



Sen. Antonio Muñoz

Filed: 3/26/2012

09700SB3625sam001

LRB097 18546 RLC 67699 a

1 AMENDMENT TO SENATE BILL 3625

2 AMENDMENT NO. _____. Amend Senate Bill 3625 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;

23 (3) a certified member of the Illinois Firearms
24 Manufacturers Association; and

25 (4) a federally licensed firearm dealer holding a new

1 handgun for transfer or sale.

2 (c) An applicant for an original or transferred certificate
3 of handgun registration shall submit an application to the
4 Department, prepared and furnished at convenient locations
5 throughout the State or by electronic means. The application
6 shall request the following information from the applicant:

7 (1) the applicant's name, address, and telephone
8 number;

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

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

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

16 (5) the date the handgun was acquired;

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

22 (7) an affidavit signed by the applicant certifying
23 that the applicant:

24 (A) possesses a valid Firearm Owner's
25 Identification Card;

26 (B) as of the date of application, would still be

1 eligible to receive a Firearm Owner's Identification
2 Card from the Department.

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

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

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

1 required by this Act.

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

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

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

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

12 (g) A nonrefundable fee of \$10 shall be payable for each
13 duplicate or replacement certificate of handgun registration.
14 All moneys received from this \$10 fee shall be deposited into
15 the Handgun Certificate Administration Fund for the
16 administration of handgun registration.

17 (h) Certificates of handgun registration shall expire
18 every 5 years. The fee for renewal of a certificate of handgun
19 registration is \$10. All moneys received from this \$10 fee
20 shall be deposited into the Handgun Certificate Administration
21 Fund for the administration of handgun registration.

22 (i) Every person issued a certificate of handgun
23 registration shall notify local law enforcement within 72 hours
24 when:

25 (1) the person knows, or should have known, that his or
26 her handgun is lost, stolen, destroyed, or otherwise

1 missing; or

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

5 (i-5) Every person issued a certificate of handgun
6 registration shall notify the Department in a manner prescribed
7 by the Department within 72 hours of any of the following
8 events:

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

11 (2) the sale, transfer, inheritance, or other
12 disposition of the registered handgun.

13 (j) Every person issued a certificate of handgun
14 registration, in addition to any other requirements of this
15 Section, shall immediately return to the Department his or her
16 copy of the certificate of handgun registration for any handgun
17 which is lost, stolen, destroyed, or otherwise disposed of.

18 (k) If an owner transfers ownership of a handgun, he or she
19 shall execute to the transferee, at the time of the delivery of
20 the handgun, an assignment of registration in the space
21 provided on the certificate of handgun registration, and shall
22 cause the certificate and assignment to be delivered to the
23 transferee.

24 (k-5) In the case of a federally licensed firearm dealer
25 making a sale of a new handgun, the dealer shall submit the
26 application described in subsection (c) of this Section along

1 with the required fee to the Department on the purchaser's
2 behalf within 20 days from the date of sale. If the purchaser
3 does not receive an original certificate of handgun
4 registration or a written denial of the application submitted
5 on his or her behalf by the dealer within 50 days from the date
6 of purchase, the purchaser shall inquire to the Department
7 regarding the status of his or her application.

8 (l) Within 20 days after the delivery to a transferee of a
9 handgun or the delivery of the certificate and assignment,
10 whichever occurs sooner, the transferee shall execute the
11 application for a new certificate of handgun registration in
12 the space provided on the certificate and cause the certificate
13 and application to be mailed or delivered to the Department.

14 (m) No transferee shall knowingly accept ownership of a
15 handgun from a transferor who has failed to obtain a
16 certificate of handgun registration in violation of this
17 Section, or who fails to execute an assignment of registration
18 to the transferee as required by subsection (k) of this
19 Section.

20 (n) Any person who accepts delivery of a handgun that has
21 not been previously registered and assigned to the transferee
22 shall file an application for an original certificate of
23 handgun registration within 20 days after taking possession of
24 the handgun. Any person who owns a handgun on the effective
25 date of this amendatory Act of the 97th General Assembly shall
26 file an application for an original certificate of handgun

1 registration not later than 90 days after the effective date of
2 this amendatory Act of the 97th General Assembly.

3 (o) Transfer of ownership of a registered handgun shall not
4 be considered complete until the transferee has complied with
5 subsection (l) of this Section, provided that a transferor who
6 has complied with subsections (i) and (k) of this Section, and
7 has complied with the requirements of Section 3 and 3.1, if
8 applicable, shall not be liable as an owner by virtue of the
9 transferee's failure to comply with subsection (l) for damages
10 arising out of use of the handgun.

11 (p) The Department has authority to deny an application for
12 or to revoke and seize a certificate of handgun registration
13 previously issued under this Section if the Department finds
14 that:

15 (1) the person does not possess a valid Firearm Owner's
16 Identification Card;

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

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

20 (q) The Department of State Police and local law
21 enforcement may exchange any information that is necessary for
22 the proper administration of this Section unless the exchange
23 is specifically prohibited by State or federal law.

24 (r) Whenever an application for a Certificate of Handgun
25 Registration is denied, whenever the Department fails to act on
26 an application within 30 days of its receipt, or whenever such

1 a certificate is revoked or seized, the aggrieved party may
2 appeal to the Director of the Department of State Police for a
3 hearing upon such denial, failure to act, revocation or
4 seizure, unless the denial, failure to act, revocation, or
5 seizure was based upon a forcible felony, stalking, aggravated
6 stalking, domestic battery, any violation of the Illinois
7 Controlled Substances Act, the Methamphetamine Control and
8 Community Protection Act, or the Cannabis Control Act that is
9 classified as a Class 2 or greater felony, any felony violation
10 of Article 24 of the Criminal Code of 1961, or any adjudication
11 as a delinquent minor for the commission of an offense that if
12 committed by an adult would be a felony, in which case the
13 aggrieved party may petition the circuit court in writing in
14 the county of his or her residence for a hearing upon such
15 denial, failure to act, revocation, or seizure.

16 (1) At least 30 days before any hearing in the circuit
17 court, the petitioner shall serve the relevant State's
18 Attorney with a copy of the petition. The State's Attorney
19 may object to the petition and present evidence. At the
20 hearing the court shall determine whether substantial
21 justice has been done. Should the court determine that
22 substantial justice has not been done, the court shall
23 issue an order directing the Department of State Police to
24 issue a Certificate.

25 (2) Any person prohibited from possessing a firearm
26 under Sections 24-1.1 or 24-3.1 of the Criminal Code of

1 1961 or acquiring a Certificate of Handgun Registration
2 under Section 3.4 of this Act may apply to the Director of
3 the Department of State Police or petition the circuit
4 court in the county where the petitioner resides, whichever
5 is applicable in accordance with this subsection (r),
6 requesting relief from such prohibition and the Director or
7 court may grant such relief if it is established by the
8 applicant to the court's or Director's satisfaction that:

9 (A) when in the circuit court, the State's Attorney
10 has been served with a written copy of the petition at
11 least 30 days before any such hearing in the circuit
12 court and at the hearing the State's Attorney was
13 afforded an opportunity to present evidence and object
14 to the petition;

15 (B) the applicant has not been convicted of a
16 forcible felony under the laws of this State or any
17 other jurisdiction within 20 years of the applicant's
18 application for a Firearm Owner's Identification Card,
19 or at least 20 years have passed since the end of any
20 period of imprisonment imposed in relation to that
21 conviction;

22 (C) the circumstances regarding a criminal
23 conviction, where applicable, the applicant's criminal
24 history and his reputation are such that the applicant
25 will not be likely to act in a manner dangerous to
26 public safety; and

1 (D) granting relief would not be contrary to the
2 public interest.

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

6 (4) The court shall review the denial of an application
7 or the revocation of a Certificate of Handgun Registration
8 of a person who has been adjudicated delinquent for an
9 offense that if committed by an adult would be a felony if
10 an application for relief has been filed at least 10 years
11 after the adjudication of delinquency and the court
12 determines that the applicant should be granted relief from
13 disability to obtain a Certificate of Handgun
14 Registration. If the court grants relief, the court shall
15 notify the Department of State Police that the disability
16 has been removed and that the applicant is eligible to
17 obtain a Certificate of Handgun Registration.

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

1 (s) Notwithstanding any other provision of law, including
2 the Freedom of Information Act, it is the public policy of this
3 State that the names and information of people who have applied
4 for or received certificates of handgun registration under this
5 Section are considered private and shall not be disclosed. No
6 State or local law enforcement agency shall provide the names
7 and information of holders of or applicants for certificates of
8 handgun registration, except that the Department may provide
9 confirmation that an individual has or has not been issued,
10 applied for, or denied a certificate of handgun registration in
11 connection with a criminal investigation.

12 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

15 (1) Make application on blank forms prepared and
16 furnished at convenient locations throughout the State by
17 the Department of State Police, or by electronic means, if
18 and when made available by the Department of State Police;
19 and

20 (2) Submit evidence to the Department of State Police
21 that:

22 (i) He or she is 21 years of age or over, or if he
23 or she is under 21 years of age that he or she has the
24 written consent of his or her parent or legal guardian
25 to possess and acquire firearms and firearm ammunition

1 and that he or she has never been convicted of a
2 misdemeanor other than a traffic offense or adjudged
3 delinquent, provided, however, that such parent or
4 legal guardian is not an individual prohibited from
5 having a Firearm Owner's Identification Card and files
6 an affidavit with the Department as prescribed by the
7 Department stating that he or she is not an individual
8 prohibited from having a Card;

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

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

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

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

16 (vi) He or she is not an alien who is unlawfully
17 present in the United States under the laws of the
18 United States;

19 (vii) He or she is not subject to an existing order
20 of protection prohibiting him or her from possessing a
21 firearm;

22 (viii) He or she has not been convicted within the
23 past 5 years of battery, assault, aggravated assault,
24 violation of an order of protection, or a substantially
25 similar offense in another jurisdiction, in which a
26 firearm was used or possessed;

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

7 (x) (Blank);

8 (xi) He or she is not an alien who has been
9 admitted to the United States under a non-immigrant
10 visa (as that term is defined in Section 101(a)(26) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(26))), or that he or she is an alien who has
13 been lawfully admitted to the United States under a
14 non-immigrant visa if that alien is:

15 (1) admitted to the United States for lawful
16 hunting or sporting purposes;

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

19 (A) accredited to the United States
20 Government or the Government's mission to an
21 international organization having its
22 headquarters in the United States; or

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

25 (3) an official of a foreign government or
26 distinguished foreign visitor who has been so

1 designated by the Department of State;

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

5 (5) one who has received a waiver from the
6 Attorney General of the United States pursuant to
7 18 U.S.C. 922 (y) (3);

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

13 (xiii) He or she is not an adult who had been
14 adjudicated a delinquent minor under the Juvenile
15 Court Act of 1987 for the commission of an offense that
16 if committed by an adult would be a felony; and

17 (3) Upon request by the Department of State Police,
18 sign a release on a form prescribed by the Department of
19 State Police waiving any right to confidentiality and
20 requesting the disclosure to the Department of State Police
21 of limited mental health institution admission information
22 from another state, the District of Columbia, any other
23 territory of the United States, or a foreign nation
24 concerning the applicant for the sole purpose of
25 determining whether the applicant is or was a patient in a
26 mental health institution and disqualified because of that

1 status from receiving a Firearm Owner's Identification
2 Card. No mental health care or treatment records may be
3 requested. The information received shall be destroyed
4 within one year of receipt.

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

9 (a-10) Each applicant for a Firearm Owner's Identification
10 Card, who is employed as an armed security officer at a nuclear
11 energy, storage, weapons, or development facility regulated by
12 the Nuclear Regulatory Commission and who is not an Illinois
13 resident, shall furnish to the Department of State Police his
14 or her driver's license number or state identification card
15 number from his or her state of residence. The Department of
16 State Police may promulgate rules to enforce the provisions of
17 this subsection (a-10).

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

25 (c) Upon such written consent, pursuant to Section 4,
26 paragraph (a)(2)(i), the parent or legal guardian giving the

1 consent shall be liable for any damages resulting from the
2 applicant's use of firearms or firearm ammunition.

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

5 (430 ILCS 65/6.1)

6 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's
7 Identification Cards.

8 (a) Any person who forges or materially alters a Firearm
9 Owner's Identification Card or certificate of handgun
10 registration or who counterfeits a Firearm Owner's
11 Identification Card or certificate of handgun registration
12 commits a Class 2 felony.

13 (b) Any person who knowingly possesses a forged or
14 materially altered Firearm Owner's Identification Card or
15 certificate of handgun registration with the intent to use it
16 commits a Class 2 felony. A person who possesses a Firearm
17 Owner's Identification Card or certificate of handgun
18 registration with knowledge that it is counterfeit commits a
19 Class 2 felony.

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

21 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

22 Sec. 14. Sentence.

23 (a) A violation of paragraph (1) of subsection (a) of
24 Section 2, when the person's Firearm Owner's Identification

1 Card is expired but the person is not otherwise disqualified
2 from renewing the card, is a Class A misdemeanor.

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

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

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

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

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

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

21 (d-5) Any person who knowingly enters false information on
22 an application for a Firearm Owner's Identification Card or a
23 certificate of handgun registration, who knowingly gives a
24 false answer to any question on the application, or who
25 knowingly submits false evidence in connection with an
26 application is guilty of a Class 2 felony.

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

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

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

7 (705 ILCS 105/27.3a)

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

9 Sec. 27.3a. Fees for automated record keeping and State and
10 Conservation Police operations.

11 1. The expense of establishing and maintaining automated
12 record keeping systems in the offices of the clerks of the
13 circuit court shall be borne by the county. To defray such
14 expense in any county having established such an automated
15 system or which elects to establish such a system, the county
16 board may require the clerk of the circuit court in their
17 county to charge and collect a court automation fee of not less
18 than \$1 nor more than \$15 to be charged and collected by the
19 clerk of the court. Such fee shall be paid at the time of
20 filing the first pleading, paper or other appearance filed by
21 each party in all civil cases or by the defendant in any
22 felony, traffic, misdemeanor, municipal ordinance, or
23 conservation case upon a judgment of guilty or grant of
24 supervision, provided that the record keeping system which

1 processes the case category for which the fee is charged is
2 automated or has been approved for automation by the county
3 board, and provided further that no additional fee shall be
4 required if more than one party is presented in a single
5 pleading, paper or other appearance. Such fee shall be
6 collected in the manner in which all other fees or costs are
7 collected.

8 1.5. Starting on the effective date of this amendatory Act
9 of the 96th General Assembly, a clerk of the circuit court in
10 any county that imposes a fee pursuant to subsection 1 of this
11 Section, shall charge and collect an additional fee in an
12 amount equal to the amount of the fee imposed pursuant to
13 subsection 1 of this Section. This additional fee shall be paid
14 by the defendant in any felony, traffic, misdemeanor, or local
15 ordinance case upon a judgment of guilty or grant of
16 supervision. This fee shall not be paid by the defendant for
17 any conservation violation listed in subsection 1.6 of this
18 Section.

19 1.6. Starting on July 1, 2012 (the effective date of Public
20 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
21 clerk of the circuit court in any county that imposes a fee
22 pursuant to subsection 1 of this Section shall charge and
23 collect an additional fee in an amount equal to the amount of
24 the fee imposed pursuant to subsection 1 of this Section. This
25 additional fee shall be paid by the defendant upon a judgment
26 of guilty or grant of supervision for a conservation violation

1 under the State Parks Act, the Recreational Trails of Illinois
2 Act, the Illinois Explosives Act, the Timber Buyers Licensing
3 Act, the Forest Products Transportation Act, the Firearm Owners
4 Identification Card and Certificate of Handgun Registration
5 Act, the Environmental Protection Act, the Fish and Aquatic
6 Life Code, the Wildlife Code, the Cave Protection Act, the
7 Illinois Exotic Weed Act, the Illinois Forestry Development
8 Act, the Ginseng Harvesting Act, the Illinois Lake Management
9 Program Act, the Illinois Natural Areas Preservation Act, the
10 Illinois Open Land Trust Act, the Open Space Lands Acquisition
11 and Development Act, the Illinois Prescribed Burning Act, the
12 State Forest Act, the Water Use Act of 1983, the Illinois Youth
13 and Young Adult Employment Act of 1986, the Snowmobile
14 Registration and Safety Act, the Boat Registration and Safety
15 Act, the Illinois Dangerous Animals Act, the Hunter and
16 Fishermen Interference Prohibition Act, the Wrongful Tree
17 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
18 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
19 the Illinois Vehicle Code.

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

25 3. With respect to the fee imposed under subsection 1 of
26 this Section, such fees shall be in addition to all other fees

1 and charges of such clerks, and assessable as costs, and may be
2 waived only if the judge specifically provides for the waiver
3 of the court automation fee. The fees shall be remitted monthly
4 by such clerk to the county treasurer, to be retained by him in
5 a special fund designated as the court automation fund. The
6 fund shall be audited by the county auditor, and the board
7 shall make expenditure from the fund in payment of any cost
8 related to the automation of court records, including hardware,
9 software, research and development costs and personnel related
10 thereto, provided that the expenditure is approved by the clerk
11 of the court and by the chief judge of the circuit court or his
12 designate.

13 4. With respect to the fee imposed under subsection 1 of
14 this Section, such fees shall not be charged in any matter
15 coming to any such clerk on change of venue, nor in any
16 proceeding to review the decision of any administrative
17 officer, agency or body.

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

23 6. With respect to the additional fees imposed under
24 subsection 1.5 of this Section, the Director of State Police
25 may direct the use of these fees for homeland security purposes
26 by transferring these fees on a quarterly basis from the State

1 Police Operations Assistance Fund into the Illinois Law
2 Enforcement Alarm Systems (ILEAS) Fund for homeland security
3 initiatives programs. The transferred fees shall be allocated,
4 subject to the approval of the ILEAS Executive Board, as
5 follows: (i) 66.6% shall be used for homeland security
6 initiatives and (ii) 33.3% shall be used for airborne
7 operations. The ILEAS Executive Board shall annually supply the
8 Director of State Police with a report of the use of these
9 fees.

10 7. ~~6.~~ With respect to the additional fee imposed under
11 subsection 1.6 of this Section, the fee shall be remitted by
12 the circuit clerk to the State Treasurer within one month after
13 receipt for deposit into the Conservation Police Operations
14 Assistance Fund.

15 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
16 97-453, eff. 8-19-11; revised 10-4-11.)

17 Section 40. The Criminal Code of 1961 is amended by
18 changing Sections 2-7.1, 2-7.5, 11-20.1, 12-3.05, 17-30,
19 17B-0.05, 24-1.1, 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and
20 24-9 as follows:

21 (720 ILCS 5/2-7.1)

22 Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"
23 and "firearm ammunition" have the meanings ascribed to them in
24 Section 1.1 of the Firearm Owners Identification Card and

1 Certificate of Handgun Registration Act.

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

3 (720 ILCS 5/2-7.5)

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

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

9 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

10 Sec. 11-20.1. Child pornography.

11 (a) A person commits child pornography who:

12 (1) films, videotapes, photographs, or otherwise
13 depicts or portrays by means of any similar visual medium
14 or reproduction or depicts by computer any child whom he or
15 she knows or reasonably should know to be under the age of
16 18 and at least 13 years of age or any severely or
17 profoundly intellectually disabled person where such child
18 or severely or profoundly intellectually disabled person
19 is:

20 (i) actually or by simulation engaged in any act of
21 sexual penetration or sexual conduct with any person or
22 animal; or

23 (ii) actually or by simulation engaged in any act
24 of sexual penetration or sexual conduct involving the

1 sex organs of the child or severely or profoundly
2 intellectually disabled person and the mouth, anus, or
3 sex organs of another person or animal; or which
4 involves the mouth, anus or sex organs of the child or
5 severely or profoundly intellectually disabled person
6 and the sex organs of another person or animal; or

7 (iii) actually or by simulation engaged in any act
8 of masturbation; or

9 (iv) actually or by simulation portrayed as being
10 the object of, or otherwise engaged in, any act of lewd
11 fondling, touching, or caressing involving another
12 person or animal; or

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

15 (vi) actually or by simulation portrayed or
16 depicted as bound, fettered, or subject to sadistic,
17 masochistic, or sadomasochistic abuse in any sexual
18 context; or

19 (vii) depicted or portrayed in any pose, posture or
20 setting involving a lewd exhibition of the unclothed or
21 transparently clothed genitals, pubic area, buttocks,
22 or, if such person is female, a fully or partially
23 developed breast of the child or other person; or

24 (2) with the knowledge of the nature or content
25 thereof, reproduces, disseminates, offers to disseminate,
26 exhibits or possesses with intent to disseminate any film,

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

9 (3) with knowledge of the subject matter or theme
10 thereof, produces any stage play, live performance, film,
11 videotape or other similar visual portrayal or depiction by
12 computer which includes a child whom the person knows or
13 reasonably should know to be under the age of 18 and at
14 least 13 years of age or a severely or profoundly
15 intellectually disabled person engaged in any activity
16 described in subparagraphs (i) through (vii) of paragraph
17 (1) of this subsection; or

18 (4) solicits, uses, persuades, induces, entices, or
19 coerces any child whom he or she knows or reasonably should
20 know to be under the age of 18 and at least 13 years of age
21 or a severely or profoundly intellectually disabled person
22 to appear in any stage play, live presentation, film,
23 videotape, photograph or other similar visual reproduction
24 or depiction by computer in which the child or severely or
25 profoundly intellectually disabled person is or will be
26 depicted, actually or by simulation, in any act, pose or

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

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

15 (6) with knowledge of the nature or content thereof,
16 possesses any film, videotape, photograph or other similar
17 visual reproduction or depiction by computer of any child
18 or severely or profoundly intellectually disabled person
19 whom the person knows or reasonably should know to be under
20 the age of 18 and at least 13 years of age or to be a
21 severely or profoundly intellectually disabled person,
22 engaged in any activity described in subparagraphs (i)
23 through (vii) of paragraph (1) of this subsection; or

24 (7) solicits, or knowingly uses, persuades, induces,
25 entices, or coerces, a person to provide a child under the
26 age of 18 and at least 13 years of age or a severely or

1 profoundly intellectually disabled person to appear in any
2 videotape, photograph, film, stage play, live
3 presentation, or other similar visual reproduction or
4 depiction by computer in which the child or severely or
5 profoundly intellectually disabled person will be
6 depicted, actually or by simulation, in any act, pose, or
7 setting described in subparagraphs (i) through (vii) of
8 paragraph (1) of this subsection.

9 (b) (1) It shall be an affirmative defense to a charge of
10 child pornography that the defendant reasonably believed,
11 under all of the circumstances, that the child was 18 years
12 of age or older or that the person was not a severely or
13 profoundly intellectually disabled person but only where,
14 prior to the act or acts giving rise to a prosecution under
15 this Section, he or she took some affirmative action or
16 made a bonafide inquiry designed to ascertain whether the
17 child was 18 years of age or older or that the person was
18 not a severely or profoundly intellectually disabled
19 person and his or her reliance upon the information so
20 obtained was clearly reasonable.

21 (1.5) Telecommunications carriers, commercial mobile
22 service providers, and providers of information services,
23 including, but not limited to, Internet service providers
24 and hosting service providers, are not liable under this
25 Section by virtue of the transmission, storage, or caching
26 of electronic communications or messages of others or by

1 virtue of the provision of other related
2 telecommunications, commercial mobile services, or
3 information services used by others in violation of this
4 Section.

5 (2) (Blank).

6 (3) The charge of child pornography shall not apply to
7 the performance of official duties by law enforcement or
8 prosecuting officers or persons employed by law
9 enforcement or prosecuting agencies, court personnel or
10 attorneys, nor to bonafide treatment or professional
11 education programs conducted by licensed physicians,
12 psychologists or social workers.

13 (4) If the defendant possessed more than one of the
14 same film, videotape or visual reproduction or depiction by
15 computer in which child pornography is depicted, then the
16 trier of fact may infer that the defendant possessed such
17 materials with the intent to disseminate them.

18 (5) The charge of child pornography does not apply to a
19 person who does not voluntarily possess a film, videotape,
20 or visual reproduction or depiction by computer in which
21 child pornography is depicted. Possession is voluntary if
22 the defendant knowingly procures or receives a film,
23 videotape, or visual reproduction or depiction for a
24 sufficient time to be able to terminate his or her
25 possession.

26 (6) Any violation of paragraph (1), (2), (3), (4), (5),

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

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

1 fine of \$1000 and a maximum fine of \$100,000. If the violation
2 does not involve a film, videotape, or other moving depiction,
3 a violation of paragraph (6) of subsection (a) is a Class 3
4 felony with a mandatory minimum fine of \$1000 and a maximum
5 fine of \$100,000. If the violation involves a film, videotape,
6 or other moving depiction, a violation of paragraph (6) of
7 subsection (a) is a Class 2 felony with a mandatory minimum
8 fine of \$1000 and a maximum fine of \$100,000.

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

14 (e) Any film, videotape, photograph or other similar visual
15 reproduction or depiction by computer which includes a child
16 under the age of 18 and at least 13 years of age or a severely
17 or profoundly intellectually disabled person engaged in any
18 activity described in subparagraphs (i) through (vii) or
19 paragraph 1 of subsection (a), and any material or equipment
20 used or intended for use in photographing, filming, printing,
21 producing, reproducing, manufacturing, projecting, exhibiting,
22 depiction by computer, or disseminating such material shall be
23 seized and forfeited in the manner, method and procedure
24 provided by Section 36-1 of this Code for the seizure and
25 forfeiture of vessels, vehicles and aircraft.

26 In addition, any person convicted under this Section is

1 subject to the property forfeiture provisions set forth in
2 Article 124B of the Code of Criminal Procedure of 1963.

3 (e-5) Upon the conclusion of a case brought under this
4 Section, the court shall seal all evidence depicting a victim
5 or witness that is sexually explicit. The evidence may be
6 unsealed and viewed, on a motion of the party seeking to unseal
7 and view the evidence, only for good cause shown and in the
8 discretion of the court. The motion must expressly set forth
9 the purpose for viewing the material. The State's attorney and
10 the victim, if possible, shall be provided reasonable notice of
11 the hearing on the motion to unseal the evidence. Any person
12 entitled to notice of a hearing under this subsection (e-5) may
13 object to the motion.

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

15 (1) "Disseminate" means (i) to sell, distribute,
16 exchange or transfer possession, whether with or without
17 consideration or (ii) to make a depiction by computer
18 available for distribution or downloading through the
19 facilities of any telecommunications network or through
20 any other means of transferring computer programs or data
21 to a computer.

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

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

25 (4) "Depict by computer" means to generate or create,
26 or cause to be created or generated, a computer program or

1 data that, after being processed by a computer either alone
2 or in conjunction with one or more computer programs,
3 results in a visual depiction on a computer monitor,
4 screen, or display.

5 (5) "Depiction by computer" means a computer program or
6 data that, after being processed by a computer either alone
7 or in conjunction with one or more computer programs,
8 results in a visual depiction on a computer monitor,
9 screen, or display.

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

13 (7) For the purposes of this Section, "child
14 pornography" includes a film, videotape, photograph, or
15 other similar visual medium or reproduction or depiction by
16 computer that is, or appears to be, that of a person,
17 either in part, or in total, under the age of 18 and at
18 least 13 years of age or a severely or profoundly
19 intellectually disabled ~~mentally retarded~~ person,
20 regardless of the method by which the film, videotape,
21 photograph, or other similar visual medium or reproduction
22 or depiction by computer is created, adopted, or modified
23 to appear as such. "Child pornography" also includes a
24 film, videotape, photograph, or other similar visual
25 medium or reproduction or depiction by computer that is
26 advertised, promoted, presented, described, or distributed

1 in such a manner that conveys the impression that the film,
2 videotape, photograph, or other similar visual medium or
3 reproduction or depiction by computer is of a person under
4 the age of 18 and at least 13 years of age or a severely or
5 profoundly intellectually disabled ~~mentally retarded~~
6 person.

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

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

9 (i) Section 50-5 of Public Act 88-680, effective
10 January 1, 1995, contained provisions amending the
11 child pornography statute, Section 11-20.1 of the
12 Criminal Code of 1961. Section 50-5 also contained
13 other provisions.

14 (ii) In addition, Public Act 88-680 was entitled
15 "AN ACT to create a Safe Neighborhoods Law". (A)
16 Article 5 was entitled JUVENILE JUSTICE and amended the
17 Juvenile Court Act of 1987. (B) Article 15 was entitled
18 GANGS and amended various provisions of the Criminal
19 Code of 1961 and the Unified Code of Corrections. (C)
20 Article 20 was entitled ALCOHOL ABUSE and amended
21 various provisions of the Illinois Vehicle Code. (D)
22 Article 25 was entitled DRUG ABUSE and amended the
23 Cannabis Control Act and the Illinois Controlled
24 Substances Act. (E) Article 30 was entitled FIREARMS
25 and amended the Criminal Code of 1961 and the Code of
26 Criminal Procedure of 1963. (F) Article 35 amended the

1 Criminal Code of 1961, the Rights of Crime Victims and
2 Witnesses Act, and the Unified Code of Corrections. (G)
3 Article 40 amended the Criminal Code of 1961 to
4 increase the penalty for compelling organization
5 membership of persons. (H) Article 45 created the
6 Secure Residential Youth Care Facility Licensing Act
7 and amended the State Finance Act, the Juvenile Court
8 Act of 1987, the Unified Code of Corrections, and the
9 Private Correctional Facility Moratorium Act. (I)
10 Article 50 amended the WIC Vendor Management Act, the
11 Firearm Owners Identification Card and Certificate of
12 Handgun Registration Act, the Juvenile Court Act of
13 1987, the Criminal Code of 1961, the Wrongs to Children
14 Act, and the Unified Code of Corrections.

15 (iii) On September 22, 1998, the Third District
16 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
17 ruled that Public Act 88-680 violates the single
18 subject clause of the Illinois Constitution (Article
19 IV, Section 8 (d)) and was unconstitutional in its
20 entirety. As of the time this amendatory Act of 1999
21 was prepared, *People v. Dainty* was still subject to
22 appeal.

23 (iv) Child pornography is a vital concern to the
24 people of this State and the validity of future
25 prosecutions under the child pornography statute of
26 the Criminal Code of 1961 is in grave doubt.

1 (2) It is the purpose of this amendatory Act of 1999 to
2 prevent or minimize any problems relating to prosecutions
3 for child pornography that may result from challenges to
4 the constitutional validity of Public Act 88-680 by
5 re-enacting the Section relating to child pornography that
6 was included in Public Act 88-680.

7 (3) This amendatory Act of 1999 re-enacts Section
8 11-20.1 of the Criminal Code of 1961, as it has been
9 amended. This re-enactment is intended to remove any
10 question as to the validity or content of that Section; it
11 is not intended to supersede any other Public Act that
12 amends the text of the Section as set forth in this
13 amendatory Act of 1999. The material is shown as existing
14 text (i.e., without underscoring) because, as of the time
15 this amendatory Act of 1999 was prepared, *People v. Dainty*
16 was subject to appeal to the Illinois Supreme Court.

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

24 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;
25 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.
26 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

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

7 (1) Causes great bodily harm or permanent disability or
8 disfigurement.

9 (2) Causes severe and permanent disability, great
10 bodily harm, or disfigurement by means of a caustic or
11 flammable substance, a poisonous gas, a deadly biological
12 or chemical contaminant or agent, a radioactive substance,
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability or
15 disfigurement to an individual whom the person knows to be
16 a peace officer, community policing volunteer, fireman,
17 private security officer, correctional institution
18 employee, or Department of Human Services employee
19 supervising or controlling sexually dangerous persons or
20 sexually violent persons:

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.

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

3 (5) Strangles another individual.

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

9 (1) causes great bodily harm or permanent disability or
10 disfigurement to any child under the age of 13 years, or to
11 any severely or profoundly intellectually disabled
12 ~~mentally retarded~~ person; or

13 (2) causes bodily harm or disability or disfigurement
14 to any child under the age of 13 years or to any severely
15 or profoundly intellectually disabled ~~mentally retarded~~
16 person.

17 (c) Offense based on location of conduct. A person commits
18 aggravated battery when, in committing a battery, other than by
19 the discharge of a firearm, he or she is or the person battered
20 is on or about a public way, public property, a public place of
21 accommodation or amusement, a sports venue, or a domestic
22 violence shelter.

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

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

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

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

6 (4) A peace officer, community policing volunteer,
7 fireman, private security officer, correctional
8 institution employee, or Department of Human Services
9 employee supervising or controlling sexually dangerous
10 persons or sexually violent persons:

11 (i) performing his or her official duties;

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

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

16 (5) A judge, emergency management worker, emergency
17 medical technician, or utility worker:

18 (i) performing his or her official duties;

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

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

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

26 (7) A transit employee performing his or her official

1 duties, or a transit passenger.

2 (8) A taxi driver on duty.

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

7 (10) A person authorized to serve process under Section
8 2-202 of the Code of Civil Procedure or a special process
9 server appointed by the circuit court while that individual
10 is in the performance of his or her duties as a process
11 server.

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

15 (1) Discharges a firearm, other than a machine gun or a
16 firearm equipped with a silencer, and causes any injury to
17 another person.

18 (2) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 a person he or she knows to be a peace officer, community
21 policing volunteer, person summoned by a police officer,
22 fireman, private security officer, correctional
23 institution employee, or emergency management worker:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (3) 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 an emergency medical
6 technician employed by a municipality or other
7 governmental unit:

8 (i) performing his or her official duties;

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

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

13 (4) Discharges a firearm and causes any injury to a
14 person he or she knows to be a teacher, a student in a
15 school, or a school employee, and the teacher, student, or
16 employee is upon school grounds or grounds adjacent to a
17 school or in any part of a building used for school
18 purposes.

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

21 (6) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to a person he or she
23 knows to be a peace officer, community policing volunteer,
24 person summoned by a police officer, fireman, private
25 security officer, correctional institution employee or
26 emergency management worker:

1 (i) performing his or her official duties;

2 (ii) battered to prevent performance of his or her
3 official duties; or

4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (7) 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 an emergency medical technician employed by a
9 municipality or other governmental unit:

10 (i) performing his or her official duties;

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

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

15 (8) Discharges a machine gun or a firearm equipped with
16 a silencer, and causes any injury to a person he or she
17 knows to be a teacher, or a student in a school, or a
18 school employee, and the teacher, student, or employee is
19 upon school grounds or grounds adjacent to a school or in
20 any part of a building used for school purposes.

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

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

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

3 (3) Knowingly and without lawful justification shines
4 or flashes a laser gunsight or other laser device attached
5 to a firearm, or used in concert with a firearm, so that
6 the laser beam strikes upon or against the person of
7 another.

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

11 (1) Violates Section 401 of the Illinois Controlled
12 Substances Act by unlawfully delivering a controlled
13 substance to another and any user experiences great bodily
14 harm or permanent disability as a result of the injection,
15 inhalation, or ingestion of any amount of the controlled
16 substance.

17 (2) Knowingly administers to an individual or causes
18 him or her to take, without his or her consent or by threat
19 or deception, and for other than medical purposes, any
20 intoxicating, poisonous, stupefying, narcotic, anesthetic,
21 or controlled substance, or gives to another person any
22 food containing any substance or object intended to cause
23 physical injury if eaten.

24 (3) Knowingly causes or attempts to cause a
25 correctional institution employee or Department of Human
26 Services employee to come into contact with blood, seminal

1 fluid, urine, or feces by throwing, tossing, or expelling
2 the fluid or material, and the person is an inmate of a
3 penal institution or is a sexually dangerous person or
4 sexually violent person in the custody of the Department of
5 Human Services.

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

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

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

12 Aggravated battery as defined in subdivision (a)(1) is a
13 Class 1 felony when the aggravated battery was intentional and
14 involved the infliction of torture, as defined in paragraph
15 (14) of subsection (b) of Section 9-1 of this Code, as the
16 infliction of or subjection to extreme physical pain, motivated
17 by an intent to increase or prolong the pain, suffering, or
18 agony of the victim.

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

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

23 (B) the person caused great bodily harm or permanent
24 disability or disfigurement to the other person while
25 committing the offense; or

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

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

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

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

14 Aggravated battery as defined in subdivision (e)(2),
15 (e)(3), or (e)(4) is a Class X felony for which a person shall
16 be sentenced to a term of imprisonment of a minimum of 15 years
17 and a maximum of 60 years.

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

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

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

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

4 (3) if, during the commission of the offense, the
5 person personally discharged a firearm that proximately
6 caused great bodily harm, permanent disability, permanent
7 disfigurement, or death to another person, 25 years or up
8 to a term of natural life shall be added to the term of
9 imprisonment imposed by the court.

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

11 "Building or other structure used to provide shelter" has
12 the meaning ascribed to "shelter" in Section 1 of the Domestic
13 Violence Shelters Act.

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

16 "Domestic violence shelter" means any building or other
17 structure used to provide shelter or other services to victims
18 or to the dependent children of victims of domestic violence
19 pursuant to the Illinois Domestic Violence Act of 1986 or the
20 Domestic Violence Shelters Act, or any place within 500 feet of
21 such a building or other structure in the case of a person who
22 is going to or from such a building or other structure.

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

1 "Machine gun" has the meaning ascribed to it in Section
2 24-1 of this Code.

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

5 "Strangle" means intentionally impeding the normal
6 breathing or circulation of the blood of an individual by
7 applying pressure on the throat or neck of that individual or
8 by blocking the nose or mouth of that individual.

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

13 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

14 Sec. 17-30. Defaced, altered, or removed manufacturer or
15 owner identification number.

16 (a) Unlawful sale of household appliances. A person commits
17 unlawful sale of household appliances when he or she knowingly,
18 with the intent to defraud or deceive another, keeps for sale,
19 within any commercial context, any household appliance with a
20 missing, defaced, obliterated, or otherwise altered
21 manufacturer's identification number.

22 (b) Construction equipment identification defacement. A
23 person commits construction equipment identification
24 defacement when he or she knowingly changes, alters, removes,
25 mutilates, or obliterates a permanently affixed serial number,

1 product identification number, part number, component
2 identification number, owner-applied identification, or other
3 mark of identification attached to or stamped, inscribed,
4 molded, or etched into a machine or other equipment, whether
5 stationary or mobile or self-propelled, or a part of such
6 machine or equipment, used in the construction, maintenance, or
7 demolition of buildings, structures, bridges, tunnels, sewers,
8 utility pipes or lines, ditches or open cuts, roads, highways,
9 dams, airports, or waterways or in material handling for such
10 projects.

11 The trier of fact may infer that the defendant has
12 knowingly changed, altered, removed, or obliterated the serial
13 number, product identification number, part number, component
14 identification number, owner-applied identification number, or
15 other mark of identification, if the defendant was in
16 possession of any machine or other equipment 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 upon which any such serial number, product
22 identification number, part number, component identification
23 number, owner-applied identification number, or other mark of
24 identification has been changed, altered, removed, or
25 obliterated.

26 (c) Defacement of manufacturer's serial number or

1 identification mark. A person commits defacement of a
2 manufacturer's serial number or identification mark when he or
3 she knowingly removes, alters, defaces, covers, or destroys the
4 manufacturer's serial number or any other manufacturer's
5 number or distinguishing identification mark upon any machine
6 or other article of merchandise, other than a motor vehicle as
7 defined in Section 1-146 of the Illinois Vehicle Code or a
8 firearm as defined in the Firearm Owners Identification Card
9 and Certificate of Handgun Registration Act, with the intent of
10 concealing or destroying the identity of such machine or other
11 article of merchandise.

12 (d) Sentence.

13 (1) A violation of subsection (a) of this Section is a
14 Class 4 felony if the value of the appliance or appliances
15 exceeds \$1,000 and a Class B misdemeanor if the value of
16 the appliance or appliances is \$1,000 or less.

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

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

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

23 (f) Definitions. In this Section:

24 "Commercial context" means a continuing business
25 enterprise conducted for profit by any person whose primary
26 business is the wholesale or retail marketing of household

1 appliances, or a significant portion of whose business or
2 inventory consists of household appliances kept or sold on a
3 wholesale or retail basis.

4 "Household appliance" means any gas or electric device or
5 machine marketed for use as home entertainment or for
6 facilitating or expediting household tasks or chores. The term
7 shall include but not necessarily be limited to refrigerators,
8 freezers, ranges, radios, television sets, vacuum cleaners,
9 toasters, dishwashers, and other similar household items.

10 "Manufacturer's identification number" means any serial
11 number or other similar numerical or alphabetical designation
12 imprinted upon or attached to or placed, stamped, or otherwise
13 imprinted upon or attached to a household appliance or item by
14 the manufacturer for purposes of identifying a particular
15 appliance or item individually or by lot number.

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

17 (720 ILCS 5/17B-0.05)

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

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

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

24 (2) In addition, Public Act 88-680 was entitled "An Act
25 to create a Safe Neighborhoods Law". (i) Article 5 was

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

24 (3) On September 22, 1998, the Third District Appellate
25 Court in People v. Dainty, 701 N.E. 2d 118, ruled that
26 Public Act 88-680 violates the single subject clause of the

1 Illinois Constitution (Article IV, Section 8 (d)) and was
2 unconstitutional in its entirety. As of the time this
3 amendatory Act of 1999 was prepared, People v. Dainty was
4 still subject to appeal.

5 (4) WIC fraud is a vital concern to the people of this
6 State and the validity of future prosecutions under the WIC
7 fraud provisions of the Criminal Code of 1961 is in grave
8 doubt.

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

14 (c) This amendatory Act of 1999 re-enacts Article 17B of
15 the Criminal Code of 1961, as it has been amended. This
16 re-enactment is intended to remove any question as to the
17 validity or content of that Article; it is not intended to
18 supersede any other Public Act that amends the text of a
19 Section as set forth in this amendatory Act of 1999. Except for
20 a grammatical correction in Section 17B-10 and a correction of
21 the Section number to Section 17B-30, the material is shown as
22 existing text (i.e., without underscoring) because, as of the
23 time this amendatory Act of 1999 was prepared, People v. Dainty
24 was subject to appeal to the Illinois Supreme Court.

25 (d) The re-enactment by this amendatory Act of 1999 of
26 certain Sections relating to WIC fraud that were enacted by

1 Public Act 88-680 is not intended, and shall not be construed,
2 to imply that Public Act 88-680 is invalid or to limit or
3 impair any legal argument concerning whether those provisions
4 were substantially re-enacted by other Public Acts.

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

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
8 Felons or Persons in the Custody of the Department of
9 Corrections Facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief by the Director of the
17 Department of State Police under Section 10 of the Firearm
18 Owners Identification Card and Certificate of Handgun
19 Registration Act.

20 (b) It is unlawful for any person confined in a penal
21 institution, which is a facility of the Illinois Department of
22 Corrections, to possess any weapon prohibited under Section
23 24-1 of this Code or any firearm or firearm ammunition,
24 regardless of the intent with which he possesses it.

25 (c) It shall be an affirmative defense to a violation of

1 subsection (b), that such possession was specifically
2 authorized by rule, regulation, or directive of the Illinois
3 Department of Corrections or order issued pursuant thereto.

4 (d) The defense of necessity is not available to a person
5 who is charged with a violation of subsection (b) of this
6 Section.

7 (e) Sentence. Violation of this Section by a person not
8 confined in a penal institution shall be a Class 3 felony for
9 which the person shall be sentenced to no less than 2 years and
10 no more than 10 years and any second or subsequent violation
11 shall be a Class 2 felony for which the person shall be
12 sentenced to a term of imprisonment of not less than 3 years
13 and not more than 14 years. Violation of this Section by a
14 person not confined in a penal institution who has been
15 convicted of a forcible felony, a felony violation of Article
16 24 of this Code or of the Firearm Owners Identification Card
17 and Certificate of Handgun Registration Act, stalking or
18 aggravated stalking, or a Class 2 or greater felony under the
19 Illinois Controlled Substances Act, the Cannabis Control Act,
20 or the Methamphetamine Control and Community Protection Act is
21 a Class 2 felony for which the person shall be sentenced to not
22 less than 3 years and not more than 14 years. Violation of this
23 Section by a person who is on parole or mandatory supervised
24 release is a Class 2 felony for which the person shall be
25 sentenced to not less than 3 years and not more than 14 years.
26 Violation of this Section by a person not confined in a penal

1 institution is a Class X felony when the firearm possessed is a
2 machine gun. Any person who violates this Section while
3 confined in a penal institution, which is a facility of the
4 Illinois Department of Corrections, is guilty of a Class 1
5 felony, if he possesses any weapon prohibited under Section
6 24-1 of this Code regardless of the intent with which he
7 possesses it, a Class X felony if he possesses any firearm,
8 firearm ammunition or explosive, and a Class X felony for which
9 the offender shall be sentenced to not less than 12 years and
10 not more than 50 years when the firearm possessed is a machine
11 gun. A violation of this Section while wearing or in possession
12 of body armor as defined in Section 33F-1 is a Class X felony
13 punishable by a term of imprisonment of not less than 10 years
14 and not more than 40 years. The possession of each firearm or
15 firearm ammunition in violation of this Section constitutes a
16 single and separate violation.

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

18 (720 ILCS 5/24-1.6)

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

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

22 (1) Carries on or about his or her person or in any
23 vehicle or concealed on or about his or her person except
24 when on his or her land or in his or her abode, legal
25 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with
2 that person's permission, any pistol, revolver, stun gun or
3 taser or other firearm; or

4 (2) Carries or possesses on or about his or her person,
5 upon any public street, alley, or other public lands within
6 the corporate limits of a city, village or incorporated
7 town, except when an invitee thereon or therein, for the
8 purpose of the display of such weapon or the lawful
9 commerce in weapons, or except when on his or her own land
10 or in his or her own abode, legal dwelling, or fixed place
11 of business, or on the land or in the legal dwelling of
12 another person as an invitee with that person's permission,
13 any pistol, revolver, stun gun or taser or other firearm;
14 and

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

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

18 (B) the firearm possessed was uncased, unloaded
19 and the ammunition for the weapon was immediately
20 accessible at the time of the offense; or

21 (C) the person possessing the firearm has not been
22 issued a currently valid Firearm Owner's
23 Identification Card; or

24 (D) the person possessing the weapon was
25 previously adjudicated a delinquent minor under the
26 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

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

8 (F) (blank); or

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

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

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

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

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

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

1 (ii) are not immediately accessible; or

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

6 (d) Sentence.

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

12 (2) Except as otherwise provided in paragraphs (3) and
13 (4) of this subsection (d), a first offense of aggravated
14 unlawful use of a weapon committed with a firearm by a
15 person 18 years of age or older where the factors listed in
16 both items (A) and (C) of paragraph (3) of subsection (a)
17 are present is a Class 4 felony, for which the person shall
18 be sentenced to a term of imprisonment of not less than one
19 year and not more than 3 years.

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

25 (4) Aggravated unlawful use of a weapon while wearing
26 or in possession of body armor as defined in Section 33F-1

1 by a person who has not been issued a valid Firearms
2 Owner's Identification Card in accordance with Section 5 of
3 the Firearm Owners Identification Card and Certificate of
4 Handgun Registration Act is a Class X felony.

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

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

9 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

11 (A) A person commits the offense of unlawful sale or
12 delivery of firearms when he or she knowingly does any of the
13 following:

14 (a) Sells or gives any firearm of a size which may be
15 concealed upon the person to any person under 18 years of
16 age.

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

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

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

24 (e) Sells or gives any firearm to any person who has
25 been a patient in a mental hospital within the past 5

1 years.

2 (f) Sells or gives any firearms to any person who is
3 intellectually disabled.

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

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

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

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

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

26 A person "engaged in the business" means a person who

1 devotes time, attention, and labor to engaging in the
2 activity as a regular course of trade or business with the
3 principal objective of livelihood and profit, but does not
4 include a person who makes occasional repairs of firearms
5 or who occasionally fits special barrels, stocks, or
6 trigger mechanisms to firearms.

7 "With the principal objective of livelihood and
8 profit" means that the intent underlying the sale or
9 disposition of firearms is predominantly one of obtaining
10 livelihood and pecuniary gain, as opposed to other intents,
11 such as improving or liquidating a personal firearms
12 collection; however, proof of profit shall not be required
13 as to a person who engages in the regular and repetitive
14 purchase and disposition of firearms for criminal purposes
15 or terrorism.

16 (k) Sells or transfers ownership of a firearm to a
17 person who does not display to the seller or transferor of
18 the firearm a currently valid Firearm Owner's
19 Identification Card that has previously been issued in the
20 transferee's name by the Department of State Police under
21 the provisions of the Firearm Owners Identification Card
22 and Certificate of Handgun Registration Act. This
23 paragraph (k) does not apply to the transfer of a firearm
24 to a person who is exempt from the requirement of
25 possessing a Firearm Owner's Identification Card under
26 Section 2 of the Firearm Owners Identification Card and

1 Certificate of Handgun Registration Act. For the purposes
2 of this Section, a currently valid Firearm Owner's
3 Identification Card means (i) a Firearm Owner's
4 Identification Card that has not expired or (ii) if the
5 transferor is licensed as a federal firearms dealer under
6 Section 923 of the federal Gun Control Act of 1968 (18
7 U.S.C. 923), an approval number issued in accordance with
8 Section 3.1 of the Firearm Owners Identification Card and
9 Certificate of Handgun Registration Act shall be proof that
10 the Firearm Owner's Identification Card was valid.

11 (l) Not being entitled to the possession of a firearm,
12 delivers the firearm, knowing it to have been stolen or
13 converted. It may be inferred that a person who possesses a
14 firearm with knowledge that its serial number has been
15 removed or altered has knowledge that the firearm is stolen
16 or converted.

17 (B) Paragraph (h) of subsection (A) does not include
18 firearms sold within 6 months after enactment of Public Act
19 78-355 (approved August 21, 1973, effective October 1, 1973),
20 nor is any firearm legally owned or possessed by any citizen or
21 purchased by any citizen within 6 months after the enactment of
22 Public Act 78-355 subject to confiscation or seizure under the
23 provisions of that Public Act. Nothing in Public Act 78-355
24 shall be construed to prohibit the gift or trade of any firearm
25 if that firearm was legally held or acquired within 6 months
26 after the enactment of that Public Act.

1 (C) Sentence.

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

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

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

11 (4) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (a), (b), or (i) of
13 subsection (A) in any school, on the real property
14 comprising a school, within 1,000 feet of the real property
15 comprising a school, at a school related activity, or on or
16 within 1,000 feet of any conveyance owned, leased, or
17 contracted by a school or school district to transport
18 students to or from school or a school related activity,
19 regardless of the time of day or time of year at which the
20 offense was committed, commits a Class 1 felony. Any person
21 convicted of a second or subsequent violation of unlawful
22 sale or delivery of firearms in violation of paragraph (a),
23 (b), or (i) of subsection (A) in any school, on the real
24 property comprising a school, within 1,000 feet of the real
25 property comprising a school, at a school related activity,
26 or on or within 1,000 feet of any conveyance owned, leased,

1 or contracted by a school or school district to transport
2 students to or from school or a school related activity,
3 regardless of the time of day or time of year at which the
4 offense was committed, commits a Class 1 felony for which
5 the sentence shall be a term of imprisonment of no less
6 than 5 years and no more than 15 years.

7 (5) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (a) or (i) of
9 subsection (A) in residential property owned, operated, or
10 managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or mixed-income
12 development, in a public park, in a courthouse, on
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development, on
16 the real property comprising any public park, on the real
17 property comprising any courthouse, or on any public way
18 within 1,000 feet of the real property comprising any
19 public park, courthouse, or residential property owned,
20 operated, or managed by a public housing agency or leased
21 by a public housing agency as part of a scattered site or
22 mixed-income development commits a Class 2 felony.

23 (6) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (j) of subsection (A)
25 commits a Class A misdemeanor. A second or subsequent
26 violation is a Class 4 felony.

1 (7) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (k) of subsection (A)
3 commits a Class 4 felony. A third or subsequent conviction
4 for a violation of paragraph (k) of subsection (A) is a
5 Class 1 felony.

6 (8) A person 18 years of age or older convicted of
7 unlawful sale or delivery of firearms in violation of
8 paragraph (a) or (i) of subsection (A), when the firearm
9 that was sold or given to another person under 18 years of
10 age was used in the commission of or attempt to commit a
11 forcible felony, shall be fined or imprisoned, or both, not
12 to exceed the maximum provided for the most serious
13 forcible felony so committed or attempted by the person
14 under 18 years of age who was sold or given the firearm.

15 (9) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (d) of subsection (A)
17 commits a Class 3 felony.

18 (10) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (l) of subsection (A)
20 commits a Class 2 felony if the delivery is of one firearm.
21 Any person convicted of unlawful sale or delivery of
22 firearms in violation of paragraph (l) of subsection (A)
23 commits a Class 1 felony if the delivery is of not less
24 than 2 and not more than 5 firearms at the same time or
25 within a one year period. Any person convicted of unlawful
26 sale or delivery of firearms in violation of paragraph (l)

1 of subsection (A) commits a Class X felony for which he or
2 she shall be sentenced to a term of imprisonment of not
3 less than 6 years and not more than 30 years if the
4 delivery is of not less than 6 and not more than 10
5 firearms at the same time or within a 2 year period. Any
6 person convicted of unlawful sale or delivery of firearms
7 in violation of paragraph (1) of subsection (A) commits a
8 Class X felony for which he or she shall be sentenced to a
9 term of imprisonment of not less than 6 years and not more
10 than 40 years if the delivery is of not less than 11 and
11 not more than 20 firearms at the same time or within a 3
12 year period. Any person convicted of unlawful sale or
13 delivery of firearms in violation of paragraph (1) of
14 subsection (A) commits a Class X felony for which he or she
15 shall be sentenced to a term of imprisonment of not less
16 than 6 years and not more than 50 years if the delivery is
17 of not less than 21 and not more than 30 firearms at the
18 same time or within a 4 year period. Any person convicted
19 of unlawful sale or delivery of firearms in violation of
20 paragraph (1) of subsection (A) commits a Class X felony
21 for which he or she shall be sentenced to a term of
22 imprisonment of not less than 6 years and not more than 60
23 years if the delivery is of 31 or more firearms at the same
24 time or within a 5 year period.

25 (D) For purposes of this Section:

26 "School" means a public or private elementary or secondary

1 school, community college, college, or university.

2 "School related activity" means any sporting, social,
3 academic, or other activity for which students' attendance or
4 participation is sponsored, organized, or funded in whole or in
5 part by a school or school district.

6 (E) A prosecution for a violation of paragraph (k) of
7 subsection (A) of this Section may be commenced within 6 years
8 after the commission of the offense. A prosecution for a
9 violation of this Section other than paragraph (g) of
10 subsection (A) of this Section may be commenced within 5 years
11 after the commission of the offense defined in the particular
12 paragraph.

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

15 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

21 For purposes of this Section:

22 "Armor piercing bullet" means any handgun bullet or handgun
23 ammunition with projectiles or projectile cores constructed
24 entirely (excluding the presence of traces of other substances)
25 from tungsten alloys, steel, iron, brass, bronze, beryllium

1 copper or depleted uranium, or fully jacketed bullets larger
2 than 22 caliber whose jacket has a weight of more than 25% of
3 the total weight of the projectile, and excluding those handgun
4 projectiles whose cores are composed of soft materials such as
5 lead or lead alloys, zinc or zinc alloys, frangible projectiles
6 designed primarily for sporting purposes, and any other
7 projectiles or projectile cores that the U. S. Secretary of the
8 Treasury finds to be primarily intended to be used for sporting
9 purposes or industrial purposes or that otherwise does not
10 constitute "armor piercing ammunition" as that term is defined
11 by federal law.

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

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

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

22 (b) A person commits a Class X felony when he or she,
23 knowing that a firearm, as defined in Section 1.1 of the
24 Firearm Owners Identification Card and Certificate of Handgun
25 Registration Act, is loaded with an armor piercing bullet,
26 dragon's breath shotgun shell, bolo shell, or flechette shell,

1 intentionally or recklessly discharges such firearm and such
2 bullet or shell strikes any other person.

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

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

9 (1) Peace officers;

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

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

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

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

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

21 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

23 (a) It shall be unlawful for any person who holds a license
24 to sell at retail any alcoholic liquor issued by the Illinois
25 Liquor Control Commission or local liquor control commissioner

1 under the Liquor Control Act of 1934 or an agent or employee of
2 the licensee to sell or deliver to any other person a firearm
3 in or on the real property of the establishment where the
4 licensee is licensed to sell alcoholic liquors unless the sale
5 or delivery of the firearm is otherwise lawful under this
6 Article and under the Firearm Owners Identification Card and
7 Certificate of Handgun Registration Act.

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

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

11 (720 ILCS 5/24-3.5)

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

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

15 (1) executed by a transferee of a firearm stating: (i)
16 the transferee's name and address (including county or
17 similar political subdivision); (ii) whether the
18 transferee is a citizen of the United States; (iii) the
19 transferee's State of residence; and (iv) the date and
20 place of birth, height, weight, and race of the transferee;
21 and

22 (2) on which the transferee certifies that he or she is
23 not prohibited by federal law from transporting or shipping
24 a firearm in interstate or foreign commerce or receiving a
25 firearm that has been shipped or transported in interstate

1 or foreign commerce or possessing a firearm in or affecting
2 commerce.

3 (b) A person commits the offense of unlawful purchase of a
4 firearm who knowingly purchases or attempts to purchase a
5 firearm with the intent to deliver that firearm to another
6 person who is prohibited by federal or State law from
7 possessing a firearm.

8 (c) A person commits the offense of unlawful purchase of a
9 firearm when he or she, in purchasing or attempting to purchase
10 a firearm, intentionally provides false or misleading
11 information on a United States Department of the Treasury,
12 Bureau of Alcohol, Tobacco and Firearms firearms transaction
13 record form.

14 (d) Exemption. It is not a violation of subsection (b) of
15 this Section for a person to make a gift or loan of a firearm to
16 a person who is not prohibited by federal or State law from
17 possessing a firearm if the transfer of the firearm is made in
18 accordance with Section 3 of the Firearm Owners Identification
19 Card and Certificate of Handgun Registration Act.

20 (e) Sentence.

21 (1) A person who commits the offense of unlawful
22 purchase of a firearm:

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

25 (B) is guilty of a Class 1 felony for purchasing or
26 attempting to purchase not less than 2 firearms and not

1 more than 5 firearms at the same time or within a one
2 year period;

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

8 (2) In addition to any other penalty that may be
9 imposed for a violation of this Section, the court may
10 sentence a person convicted of a violation of subsection
11 (c) of this Section to a fine not to exceed \$250,000 for
12 each violation.

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

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

16 (720 ILCS 5/24-9)

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

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

1 firearm, unless the firearm is:

2 (1) secured by a device or mechanism, other than the
3 firearm safety, designed to render a firearm temporarily
4 inoperable; or

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

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

9 (b) Sentence. A person who violates this Section is guilty
10 of a Class C misdemeanor and shall be fined not less than
11 \$1,000. A second or subsequent violation of this Section is a
12 Class A misdemeanor.

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

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

17 (2) to any firearm obtained by a minor under the age of
18 14 because of an unlawful entry of the premises by the
19 minor or another person.

20 (d) For the purposes of this Section, "firearm" has the
21 meaning ascribed to it in Section 1.1 of the Firearm Owners
22 Identification Card and Certificate of Handgun Registration
23 Act.

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

25 Section 45. The Methamphetamine Control and Community

1 Protection Act is amended by changing Section 10 as follows:

2 (720 ILCS 646/10)

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

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

6 "Anhydrous ammonia equipment" means all items used to
7 store, hold, contain, handle, transfer, transport, or apply
8 anhydrous ammonia for lawful purposes.

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

14 "Deliver" or "delivery" has the meaning provided in
15 subsection (h) of Section 102 of the Illinois Controlled
16 Substances Act.

17 "Director" means the Director of State Police or the
18 Director's designated agents.

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

25 "Emergency response" means the act of collecting evidence

1 from or securing a methamphetamine laboratory site,
2 methamphetamine waste site or other methamphetamine-related
3 site and cleaning up the site, whether these actions are
4 performed by public entities or private contractors paid by
5 public entities.

6 "Emergency service provider" means a local, State, or
7 federal peace officer, firefighter, emergency medical
8 technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, or other medical or
11 first aid personnel rendering aid, or any agent or designee of
12 the foregoing.

13 "Finished methamphetamine" means methamphetamine in a form
14 commonly used for personal consumption.

15 "Firearm" has the meaning provided in Section 1.1 of the
16 Firearm Owners Identification Card and Certificate of Handgun
17 Registration Act.

18 "Manufacture" means to produce, prepare, compound,
19 convert, process, synthesize, concentrate, purify, separate,
20 extract, or package any methamphetamine, methamphetamine
21 precursor, methamphetamine manufacturing catalyst,
22 methamphetamine manufacturing reagent, methamphetamine
23 manufacturing solvent, or any substance containing any of the
24 foregoing.

25 "Methamphetamine" means the chemical methamphetamine (a
26 Schedule II controlled substance under the Illinois Controlled

1 Substances Act) or any salt, optical isomer, salt of optical
2 isomer, or analog thereof, with the exception of
3 3,4-Methylenedioxymethamphetamine (MDMA) or any other
4 scheduled substance with a separate listing under the Illinois
5 Controlled Substances Act.

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

10 "Methamphetamine manufacturing environment" means a
11 structure or vehicle in which:

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

13 (2) chemicals that are being used, have been used, or
14 are intended to be used to manufacture methamphetamine are
15 stored;

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

18 (4) methamphetamine manufacturing waste is stored.

19 "Methamphetamine manufacturing material" means any
20 methamphetamine precursor, substance containing any
21 methamphetamine precursor, methamphetamine manufacturing
22 catalyst, substance containing any methamphetamine
23 manufacturing catalyst, methamphetamine manufacturing reagent,
24 substance containing any methamphetamine manufacturing
25 reagent, methamphetamine manufacturing solvent, substance
26 containing any methamphetamine manufacturing solvent, or any

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

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

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

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

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

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

1 rooms, or other living units.

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

5 "Participate" or "participation" in the manufacture of
6 methamphetamine means to produce, prepare, compound, convert,
7 process, synthesize, concentrate, purify, separate, extract,
8 or package any methamphetamine, methamphetamine precursor,
9 methamphetamine manufacturing catalyst, methamphetamine
10 manufacturing reagent, methamphetamine manufacturing solvent,
11 or any substance containing any of the foregoing, or to assist
12 in any of these actions, or to attempt to take any of these
13 actions, regardless of whether this action or these actions
14 result in the production of finished methamphetamine.

15 "Person with a disability" means a person who suffers from
16 a permanent physical or mental impairment resulting from
17 disease, injury, functional disorder, or congenital condition
18 which renders the person incapable of adequately providing for
19 his or her own health and personal care.

20 "Procure" means to purchase, steal, gather, or otherwise
21 obtain, by legal or illegal means, or to cause another to take
22 such action.

23 "Second or subsequent offense" means an offense under this
24 Act committed by an offender who previously committed an
25 offense under this Act, the Illinois Controlled Substances Act,
26 the Cannabis Control Act, or another Act of this State, another

1 state, or the United States relating to methamphetamine,
2 cannabis, or any other controlled substance.

3 "Standard dosage form", as used in relation to any
4 methamphetamine precursor, means that the methamphetamine
5 precursor is contained in a pill, tablet, capsule, caplet, gel
6 cap, or liquid cap that has been manufactured by a lawful
7 entity and contains a standard quantity of methamphetamine
8 precursor.

9 "Unauthorized container", as used in relation to anhydrous
10 ammonia, means any container that is not designed for the
11 specific and sole purpose of holding, storing, transporting, or
12 applying anhydrous ammonia. "Unauthorized container" includes,
13 but is not limited to, any propane tank, fire extinguisher,
14 oxygen cylinder, gasoline can, food or beverage cooler, or
15 compressed gas cylinder used in dispensing fountain drinks.
16 "Unauthorized container" does not encompass anhydrous ammonia
17 manufacturing plants, refrigeration systems where anhydrous
18 ammonia is used solely as a refrigerant, anhydrous ammonia
19 transportation pipelines, anhydrous ammonia tankers, or
20 anhydrous ammonia barges.

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

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

24 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

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

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

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

22 (E) A violation of Section 5.1 or 9 of the Cannabis
23 Control Act.

24 (F) A Class 2 or greater felony if the offender had
25 been convicted of a Class 2 or greater felony,
26 including any state or federal conviction for an

1 offense that contained, at the time it was committed,
2 the same elements as an offense now (the date of the
3 offense committed after the prior Class 2 or greater
4 felony) classified as a Class 2 or greater felony,
5 within 10 years of the date on which the offender
6 committed the offense for which he or she is being
7 sentenced, except as otherwise provided in Section
8 40-10 of the Alcoholism and Other Drug Abuse and
9 Dependency Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or
11 24-1.6 of the Criminal Code of 1961 for which
12 imprisonment is prescribed in those Sections.

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

16 (H) Criminal sexual assault.

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

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

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5
24 or more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate
26 crimes or provides support to the members of the

1 association who do commit crimes.

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

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the
8 offense of hate crime when the underlying offense upon
9 which the hate crime is based is felony aggravated
10 assault or felony mob action.

11 (M) A second or subsequent conviction for the
12 offense of institutional vandalism if the damage to the
13 property exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card and Certificate of Handgun
17 Registration Act.

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

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

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

25 (R) A violation of Section 24-3A of the Criminal
26 Code of 1961.

1 (S) (Blank).

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

4 (U) A second or subsequent violation of Section
5 6-303 of the Illinois Vehicle Code committed while his
6 or her driver's license, permit, or privilege was
7 revoked because of a violation of Section 9-3 of the
8 Criminal Code of 1961, relating to the offense of
9 reckless homicide, or a similar provision of a law of
10 another state.

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

14 (W) A violation of Section 24-3.5 of the Criminal
15 Code of 1961.

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

18 (Y) A conviction for unlawful possession of a
19 firearm by a street gang member when the firearm was
20 loaded or contained firearm ammunition.

21 (Z) A Class 1 felony committed while he or she was
22 serving a term of probation or conditional discharge
23 for a felony.

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

26 (BB) Laundering of criminally derived property of

1 a value exceeding \$500,000.

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

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

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8)
17 of this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court,
22 shall be imposed for a second violation of subsection (c)
23 of Section 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6),
25 and (4.9) of this subsection (c), a minimum term of
26 imprisonment of 30 days or 300 hours of community service,

1 as determined by the court, shall be imposed for a third or
2 subsequent violation of Section 6-303 of the Illinois
3 Vehicle Code.

4 (4.5) A minimum term of imprisonment of 30 days shall
5 be imposed for a third violation of subsection (c) of
6 Section 6-303 of the Illinois Vehicle Code.

7 (4.6) Except as provided in paragraph (4.10) of this
8 subsection (c), a minimum term of imprisonment of 180 days
9 shall be imposed for a fourth or subsequent violation of
10 subsection (c) of Section 6-303 of the Illinois Vehicle
11 Code.

12 (4.7) A minimum term of imprisonment of not less than
13 30 consecutive days, or 300 hours of community service,
14 shall be imposed for a violation of subsection (a-5) of
15 Section 6-303 of the Illinois Vehicle Code, as provided in
16 subsection (b-5) of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for
18 a second violation of subsection (a-5) of Section 6-303 of
19 the Illinois Vehicle Code, as provided in subsection (c-5)
20 of that Section. The person's driving privileges shall be
21 revoked for a period of not less than 5 years from the date
22 of his or her release from prison.

23 (4.9) A mandatory prison sentence of not less than 4
24 and not more than 15 years shall be imposed for a third
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-2.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony
4 shall be imposed, and the person shall be eligible for an
5 extended term sentence, for a fourth or subsequent
6 violation of subsection (a-5) of Section 6-303 of the
7 Illinois Vehicle Code, as provided in subsection (d-3.5) of
8 that Section. The person's driving privileges shall be
9 revoked for the remainder of his or her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

14 (C) make restitution to the victim under Section
15 5-5-6 of this Code.

16 (5.1) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.2) or (5.3), a person
18 convicted of violating subsection (c) of Section 11-907 of
19 the Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 90
21 days but not more than one year, if the violation resulted
22 in damage to the property of another person.

23 (5.2) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.3), a person convicted
25 of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's

1 license, permit, or privileges suspended for at least 180
2 days but not more than 2 years, if the violation resulted
3 in injury to another person.

4 (5.3) In addition to any other penalties imposed, a
5 person convicted of violating subsection (c) of Section
6 11-907 of the Illinois Vehicle Code shall have his or her
7 driver's license, permit, or privileges suspended for 2
8 years, if the violation resulted in the death of another
9 person.

10 (5.4) In addition to any other penalties imposed, a
11 person convicted of violating Section 3-707 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 3 months and until he
14 or she has paid a reinstatement fee of \$100.

15 (5.5) In addition to any other penalties imposed, a
16 person convicted of violating Section 3-707 of the Illinois
17 Vehicle Code during a period in which his or her driver's
18 license, permit, or privileges were suspended for a
19 previous violation of that Section shall have his or her
20 driver's license, permit, or privileges suspended for an
21 additional 6 months after the expiration of the original
22 3-month suspension and until he or she has paid a
23 reinstatement fee of \$100.

24 (6) (Blank).

25 (7) (Blank).

26 (8) (Blank).

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

4 (10) (Blank).

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

22 (12) A person may not receive a disposition of court
23 supervision for a violation of Section 5-16 of the Boat
24 Registration and Safety Act if that person has previously
25 received a disposition of court supervision for a violation
26 of that Section.

1 (13) A person convicted of or placed on court
2 supervision for an assault or aggravated assault when the
3 victim and the offender are family or household members as
4 defined in Section 103 of the Illinois Domestic Violence
5 Act of 1986 or convicted of domestic battery or aggravated
6 domestic battery may be required to attend a Partner Abuse
7 Intervention Program under protocols set forth by the
8 Illinois Department of Human Services under such terms and
9 conditions imposed by the court. The costs of such classes
10 shall be paid by the offender.

11 (d) In any case in which a sentence originally imposed is
12 vacated, the case shall be remanded to the trial court. The
13 trial court shall hold a hearing under Section 5-4-1 of the
14 Unified Code of Corrections which may include evidence of the
15 defendant's life, moral character and occupation during the
16 time since the original sentence was passed. The trial court
17 shall then impose sentence upon the defendant. The trial court
18 may impose any sentence which could have been imposed at the
19 original trial subject to Section 5-5-4 of the Unified Code of
20 Corrections. If a sentence is vacated on appeal or on
21 collateral attack due to the failure of the trier of fact at
22 trial to determine beyond a reasonable doubt the existence of a
23 fact (other than a prior conviction) necessary to increase the
24 punishment for the offense beyond the statutory maximum
25 otherwise applicable, either the defendant may be re-sentenced
26 to a term within the range otherwise provided or, if the State

1 files notice of its intention to again seek the extended
2 sentence, the defendant shall be afforded a new trial.

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

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

10 (A) the defendant is willing to undergo a court
11 approved counseling program for a minimum duration of 2
12 years; or

13 (B) the defendant is willing to participate in a
14 court approved plan including but not limited to the
15 defendant's:

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the
25 victim's counseling services, to the extent that the court
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying
2 for such services, if the victim was under 18 years of age
3 at the time the offense was committed and requires
4 counseling as a result of the offense.

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

12 For the purposes of this Section, "family member" and
13 "victim" shall have the meanings ascribed to them in Section
14 11-0.1 of the Criminal Code of 1961.

15 (f) (Blank).

16 (g) Whenever a defendant is convicted of an offense under
17 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
18 11-14.3, 11-14.4 except for an offense that involves keeping a
19 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
20 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
22 defendant shall undergo medical testing to determine whether
23 the defendant has any sexually transmissible disease,
24 including a test for infection with human immunodeficiency
25 virus (HIV) or any other identified causative agent of acquired
26 immunodeficiency syndrome (AIDS). Any such medical test shall

1 be performed only by appropriately licensed medical
2 practitioners and may include an analysis of any bodily fluids
3 as well as an examination of the defendant's person. Except as
4 otherwise provided by law, the results of such test shall be
5 kept strictly confidential by all medical personnel involved in
6 the testing and must be personally delivered in a sealed
7 envelope to the judge of the court in which the conviction was
8 entered for the judge's inspection in camera. Acting in
9 accordance with the best interests of the victim and the
10 public, the judge shall have the discretion to determine to
11 whom, if anyone, the results of the testing may be revealed.
12 The court shall notify the defendant of the test results. The
13 court shall also notify the victim if requested by the victim,
14 and if the victim is under the age of 15 and if requested by the
15 victim's parents or legal guardian, the court shall notify the
16 victim's parents or legal guardian of the test results. The
17 court shall provide information on the availability of HIV
18 testing and counseling at Department of Public Health
19 facilities to all parties to whom the results of the testing
20 are revealed and shall direct the State's Attorney to provide
21 the information to the victim when possible. A State's Attorney
22 may petition the court to obtain the results of any HIV test
23 administered under this Section, and the court shall grant the
24 disclosure if the State's Attorney shows it is relevant in
25 order to prosecute a charge of criminal transmission of HIV
26 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961

1 against the defendant. The court shall order that the cost of
2 any such test shall be paid by the county and may be taxed as
3 costs against the convicted defendant.

4 (g-5) When an inmate is tested for an airborne communicable
5 disease, as determined by the Illinois Department of Public
6 Health including but not limited to tuberculosis, the results
7 of the test shall be personally delivered by the warden or his
8 or her designee in a sealed envelope to the judge of the court
9 in which the inmate must appear for the judge's inspection in
10 camera if requested by the judge. Acting in accordance with the
11 best interests of those in the courtroom, the judge shall have
12 the discretion to determine what if any precautions need to be
13 taken to prevent transmission of the disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

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

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

24 (j) In cases when prosecution for any violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
26 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
3 12-15, or 12-16 of the Criminal Code of 1961, any violation of
4 the Illinois Controlled Substances Act, any violation of the
5 Cannabis Control Act, or any violation of the Methamphetamine
6 Control and Community Protection Act results in conviction, a
7 disposition of court supervision, or an order of probation
8 granted under Section 10 of the Cannabis Control Act, Section
9 410 of the Illinois Controlled Substance Act, or Section 70 of
10 the Methamphetamine Control and Community Protection Act of a
11 defendant, the court shall determine whether the defendant is
12 employed by a facility or center as defined under the Child
13 Care Act of 1969, a public or private elementary or secondary
14 school, or otherwise works with children under 18 years of age
15 on a daily basis. When a defendant is so employed, the court
16 shall order the Clerk of the Court to send a copy of the
17 judgment of conviction or order of supervision or probation to
18 the defendant's employer by certified mail. If the employer of
19 the defendant is a school, the Clerk of the Court shall direct
20 the mailing of a copy of the judgment of conviction or order of
21 supervision or probation to the appropriate regional
22 superintendent of schools. The regional superintendent of
23 schools shall notify the State Board of Education of any
24 notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted
26 of a felony and who has not been previously convicted of a

1 misdemeanor or felony and who is sentenced to a term of
2 imprisonment in the Illinois Department of Corrections shall as
3 a condition of his or her sentence be required by the court to
4 attend educational courses designed to prepare the defendant
5 for a high school diploma and to work toward a high school
6 diploma or to work toward passing the high school level Test of
7 General Educational Development (GED) or to work toward
8 completing a vocational training program offered by the
9 Department of Corrections. If a defendant fails to complete the
10 educational training required by his or her sentence during the
11 term of incarceration, the Prisoner Review Board shall, as a
12 condition of mandatory supervised release, require the
13 defendant, at his or her own expense, to pursue a course of
14 study toward a high school diploma or passage of the GED test.
15 The Prisoner Review Board shall revoke the mandatory supervised
16 release of a defendant who wilfully fails to comply with this
17 subsection (j-5) upon his or her release from confinement in a
18 penal institution while serving a mandatory supervised release
19 term; however, the inability of the defendant after making a
20 good faith effort to obtain financial aid or pay for the
21 educational training shall not be deemed a wilful failure to
22 comply. The Prisoner Review Board shall recommit the defendant
23 whose mandatory supervised release term has been revoked under
24 this subsection (j-5) as provided in Section 3-3-9. This
25 subsection (j-5) does not apply to a defendant who has a high
26 school diploma or has successfully passed the GED test. This

1 subsection (j-5) does not apply to a defendant who is
2 determined by the court to be developmentally disabled or
3 otherwise mentally incapable of completing the educational or
4 vocational program.

5 (k) (Blank).

6 (l) (A) Except as provided in paragraph (C) of subsection
7 (l), whenever a defendant, who is an alien as defined by
8 the Immigration and Nationality Act, is convicted of any
9 felony or misdemeanor offense, the court after sentencing
10 the defendant may, upon motion of the State's Attorney,
11 hold sentence in abeyance and remand the defendant to the
12 custody of the Attorney General of the United States or his
13 or her designated agent to be deported when:

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

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

20 Otherwise, the defendant shall be sentenced as
21 provided in this Chapter V.

22 (B) If the defendant has already been sentenced for a
23 felony or misdemeanor offense, or has been placed on
24 probation under Section 10 of the Cannabis Control Act,
25 Section 410 of the Illinois Controlled Substances Act, or
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act, the court may, upon motion of the State's
2 Attorney to suspend the sentence imposed, commit the
3 defendant to the custody of the Attorney General of the
4 United States or his or her designated agent when:

5 (1) a final order of deportation has been issued
6 against the defendant pursuant to proceedings under
7 the Immigration and Nationality Act, and

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

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

14 (D) Upon motion of the State's Attorney, if a defendant
15 sentenced under this Section returns to the jurisdiction of
16 the United States, the defendant shall be recommitted to
17 the custody of the county from which he or she was
18 sentenced. Thereafter, the defendant shall be brought
19 before the sentencing court, which may impose any sentence
20 that was available under Section 5-5-3 at the time of
21 initial sentencing. In addition, the defendant shall not be
22 eligible for additional good conduct credit for
23 meritorious service as provided under Section 3-6-6.

24 (m) A person convicted of criminal defacement of property
25 under Section 21-1.3 of the Criminal Code of 1961, in which the
26 property damage exceeds \$300 and the property damaged is a

1 school building, shall be ordered to perform community service
2 that may include cleanup, removal, or painting over the
3 defacement.

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

13 (o) Whenever a person is convicted of a sex offense as
14 defined in Section 2 of the Sex Offender Registration Act, the
15 defendant's driver's license or permit shall be subject to
16 renewal on an annual basis in accordance with the provisions of
17 license renewal established by the Secretary of State.

18 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
19 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
20 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
21 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
22 97-159, eff. 7-21-11; revised 9-14-11.)

23 (730 ILCS 5/5-5-3.2)

24 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
25 Sentencing.

1 (a) The following factors shall be accorded weight in favor
2 of imposing a term of imprisonment or may be considered by the
3 court as reasons to impose a more severe sentence under Section
4 5-8-1 or Article 4.5 of Chapter V:

5 (1) the defendant's conduct caused or threatened
6 serious harm;

7 (2) the defendant received compensation for committing
8 the offense;

9 (3) the defendant has a history of prior delinquency or
10 criminal activity;

11 (4) the defendant, by the duties of his office or by
12 his position, was obliged to prevent the particular offense
13 committed or to bring the offenders committing it to
14 justice;

15 (5) the defendant held public office at the time of the
16 offense, and the offense related to the conduct of that
17 office;

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

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

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

25 (9) the defendant committed the offense against a
26 person who is physically handicapped or such person's

1 property;

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

14 (11) the offense took place in a place of worship or on
15 the grounds of a place of worship, immediately prior to,
16 during or immediately following worship services. For
17 purposes of this subparagraph, "place of worship" shall
18 mean any church, synagogue or other building, structure or
19 place used primarily for religious worship;

20 (12) the defendant was convicted of a felony committed
21 while he was released on bail or his own recognizance
22 pending trial for a prior felony and was convicted of such
23 prior felony, or the defendant was convicted of a felony
24 committed while he was serving a period of probation,
25 conditional discharge, or mandatory supervised release
26 under subsection (d) of Section 5-8-1 for a prior felony;

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

6 (14) the defendant held a position of trust or
7 supervision such as, but not limited to, family member as
8 defined in Section 11-0.1 of the Criminal Code of 1961,
9 teacher, scout leader, baby sitter, or day care worker, in
10 relation to a victim under 18 years of age, and the
11 defendant committed an offense in violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
13 11-14.4 except for an offense that involves keeping a place
14 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
15 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
16 or 12-16 of the Criminal Code of 1961 against that victim;

17 (15) the defendant committed an offense related to the
18 activities of an organized gang. For the purposes of this
19 factor, "organized gang" has the meaning ascribed to it in
20 Section 10 of the Streetgang Terrorism Omnibus Prevention
21 Act;

22 (16) the defendant committed an offense in violation of
23 one of the following Sections while in a school, regardless
24 of the time of day or time of year; on any conveyance
25 owned, leased, or contracted by a school to transport
26 students to or from school or a school related activity; on

1 the real property of a school; or on a public way within
2 1,000 feet of the real property comprising any school:
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision
8 (a) (4) or (g) (1), of the Criminal Code of 1961;

9 (16.5) the defendant committed an offense in violation
10 of one of the following Sections while in a day care
11 center, regardless of the time of day or time of year; on
12 the real property of a day care center, regardless of the
13 time of day or time of year; or on a public way within
14 1,000 feet of the real property comprising any day care
15 center, regardless of the time of day or time of year:
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a) (4) or (g) (1), of the Criminal Code of 1961;

22 (17) the defendant committed the offense by reason of
23 any person's activity as a community policing volunteer or
24 to prevent any person from engaging in activity as a
25 community policing volunteer. For the purpose of this
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of
2 1961;

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

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card and Certificate of Handgun
15 Registration Act and has now committed either a felony
16 violation of the Firearm Owners Identification Card and
17 Certificate of Handgun Registration Act or an act of armed
18 violence while armed with a firearm;

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

1 provided in Article VI of Chapter 11 of the Illinois
2 Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed Forces
14 of the United States, including a member of any reserve
15 component thereof or National Guard unit called to active
16 duty;

17 (23) the defendant committed the offense against a
18 person who was elderly, disabled, or infirm by taking
19 advantage of a family or fiduciary relationship with the
20 elderly, disabled, or infirm person;

21 (24) the defendant committed any offense under Section
22 11-20.1 of the Criminal Code of 1961 and possessed 100 or
23 more images;

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

1 (26) the defendant committed the offense of child
2 pornography or aggravated child pornography, specifically
3 including paragraph (1), (2), (3), (4), (5), or (7) of
4 subsection (a) of Section 11-20.1 of the Criminal Code of
5 1961 where a child engaged in, solicited for, depicted in,
6 or posed in any act of sexual penetration or bound,
7 fettered, or subject to sadistic, masochistic, or
8 sadomasochistic abuse in a sexual context and specifically
9 including paragraph (1), (2), (3), (4), (5), or (7) of
10 subsection (a) of Section 11-20.3 of the Criminal Code of
11 1961 where a child engaged in, solicited for, depicted in,
12 or posed in any act of sexual penetration or bound,
13 fettered, or subject to sadistic, masochistic, or
14 sadomasochistic abuse in a sexual context; or

15 (27) the defendant committed the offense of first
16 degree murder, assault, aggravated assault, battery,
17 aggravated battery, robbery, armed robbery, or aggravated
18 robbery against a person who was a veteran and the
19 defendant knew, or reasonably should have known, that the
20 person was a veteran performing duties as a representative
21 of a veterans' organization. For the purposes of this
22 paragraph (27), "veteran" means an Illinois resident who
23 has served as a member of the United States Armed Forces, a
24 member of the Illinois National Guard, or a member of the
25 United States Reserve Forces; and "veterans' organization"
26 means an organization comprised of members of which

1 substantially all are individuals who are veterans or
2 spouses, widows, or widowers of veterans, the primary
3 purpose of which is to promote the welfare of its members
4 and to provide assistance to the general public in such a
5 way as to confer a public benefit.

6 For the purposes of this Section:

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

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

13 "Public transportation" means the transportation or
14 conveyance of persons by means available to the general public,
15 and includes paratransit services.

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

19 (1) When a defendant is convicted of any felony, after
20 having been previously convicted in Illinois or any other
21 jurisdiction of the same or similar class felony or greater
22 class felony, when such conviction has occurred within 10
23 years after the previous conviction, excluding time spent
24 in custody, and such charges are separately brought and
25 tried and arise out of different series of acts; or

26 (2) When a defendant is convicted of any felony and the

1 court finds that the offense was accompanied by
2 exceptionally brutal or heinous behavior indicative of
3 wanton cruelty; or

4 (3) When a defendant is convicted of any felony
5 committed against:

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

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

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

12 (4) When a defendant is convicted of any felony and the
13 offense involved any of the following types of specific
14 misconduct committed as part of a ceremony, rite,
15 initiation, observance, performance, practice or activity
16 of any actual or ostensible religious, fraternal, or social
17 group:

18 (i) the brutalizing or torturing of humans or
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,
23 fraternal, business, governmental, educational, or
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (5) When a defendant is convicted of a felony other

1 than conspiracy and the court finds that the felony was
2 committed under an agreement with 2 or more other persons
3 to commit that offense and the defendant, with respect to
4 the other individuals, occupied a position of organizer,
5 supervisor, financier, or any other position of management
6 or leadership, and the court further finds that the felony
7 committed was related to or in furtherance of the criminal
8 activities of an organized gang or was motivated by the
9 defendant's leadership in an organized gang; or

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

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

23 (8) When a defendant commits any felony and the
24 defendant used, possessed, exercised control over, or
25 otherwise directed an animal to assault a law enforcement
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an
2 organized gang in which the defendant is engaged.

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

6 (1) When a defendant is convicted of first degree
7 murder, after having been previously convicted in Illinois
8 of any offense listed under paragraph (c)(2) of Section
9 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
10 within 10 years after the previous conviction, excluding
11 time spent in custody, and the charges are separately
12 brought and tried and arise out of different series of
13 acts.

14 (1.5) When a defendant is convicted of first degree
15 murder, after having been previously convicted of domestic
16 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
17 (720 ILCS 5/12-3.3) committed on the same victim or after
18 having been previously convicted of violation of an order
19 of protection (720 ILCS 5/12-30) in which the same victim
20 was the protected person.

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

26 (3) When a defendant is convicted of aggravated

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

10 (4) If the victim was under 18 years of age at the time
11 of the commission of the offense, when a defendant is
12 convicted of aggravated criminal sexual assault or
13 predatory criminal sexual assault of a child under
14 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
15 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
16 5/11-1.40 or 5/12-14.1).

17 (5) When a defendant is convicted of a felony violation
18 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
19 5/24-1) and there is a finding that the defendant is a
20 member of an organized gang.

21 (6) When a defendant was convicted of unlawful use of
22 weapons under Section 24-1 of the Criminal Code of 1961
23 (720 ILCS 5/24-1) for possessing a weapon that is not
24 readily distinguishable as one of the weapons enumerated in
25 Section 24-1 of the Criminal Code of 1961 (720 ILCS
26 5/24-1).

1 (7) When a defendant is convicted of an offense
2 involving the illegal manufacture of a controlled
3 substance under Section 401 of the Illinois Controlled
4 Substances Act (720 ILCS 570/401), the illegal manufacture
5 of methamphetamine under Section 25 of the Methamphetamine
6 Control and Community Protection Act (720 ILCS 646/25), or
7 the illegal possession of explosives and an emergency
8 response officer in the performance of his or her duties is
9 killed or injured at the scene of the offense while
10 responding to the emergency caused by the commission of the
11 offense. In this paragraph, "emergency" means a situation
12 in which a person's life, health, or safety is in jeopardy;
13 and "emergency response officer" means a peace officer,
14 community policing volunteer, fireman, emergency medical
15 technician-ambulance, emergency medical
16 technician-intermediate, emergency medical
17 technician-paramedic, ambulance driver, other medical
18 assistance or first aid personnel, or hospital emergency
19 room personnel.

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

23 (e) The court may impose an extended term sentence under
24 Article 4.5 of Chapter V upon an offender who has been
25 convicted of a felony violation of Section 12-13, 12-14,
26 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the

1 victim of the offense is under 18 years of age at the time of
2 the commission of the offense and, during the commission of the
3 offense, the victim was under the influence of alcohol,
4 regardless of whether or not the alcohol was supplied by the
5 offender; and the offender, at the time of the commission of
6 the offense, knew or should have known that the victim had
7 consumed alcohol.

8 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
9 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
10 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
11 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
12 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
13 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

14 Section 55. The Mental Health and Developmental
15 Disabilities Confidentiality Act is amended by changing
16 Section 12 as follows:

17 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

18 Sec. 12. (a) If the United States Secret Service or the
19 Department of State Police requests information from a mental
20 health or developmental disability facility, as defined in
21 Section 1-107 and 1-114 of the Mental Health and Developmental
22 Disabilities Code, relating to a specific recipient and the
23 facility director determines that disclosure of such
24 information may be necessary to protect the life of, or to

1 prevent the infliction of great bodily harm to, a public
2 official, or a person under the protection of the United States
3 Secret Service, only the following information may be
4 disclosed: the recipient's name, address, and age and the date
5 of any admission to or discharge from a facility; and any
6 information which would indicate whether or not the recipient
7 has a history of violence or presents a danger of violence to
8 the person under protection. Any information so disclosed shall
9 be used for investigative purposes only and shall not be
10 publicly disseminated. Any person participating in good faith
11 in the disclosure of such information in accordance with this
12 provision shall have immunity from any liability, civil,
13 criminal or otherwise, if such information is disclosed relying
14 upon the representation of an officer of the United States
15 Secret Service or the Department of State Police that a person
16 is under the protection of the United States Secret Service or
17 is a public official.

18 For the purpose of this subsection (a), the term "public
19 official" means the Governor, Lieutenant Governor, Attorney
20 General, Secretary of State, State Comptroller, State
21 Treasurer, member of the General Assembly, member of the United
22 States Congress, Judge of the United States as defined in 28
23 U.S.C. 451, Justice of the United States as defined in 28
24 U.S.C. 451, United States Magistrate Judge as defined in 28
25 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
26 Supreme, Appellate, Circuit, or Associate Judge of the State of

1 Illinois. The term shall also include the spouse, child or
2 children of a public official.

3 (b) The Department of Human Services (acting as successor
4 to the Department of Mental Health and Developmental
5 Disabilities) and all public or private hospitals and mental
6 health facilities are required, as hereafter described in this
7 subsection, to furnish the Department of State Police only such
8 information as may be required for the sole purpose of
9 determining whether an individual who may be or may have been a
10 patient is disqualified because of that status from receiving
11 or retaining a Firearm Owner's Identification Card under
12 subsection (e) or (f) of Section 8 of the Firearm Owners
13 Identification Card and Certificate of Handgun Registration
14 Act or 18 U.S.C. 922(g) and (n). All public or private
15 hospitals and mental health facilities shall, in the form and
16 manner required by the Department, provide such information as
17 shall be necessary for the Department to comply with the
18 reporting requirements to the Department of State Police. Such
19 information shall be furnished within 7 days after admission to
20 a public or private hospital or mental health facility or the
21 provision of services to a patient described in clause (2) of
22 this subsection (b). Any such information disclosed under this
23 subsection shall remain privileged and confidential, and shall
24 not be redisclosed, except as required by clause (e)(2) of
25 Section 3.1 of the Firearm Owners Identification Card and
26 Certificate of Handgun Registration Act, nor utilized for any

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

18 Any person, institution, or agency, under this Act,
19 participating in good faith in the reporting or disclosure of
20 records and communications otherwise in accordance with this
21 provision or with rules, regulations or guidelines issued by
22 the Department shall have immunity from any liability, civil,
23 criminal or otherwise, that might result by reason of the
24 action. For the purpose of any proceeding, civil or criminal,
25 arising out of a report or disclosure in accordance with this
26 provision, the good faith of any person, institution, or agency

1 so reporting or disclosing shall be presumed. The full extent
2 of the immunity provided in this subsection (b) shall apply to
3 any person, institution or agency that fails to make a report
4 or disclosure in the good faith belief that the report or
5 disclosure would violate federal regulations governing the
6 confidentiality of alcohol and drug abuse patient records
7 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

10 (1) "Hospital" means only that type of institution
11 which is providing full-time residential facilities and
12 treatment.

13 (2) "Patient" shall include only: (i) a person who is
14 an in-patient or resident of any public or private hospital
15 or mental health facility or (ii) a person who is an
16 out-patient or provided services by a public or private
17 hospital or mental health facility whose mental condition
18 is of such a nature that it is manifested by violent,
19 suicidal, threatening, or assaultive behavior or reported
20 behavior, for which there is a reasonable belief by a
21 physician, clinical psychologist, or qualified examiner
22 that the condition poses a clear and present or imminent
23 danger to the patient, any other person or the community
24 meaning the patient's condition poses a clear and present
25 danger in accordance with subsection (f) of Section 8 of
26 the Firearm Owners Identification Card and Certificate of

1 Handgun Registration Act. The terms physician, clinical
2 psychologist, and qualified examiner are defined in
3 Sections 1-120, 1-103, and 1-122 of the Mental Health and
4 Developmental Disabilities Code.

5 (3) "Mental health facility" is defined by Section
6 1-114 of the Mental Health and Developmental Disabilities
7 Code.

8 (c) Upon the request of a peace officer who takes a person
9 into custody and transports such person to a mental health or
10 developmental disability facility pursuant to Section 3-606 or
11 4-404 of the Mental Health and Developmental Disabilities Code
12 or who transports a person from such facility, a facility
13 director shall furnish said peace officer the name, address,
14 age and name of the nearest relative of the person transported
15 to or from the mental health or developmental disability
16 facility. In no case shall the facility director disclose to
17 the peace officer any information relating to the diagnosis,
18 treatment or evaluation of the person's mental or physical
19 health.

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

24 (d) Upon the request of a peace officer or prosecuting
25 authority who is conducting a bona fide investigation of a
26 criminal offense, or attempting to apprehend a fugitive from

1 justice, a facility director may disclose whether a person is
2 present at the facility. Upon request of a peace officer or
3 prosecuting authority who has a valid forcible felony warrant
4 issued, a facility director shall disclose: (1) whether the
5 person who is the subject of the warrant is present at the
6 facility and (2) the date of that person's discharge or future
7 discharge from the facility. The requesting peace officer or
8 prosecuting authority must furnish a case number and the
9 purpose of the investigation or an outstanding arrest warrant
10 at the time of the request. Any person, institution, or agency
11 participating in good faith in disclosing such information in
12 accordance with this subsection (d) is immune from any
13 liability, civil, criminal or otherwise, that might result by
14 reason of the action.

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

16 Section 60. The Uniform Disposition of Unclaimed Property
17 Act is amended by changing Section 1 as follows:

18 (765 ILCS 1025/1) (from Ch. 141, par. 101)

19 Sec. 1. As used in this Act, unless the context otherwise
20 requires:

21 (a) "Banking organization" means any bank, trust company,
22 savings bank, industrial bank, land bank, safe deposit company,
23 or a private banker.

24 (b) "Business association" means any corporation, joint

1 stock company, business trust, partnership, or any
2 association, limited liability company, or other business
3 entity consisting of one or more persons, whether or not for
4 profit.

5 (c) "Financial organization" means any savings and loan
6 association, building and loan association, credit union,
7 currency exchange, co-operative bank, mutual funds, or
8 investment company.

9 (d) "Holder" means any person in possession of property
10 subject to this Act belonging to another, or who is trustee in
11 case of a trust, or is indebted to another on an obligation
12 subject to this Act.

13 (e) "Life insurance corporation" means any association or
14 corporation transacting the business of insurance on the lives
15 of persons or insurance appertaining thereto, including, but
16 not by way of limitation, endowments and annuities.

17 (f) "Owner" means a depositor in case of a deposit, a
18 beneficiary in case of a trust, a creditor, claimant, or payee
19 in case of other property, or any person having a legal or
20 equitable interest in property subject to this Act, or his
21 legal representative.

22 (g) "Person" means any individual, business association,
23 financial organization, government or political subdivision or
24 agency, public authority, estate, trust, or any other legal or
25 commercial entity.

26 (h) "Utility" means any person who owns or operates, for

1 public use, any plant, equipment, property, franchise, or
2 license for the transmission of communications or the
3 production, storage, transmission, sale, delivery, or
4 furnishing of electricity, water, steam, oil or gas.

5 (i) (Blank).

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

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

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

23 (m) "Firearm" has the meaning ascribed to that term in the
24 Firearm Owners Identification Card and Certificate of Handgun
25 Registration Act.

26 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,

1 eff. 6-2-00.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2014.".