Police that the disability

1 has been removed and that the applicant is eligible to
2 obtain a Certificate of Handgun Registration.

3 (5) Any person who is prohibited from possessing a
4 firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the
5 federal Gun Control Act of 1968 may apply to the Department
6 of State Police requesting relief from such prohibition and
7 the Director shall grant such relief if it is established
8 to the Director's satisfaction that the person will not be
9 likely to act in a manner dangerous to public safety and
10 granting relief would not be contrary to the public
11 interest.

12 (t) Notwithstanding any other provision of law, including
13 the Freedom of Information Act, it is the public policy of this
14 State that the names and information of people who have applied
15 for or received certificates of handgun registration under this
16 Section are considered private and shall not be disclosed. No
17 State or local law enforcement agency shall provide the names
18 and information of holders of or applicants for certificates of
19 handgun registration, except that the Department may provide
20 confirmation that an individual has or has not been issued,
21 applied for, or denied a certificate of handgun registration in
22 connection with a criminal investigation.

23 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

24 Sec. 4. (a) Each applicant for a Firearm Owner's
25 Identification Card must:

1 (1) Make application on blank forms prepared and
2 furnished at convenient locations throughout the State by
3 the Department of State Police, or by electronic means, if
4 and when made available by the Department of State Police;
5 and

6 (2) Submit evidence to the Department of State Police
7 that:

8 (i) He or she is 21 years of age or over, or if he
9 or she is under 21 years of age that he or she has the
10 written consent of his or her parent or legal guardian
11 to possess and acquire firearms and firearm ammunition
12 and that he or she has never been convicted of a
13 misdemeanor other than a traffic offense or adjudged
14 delinquent, provided, however, that such parent or
15 legal guardian is not an individual prohibited from
16 having a Firearm Owner's Identification Card and files
17 an affidavit with the Department as prescribed by the
18 Department stating that he or she is not an individual
19 prohibited from having a Card;

20 (ii) He or she has not been convicted of a felony
21 under the laws of this or any other jurisdiction;

22 (iii) He or she is not addicted to narcotics;

23 (iv) He or she has not been a patient in a mental
24 institution within the past 5 years and he or she has
25 not been adjudicated as a mental defective;

26 (v) He or she is not intellectually disabled;

1 (vi) He or she is not an alien who is unlawfully
2 present in the United States under the laws of the
3 United States;

4 (vii) He or she is not subject to an existing order
5 of protection prohibiting him or her from possessing a
6 firearm;

7 (viii) He or she has not been convicted within the
8 past 5 years of battery, assault, aggravated assault,
9 violation of an order of protection, or a substantially
10 similar offense in another jurisdiction, in which a
11 firearm was used or possessed;

12 (ix) He or she has not been convicted of domestic
13 battery, aggravated domestic battery, or a
14 substantially similar offense in another jurisdiction
15 committed before, on or after January 1, 2012 (the
16 effective date of Public Act 97-158) ~~this amendatory~~
17 ~~Act of the 97th General Assembly;~~

18 (x) (Blank);

19 (xi) He or she is not an alien who has been
20 admitted to the United States under a non-immigrant
21 visa (as that term is defined in Section 101(a)(26) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(26))), or that he or she is an alien who has
24 been lawfully admitted to the United States under a
25 non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States
5 Government or the Government's mission to an
6 international organization having its
7 headquarters in the United States; or

8 (B) en route to or from another country to
9 which that alien is accredited;

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

13 (4) a foreign law enforcement officer of a
14 friendly foreign government entering the United
15 States on official business; or

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

19 (xii) He or she is not a minor subject to a
20 petition filed under Section 5-520 of the Juvenile
21 Court Act of 1987 alleging that the minor is a
22 delinquent minor for the commission of an offense that
23 if committed by an adult would be a felony; and

24 (xiii) He or she is not an adult who had been
25 adjudicated a delinquent minor under the Juvenile
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony; and

2 (3) Upon request by the Department of State Police,
3 sign a release on a form prescribed by the Department of
4 State Police waiving any right to confidentiality and
5 requesting the disclosure to the Department of State Police
6 of limited mental health institution admission information
7 from another state, the District of Columbia, any other
8 territory of the United States, or a foreign nation
9 concerning the applicant for the sole purpose of
10 determining whether the applicant is or was a patient in a
11 mental health institution and disqualified because of that
12 status from receiving a Firearm Owner's Identification
13 Card. No mental health care or treatment records may be
14 requested. The information received shall be destroyed
15 within one year of receipt.

16 (a-5) Each applicant for a Firearm Owner's Identification
17 Card who is over the age of 18 shall furnish to the Department
18 of State Police either his or her driver's license number or
19 Illinois Identification Card number.

20 (a-10) Each applicant for a Firearm Owner's Identification
21 Card, who is employed as an armed security officer at a nuclear
22 energy, storage, weapons, or development facility regulated by
23 the Nuclear Regulatory Commission and who is not an Illinois
24 resident, shall furnish to the Department of State Police his
25 or her driver's license number or state identification card
26 number from his or her state of residence. The Department of

1 State Police may promulgate rules to enforce the provisions of
2 this subsection (a-10).

3 (b) Each application form shall include the following
4 statement printed in bold type: "Warning: Entering false
5 information on an application for a Firearm Owner's
6 Identification Card is punishable as a Class 2 felony in
7 accordance with subsection (d-5) of Section 14 of the Firearm
8 Owners Identification Card and Certificate of Handgun
9 Registration Act.".

10 (c) Upon such written consent, pursuant to Section 4,
11 paragraph (a)(2)(i), the parent or legal guardian giving the
12 consent shall be liable for any damages resulting from the
13 applicant's use of firearms or firearm ammunition.

14 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
15 10-4-11.)

16 (430 ILCS 65/6.1)

17 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's
18 Identification Cards.

19 (a) Any person who forges or materially alters a Firearm
20 Owner's Identification Card or certificate of handgun
21 registration or who counterfeits a Firearm Owner's
22 Identification Card or certificate of handgun registration
23 commits a Class 2 felony.

24 (b) Any person who knowingly possesses a forged or
25 materially altered Firearm Owner's Identification Card or

1 certificate of handgun registration with the intent to use it
2 commits a Class 2 felony. A person who possesses a Firearm
3 Owner's Identification Card or certificate of handgun
4 registration with knowledge that it is counterfeit commits a
5 Class 2 felony.

6 (Source: P.A. 92-414, eff. 1-1-02.)

7 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

8 Sec. 14. Sentence.

9 (a) A violation of paragraph (1) of subsection (a) of
10 Section 2, when the person's Firearm Owner's Identification
11 Card is expired but the person is not otherwise disqualified
12 from renewing the card, is a Class A misdemeanor.

13 (b) Except as provided in subsection (a) with respect to an
14 expired card, a violation of paragraph (1) of subsection (a) of
15 Section 2 is a Class A misdemeanor when the person does not
16 possess a currently valid Firearm Owner's Identification Card,
17 but is otherwise eligible under this Act. A second or
18 subsequent violation is a Class 4 felony.

19 (c) A violation of paragraph (1) of subsection (a) of
20 Section 2 is a Class 3 felony when:

21 (1) the person's Firearm Owner's Identification Card
22 is revoked or subject to revocation under Section 8; or

23 (2) the person's Firearm Owner's Identification Card
24 is expired and not otherwise eligible for renewal under
25 this Act; or

1 (3) the person does not possess a currently valid
2 Firearm Owner's Identification Card, and the person is not
3 otherwise eligible under this Act.

4 (d) A violation of subsection (a) of Section 3 is a Class 4
5 felony. A third or subsequent conviction is a Class 1 felony.

6 (d-5) Any person who knowingly enters false information on
7 an application for a Firearm Owner's Identification Card or a
8 certificate of handgun registration, who knowingly gives a
9 false answer to any question on the application, or who
10 knowingly submits false evidence in connection with an
11 application is guilty of a Class 2 felony.

12 (e) Except as provided by Section 6.1 of this Act, any
13 other violation of this Act is a Class A misdemeanor.

14 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
15 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

16 Section 35. The Clerks of Courts Act is amended by changing
17 Section 27.3a as follows:

18 (705 ILCS 105/27.3a)

19 (Text of Section after amendment by P.A. 97-46)

20 Sec. 27.3a. Fees for automated record keeping and State and
21 Conservation Police operations.

22 1. The expense of establishing and maintaining automated
23 record keeping systems in the offices of the clerks of the
24 circuit court shall be borne by the county. To defray such

1 expense in any county having established such an automated
2 system or which elects to establish such a system, the county
3 board may require the clerk of the circuit court in their
4 county to charge and collect a court automation fee of not less
5 than \$1 nor more than \$15 to be charged and collected by the
6 clerk of the court. Such fee shall be paid at the time of
7 filing the first pleading, paper or other appearance filed by
8 each party in all civil cases or by the defendant in any
9 felony, traffic, misdemeanor, municipal ordinance, or
10 conservation case upon a judgment of guilty or grant of
11 supervision, provided that the record keeping system which
12 processes the case category for which the fee is charged is
13 automated or has been approved for automation by the county
14 board, and provided further that no additional fee shall be
15 required if more than one party is presented in a single
16 pleading, paper or other appearance. Such fee shall be
17 collected in the manner in which all other fees or costs are
18 collected.

19 1.5. Starting on the effective date of this amendatory Act
20 of the 96th General Assembly, a clerk of the circuit court in
21 any county that imposes a fee pursuant to subsection 1 of this
22 Section, shall charge and collect an additional fee in an
23 amount equal to the amount of the fee imposed pursuant to
24 subsection 1 of this Section. This additional fee shall be paid
25 by the defendant in any felony, traffic, misdemeanor, or local
26 ordinance case upon a judgment of guilty or grant of

1 supervision. This fee shall not be paid by the defendant for
2 any conservation violation listed in subsection 1.6 of this
3 Section.

4 1.6. Starting on July 1, 2012 (the effective date of Public
5 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
6 clerk of the circuit court in any county that imposes a fee
7 pursuant to subsection 1 of this Section shall charge and
8 collect an additional fee in an amount equal to the amount of
9 the fee imposed pursuant to subsection 1 of this Section. This
10 additional fee shall be paid by the defendant upon a judgment
11 of guilty or grant of supervision for a conservation violation
12 under the State Parks Act, the Recreational Trails of Illinois
13 Act, the Illinois Explosives Act, the Timber Buyers Licensing
14 Act, the Forest Products Transportation Act, the Firearm Owners
15 Identification Card and Certificate of Handgun Registration
16 Act, the Environmental Protection Act, the Fish and Aquatic
17 Life Code, the Wildlife Code, the Cave Protection Act, the
18 Illinois Exotic Weed Act, the Illinois Forestry Development
19 Act, the Ginseng Harvesting Act, the Illinois Lake Management
20 Program Act, the Illinois Natural Areas Preservation Act, the
21 Illinois Open Land Trust Act, the Open Space Lands Acquisition
22 and Development Act, the Illinois Prescribed Burning Act, the
23 State Forest Act, the Water Use Act of 1983, the Illinois Youth
24 and Young Adult Employment Act of 1986, the Snowmobile
25 Registration and Safety Act, the Boat Registration and Safety
26 Act, the Illinois Dangerous Animals Act, the Hunter and

1 Fishermen Interference Prohibition Act, the Wrongful Tree
2 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
3 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
4 the Illinois Vehicle Code.

5 2. With respect to the fee imposed under subsection 1 of
6 this Section, each clerk shall commence such charges and
7 collections upon receipt of written notice from the chairman of
8 the county board together with a certified copy of the board's
9 resolution, which the clerk shall file of record in his office.

10 3. With respect to the fee imposed under subsection 1 of
11 this Section, such fees shall be in addition to all other fees
12 and charges of such clerks, and assessable as costs, and may be
13 waived only if the judge specifically provides for the waiver
14 of the court automation fee. The fees shall be remitted monthly
15 by such clerk to the county treasurer, to be retained by him in
16 a special fund designated as the court automation fund. The
17 fund shall be audited by the county auditor, and the board
18 shall make expenditure from the fund in payment of any cost
19 related to the automation of court records, including hardware,
20 software, research and development costs and personnel related
21 thereto, provided that the expenditure is approved by the clerk
22 of the court and by the chief judge of the circuit court or his
23 designate.

24 4. With respect to the fee imposed under subsection 1 of
25 this Section, such fees shall not be charged in any matter
26 coming to any such clerk on change of venue, nor in any

1 proceeding to review the decision of any administrative
2 officer, agency or body.

3 5. With respect to the additional fee imposed under
4 subsection 1.5 of this Section, the fee shall be remitted by
5 the circuit clerk to the State Treasurer within one month after
6 receipt for deposit into the State Police Operations Assistance
7 Fund.

8 6. With respect to the additional fees imposed under
9 subsection 1.5 of this Section, the Director of State Police
10 may direct the use of these fees for homeland security purposes
11 by transferring these fees on a quarterly basis from the State
12 Police Operations Assistance Fund into the Illinois Law
13 Enforcement Alarm Systems (ILEAS) Fund for homeland security
14 initiatives programs. The transferred fees shall be allocated,
15 subject to the approval of the ILEAS Executive Board, as
16 follows: (i) 66.6% shall be used for homeland security
17 initiatives and (ii) 33.3% shall be used for airborne
18 operations. The ILEAS Executive Board shall annually supply the
19 Director of State Police with a report of the use of these
20 fees.

21 7. ~~6.~~ With respect to the additional fee imposed under
22 subsection 1.6 of this Section, the fee shall be remitted by
23 the circuit clerk to the State Treasurer within one month after
24 receipt for deposit into the Conservation Police Operations
25 Assistance Fund.

26 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;

1 97-453, eff. 8-19-11; revised 10-4-11.)

2 Section 40. The Criminal Code of 1961 is amended by
3 changing Sections 2-7.1, 2-7.5, 11-20.1, 12-3.05, 17-30,
4 17B-0.05, 24-1.1, 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and
5 24-9 as follows:

6 (720 ILCS 5/2-7.1)

7 Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"
8 and "firearm ammunition" have the meanings ascribed to them in
9 Section 1.1 of the Firearm Owners Identification Card and
10 Certificate of Handgun Registration Act.

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

12 (720 ILCS 5/2-7.5)

13 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
14 specific Section, "firearm" has the meaning ascribed to it in
15 Section 1.1 of the Firearm Owners Identification Card and
16 Certificate of Handgun Registration Act.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

19 Sec. 11-20.1. Child pornography.

20 (a) A person commits child pornography who:

21 (1) films, videotapes, photographs, or otherwise
22 depicts or portrays by means of any similar visual medium

1 or reproduction or depicts by computer any child whom he or
2 she knows or reasonably should know to be under the age of
3 18 and at least 13 years of age or any severely or
4 profoundly intellectually disabled person where such child
5 or severely or profoundly intellectually disabled person
6 is:

7 (i) actually or by simulation engaged in any act of
8 sexual penetration or sexual conduct with any person or
9 animal; or

10 (ii) actually or by simulation engaged in any act
11 of sexual penetration or sexual conduct involving the
12 sex organs of the child or severely or profoundly
13 intellectually disabled person and the mouth, anus, or
14 sex organs of another person or animal; or which
15 involves the mouth, anus or sex organs of the child or
16 severely or profoundly intellectually disabled person
17 and the sex organs of another person or animal; or

18 (iii) actually or by simulation engaged in any act
19 of masturbation; or

20 (iv) actually or by simulation portrayed as being
21 the object of, or otherwise engaged in, any act of lewd
22 fondling, touching, or caressing involving another
23 person or animal; or

24 (v) actually or by simulation engaged in any act of
25 excretion or urination within a sexual context; or

26 (vi) actually or by simulation portrayed or

1 depicted as bound, fettered, or subject to sadistic,
2 masochistic, or sadomasochistic abuse in any sexual
3 context; or

4 (vii) depicted or portrayed in any pose, posture or
5 setting involving a lewd exhibition of the unclothed or
6 transparently clothed genitals, pubic area, buttocks,
7 or, if such person is female, a fully or partially
8 developed breast of the child or other person; or

9 (2) with the knowledge of the nature or content
10 thereof, reproduces, disseminates, offers to disseminate,
11 exhibits or possesses with intent to disseminate any film,
12 videotape, photograph or other similar visual reproduction
13 or depiction by computer of any child or severely or
14 profoundly intellectually disabled person whom the person
15 knows or reasonably should know to be under the age of 18
16 and at least 13 years of age or to be a severely or
17 profoundly intellectually disabled person, engaged in any
18 activity described in subparagraphs (i) through (vii) of
19 paragraph (1) of this subsection; or

20 (3) with knowledge of the subject matter or theme
21 thereof, produces any stage play, live performance, film,
22 videotape or other similar visual portrayal or depiction by
23 computer which includes a child whom the person knows or
24 reasonably should know to be under the age of 18 and at
25 least 13 years of age or a severely or profoundly
26 intellectually disabled person engaged in any activity

1 described in subparagraphs (i) through (vii) of paragraph
2 (1) of this subsection; or

3 (4) solicits, uses, persuades, induces, entices, or
4 coerces any child whom he or she knows or reasonably should
5 know to be under the age of 18 and at least 13 years of age
6 or a severely or profoundly intellectually disabled person
7 to appear in any stage play, live presentation, film,
8 videotape, photograph or other similar visual reproduction
9 or depiction by computer in which the child or severely or
10 profoundly intellectually disabled person is or will be
11 depicted, actually or by simulation, in any act, pose or
12 setting described in subparagraphs (i) through (vii) of
13 paragraph (1) of this subsection; or

14 (5) is a parent, step-parent, legal guardian or other
15 person having care or custody of a child whom the person
16 knows or reasonably should know to be under the age of 18
17 and at least 13 years of age or a severely or profoundly
18 intellectually disabled person and who knowingly permits,
19 induces, promotes, or arranges for such child or severely
20 or profoundly intellectually disabled person to appear in
21 any stage play, live performance, film, videotape,
22 photograph or other similar visual presentation, portrayal
23 or simulation or depiction by computer of any act or
24 activity described in subparagraphs (i) through (vii) of
25 paragraph (1) of this subsection; or

26 (6) with knowledge of the nature or content thereof,

1 possesses any film, videotape, photograph or other similar
2 visual reproduction or depiction by computer of any child
3 or severely or profoundly intellectually disabled person
4 whom the person knows or reasonably should know to be under
5 the age of 18 and at least 13 years of age or to be a
6 severely or profoundly intellectually disabled person,
7 engaged in any activity described in subparagraphs (i)
8 through (vii) of paragraph (1) of this subsection; or

9 (7) solicits, or knowingly uses, persuades, induces,
10 entices, or coerces, a person to provide a child under the
11 age of 18 and at least 13 years of age or a severely or
12 profoundly intellectually disabled person to appear in any
13 videotape, photograph, film, stage play, live
14 presentation, or other similar visual reproduction or
15 depiction by computer in which the child or severely or
16 profoundly intellectually disabled person will be
17 depicted, actually or by simulation, in any act, pose, or
18 setting described in subparagraphs (i) through (vii) of
19 paragraph (1) of this subsection.

20 (b) (1) It shall be an affirmative defense to a charge of
21 child pornography that the defendant reasonably believed,
22 under all of the circumstances, that the child was 18 years
23 of age or older or that the person was not a severely or
24 profoundly intellectually disabled person but only where,
25 prior to the act or acts giving rise to a prosecution under
26 this Section, he or she took some affirmative action or

1 made a bonafide inquiry designed to ascertain whether the
2 child was 18 years of age or older or that the person was
3 not a severely or profoundly intellectually disabled
4 person and his or her reliance upon the information so
5 obtained was clearly reasonable.

6 (1.5) Telecommunications carriers, commercial mobile
7 service providers, and providers of information services,
8 including, but not limited to, Internet service providers
9 and hosting service providers, are not liable under this
10 Section by virtue of the transmission, storage, or caching
11 of electronic communications or messages of others or by
12 virtue of the provision of other related
13 telecommunications, commercial mobile services, or
14 information services used by others in violation of this
15 Section.

16 (2) (Blank).

17 (3) The charge of child pornography shall not apply to
18 the performance of official duties by law enforcement or
19 prosecuting officers or persons employed by law
20 enforcement or prosecuting agencies, court personnel or
21 attorneys, nor to bonafide treatment or professional
22 education programs conducted by licensed physicians,
23 psychologists or social workers.

24 (4) If the defendant possessed more than one of the
25 same film, videotape or visual reproduction or depiction by
26 computer in which child pornography is depicted, then the

1 trier of fact may infer that the defendant possessed such
2 materials with the intent to disseminate them.

3 (5) The charge of child pornography does not apply to a
4 person who does not voluntarily possess a film, videotape,
5 or visual reproduction or depiction by computer in which
6 child pornography is depicted. Possession is voluntary if
7 the defendant knowingly procures or receives a film,
8 videotape, or visual reproduction or depiction for a
9 sufficient time to be able to terminate his or her
10 possession.

11 (6) Any violation of paragraph (1), (2), (3), (4), (5),
12 or (7) of subsection (a) that includes a child engaged in,
13 solicited for, depicted in, or posed in any act of sexual
14 penetration or bound, fettered, or subject to sadistic,
15 masochistic, or sadomasochistic abuse in a sexual context
16 shall be deemed a crime of violence.

17 (c) If the violation does not involve a film, videotape, or
18 other moving depiction, a violation of paragraph (1), (4), (5),
19 or (7) of subsection (a) is a Class 1 felony with a mandatory
20 minimum fine of \$2,000 and a maximum fine of \$100,000. If the
21 violation involves a film, videotape, or other moving
22 depiction, a violation of paragraph (1), (4), (5), or (7) of
23 subsection (a) is a Class X felony with a mandatory minimum
24 fine of \$2,000 and a maximum fine of \$100,000. If the violation
25 does not involve a film, videotape, or other moving depiction,
26 a violation of paragraph (3) of subsection (a) is a Class 1

1 felony with a mandatory minimum fine of \$1500 and a maximum
2 fine of \$100,000. If the violation involves a film, videotape,
3 or other moving depiction, a violation of paragraph (3) of
4 subsection (a) is a Class X felony with a mandatory minimum
5 fine of \$1500 and a maximum fine of \$100,000. If the violation
6 does not involve a film, videotape, or other moving depiction,
7 a violation of paragraph (2) of subsection (a) is a Class 1
8 felony with a mandatory minimum fine of \$1000 and a maximum
9 fine of \$100,000. If the violation involves a film, videotape,
10 or other moving depiction, a violation of paragraph (2) of
11 subsection (a) is a Class X felony with a mandatory minimum
12 fine of \$1000 and a maximum fine of \$100,000. If the violation
13 does not involve a film, videotape, or other moving depiction,
14 a violation of paragraph (6) of subsection (a) is a Class 3
15 felony with a mandatory minimum fine of \$1000 and a maximum
16 fine of \$100,000. If the violation involves a film, videotape,
17 or other moving depiction, a violation of paragraph (6) of
18 subsection (a) is a Class 2 felony with a mandatory minimum
19 fine of \$1000 and a maximum fine of \$100,000.

20 (d) If a person is convicted of a second or subsequent
21 violation of this Section within 10 years of a prior
22 conviction, the court shall order a presentence psychiatric
23 examination of the person. The examiner shall report to the
24 court whether treatment of the person is necessary.

25 (e) Any film, videotape, photograph or other similar visual
26 reproduction or depiction by computer which includes a child

1 under the age of 18 and at least 13 years of age or a severely
2 or profoundly intellectually disabled person engaged in any
3 activity described in subparagraphs (i) through (vii) or
4 paragraph 1 of subsection (a), and any material or equipment
5 used or intended for use in photographing, filming, printing,
6 producing, reproducing, manufacturing, projecting, exhibiting,
7 depiction by computer, or disseminating such material shall be
8 seized and forfeited in the manner, method and procedure
9 provided by Section 36-1 of this Code for the seizure and
10 forfeiture of vessels, vehicles and aircraft.

11 In addition, any person convicted under this Section is
12 subject to the property forfeiture provisions set forth in
13 Article 124B of the Code of Criminal Procedure of 1963.

14 (e-5) Upon the conclusion of a case brought under this
15 Section, the court shall seal all evidence depicting a victim
16 or witness that is sexually explicit. The evidence may be
17 unsealed and viewed, on a motion of the party seeking to unseal
18 and view the evidence, only for good cause shown and in the
19 discretion of the court. The motion must expressly set forth
20 the purpose for viewing the material. The State's attorney and
21 the victim, if possible, shall be provided reasonable notice of
22 the hearing on the motion to unseal the evidence. Any person
23 entitled to notice of a hearing under this subsection (e-5) may
24 object to the motion.

25 (f) Definitions. For the purposes of this Section:

26 (1) "Disseminate" means (i) to sell, distribute,

1 exchange or transfer possession, whether with or without
2 consideration or (ii) to make a depiction by computer
3 available for distribution or downloading through the
4 facilities of any telecommunications network or through
5 any other means of transferring computer programs or data
6 to a computer.

7 (2) "Produce" means to direct, promote, advertise,
8 publish, manufacture, issue, present or show.

9 (3) "Reproduce" means to make a duplication or copy.

10 (4) "Depict by computer" means to generate or create,
11 or cause to be created or generated, a computer program or
12 data that, after being processed by a computer either alone
13 or in conjunction with one or more computer programs,
14 results in a visual depiction on a computer monitor,
15 screen, or display.

16 (5) "Depiction by computer" means a computer program or
17 data that, after being processed by a computer either alone
18 or in conjunction with one or more computer programs,
19 results in a visual depiction on a computer monitor,
20 screen, or display.

21 (6) "Computer", "computer program", and "data" have
22 the meanings ascribed to them in Section 16D-2 of this
23 Code.

24 (7) For the purposes of this Section, "child
25 pornography" includes a film, videotape, photograph, or
26 other similar visual medium or reproduction or depiction by

1 computer that is, or appears to be, that of a person,
2 either in part, or in total, under the age of 18 and at
3 least 13 years of age or a severely or profoundly
4 intellectually disabled ~~mentally retarded~~ person,
5 regardless of the method by which the film, videotape,
6 photograph, or other similar visual medium or reproduction
7 or depiction by computer is created, adopted, or modified
8 to appear as such. "Child pornography" also includes a
9 film, videotape, photograph, or other similar visual
10 medium or reproduction or depiction by computer that is
11 advertised, promoted, presented, described, or distributed
12 in such a manner that conveys the impression that the film,
13 videotape, photograph, or other similar visual medium or
14 reproduction or depiction by computer is of a person under
15 the age of 18 and at least 13 years of age or a severely or
16 profoundly intellectually disabled ~~mentally retarded~~
17 person.

18 (g) Re-enactment; findings; purposes.

19 (1) The General Assembly finds and declares that:

20 (i) Section 50-5 of Public Act 88-680, effective
21 January 1, 1995, contained provisions amending the
22 child pornography statute, Section 11-20.1 of the
23 Criminal Code of 1961. Section 50-5 also contained
24 other provisions.

25 (ii) In addition, Public Act 88-680 was entitled
26 "AN ACT to create a Safe Neighborhoods Law". (A)

1 Article 5 was entitled JUVENILE JUSTICE and amended the
2 Juvenile Court Act of 1987. (B) Article 15 was entitled
3 GANGS and amended various provisions of the Criminal
4 Code of 1961 and the Unified Code of Corrections. (C)
5 Article 20 was entitled ALCOHOL ABUSE and amended
6 various provisions of the Illinois Vehicle Code. (D)
7 Article 25 was entitled DRUG ABUSE and amended the
8 Cannabis Control Act and the Illinois Controlled
9 Substances Act. (E) Article 30 was entitled FIREARMS
10 and amended the Criminal Code of 1961 and the Code of
11 Criminal Procedure of 1963. (F) Article 35 amended the
12 Criminal Code of 1961, the Rights of Crime Victims and
13 Witnesses Act, and the Unified Code of Corrections. (G)
14 Article 40 amended the Criminal Code of 1961 to
15 increase the penalty for compelling organization
16 membership of persons. (H) Article 45 created the
17 Secure Residential Youth Care Facility Licensing Act
18 and amended the State Finance Act, the Juvenile Court
19 Act of 1987, the Unified Code of Corrections, and the
20 Private Correctional Facility Moratorium Act. (I)
21 Article 50 amended the WIC Vendor Management Act, the
22 Firearm Owners Identification Card and Certificate of
23 Handgun Registration Act, the Juvenile Court Act of
24 1987, the Criminal Code of 1961, the Wrongs to Children
25 Act, and the Unified Code of Corrections.

26 (iii) On September 22, 1998, the Third District

1 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
2 ruled that Public Act 88-680 violates the single
3 subject clause of the Illinois Constitution (Article
4 IV, Section 8 (d)) and was unconstitutional in its
5 entirety. As of the time this amendatory Act of 1999
6 was prepared, *People v. Dainty* was still subject to
7 appeal.

8 (iv) Child pornography is a vital concern to the
9 people of this State and the validity of future
10 prosecutions under the child pornography statute of
11 the Criminal Code of 1961 is in grave doubt.

12 (2) It is the purpose of this amendatory Act of 1999 to
13 prevent or minimize any problems relating to prosecutions
14 for child pornography that may result from challenges to
15 the constitutional validity of Public Act 88-680 by
16 re-enacting the Section relating to child pornography that
17 was included in Public Act 88-680.

18 (3) This amendatory Act of 1999 re-enacts Section
19 11-20.1 of the Criminal Code of 1961, as it has been
20 amended. This re-enactment is intended to remove any
21 question as to the validity or content of that Section; it
22 is not intended to supersede any other Public Act that
23 amends the text of the Section as set forth in this
24 amendatory Act of 1999. The material is shown as existing
25 text (i.e., without underscoring) because, as of the time
26 this amendatory Act of 1999 was prepared, *People v. Dainty*

1 was subject to appeal to the Illinois Supreme Court.

2 (4) The re-enactment by this amendatory Act of 1999 of
3 Section 11-20.1 of the Criminal Code of 1961 relating to
4 child pornography that was amended by Public Act 88-680 is
5 not intended, and shall not be construed, to imply that
6 Public Act 88-680 is invalid or to limit or impair any
7 legal argument concerning whether those provisions were
8 substantially re-enacted by other Public Acts.

9 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;
10 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.
11 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

12 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

13 Sec. 12-3.05. Aggravated battery.

14 (a) Offense based on injury. A person commits aggravated
15 battery when, in committing a battery, other than by the
16 discharge of a firearm, he or she knowingly does any of the
17 following:

18 (1) Causes great bodily harm or permanent disability or
19 disfigurement.

20 (2) Causes severe and permanent disability, great
21 bodily harm, or disfigurement by means of a caustic or
22 flammable substance, a poisonous gas, a deadly biological
23 or chemical contaminant or agent, a radioactive substance,
24 or a bomb or explosive compound.

25 (3) Causes great bodily harm or permanent disability or

1 disfigurement to an individual whom the person knows to be
2 a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (4) Causes great bodily harm or permanent disability or
13 disfigurement to an individual 60 years of age or older.

14 (5) Strangles another individual.

15 (b) Offense based on injury to a child or intellectually
16 disabled ~~mentally retarded~~ person. A person who is at least 18
17 years of age commits aggravated battery when, in committing a
18 battery, he or she knowingly and without legal justification by
19 any means:

20 (1) causes great bodily harm or permanent disability or
21 disfigurement to any child under the age of 13 years, or to
22 any severely or profoundly intellectually disabled
23 ~~mentally retarded~~ person; or

24 (2) causes bodily harm or disability or disfigurement
25 to any child under the age of 13 years or to any severely
26 or profoundly intellectually disabled ~~mentally retarded~~

1 person.

2 (c) Offense based on location of conduct. A person commits
3 aggravated battery when, in committing a battery, other than by
4 the discharge of a firearm, he or she is or the person battered
5 is on or about a public way, public property, a public place of
6 accommodation or amusement, a sports venue, or a domestic
7 violence shelter.

8 (d) Offense based on status of victim. A person commits
9 aggravated battery when, in committing a battery, other than by
10 discharge of a firearm, he or she knows the individual battered
11 to be any of the following:

12 (1) A person 60 years of age or older.

13 (2) A person who is pregnant or physically handicapped.

14 (3) A teacher or school employee upon school grounds or
15 grounds adjacent to a school or in any part of a building
16 used for school purposes.

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, or Department of Human Services
20 employee supervising or controlling sexually dangerous
21 persons or sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (5) A judge, emergency management worker, emergency
2 medical technician, or utility worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (6) An officer or employee of the State of Illinois, a
9 unit of local government, or a school district, while
10 performing his or her official duties.

11 (7) A transit employee performing his or her official
12 duties, or a transit passenger.

13 (8) A taxi driver on duty.

14 (9) A merchant who detains the person for an alleged
15 commission of retail theft under Section 16-26 of this Code
16 and the person without legal justification by any means
17 causes bodily harm to the merchant.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court while that individual
21 is in the performance of his or her duties as a process
22 server.

23 (e) Offense based on use of a firearm. A person commits
24 aggravated battery when, in committing a battery, he or she
25 knowingly does any of the following:

26 (1) Discharges a firearm, other than a machine gun or a

1 firearm equipped with a silencer, and causes any injury to
2 another person.

3 (2) Discharges a firearm, other than a machine gun or a
4 firearm equipped with a silencer, and causes any injury to
5 a person he or she knows to be a peace officer, community
6 policing volunteer, person summoned by a police officer,
7 fireman, private security officer, correctional
8 institution employee, or emergency management worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (3) Discharges a firearm, other than a machine gun or a
15 firearm equipped with a silencer, and causes any injury to
16 a person he or she knows to be an emergency medical
17 technician employed by a municipality or other
18 governmental unit:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (4) Discharges a firearm and causes any injury to a
25 person he or she knows to be a teacher, a student in a
26 school, or a school employee, and the teacher, student, or

1 employee is upon school grounds or grounds adjacent to a
2 school or in any part of a building used for school
3 purposes.

4 (5) Discharges a machine gun or a firearm equipped with
5 a silencer, and causes any injury to another person.

6 (6) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to a person he or she
8 knows to be a peace officer, community policing volunteer,
9 person summoned by a police officer, fireman, private
10 security officer, correctional institution employee or
11 emergency management worker:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (7) Discharges a machine gun or a firearm equipped with
18 a silencer, and causes any injury to a person he or she
19 knows to be an emergency medical technician employed by a
20 municipality or other governmental unit:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (8) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she
2 knows to be a teacher, or a student in a school, or a
3 school employee, and the teacher, student, or employee is
4 upon school grounds or grounds adjacent to a school or in
5 any part of a building used for school purposes.

6 (f) Offense based on use of a weapon or device. A person
7 commits aggravated battery when, in committing a battery, he or
8 she does any of the following:

9 (1) Uses a deadly weapon other than by discharge of a
10 firearm, or uses an air rifle as defined in the Air Rifle
11 Act.

12 (2) Wears a hood, robe, or mask to conceal his or her
13 identity.

14 (3) Knowingly and without lawful justification shines
15 or flashes a laser gunsight or other laser device attached
16 to a firearm, or used in concert with a firearm, so that
17 the laser beam strikes upon or against the person of
18 another.

19 (g) Offense based on certain conduct. A person commits
20 aggravated battery when, other than by discharge of a firearm,
21 he or she does any of the following:

22 (1) Violates Section 401 of the Illinois Controlled
23 Substances Act by unlawfully delivering a controlled
24 substance to another and any user experiences great bodily
25 harm or permanent disability as a result of the injection,
26 inhalation, or ingestion of any amount of the controlled

1 substance.

2 (2) Knowingly administers to an individual or causes
3 him or her to take, without his or her consent or by threat
4 or deception, and for other than medical purposes, any
5 intoxicating, poisonous, stupefying, narcotic, anesthetic,
6 or controlled substance, or gives to another person any
7 food containing any substance or object intended to cause
8 physical injury if eaten.

9 (3) Knowingly causes or attempts to cause a
10 correctional institution employee or Department of Human
11 Services employee to come into contact with blood, seminal
12 fluid, urine, or feces by throwing, tossing, or expelling
13 the fluid or material, and the person is an inmate of a
14 penal institution or is a sexually dangerous person or
15 sexually violent person in the custody of the Department of
16 Human Services.

17 (h) Sentence. Unless otherwise provided, aggravated
18 battery is a Class 3 felony.

19 Aggravated battery as defined in subdivision (a)(4),
20 (d)(4), or (g)(3) is a Class 2 felony.

21 Aggravated battery as defined in subdivision (a)(3) or
22 (g)(1) is a Class 1 felony.

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 1 felony when the aggravated battery was intentional and
25 involved the infliction of torture, as defined in paragraph
26 (14) of subsection (b) of Section 9-1 of this Code, as the

1 infliction of or subjection to extreme physical pain, motivated
2 by an intent to increase or prolong the pain, suffering, or
3 agony of the victim.

4 Aggravated battery under subdivision (a)(5) is a Class 1
5 felony if:

6 (A) the person used or attempted to use a dangerous
7 instrument while committing the offense; or

8 (B) the person caused great bodily harm or permanent
9 disability or disfigurement to the other person while
10 committing the offense; or

11 (C) the person has been previously convicted of a
12 violation of subdivision (a)(5) under the laws of this
13 State or laws similar to subdivision (a)(5) of any other
14 state.

15 Aggravated battery as defined in subdivision (e)(1) is a
16 Class X felony.

17 Aggravated battery as defined in subdivision (a)(2) is a
18 Class X felony for which a person shall be sentenced to a term
19 of imprisonment of a minimum of 6 years and a maximum of 45
20 years.

21 Aggravated battery as defined in subdivision (e)(5) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 12 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(2),
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years
2 and a maximum of 60 years.

3 Aggravated battery as defined in subdivision (e)(6),
4 (e)(7), or (e)(8) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 20 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (b)(1) is a
8 Class X felony, except that:

9 (1) if the person committed the offense while armed
10 with a firearm, 15 years shall be added to the term of
11 imprisonment imposed by the court;

12 (2) if, during the commission of the offense, the
13 person personally discharged a firearm, 20 years shall be
14 added to the term of imprisonment imposed by the court;

15 (3) if, during the commission of the offense, the
16 person personally discharged a firearm that proximately
17 caused great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person, 25 years or up
19 to a term of natural life shall be added to the term of
20 imprisonment imposed by the court.

21 (i) Definitions. For the purposes of this Section:

22 "Building or other structure used to provide shelter" has
23 the meaning ascribed to "shelter" in Section 1 of the Domestic
24 Violence Shelters Act.

25 "Domestic violence" has the meaning ascribed to it in
26 Section 103 of the Illinois Domestic Violence Act of 1986.

1 "Domestic violence shelter" means any building or other
2 structure used to provide shelter or other services to victims
3 or to the dependent children of victims of domestic violence
4 pursuant to the Illinois Domestic Violence Act of 1986 or the
5 Domestic Violence Shelters Act, or any place within 500 feet of
6 such a building or other structure in the case of a person who
7 is going to or from such a building or other structure.

8 "Firearm" has the meaning provided under Section 1.1 of the
9 Firearm Owners Identification Card and Certificate of Handgun
10 Registration Act, and does not include an air rifle as defined
11 by Section 1 of the Air Rifle Act.

12 "Machine gun" has the meaning ascribed to it in Section
13 24-1 of this Code.

14 "Merchant" has the meaning ascribed to it in Section 16-0.1
15 of this Code.

16 "Strangle" means intentionally impeding the normal
17 breathing or circulation of the blood of an individual by
18 applying pressure on the throat or neck of that individual or
19 by blocking the nose or mouth of that individual.

20 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
21 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
22 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
23 and 97-467, eff. 1-1-12; revised 10-12-11.)

24 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

25 Sec. 17-30. Defaced, altered, or removed manufacturer or

1 owner identification number.

2 (a) Unlawful sale of household appliances. A person commits
3 unlawful sale of household appliances when he or she knowingly,
4 with the intent to defraud or deceive another, keeps for sale,
5 within any commercial context, any household appliance with a
6 missing, defaced, obliterated, or otherwise altered
7 manufacturer's identification number.

8 (b) Construction equipment identification defacement. A
9 person commits construction equipment identification
10 defacement when he or she knowingly changes, alters, removes,
11 mutilates, or obliterates a permanently affixed serial number,
12 product identification number, part number, component
13 identification number, owner-applied identification, or other
14 mark of identification attached to or stamped, inscribed,
15 molded, or etched into a machine or other equipment, whether
16 stationary or mobile or self-propelled, or a part of such
17 machine or equipment, used in the construction, maintenance, or
18 demolition of buildings, structures, bridges, tunnels, sewers,
19 utility pipes or lines, ditches or open cuts, roads, highways,
20 dams, airports, or waterways or in material handling for such
21 projects.

22 The trier of fact may infer that the defendant has
23 knowingly changed, altered, removed, or obliterated the serial
24 number, product identification number, part number, component
25 identification number, owner-applied identification number, or
26 other mark of identification, if the defendant was in

1 possession of any machine or other equipment or a part of such
2 machine or equipment used in the construction, maintenance, or
3 demolition of buildings, structures, bridges, tunnels, sewers,
4 utility pipes or lines, ditches or open cuts, roads, highways,
5 dams, airports, or waterways or in material handling for such
6 projects upon which any such serial number, product
7 identification number, part number, component identification
8 number, owner-applied identification number, or other mark of
9 identification has been changed, altered, removed, or
10 obliterated.

11 (c) Defacement of manufacturer's serial number or
12 identification mark. A person commits defacement of a
13 manufacturer's serial number or identification mark when he or
14 she knowingly removes, alters, defaces, covers, or destroys the
15 manufacturer's serial number or any other manufacturer's
16 number or distinguishing identification mark upon any machine
17 or other article of merchandise, other than a motor vehicle as
18 defined in Section 1-146 of the Illinois Vehicle Code or a
19 firearm as defined in the Firearm Owners Identification Card
20 and Certificate of Handgun Registration Act, with the intent of
21 concealing or destroying the identity of such machine or other
22 article of merchandise.

23 (d) Sentence.

24 (1) A violation of subsection (a) of this Section is a
25 Class 4 felony if the value of the appliance or appliances
26 exceeds \$1,000 and a Class B misdemeanor if the value of

1 the appliance or appliances is \$1,000 or less.

2 (2) A violation of subsection (b) of this Section is a
3 Class A misdemeanor.

4 (3) A violation of subsection (c) of this Section is a
5 Class B misdemeanor.

6 (e) No liability shall be imposed upon any person for the
7 unintentional failure to comply with subsection (a).

8 (f) Definitions. In this Section:

9 "Commercial context" means a continuing business
10 enterprise conducted for profit by any person whose primary
11 business is the wholesale or retail marketing of household
12 appliances, or a significant portion of whose business or
13 inventory consists of household appliances kept or sold on a
14 wholesale or retail basis.

15 "Household appliance" means any gas or electric device or
16 machine marketed for use as home entertainment or for
17 facilitating or expediting household tasks or chores. The term
18 shall include but not necessarily be limited to refrigerators,
19 freezers, ranges, radios, television sets, vacuum cleaners,
20 toasters, dishwashers, and other similar household items.

21 "Manufacturer's identification number" means any serial
22 number or other similar numerical or alphabetical designation
23 imprinted upon or attached to or placed, stamped, or otherwise
24 imprinted upon or attached to a household appliance or item by
25 the manufacturer for purposes of identifying a particular
26 appliance or item individually or by lot number.

1 (Source: P.A. 96-1551, eff. 7-1-11.)

2 (720 ILCS 5/17B-0.05)

3 Sec. 17B-0.05. Re-enactment; findings; purposes.

4 (a) The General Assembly finds and declares that:

5 (1) Section 50-5 of Public Act 88-680, effective
6 January 1, 1995, contained provisions adding the WIC Fraud
7 Article to the Criminal Code of 1961. Section 50-5 also
8 contained other provisions.

9 (2) In addition, Public Act 88-680 was entitled "An Act
10 to create a Safe Neighborhoods Law". (i) Article 5 was
11 entitled JUVENILE JUSTICE and amended the Juvenile Court
12 Act of 1987. (ii) Article 15 was entitled GANGS and amended
13 various provisions of the Criminal Code of 1961 and the
14 Unified Code of Corrections. (iii) Article 20 was entitled
15 ALCOHOL ABUSE and amended various provisions of the
16 Illinois Vehicle Code. (iv) Article 25 was entitled DRUG
17 ABUSE and amended the Cannabis Control Act and the Illinois
18 Controlled Substances Act. (v) Article 30 was entitled
19 FIREARMS and amended the Criminal Code of 1961 and the Code
20 of Criminal Procedure of 1963. (vi) Article 35 amended the
21 Criminal Code of 1961, the Rights of Crime Victims and
22 Witnesses Act, and the Unified Code of Corrections. (vii)
23 Article 40 amended the Criminal Code of 1961 to increase
24 the penalty for compelling organization membership of
25 persons. (viii) Article 45 created the Secure Residential

1 Youth Care Facility Licensing Act and amended the State
2 Finance Act, the Juvenile Court Act of 1987, the Unified
3 Code of Corrections, and the Private Correctional Facility
4 Moratorium Act. (ix) Article 50 amended the WIC Vendor
5 Management Act, the Firearm Owners Identification Card and
6 Certificate of Handgun Registration Act, the Juvenile
7 Court Act of 1987, the Criminal Code of 1961, the Wrongs to
8 Children Act, and the Unified Code of Corrections.

9 (3) On September 22, 1998, the Third District Appellate
10 Court in People v. Dainty, 701 N.E. 2d 118, ruled that
11 Public Act 88-680 violates the single subject clause of the
12 Illinois Constitution (Article IV, Section 8 (d)) and was
13 unconstitutional in its entirety. As of the time this
14 amendatory Act of 1999 was prepared, People v. Dainty was
15 still subject to appeal.

16 (4) WIC fraud is a vital concern to the people of this
17 State and the validity of future prosecutions under the WIC
18 fraud provisions of the Criminal Code of 1961 is in grave
19 doubt.

20 (b) It is the purpose of this amendatory Act of 1999 to
21 prevent or minimize any problems relating to prosecutions for
22 WIC fraud that may result from challenges to the constitutional
23 validity of Public Act 88-680 by re-enacting the Sections
24 relating to WIC fraud that were included in Public Act 88-680.

25 (c) This amendatory Act of 1999 re-enacts Article 17B of
26 the Criminal Code of 1961, as it has been amended. This

1 re-enactment is intended to remove any question as to the
2 validity or content of that Article; it is not intended to
3 supersede any other Public Act that amends the text of a
4 Section as set forth in this amendatory Act of 1999. Except for
5 a grammatical correction in Section 17B-10 and a correction of
6 the Section number to Section 17B-30, the material is shown as
7 existing text (i.e., without underscoring) because, as of the
8 time this amendatory Act of 1999 was prepared, People v. Dainty
9 was subject to appeal to the Illinois Supreme Court.

10 (d) The re-enactment by this amendatory Act of 1999 of
11 certain Sections relating to WIC fraud that were enacted by
12 Public Act 88-680 is not intended, and shall not be construed,
13 to imply that Public Act 88-680 is invalid or to limit or
14 impair any legal argument concerning whether those provisions
15 were substantially re-enacted by other Public Acts.

16 (Source: P.A. 91-155, eff. 7-16-99.)

17 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

18 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
19 Felons or Persons in the Custody of the Department of
20 Corrections Facilities.

21 (a) It is unlawful for a person to knowingly possess on or
22 about his person or on his land or in his own abode or fixed
23 place of business any weapon prohibited under Section 24-1 of
24 this Act or any firearm or any firearm ammunition if the person
25 has been convicted of a felony under the laws of this State or

1 any other jurisdiction. This Section shall not apply if the
2 person has been granted relief by the Director of the
3 Department of State Police under Section 10 of the Firearm
4 Owners Identification Card and Certificate of Handgun
5 Registration Act.

6 (b) It is unlawful for any person confined in a penal
7 institution, which is a facility of the Illinois Department of
8 Corrections, to possess any weapon prohibited under Section
9 24-1 of this Code or any firearm or firearm ammunition,
10 regardless of the intent with which he possesses it.

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

15 (d) The defense of necessity is not available to a person
16 who is charged with a violation of subsection (b) of this
17 Section.

18 (e) Sentence. Violation of this Section by a person not
19 confined in a penal institution shall be a Class 3 felony for
20 which the person shall be sentenced to no less than 2 years and
21 no more than 10 years and any second or subsequent violation
22 shall be a Class 2 felony for which the person shall be
23 sentenced to a term of imprisonment of not less than 3 years
24 and not more than 14 years. Violation of this Section by a
25 person not confined in a penal institution who has been
26 convicted of a forcible felony, a felony violation of Article

1 24 of this Code or of the Firearm Owners Identification Card
2 and Certificate of Handgun Registration Act, stalking or
3 aggravated stalking, or a Class 2 or greater felony under the
4 Illinois Controlled Substances Act, the Cannabis Control Act,
5 or the Methamphetamine Control and Community Protection Act is
6 a Class 2 felony for which the person shall be sentenced to not
7 less than 3 years and not more than 14 years. Violation of this
8 Section by a person who is on parole or mandatory supervised
9 release is a Class 2 felony for which the person shall be
10 sentenced to not less than 3 years and not more than 14 years.
11 Violation of this Section by a person not confined in a penal
12 institution is a Class X felony when the firearm possessed is a
13 machine gun. Any person who violates this Section while
14 confined in a penal institution, which is a facility of the
15 Illinois Department of Corrections, is guilty of a Class 1
16 felony, if he possesses any weapon prohibited under Section
17 24-1 of this Code regardless of the intent with which he
18 possesses it, a Class X felony if he possesses any firearm,
19 firearm ammunition or explosive, and a Class X felony for which
20 the offender shall be sentenced to not less than 12 years and
21 not more than 50 years when the firearm possessed is a machine
22 gun. A violation of this Section while wearing or in possession
23 of body armor as defined in Section 33F-1 is a Class X felony
24 punishable by a term of imprisonment of not less than 10 years
25 and not more than 40 years. The possession of each firearm or
26 firearm ammunition in violation of this Section constitutes a

1 single and separate violation.

2 (Source: P.A. 97-237, eff. 1-1-12.)

3 (720 ILCS 5/24-1.6)

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

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

7 (1) Carries on or about his or her person or in any
8 vehicle or concealed on or about his or her person except
9 when on his or her land or in his or her abode, legal
10 dwelling, or fixed place of business, or on the land or in
11 the legal dwelling of another person as an invitee with
12 that person's permission, any pistol, revolver, stun gun or
13 taser or other firearm; or

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

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

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

3 (B) the firearm possessed was uncased, unloaded
4 and the ammunition for the weapon was immediately
5 accessible at the time of the offense; or

6 (C) the person possessing the firearm has not been
7 issued a currently valid Firearm Owner's
8 Identification Card; or

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

13 (E) the person possessing the weapon was engaged in
14 a misdemeanor violation of the Cannabis Control Act, in
15 a misdemeanor violation of the Illinois Controlled
16 Substances Act, or in a misdemeanor violation of the
17 Methamphetamine Control and Community Protection Act;
18 or

19 (F) (blank); or

20 (G) the person possessing the weapon had a order of
21 protection issued against him or her within the
22 previous 2 years; or

23 (H) the person possessing the weapon was engaged in
24 the commission or attempted commission of a
25 misdemeanor involving the use or threat of violence
26 against the person or property of another; or

1 (I) the person possessing the weapon was under 21
2 years of age and in possession of a handgun as defined
3 in Section 24-3, unless the person under 21 is engaged
4 in lawful activities under the Wildlife Code or
5 described in subsection 24-2(b)(1), (b)(3), or
6 24-2(f).

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

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

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

12 (ii) are not immediately accessible; or

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

17 (d) Sentence.

18 (1) Aggravated unlawful use of a weapon is a Class 4
19 felony; a second or subsequent offense is a Class 2 felony
20 for which the person shall be sentenced to a term of
21 imprisonment of not less than 3 years and not more than 7
22 years.

23 (2) Except as otherwise provided in paragraphs (3) and
24 (4) of this subsection (d), a first offense of aggravated
25 unlawful use of a weapon committed with a firearm by a
26 person 18 years of age or older where the factors listed in

1 both items (A) and (C) of paragraph (3) of subsection (a)
2 are present is a Class 4 felony, for which the person shall
3 be sentenced to a term of imprisonment of not less than one
4 year and not more than 3 years.

5 (3) Aggravated unlawful use of a weapon by a person who
6 has been previously convicted of a felony in this State or
7 another jurisdiction is a Class 2 felony for which the
8 person shall be sentenced to a term of imprisonment of not
9 less than 3 years and not more than 7 years.

10 (4) Aggravated unlawful use of a weapon while wearing
11 or in possession of body armor as defined in Section 33F-1
12 by a person who has not been issued a valid Firearms
13 Owner's Identification Card in accordance with Section 5 of
14 the Firearm Owners Identification Card and Certificate of
15 Handgun Registration Act is a Class X felony.

16 (e) The possession of each firearm in violation of this
17 Section constitutes a single and separate violation.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
19 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful sale or delivery of firearms.

22 (A) A person commits the offense of unlawful sale or
23 delivery of firearms when he or she knowingly does any of the
24 following:

25 (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 intellectually disabled.

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

1 law enforcement officer or the sale of a firearm to a
2 person who desires to purchase a firearm for use in
3 promoting the public interest incident to his or her
4 employment as a bank guard, armed truck guard, or other
5 similar employment; (2) a mail order sale of a firearm to a
6 nonresident of Illinois under which the firearm is mailed
7 to a point outside the boundaries of Illinois; (3) the sale
8 of a firearm to a nonresident of Illinois while at a
9 firearm showing or display recognized by the Illinois
10 Department of State Police; or (4) the sale of a firearm to
11 a dealer licensed as a federal firearms dealer under
12 Section 923 of the federal Gun Control Act of 1968 (18
13 U.S.C. 923). For purposes of this paragraph (g),
14 "application" means when the buyer and seller reach an
15 agreement to purchase a firearm.

16 (h) While holding any license as a dealer, importer,
17 manufacturer or pawnbroker under the federal Gun Control
18 Act of 1968, manufactures, sells or delivers to any
19 unlicensed person a handgun having a barrel, slide, frame
20 or receiver which is a die casting of zinc alloy or any
21 other nonhomogeneous metal which will melt or deform at a
22 temperature of less than 800 degrees Fahrenheit. For
23 purposes of this paragraph, (1) "firearm" is defined as in
24 the Firearm Owners Identification Card and Certificate of
25 Handgun Registration Act; and (2) "handgun" is defined as a
26 firearm designed to be held and fired by the use of a

1 single hand, and includes a combination of parts from which
2 such a firearm can be assembled.

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

6 (j) Sells or gives a firearm while engaged in the
7 business of selling firearms at wholesale or retail without
8 being licensed as a federal firearms dealer under Section
9 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

10 In this paragraph (j):

11 A person "engaged in the business" means a person who
12 devotes time, attention, and labor to engaging in the
13 activity as a regular course of trade or business with the
14 principal objective of livelihood and profit, but does not
15 include a person who makes occasional repairs of firearms
16 or who occasionally fits special barrels, stocks, or
17 trigger mechanisms to firearms.

18 "With the principal objective of livelihood and
19 profit" means that the intent underlying the sale or
20 disposition of firearms is predominantly one of obtaining
21 livelihood and pecuniary gain, as opposed to other intents,
22 such as improving or liquidating a personal firearms
23 collection; however, proof of profit shall not be required
24 as to a person who engages in the regular and repetitive
25 purchase and disposition of firearms for criminal purposes
26 or terrorism.

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

22 (1) Not being entitled to the possession of a firearm,
23 delivers the firearm, knowing it to have been stolen or
24 converted. It may be inferred that a person who possesses a
25 firearm with knowledge that its serial number has been
26 removed or altered has knowledge that the firearm is stolen

1 or converted.

2 (B) Paragraph (h) of subsection (A) does not include
3 firearms sold within 6 months after enactment of Public Act
4 78-355 (approved August 21, 1973, effective October 1, 1973),
5 nor is any firearm legally owned or possessed by any citizen or
6 purchased by any citizen within 6 months after the enactment of
7 Public Act 78-355 subject to confiscation or seizure under the
8 provisions of that Public Act. Nothing in Public Act 78-355
9 shall be construed to prohibit the gift or trade of any firearm
10 if that firearm was legally held or acquired within 6 months
11 after the enactment of that Public Act.

12 (C) Sentence.

13 (1) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (c), (e), (f), (g),
15 or (h) of subsection (A) commits a Class 4 felony.

16 (2) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (b) or (i) of
18 subsection (A) commits a Class 3 felony.

19 (3) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (a) of subsection (A)
21 commits a Class 2 felony.

22 (4) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (a), (b), or (i) of
24 subsection (A) in any school, on the real property
25 comprising a school, within 1,000 feet of the real property
26 comprising a school, at a school related activity, or on or

1 within 1,000 feet of any conveyance owned, leased, or
2 contracted by a school or school district to transport
3 students to or from school or a school related activity,
4 regardless of the time of day or time of year at which the
5 offense was committed, commits a Class 1 felony. Any person
6 convicted of a second or subsequent violation of unlawful
7 sale or delivery of firearms in violation of paragraph (a),
8 (b), or (i) of subsection (A) in any school, on the real
9 property comprising a school, within 1,000 feet of the real
10 property comprising a school, at a school related activity,
11 or on or within 1,000 feet of any conveyance owned, leased,
12 or contracted by a school or school district to transport
13 students to or from school or a school related activity,
14 regardless of the time of day or time of year at which the
15 offense was committed, commits a Class 1 felony for which
16 the sentence shall be a term of imprisonment of no less
17 than 5 years and no more than 15 years.

18 (5) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (a) or (i) of
20 subsection (A) in residential property owned, operated, or
21 managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or mixed-income
23 development, in a public park, in a courthouse, on
24 residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development, on

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

8 (6) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (j) of subsection (A)
10 commits a Class A misdemeanor. A second or subsequent
11 violation is a Class 4 felony.

12 (7) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (k) of subsection (A)
14 commits a Class 4 felony. A third or subsequent conviction
15 for a violation of paragraph (k) of subsection (A) is a
16 Class 1 felony.

17 (8) A person 18 years of age or older convicted of
18 unlawful sale or delivery of firearms in violation of
19 paragraph (a) or (i) of subsection (A), when the firearm
20 that was sold or given to another person under 18 years of
21 age was used in the commission of or attempt to commit a
22 forcible felony, shall be fined or imprisoned, or both, not
23 to exceed the maximum provided for the most serious
24 forcible felony so committed or attempted by the person
25 under 18 years of age who was sold or given the firearm.

26 (9) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (d) of subsection (A)
2 commits a Class 3 felony.

3 (10) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (1) of subsection (A)
5 commits a Class 2 felony if the delivery is of one firearm.
6 Any person convicted of unlawful sale or delivery of
7 firearms in violation of paragraph (1) of subsection (A)
8 commits a Class 1 felony if the delivery is of not less
9 than 2 and not more than 5 firearms at the same time or
10 within a one year period. Any person convicted of unlawful
11 sale or delivery of firearms in violation of paragraph (1)
12 of subsection (A) commits a Class X felony for which he or
13 she shall be sentenced to a term of imprisonment of not
14 less than 6 years and not more than 30 years if the
15 delivery is of not less than 6 and not more than 10
16 firearms at the same time or within a 2 year period. Any
17 person convicted of unlawful sale or delivery of firearms
18 in violation of paragraph (1) of subsection (A) commits a
19 Class X felony for which he or she shall be sentenced to a
20 term of imprisonment of not less than 6 years and not more
21 than 40 years if the delivery is of not less than 11 and
22 not more than 20 firearms at the same time or within a 3
23 year period. Any person convicted of unlawful sale or
24 delivery of firearms in violation of paragraph (1) of
25 subsection (A) commits a Class X felony for which he or she
26 shall be sentenced to a term of imprisonment of not less

1 than 6 years and not more than 50 years if the delivery is
2 of not less than 21 and not more than 30 firearms at the
3 same time or within a 4 year period. Any person convicted
4 of unlawful sale or delivery of firearms in violation of
5 paragraph (1) of subsection (A) commits a Class X felony
6 for which he or she shall be sentenced to a term of
7 imprisonment of not less than 6 years and not more than 60
8 years if the delivery is of 31 or more firearms at the same
9 time or within a 5 year period.

10 (D) For purposes of this Section:

11 "School" means a public or private elementary or secondary
12 school, community college, college, or university.

13 "School related activity" means any sporting, social,
14 academic, or other activity for which students' attendance or
15 participation is sponsored, organized, or funded in whole or in
16 part by a school or school district.

17 (E) A prosecution for a violation of paragraph (k) of
18 subsection (A) of this Section may be commenced within 6 years
19 after the commission of the offense. A prosecution for a
20 violation of this Section other than paragraph (g) of
21 subsection (A) of this Section may be commenced within 5 years
22 after the commission of the offense defined in the particular
23 paragraph.

24 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
25 eff. 1-1-12; revised 9-14-11.)

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.

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

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

7 (b) A person commits a Class X felony when he or she,
8 knowing that a firearm, as defined in Section 1.1 of the
9 Firearm Owners Identification Card and Certificate of Handgun
10 Registration Act, is loaded with an armor piercing bullet,
11 dragon's breath shotgun shell, bolo shell, or flechette shell,
12 intentionally or recklessly discharges such firearm and such
13 bullet or shell strikes any other person.

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

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

20 (1) Peace officers;

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

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard while in
26 the performance of their official duties;

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

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

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

6 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

8 (a) It shall be unlawful for any person who holds a license
9 to sell at retail any alcoholic liquor issued by the Illinois
10 Liquor Control Commission or local liquor control commissioner
11 under the Liquor Control Act of 1934 or an agent or employee of
12 the licensee to sell or deliver to any other person a firearm
13 in or on the real property of the establishment where the
14 licensee is licensed to sell alcoholic liquors unless the sale
15 or delivery of the firearm is otherwise lawful under this
16 Article and under the Firearm Owners Identification Card and
17 Certificate of Handgun Registration Act.

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

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

21 (720 ILCS 5/24-3.5)

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

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

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

8 (2) on which the transferee certifies that he or she is
9 not prohibited by federal law from transporting or shipping
10 a firearm in interstate or foreign commerce or receiving a
11 firearm that has been shipped or transported in interstate
12 or foreign commerce or possessing a firearm in or affecting
13 commerce.

14 (b) A person commits the offense of unlawful purchase of a
15 firearm who knowingly purchases or attempts to purchase a
16 firearm with the intent to deliver that firearm to another
17 person who is prohibited by federal or State law from
18 possessing a firearm.

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

25 (d) Exemption. It is not a violation of subsection (b) of
26 this Section for a person to make a gift or loan of a firearm to

1 a person who is not prohibited by federal or State law from
2 possessing a firearm if the transfer of the firearm is made in
3 accordance with Section 3 of the Firearm Owners Identification
4 Card and Certificate of Handgun Registration Act.

5 (e) Sentence.

6 (1) A person who commits the offense of unlawful
7 purchase of a firearm:

8 (A) is guilty of a Class 2 felony for purchasing or
9 attempting to purchase one firearm;

10 (B) is guilty of a Class 1 felony for purchasing or
11 attempting to purchase not less than 2 firearms and not
12 more than 5 firearms at the same time or within a one
13 year period;

14 (C) is guilty of a Class X felony for which the
15 offender shall be sentenced to a term of imprisonment
16 of not less than 9 years and not more than 40 years for
17 purchasing or attempting to purchase not less than 6
18 firearms at the same time or within a 2 year period.

19 (2) In addition to any other penalty that may be
20 imposed for a violation of this Section, the court may
21 sentence a person convicted of a violation of subsection
22 (c) of this Section to a fine not to exceed \$250,000 for
23 each violation.

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

26 (Source: P.A. 95-882, eff. 1-1-09.)

1 (720 ILCS 5/24-9)

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

3 (a) Except as provided in subsection (c), it is unlawful
4 for any person to store or leave, within premises under his or
5 her control, a firearm if the person knows or has reason to
6 believe that a minor under the age of 14 years who does not
7 have a Firearm Owners Identification Card is likely to gain
8 access to the firearm without the lawful permission of the
9 minor's parent, guardian, or person having charge of the minor,
10 and the minor causes death or great bodily harm with the
11 firearm, unless the firearm is:

12 (1) secured by a device or mechanism, other than the
13 firearm safety, designed to render a firearm temporarily
14 inoperable; or

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

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

19 (b) Sentence. A person who violates this Section is guilty
20 of a Class C misdemeanor and shall be fined not less than
21 \$1,000. A second or subsequent violation of this Section is a
22 Class A misdemeanor.

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

24 (1) if the minor under 14 years of age gains access to
25 a firearm and uses it in a lawful act of self-defense or

1 defense of another; or

2 (2) to any firearm obtained by a minor under the age of
3 14 because of an unlawful entry of the premises by the
4 minor or another person.

5 (d) For the purposes of this Section, "firearm" has the
6 meaning ascribed to it in Section 1.1 of the Firearm Owners
7 Identification Card and Certificate of Handgun Registration
8 Act.

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

10 Section 45. The Methamphetamine Control and Community
11 Protection Act is amended by changing Section 10 as follows:

12 (720 ILCS 646/10)

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

14 "Anhydrous ammonia" has the meaning provided in subsection
15 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

16 "Anhydrous ammonia equipment" means all items used to
17 store, hold, contain, handle, transfer, transport, or apply
18 anhydrous ammonia for lawful purposes.

19 "Booby trap" means any device designed to cause physical
20 injury when triggered by an act of a person approaching,
21 entering, or moving through a structure, a vehicle, or any
22 location where methamphetamine has been manufactured, is being
23 manufactured, or is intended to be manufactured.

24 "Deliver" or "delivery" has the meaning provided in

1 subsection (h) of Section 102 of the Illinois Controlled
2 Substances Act.

3 "Director" means the Director of State Police or the
4 Director's designated agents.

5 "Dispose" or "disposal" means to abandon, discharge,
6 release, deposit, inject, dump, spill, leak, or place
7 methamphetamine waste onto or into any land, water, or well of
8 any type so that the waste has the potential to enter the
9 environment, be emitted into the air, or be discharged into the
10 soil or any waters, including groundwater.

11 "Emergency response" means the act of collecting evidence
12 from or securing a methamphetamine laboratory site,
13 methamphetamine waste site or other methamphetamine-related
14 site and cleaning up the site, whether these actions are
15 performed by public entities or private contractors paid by
16 public entities.

17 "Emergency service provider" means a local, State, or
18 federal peace officer, firefighter, emergency medical
19 technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, or other medical or
22 first aid personnel rendering aid, or any agent or designee of
23 the foregoing.

24 "Finished methamphetamine" means methamphetamine in a form
25 commonly used for personal consumption.

26 "Firearm" has the meaning provided in Section 1.1 of the

1 Firearm Owners Identification Card and Certificate of Handgun
2 Registration Act.

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

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

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

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

23 (1) methamphetamine is being or has been manufactured;

24 (2) chemicals that are being used, have been used, or
25 are intended to be used to manufacture methamphetamine are
26 stored;

1 (3) methamphetamine manufacturing materials that have
2 been used to manufacture methamphetamine are stored; or

3 (4) methamphetamine manufacturing waste is stored.

4 "Methamphetamine manufacturing material" means any
5 methamphetamine precursor, substance containing any
6 methamphetamine precursor, methamphetamine manufacturing
7 catalyst, substance containing any methamphetamine
8 manufacturing catalyst, methamphetamine manufacturing reagent,
9 substance containing any methamphetamine manufacturing
10 reagent, methamphetamine manufacturing solvent, substance
11 containing any methamphetamine manufacturing solvent, or any
12 other chemical, substance, ingredient, equipment, apparatus,
13 or item that is being used, has been used, or is intended to be
14 used in the manufacture of methamphetamine.

15 "Methamphetamine manufacturing reagent" means any
16 substance other than a methamphetamine manufacturing catalyst
17 that has been used, is being used, or is intended to be used to
18 react with and chemically alter any methamphetamine precursor.

19 "Methamphetamine manufacturing solvent" means any
20 substance that has been used, is being used, or is intended to
21 be used as a medium in which any methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, or any substance containing any of the
24 foregoing is dissolved, diluted, or washed during any part of
25 the methamphetamine manufacturing process.

26 "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is
2 left over from, results from, or is produced by the process of
3 manufacturing methamphetamine, other than finished
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
8 isomer, or salt of an optical isomer of any of these chemicals.

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

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

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from
2 disease, injury, functional disorder, or congenital condition
3 which renders the person incapable of adequately providing for
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise
6 obtain, by legal or illegal means, or to cause another to take
7 such action.

8 "Second or subsequent offense" means an offense under this
9 Act committed by an offender who previously committed an
10 offense under this Act, the Illinois Controlled Substances Act,
11 the Cannabis Control Act, or another Act of this State, another
12 state, or the United States relating to methamphetamine,
13 cannabis, or any other controlled substance.

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

20 "Unauthorized container", as used in relation to anhydrous
21 ammonia, means any container that is not designed for the
22 specific and sole purpose of holding, storing, transporting, or
23 applying anhydrous ammonia. "Unauthorized container" includes,
24 but is not limited to, any propane tank, fire extinguisher,
25 oxygen cylinder, gasoline can, food or beverage cooler, or
26 compressed gas cylinder used in dispensing fountain drinks.

1 "Unauthorized container" does not encompass anhydrous ammonia
2 manufacturing plants, refrigeration systems where anhydrous
3 ammonia is used solely as a refrigerant, anhydrous ammonia
4 transportation pipelines, anhydrous ammonia tankers, or
5 anhydrous ammonia barges.

6 (Source: P.A. 97-434, eff. 1-1-12.)

7 Section 50. The Unified Code of Corrections is amended by
8 changing Sections 5-5-3 and 5-5-3.2 as follows:

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic
15 imprisonment or conditional discharge shall not be imposed
16 for the following offenses. The court shall sentence the
17 offender to not less than the minimum term of imprisonment
18 set forth in this Code for the following offenses, and may
19 order a fine or restitution or both in conjunction with
20 such term of imprisonment:

21 (A) First degree murder where the death penalty is
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the
2 Illinois Controlled Substances Act, or a violation of
3 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
4 of that Act which relates to more than 5 grams of a
5 substance containing heroin, cocaine, fentanyl, or an
6 analog thereof.

7 (E) A violation of Section 5.1 or 9 of the Cannabis
8 Control Act.

9 (F) A Class 2 or greater felony if the offender had
10 been convicted of a Class 2 or greater felony,
11 including any state or federal conviction for an
12 offense that contained, at the time it was committed,
13 the same elements as an offense now (the date of the
14 offense committed after the prior Class 2 or greater
15 felony) classified as a Class 2 or greater felony,
16 within 10 years of the date on which the offender
17 committed the offense for which he or she is being
18 sentenced, except as otherwise provided in Section
19 40-10 of the Alcoholism and Other Drug Abuse and
20 Dependency Act.

21 (F-5) A violation of Section 24-1, 24-1.1, or
22 24-1.6 of the Criminal Code of 1961 for which
23 imprisonment is prescribed in those Sections.

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

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as
3 described in Section 12-4.6 or subdivision (a)(4) of
4 Section 12-3.05.

5 (J) A forcible felony if the offense was related to
6 the activities of an organized gang.

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

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

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the
19 offense of hate crime when the underlying offense upon
20 which the hate crime is based is felony aggravated
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the
23 offense of institutional vandalism if the damage to the
24 property exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of
26 subsection (a) of Section 2 of the Firearm Owners

1 Identification Card and Certificate of Handgun
2 Registration Act.

3 (O) A violation of Section 12-6.1 or 12-6.5 of the
4 Criminal Code of 1961.

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

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

10 (R) A violation of Section 24-3A of the Criminal
11 Code of 1961.

12 (S) (Blank).

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

15 (U) A second or subsequent violation of Section
16 6-303 of the Illinois Vehicle Code committed while his
17 or her driver's license, permit, or privilege was
18 revoked because of a violation of Section 9-3 of the
19 Criminal Code of 1961, relating to the offense of
20 reckless homicide, or a similar provision of a law of
21 another state.

22 (V) A violation of paragraph (4) of subsection (c)
23 of Section 11-20.1B or paragraph (4) of subsection (c)
24 of Section 11-20.3 of the Criminal Code of 1961.

25 (W) A violation of Section 24-3.5 of the Criminal
26 Code of 1961.

1 (X) A violation of subsection (a) of Section 31-1a
2 of the Criminal Code of 1961.

3 (Y) A conviction for unlawful possession of a
4 firearm by a street gang member when the firearm was
5 loaded or contained firearm ammunition.

6 (Z) A Class 1 felony committed while he or she was
7 serving a term of probation or conditional discharge
8 for a felony.

9 (AA) Theft of property exceeding \$500,000 and not
10 exceeding \$1,000,000 in value.

11 (BB) Laundering of criminally derived property of
12 a value exceeding \$500,000.

13 (CC) Knowingly selling, offering for sale, holding
14 for sale, or using 2,000 or more counterfeit items or
15 counterfeit items having a retail value in the
16 aggregate of \$500,000 or more.

17 (DD) A conviction for aggravated assault under
18 paragraph (6) of subsection (c) of Section 12-2 of the
19 Criminal Code of 1961 if the firearm is aimed toward
20 the person against whom the firearm is being used.

21 (3) (Blank).

22 (4) A minimum term of imprisonment of not less than 10
23 consecutive days or 30 days of community service shall be
24 imposed for a violation of paragraph (c) of Section 6-303
25 of the Illinois Vehicle Code.

26 (4.1) (Blank).

1 (4.2) Except as provided in paragraphs (4.3) and (4.8)
2 of this subsection (c), a minimum of 100 hours of community
3 service shall be imposed for a second violation of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.3) A minimum term of imprisonment of 30 days or 300
6 hours of community service, as determined by the court,
7 shall be imposed for a second violation of subsection (c)
8 of Section 6-303 of the Illinois Vehicle Code.

9 (4.4) Except as provided in paragraphs (4.5), (4.6),
10 and (4.9) of this subsection (c), a minimum term of
11 imprisonment of 30 days or 300 hours of community service,
12 as determined by the court, shall be imposed for a third or
13 subsequent violation of Section 6-303 of the Illinois
14 Vehicle Code.

15 (4.5) A minimum term of imprisonment of 30 days shall
16 be imposed for a third violation of subsection (c) of
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this
19 subsection (c), a minimum term of imprisonment of 180 days
20 shall be imposed for a fourth or subsequent violation of
21 subsection (c) of Section 6-303 of the Illinois Vehicle
22 Code.

23 (4.7) A minimum term of imprisonment of not less than
24 30 consecutive days, or 300 hours of community service,
25 shall be imposed for a violation of subsection (a-5) of
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for
3 a second violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (c-5)
5 of that Section. The person's driving privileges shall be
6 revoked for a period of not less than 5 years from the date
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4
9 and not more than 15 years shall be imposed for a third
10 violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of
12 that Section. The person's driving privileges shall be
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent
17 violation of subsection (a-5) of Section 6-303 of the
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of
19 that Section. The person's driving privileges shall be
20 revoked for the remainder of his or her life.

21 (5) The court may sentence a corporation or
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section
26 5-5-6 of this Code.

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code shall have his or her driver's
5 license, permit, or privileges suspended for at least 90
6 days but not more than one year, if the violation resulted
7 in damage to the property of another person.

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

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

21 (5.4) In addition to any other penalties imposed, a
22 person convicted of violating Section 3-707 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 3 months and until he
25 or she has paid a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois
2 Vehicle Code during a period in which his or her driver's
3 license, permit, or privileges were suspended for a
4 previous violation of that Section shall have his or her
5 driver's license, permit, or privileges suspended for an
6 additional 6 months after the expiration of the original
7 3-month suspension and until he or she has paid a
8 reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000
17 for a first offense and \$2,000 for a second or subsequent
18 offense upon a person convicted of or placed on supervision
19 for battery when the individual harmed was a sports
20 official or coach at any level of competition and the act
21 causing harm to the sports official or coach occurred
22 within an athletic facility or within the immediate
23 vicinity of the athletic facility at which the sports
24 official or coach was an active participant of the athletic
25 contest held at the athletic facility. For the purposes of
26 this paragraph (11), "sports official" means a person at an

1 athletic contest who enforces the rules of the contest,
2 such as an umpire or referee; "athletic facility" means an
3 indoor or outdoor playing field or recreational area where
4 sports activities are conducted; and "coach" means a person
5 recognized as a coach by the sanctioning authority that
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court
8 supervision for a violation of Section 5-16 of the Boat
9 Registration and Safety Act if that person has previously
10 received a disposition of court supervision for a violation
11 of that Section.

12 (13) A person convicted of or placed on court
13 supervision for an assault or aggravated assault when the
14 victim and the offender are family or household members as
15 defined in Section 103 of the Illinois Domestic Violence
16 Act of 1986 or convicted of domestic battery or aggravated
17 domestic battery may be required to attend a Partner Abuse
18 Intervention Program under protocols set forth by the
19 Illinois Department of Human Services under such terms and
20 conditions imposed by the court. The costs of such classes
21 shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the

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

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 results in conviction of a defendant who was a
17 family member of the victim at the time of the commission of
18 the offense, the court shall consider the safety and welfare of
19 the victim and may impose a sentence of probation only where:

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

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

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

- 1 (i) removal from the household;
2 (ii) restricted contact with the victim;
3 (iii) continued financial support of the
4 family;
5 (iv) restitution for harm done to the victim;
6 and
7 (v) compliance with any other measures that
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the
10 victim's counseling services, to the extent that the court
11 finds, after considering the defendant's income and
12 assets, that the defendant is financially capable of paying
13 for such services, if the victim was under 18 years of age
14 at the time the offense was committed and requires
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section
17 5-6-4; except where the court determines at the hearing that
18 the defendant violated a condition of his or her probation
19 restricting contact with the victim or other family members or
20 commits another offense with the victim or other family
21 members, the court shall revoke the defendant's probation and
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and
24 "victim" shall have the meanings ascribed to them in Section
25 11-0.1 of the Criminal Code of 1961.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
3 11-14.3, 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has any sexually transmissible disease,
9 including a test for infection with human immunodeficiency
10 virus (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Any such medical test shall
12 be performed only by appropriately licensed medical
13 practitioners and may include an analysis of any bodily fluids
14 as well as an examination of the defendant's person. Except as
15 otherwise provided by law, the results of such test shall be
16 kept strictly confidential by all medical personnel involved in
17 the testing and must be personally delivered in a sealed
18 envelope to the judge of the court in which the conviction was
19 entered for the judge's inspection in camera. Acting in
20 accordance with the best interests of the victim and the
21 public, the judge shall have the discretion to determine to
22 whom, if anyone, the results of the testing may be revealed.
23 The court shall notify the defendant of the test results. The
24 court shall also notify the victim if requested by the victim,
25 and if the victim is under the age of 15 and if requested by the
26 victim's parents or legal guardian, the court shall notify the

1 victim's parents or legal guardian of the test results. The
2 court shall provide information on the availability of HIV
3 testing and counseling at Department of Public Health
4 facilities to all parties to whom the results of the testing
5 are revealed and shall direct the State's Attorney to provide
6 the information to the victim when possible. A State's Attorney
7 may petition the court to obtain the results of any HIV test
8 administered under this Section, and the court shall grant the
9 disclosure if the State's Attorney shows it is relevant in
10 order to prosecute a charge of criminal transmission of HIV
11 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
12 against the defendant. The court shall order that the cost of
13 any such test shall be paid by the county and may be taxed as
14 costs against the convicted defendant.

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

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. A State's Attorney may petition the court to
20 obtain the results of any HIV test administered under this
21 Section, and the court shall grant the disclosure if the
22 State's Attorney shows it is relevant in order to prosecute a
23 charge of criminal transmission of HIV under Section 12-5.01 or
24 12-16.2 of the Criminal Code of 1961 against the defendant. The
25 court shall order that the cost of any such test shall be paid
26 by the county and may be taxed as costs against the convicted

1 defendant.

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

9 (j) In cases when prosecution for any violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
14 12-15, or 12-16 of the Criminal Code of 1961, any violation of
15 the Illinois Controlled Substances Act, any violation of the
16 Cannabis Control Act, or any violation of the Methamphetamine
17 Control and Community Protection Act results in conviction, a
18 disposition of court supervision, or an order of probation
19 granted under Section 10 of the Cannabis Control Act, Section
20 410 of the Illinois Controlled Substance Act, or Section 70 of
21 the Methamphetamine Control and Community Protection Act of a
22 defendant, the court shall determine whether the defendant is
23 employed by a facility or center as defined under the Child
24 Care Act of 1969, a public or private elementary or secondary
25 school, or otherwise works with children under 18 years of age
26 on a daily basis. When a defendant is so employed, the court

1 shall order the Clerk of the Court to send a copy of the
2 judgment of conviction or order of supervision or probation to
3 the defendant's employer by certified mail. If the employer of
4 the defendant is a school, the Clerk of the Court shall direct
5 the mailing of a copy of the judgment of conviction or order of
6 supervision or probation to the appropriate regional
7 superintendent of schools. The regional superintendent of
8 schools shall notify the State Board of Education of any
9 notification under this subsection.

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

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

16 (k) (Blank).

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

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

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

5 Otherwise, the defendant shall be sentenced as
6 provided in this Chapter V.

7 (B) If the defendant has already been sentenced for a
8 felony or misdemeanor offense, or has been placed on
9 probation under Section 10 of the Cannabis Control Act,
10 Section 410 of the Illinois Controlled Substances Act, or
11 Section 70 of the Methamphetamine Control and Community
12 Protection Act, the court may, upon motion of the State's
13 Attorney to suspend the sentence imposed, commit the
14 defendant to the custody of the Attorney General of the
15 United States or his or her designated agent when:

16 (1) a final order of deportation has been issued
17 against the defendant pursuant to proceedings under
18 the Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not
20 deprecate the seriousness of the defendant's conduct
21 and would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who
23 are subject to the provisions of paragraph (2) of
24 subsection (a) of Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to
2 the custody of the county from which he or she was
3 sentenced. Thereafter, the defendant shall be brought
4 before the sentencing court, which may impose any sentence
5 that was available under Section 5-5-3 at the time of
6 initial sentencing. In addition, the defendant shall not be
7 eligible for additional good conduct credit for
8 meritorious service as provided under Section 3-6-6.

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

15 (n) The court may sentence a person convicted of a
16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
18 of 1961 (i) to an impact incarceration program if the person is
19 otherwise eligible for that program under Section 5-8-1.1, (ii)
20 to community service, or (iii) if the person is an addict or
21 alcoholic, as defined in the Alcoholism and Other Drug Abuse
22 and Dependency Act, to a substance or alcohol abuse program
23 licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act, the
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions of
2 license renewal established by the Secretary of State.

3 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
4 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
5 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
6 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
7 97-159, eff. 7-21-11; revised 9-14-11.)

8 (730 ILCS 5/5-5-3.2)

9 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
10 Sentencing.

11 (a) The following factors shall be accorded weight in favor
12 of imposing a term of imprisonment or may be considered by the
13 court as reasons to impose a more severe sentence under Section
14 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened
16 serious harm;

17 (2) the defendant received compensation for committing
18 the offense;

19 (3) the defendant has a history of prior delinquency or
20 criminal activity;

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

25 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that
2 office;

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

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

8 (8) the defendant committed the offense against a
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a
11 person who is physically handicapped or such person's
12 property;

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

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For
2 purposes of this subparagraph, "place of worship" shall
3 mean any church, synagogue or other building, structure or
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed
6 while he was released on bail or his own recognizance
7 pending trial for a prior felony and was convicted of such
8 prior felony, or the defendant was convicted of a felony
9 committed while he was serving a period of probation,
10 conditional discharge, or mandatory supervised release
11 under subsection (d) of Section 5-8-1 for a prior felony;

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

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 11-0.1 of the Criminal Code of 1961,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
24 11-14.4 except for an offense that involves keeping a place
25 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 against that victim;

2 (15) the defendant committed an offense related to the
3 activities of an organized gang. For the purposes of this
4 factor, "organized gang" has the meaning ascribed to it in
5 Section 10 of the Streetgang Terrorism Omnibus Prevention
6 Act;

7 (16) the defendant committed an offense in violation of
8 one of the following Sections while in a school, regardless
9 of the time of day or time of year; on any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related activity; on
12 the real property of a school; or on a public way within
13 1,000 feet of the real property comprising any school:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a) (4) or (g) (1), of the Criminal Code of 1961;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision
6 (a) (4) or (g) (1), of the Criminal Code of 1961;

7 (17) the defendant committed the offense by reason of
8 any person's activity as a community policing volunteer or
9 to prevent any person from engaging in activity as a
10 community policing volunteer. For the purpose of this
11 Section, "community policing volunteer" has the meaning
12 ascribed to it in Section 2-3.5 of the Criminal Code of
13 1961;

14 (18) the defendant committed the offense in a nursing
15 home or on the real property comprising a nursing home. For
16 the purposes of this paragraph (18), "nursing home" means a
17 skilled nursing or intermediate long term care facility
18 that is subject to license by the Illinois Department of
19 Public Health under the Nursing Home Care Act, the
20 Specialized Mental Health Rehabilitation Act, or the ID/DD
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card and Certificate of Handgun
26 Registration Act and has now committed either a felony

1 violation of the Firearm Owners Identification Card and
2 Certificate of Handgun Registration Act or an act of armed
3 violence while armed with a firearm;

4 (20) the defendant (i) committed the offense of
5 reckless homicide under Section 9-3 of the Criminal Code of
6 1961 or the offense of driving under the influence of
7 alcohol, other drug or drugs, intoxicating compound or
8 compounds or any combination thereof under Section 11-501
9 of the Illinois Vehicle Code or a similar provision of a
10 local ordinance and (ii) was operating a motor vehicle in
11 excess of 20 miles per hour over the posted speed limit as
12 provided in Article VI of Chapter 11 of the Illinois
13 Vehicle Code;

14 (21) the defendant (i) committed the offense of
15 reckless driving or aggravated reckless driving under
16 Section 11-503 of the Illinois Vehicle Code and (ii) was
17 operating a motor vehicle in excess of 20 miles per hour
18 over the posted speed limit as provided in Article VI of
19 Chapter 11 of the Illinois Vehicle Code;

20 (22) the defendant committed the offense against a
21 person that the defendant knew, or reasonably should have
22 known, was a member of the Armed Forces of the United
23 States serving on active duty. For purposes of this clause
24 (22), the term "Armed Forces" means any of the Armed Forces
25 of the United States, including a member of any reserve
26 component thereof or National Guard unit called to active

1 duty;

2 (23) the defendant committed the offense against a
3 person who was elderly, disabled, or infirm by taking
4 advantage of a family or fiduciary relationship with the
5 elderly, disabled, or infirm person;

6 (24) the defendant committed any offense under Section
7 11-20.1 of the Criminal Code of 1961 and possessed 100 or
8 more images;

9 (25) the defendant committed the offense while the
10 defendant or the victim was in a train, bus, or other
11 vehicle used for public transportation;

12 (26) the defendant committed the offense of child
13 pornography or aggravated child pornography, specifically
14 including paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) of Section 11-20.1 of the Criminal Code of
16 1961 where a child engaged in, solicited for, depicted in,
17 or posed in any act of sexual penetration or bound,
18 fettered, or subject to sadistic, masochistic, or
19 sadomasochistic abuse in a sexual context and specifically
20 including paragraph (1), (2), (3), (4), (5), or (7) of
21 subsection (a) of Section 11-20.3 of the Criminal Code of
22 1961 where a child engaged in, solicited for, depicted in,
23 or posed in any act of sexual penetration or bound,
24 fettered, or subject to sadistic, masochistic, or
25 sadomasochistic abuse in a sexual context; or

26 (27) the defendant committed the offense of first

1 degree murder, assault, aggravated assault, battery,
2 aggravated battery, robbery, armed robbery, or aggravated
3 robbery against a person who was a veteran and the
4 defendant knew, or reasonably should have known, that the
5 person was a veteran performing duties as a representative
6 of a veterans' organization. For the purposes of this
7 paragraph (27), "veteran" means an Illinois resident who
8 has served as a member of the United States Armed Forces, a
9 member of the Illinois National Guard, or a member of the
10 United States Reserve Forces; and "veterans' organization"
11 means an organization comprised of members of which
12 substantially all are individuals who are veterans or
13 spouses, widows, or widowers of veterans, the primary
14 purpose of which is to promote the welfare of its members
15 and to provide assistance to the general public in such a
16 way as to confer a public benefit.

17 For the purposes of this Section:

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

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

24 "Public transportation" means the transportation or
25 conveyance of persons by means available to the general public,
26 and includes paratransit services.

1 (b) The following factors, related to all felonies, may be
2 considered by the court as reasons to impose an extended term
3 sentence under Section 5-8-2 upon any offender:

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

11 (2) When a defendant is convicted of any felony and the
12 court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony
16 committed against:

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

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

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

23 (4) When a defendant is convicted of any felony and the
24 offense involved any of the following types of specific
25 misconduct committed as part of a ceremony, rite,
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or social
2 group:

3 (i) the brutalizing or torturing of humans or
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,
8 fraternal, business, governmental, educational, or
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense
22 committed while using a firearm with a laser sight attached
23 to it. For purposes of this paragraph, "laser sight" has
24 the meaning ascribed to it in Section 24.6-5 of the
25 Criminal Code of 1961; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted
2 of a felony and has been previously adjudicated a
3 delinquent minor under the Juvenile Court Act of 1987 for
4 an act that if committed by an adult would be a Class X or
5 Class 1 felony when the conviction has occurred within 10
6 years after the previous adjudication, excluding time
7 spent in custody; or

8 (8) When a defendant commits any felony and the
9 defendant used, possessed, exercised control over, or
10 otherwise directed an animal to assault a law enforcement
11 officer engaged in the execution of his or her official
12 duties or in furtherance of the criminal activities of an
13 organized gang in which the defendant is engaged.

14 (c) The following factors may be considered by the court as
15 reasons to impose an extended term sentence under Section 5-8-2
16 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

17 (1) When a defendant is convicted of first degree
18 murder, after having been previously convicted in Illinois
19 of any offense listed under paragraph (c)(2) of Section
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
21 within 10 years after the previous conviction, excluding
22 time spent in custody, and the charges are separately
23 brought and tried and arise out of different series of
24 acts.

25 (1.5) When a defendant is convicted of first degree
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
2 (720 ILCS 5/12-3.3) committed on the same victim or after
3 having been previously convicted of violation of an order
4 of protection (720 ILCS 5/12-30) in which the same victim
5 was the protected person.

6 (2) When a defendant is convicted of voluntary
7 manslaughter, second degree murder, involuntary
8 manslaughter, or reckless homicide in which the defendant
9 has been convicted of causing the death of more than one
10 individual.

11 (3) When a defendant is convicted of aggravated
12 criminal sexual assault or criminal sexual assault, when
13 there is a finding that aggravated criminal sexual assault
14 or criminal sexual assault was also committed on the same
15 victim by one or more other individuals, and the defendant
16 voluntarily participated in the crime with the knowledge of
17 the participation of the others in the crime, and the
18 commission of the crime was part of a single course of
19 conduct during which there was no substantial change in the
20 nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time
22 of the commission of the offense, when a defendant is
23 convicted of aggravated criminal sexual assault or
24 predatory criminal sexual assault of a child under
25 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
26 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS

1 5/11-1.40 or 5/12-14.1).

2 (5) When a defendant is convicted of a felony violation
3 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
4 5/24-1) and there is a finding that the defendant is a
5 member of an organized gang.

6 (6) When a defendant was convicted of unlawful use of
7 weapons under Section 24-1 of the Criminal Code of 1961
8 (720 ILCS 5/24-1) for possessing a weapon that is not
9 readily distinguishable as one of the weapons enumerated in
10 Section 24-1 of the Criminal Code of 1961 (720 ILCS
11 5/24-1).

12 (7) When a defendant is convicted of an offense
13 involving the illegal manufacture of a controlled
14 substance under Section 401 of the Illinois Controlled
15 Substances Act (720 ILCS 570/401), the illegal manufacture
16 of methamphetamine under Section 25 of the Methamphetamine
17 Control and Community Protection Act (720 ILCS 646/25), or
18 the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties is
20 killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of the
22 offense. In this paragraph, "emergency" means a situation
23 in which a person's life, health, or safety is in jeopardy;
24 and "emergency response officer" means a peace officer,
25 community policing volunteer, fireman, emergency medical
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, other medical
3 assistance or first aid personnel, or hospital emergency
4 room personnel.

5 (d) For the purposes of this Section, "organized gang" has
6 the meaning ascribed to it in Section 10 of the Illinois
7 Streetgang Terrorism Omnibus Prevention Act.

8 (e) The court may impose an extended term sentence under
9 Article 4.5 of Chapter V upon an offender who has been
10 convicted of a felony violation of Section 12-13, 12-14,
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
12 victim of the offense is under 18 years of age at the time of
13 the commission of the offense and, during the commission of the
14 offense, the victim was under the influence of alcohol,
15 regardless of whether or not the alcohol was supplied by the
16 offender; and the offender, at the time of the commission of
17 the offense, knew or should have known that the victim had
18 consumed alcohol.

19 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
20 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
21 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
22 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
23 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
24 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

25 Section 55. The Mental Health and Developmental

1 Disabilities Confidentiality Act is amended by changing
2 Section 12 as follows:

3 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

4 Sec. 12. (a) If the United States Secret Service or the
5 Department of State Police requests information from a mental
6 health or developmental disability facility, as defined in
7 Section 1-107 and 1-114 of the Mental Health and Developmental
8 Disabilities Code, relating to a specific recipient and the
9 facility director determines that disclosure of such
10 information may be necessary to protect the life of, or to
11 prevent the infliction of great bodily harm to, a public
12 official, or a person under the protection of the United States
13 Secret Service, only the following information may be
14 disclosed: the recipient's name, address, and age and the date
15 of any admission to or discharge from a facility; and any
16 information which would indicate whether or not the recipient
17 has a history of violence or presents a danger of violence to
18 the person under protection. Any information so disclosed shall
19 be used for investigative purposes only and shall not be
20 publicly disseminated. Any person participating in good faith
21 in the disclosure of such information in accordance with this
22 provision shall have immunity from any liability, civil,
23 criminal or otherwise, if such information is disclosed relying
24 upon the representation of an officer of the United States
25 Secret Service or the Department of State Police that a person

1 is under the protection of the United States Secret Service or
2 is a public official.

3 For the purpose of this subsection (a), the term "public
4 official" means the Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, State Comptroller, State
6 Treasurer, member of the General Assembly, member of the United
7 States Congress, Judge of the United States as defined in 28
8 U.S.C. 451, Justice of the United States as defined in 28
9 U.S.C. 451, United States Magistrate Judge as defined in 28
10 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
11 Supreme, Appellate, Circuit, or Associate Judge of the State of
12 Illinois. The term shall also include the spouse, child or
13 children of a public official.

14 (b) The Department of Human Services (acting as successor
15 to the Department of Mental Health and Developmental
16 Disabilities) and all public or private hospitals and mental
17 health facilities are required, as hereafter described in this
18 subsection, to furnish the Department of State Police only such
19 information as may be required for the sole purpose of
20 determining whether an individual who may be or may have been a
21 patient is disqualified because of that status from receiving
22 or retaining a Firearm Owner's Identification Card under
23 subsection (e) or (f) of Section 8 of the Firearm Owners
24 Identification Card and Certificate of Handgun Registration
25 Act or 18 U.S.C. 922(g) and (n). All public or private
26 hospitals and mental health facilities shall, in the form and

1 manner required by the Department, provide such information as
2 shall be necessary for the Department to comply with the
3 reporting requirements to the Department of State Police. Such
4 information shall be furnished within 7 days after admission to
5 a public or private hospital or mental health facility or the
6 provision of services to a patient described in clause (2) of
7 this subsection (b). Any such information disclosed under this
8 subsection shall remain privileged and confidential, and shall
9 not be redisclosed, except as required by clause (e)(2) of
10 Section 3.1 of the Firearm Owners Identification Card and
11 Certificate of Handgun Registration Act, nor utilized for any
12 other purpose. The method of requiring the providing of such
13 information shall guarantee that no information is released
14 beyond what is necessary for this purpose. In addition, the
15 information disclosed shall be provided by the Department
16 within the time period established by Section 24-3 of the
17 Criminal Code of 1961 regarding the delivery of firearms. The
18 method used shall be sufficient to provide the necessary
19 information within the prescribed time period, which may
20 include periodically providing lists to the Department of Human
21 Services or any public or private hospital or mental health
22 facility of Firearm Owner's Identification Card applicants on
23 which the Department or hospital shall indicate the identities
24 of those individuals who are to its knowledge disqualified from
25 having a Firearm Owner's Identification Card for reasons
26 described herein. The Department may provide for a centralized

1 source of information for the State on this subject under its
2 jurisdiction.

3 Any person, institution, or agency, under this Act,
4 participating in good faith in the reporting or disclosure of
5 records and communications otherwise in accordance with this
6 provision or with rules, regulations or guidelines issued by
7 the Department shall have immunity from any liability, civil,
8 criminal or otherwise, that might result by reason of the
9 action. For the purpose of any proceeding, civil or criminal,
10 arising out of a report or disclosure in accordance with this
11 provision, the good faith of any person, institution, or agency
12 so reporting or disclosing shall be presumed. The full extent
13 of the immunity provided in this subsection (b) shall apply to
14 any person, institution or agency that fails to make a report
15 or disclosure in the good faith belief that the report or
16 disclosure would violate federal regulations governing the
17 confidentiality of alcohol and drug abuse patient records
18 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

21 (1) "Hospital" means only that type of institution
22 which is providing full-time residential facilities and
23 treatment.

24 (2) "Patient" shall include only: (i) a person who is
25 an in-patient or resident of any public or private hospital
26 or mental health facility or (ii) a person who is an

1 out-patient or provided services by a public or private
2 hospital or mental health facility whose mental condition
3 is of such a nature that it is manifested by violent,
4 suicidal, threatening, or assaultive behavior or reported
5 behavior, for which there is a reasonable belief by a
6 physician, clinical psychologist, or qualified examiner
7 that the condition poses a clear and present or imminent
8 danger to the patient, any other person or the community
9 meaning the patient's condition poses a clear and present
10 danger in accordance with subsection (f) of Section 8 of
11 the Firearm Owners Identification Card and Certificate of
12 Handgun Registration Act. The terms physician, clinical
13 psychologist, and qualified examiner are defined in
14 Sections 1-120, 1-103, and 1-122 of the Mental Health and
15 Developmental Disabilities Code.

16 (3) "Mental health facility" is defined by Section
17 1-114 of the Mental Health and Developmental Disabilities
18 Code.

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

1 Section 60. The Uniform Disposition of Unclaimed Property
2 Act is amended by changing Section 1 as follows:

3 (765 ILCS 1025/1) (from Ch. 141, par. 101)

4 Sec. 1. As used in this Act, unless the context otherwise
5 requires:

6 (a) "Banking organization" means any bank, trust company,
7 savings bank, industrial bank, land bank, safe deposit company,
8 or a private banker.

9 (b) "Business association" means any corporation, joint
10 stock company, business trust, partnership, or any
11 association, limited liability company, or other business
12 entity consisting of one or more persons, whether or not for
13 profit.

14 (c) "Financial organization" means any savings and loan
15 association, building and loan association, credit union,
16 currency exchange, co-operative bank, mutual funds, or
17 investment company.

18 (d) "Holder" means any person in possession of property
19 subject to this Act belonging to another, or who is trustee in
20 case of a trust, or is indebted to another on an obligation
21 subject to this Act.

22 (e) "Life insurance corporation" means any association or
23 corporation transacting the business of insurance on the lives
24 of persons or insurance appertaining thereto, including, but

1 not by way of limitation, endowments and annuities.

2 (f) "Owner" means a depositor in case of a deposit, a
3 beneficiary in case of a trust, a creditor, claimant, or payee
4 in case of other property, or any person having a legal or
5 equitable interest in property subject to this Act, or his
6 legal representative.

7 (g) "Person" means any individual, business association,
8 financial organization, government or political subdivision or
9 agency, public authority, estate, trust, or any other legal or
10 commercial entity.

11 (h) "Utility" means any person who owns or operates, for
12 public use, any plant, equipment, property, franchise, or
13 license for the transmission of communications or the
14 production, storage, transmission, sale, delivery, or
15 furnishing of electricity, water, steam, oil or gas.

16 (i) (Blank).

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

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

26 (l) "Reportable property" means property, tangible or

1 intangible, presumed abandoned under this Act that must be
2 appropriately and timely reported and remitted to the Office of
3 the State Treasurer under this Act. Interest, dividends, stock
4 splits, warrants, or other rights that become reportable
5 property under this Act include the underlying security or
6 commodity giving rise to the interest, dividend, split,
7 warrant, or other right to which the owner would be entitled.

8 (m) "Firearm" has the meaning ascribed to that term in the
9 Firearm Owners Identification Card and Certificate of Handgun
10 Registration Act.

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

13 Section 99. Effective date. This Act takes effect July 1,
14 2014.".