



Sen. Kwame Raoul

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1 AMENDMENT TO HOUSE BILL 183

2 AMENDMENT NO. _____. Amend House Bill 183 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun
5 Safety and Responsibility Act.

6 Section 5. Definitions. As used in this Act:

7 "Applicant" means a person who is applying for a license to
8 carry a concealed handgun under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed handgun" means a loaded or unloaded handgun
11 carried on or about a person completely or mostly concealed
12 from view of the public or on or about a person within a
13 vehicle.

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Handgun" means any device which is designed to expel a

1 projectile or projectiles by the action of an explosion,
2 expansion of gas, or escape of gas that is designed to be held
3 and fired by the use of a single hand. "Handgun" does not
4 include:

5 (1) a stun gun or taser;

6 (2) a machine gun as defined in item (i) of paragraph
7 (7) of subsection (a) of Section 24-1 of the Criminal Code
8 of 2012;

9 (3) a short-barreled rifle or shotgun as defined in
10 item (ii) of paragraph (7) of subsection (a) of Section
11 24-1 of the Criminal Code of 2012; or

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

18 "Law enforcement agency" means any federal, State, or local
19 law enforcement agency, including offices of State's Attorneys
20 and the Office of the Attorney General.

21 "License" means a license issued by the Department of State
22 Police to carry a concealed handgun.

23 "Licensee" means a person issued a license to carry a
24 concealed handgun.

25 "Municipality" has the meaning ascribed to it in Section 1
26 of Article VII of the Illinois Constitution.

1 "Unit of local government" has the meaning ascribed to it
2 in Section 1 of Article VII of the Illinois Constitution.

3 Section 10. Issuance of licenses to carry a concealed
4 firearm.

5 (a) The Department shall issue a license to carry a
6 concealed handgun under this Act to an applicant who:

7 (1) meets the qualifications of Section 25 of this Act;

8 (2) has provided the application and documentation
9 required in Section 30 of this Act;

10 (3) has submitted the requisite fees; and

11 (4) does not pose a danger to himself, herself, or
12 others, or a threat to public safety as determined by the
13 Concealed Carry Licensing Review Board in accordance with
14 Section 20.

15 (b) The Department shall issue a renewal, corrected, or
16 duplicate license as provided in this Act.

17 (c) A license shall be valid throughout the State for a
18 period of 5 years from the date of issuance. A license shall
19 permit the licensee to:

20 (1) carry a loaded or unloaded concealed handgun,
21 completely concealed or mostly concealed, on or about his
22 or her person; and

23 (2) keep or carry a loaded or unloaded concealed
24 handgun on or about his or her person within a vehicle.

25 (d) The Department shall make applications for a license

1 available no later than 180 days after the effective date of
2 this Act. The Department shall establish rules for the
3 availability and submission of applications in accordance with
4 this Act.

5 (e) An application for a license submitted to the
6 Department that contains all the information and materials
7 required by this Act, including the requisite fee, shall be
8 deemed completed. Except as otherwise provided in this Act, no
9 later than 90 days after receipt of a completed application,
10 the Department shall issue or deny the applicant a license.

11 (f) The Department shall deny the applicant a license if
12 the applicant fails to meet the requirements under this Act or
13 the Department receives a determination from the Board that the
14 applicant is ineligible for a license. The Department must
15 notify the applicant stating the grounds for the denial. The
16 notice of denial must inform the applicant of his or her right
17 to an appeal through administrative and judicial review.

18 (g) A licensee shall possess a license at all times the
19 licensee carries a concealed handgun except:

20 (1) when the licensee is carrying or possessing a
21 concealed handgun on his or her land or in his or her
22 abode, legal dwelling, or fixed place of business, or on
23 the land or in the legal dwelling of another person as an
24 invitee with that person's permission;

25 (2) when the person is authorized to carry a firearm
26 under Section 24-2 of the Criminal Code of 2012, except

1 subsection (a-5) of that Section; or

2 (3) when the handgun is broken down in a
3 non-functioning state, is not immediately accessible, or
4 is unloaded and enclosed in a case.

5 (h) If an officer of a law enforcement agency initiates an
6 investigative stop, including but not limited to a traffic
7 stop, of a licensee who is carrying a concealed handgun, upon
8 the request of the officer the licensee shall disclose to the
9 officer that he or she is in possession of a concealed handgun
10 under this Act, present the license upon the request of the
11 officer, and identify the location of the concealed handgun.

12 (i) The Department shall maintain a database of license
13 applicants and licensees. The database shall be available to
14 all federal, State, and local law enforcement agencies, State's
15 Attorneys, the Attorney General, and authorized court
16 personnel. Within 180 days after the effective date of this
17 Act, the database shall be searchable and provide all
18 information included in the application, including the
19 applicant's previous addresses within the 10 years prior to the
20 license application and any information related to violations
21 of this Act. No law enforcement agency, State's Attorney,
22 Attorney General, or member or staff of the judiciary shall
23 provide any information to a requester who is not entitled to
24 it by law.

25 (j) No later than 10 days after receipt of a completed
26 application, the Department shall enter the relevant

1 information about the applicant into the database under
2 subsection (i) of this Section which is accessible by law
3 enforcement agencies.

4 Section 15. Objections by law enforcement agencies.

5 (a) Any law enforcement agency may submit an objection to a
6 license applicant based upon a reasonable suspicion that the
7 applicant is a danger to himself or herself or others, or a
8 threat to public safety. The objection shall be made by the
9 chief law enforcement officer of the law enforcement agency, or
10 his or her designee, and must include any information relevant
11 to the objection. If a law enforcement agency submits an
12 objection within 30 days after the entry of an applicant into
13 the database, the Department shall submit the objection and all
14 information related to the application to the Board within 10
15 days of completing all necessary background checks.

16 (b) If an applicant has 5 or more arrests for any reason,
17 that have been entered into the Criminal History Records
18 Information (CHRI) System, within the 7 years preceding the
19 date of application for a license, or has 3 or more arrests
20 within the 7 years preceding the date of application for a
21 license for any combination of gang-related offenses, the
22 Department shall object and submit the applicant's arrest
23 record, the application materials, and any additional
24 information submitted by a law enforcement agency to the Board.
25 For purposes of this subsection, "gang-related offense" is an

1 offense described in Section 12-6.4, Section 24-1.8, Section
2 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of
3 subsection (a) of Section 12-6.2, paragraph (2) of subsection
4 (b) of Section 16-30, paragraph (2) of subsection (b) of
5 Section 31-4, or item (iii) of paragraph (1.5) of subsection
6 (i) of Section 48-1 of the Criminal Code of 2012.

7 (c) The referral of an objection under this Section to the
8 Board shall toll the 90-day period for the Department to issue
9 or deny the applicant a license under subsection (e) of Section
10 10 of this Act, during the period of review and until the Board
11 issues its decision.

12 (d) If no objection is made by a law enforcement agency or
13 the Department under this Section, the Department shall process
14 the application in accordance with this Act.

15 Section 20. Concealed Carry Licensing Review Board.

16 (a) There is hereby created a Concealed Carry Licensing
17 Review Board to consider any objection to an applicant's
18 eligibility to obtain a license under this Act submitted by a
19 law enforcement agency or the Department under Section 15 of
20 this Act. The Board shall consist of 7 commissioners to be
21 appointed by the Governor, with the advice and consent of the
22 Senate, with 3 commissioners residing within the First Judicial
23 District and one commissioner residing within each of the 4
24 remaining Judicial Districts. No more than 4 commissioners
25 shall be members of the same political party. The Governor

1 shall designate one commissioner as the Chairperson. The Board
2 shall consist of:

3 (1) one commissioner with at least 5 years of service
4 as a federal judge;

5 (2) 2 commissioners with at least 5 years of experience
6 serving as an attorney with the United States Department of
7 Justice;

8 (3) 3 commissioners with at least 5 years of experience
9 as a federal agent or employee with investigative
10 experience or duties related to criminal justice under the
11 United States Department of Justice, Drug Enforcement
12 Administration, Department of Homeland Security, or
13 Federal Bureau of Investigation; and

14 (4) one member with at least 5 years of experience as a
15 licensed physician or clinical psychologist with expertise
16 in the diagnosis and treatment of mental illness.

17 (b) The initial terms of the commissioners shall end on
18 January 12, 2015. Thereafter, the commissioners shall hold
19 office for 4 years, with terms expiring on the second Monday in
20 January of the fourth year. Commissioners may be reappointed.
21 Vacancies in the office of commissioner shall be filled in the
22 same manner as the original appointment, for the remainder of
23 the unexpired term. The Governor may remove a commissioner for
24 incompetence, neglect of duty, malfeasance, or inability to
25 serve. Commissioners shall receive compensation in an amount
26 equal to the compensation of members of the Executive Ethics

1 Commission and may be reimbursed for reasonable expenses
2 actually incurred in the performance of their Board duties,
3 from funds appropriated for that purpose.

4 (c) The Board shall meet at the call of the chairperson as
5 often as necessary to consider objections to applications for a
6 license under this Act. If necessary to ensure the
7 participation of a commissioner, the Board shall allow a
8 commissioner to participate in a Board meeting by electronic
9 communication. Any commissioner participating electronically
10 shall be deemed present for purposes of establishing a quorum
11 and voting.

12 (d) The Board shall adopt rules for the conduct of
13 hearings. The Board shall maintain a record of its decisions
14 and all materials considered in making its decisions. All Board
15 decisions and voting records shall be kept confidential and all
16 materials considered by the Board shall be exempt from
17 inspection except upon order of a court.

18 (e) In considering an objection of a law enforcement agency
19 or the Department, the Board shall review the materials
20 received with the objection from the law enforcement agency or
21 the Department. By a vote of at least 4 commissioners, the
22 Board may request additional information from the law
23 enforcement agency, Department, or the applicant, or the
24 testimony of the law enforcement agency, Department, or the
25 applicant. The Board may only consider information submitted by
26 the Department, a law enforcement agency, or the applicant. The

1 Board shall review each objection and determine by a majority
2 of commissioners whether an applicant is eligible for a
3 license.

4 (f) The Board shall issue a decision within 30 days of
5 receipt of the objection from the Department. However, the
6 Board need not issue a decision within 30 days if:

7 (1) the Board requests information from the applicant
8 in accordance with subsection (e) of this Section, in which
9 case the Board shall make a decision within 30 days of
10 receipt of the required information from the applicant;

11 (2) the applicant agrees, in writing, to allow the
12 Board additional time to consider an objection; or

13 (3) the Board notifies the applicant and the Department
14 that the Board needs an additional 30 days to issue a
15 decision.

16 (g) If the Board determines by a preponderance of the
17 evidence that the applicant poses a danger to himself or
18 herself or others, or is a threat to public safety, then the
19 Board shall affirm the objection of the law enforcement agency
20 or the Department and shall notify the Department that the
21 applicant is ineligible for a license. If the Board does not
22 determine by a preponderance of the evidence that the applicant
23 poses a danger to himself or herself or others, or is a threat
24 to public safety, then the Board shall notify the Department
25 that the applicant is eligible for a license.

26 (h) Meetings of the Board shall not be subject to the Open

1 Meetings Act and records of the Board shall not be subject to
2 the Freedom of Information Act.

3 (i) The Board shall report monthly to the Governor and the
4 General Assembly on the number of objections received and
5 provide details of the circumstances in which the Board has
6 determined to deny licensure based on law enforcement or
7 Department objections under Section 15 of this Act. The report
8 shall not contain any identifying information about the
9 applicants.

10 Section 25. Qualifications for a license.

11 The Department shall issue a license to an applicant
12 completing an application in accordance with Section 30 of this
13 Act if the person:

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

15 (2) has a currently valid Firearm Owner's
16 Identification Card and at the time of application meets
17 the requirements for the issuance of a Firearm Owner's
18 Identification Card and is not prohibited under the Firearm
19 Owners Identification Card Act or federal law from
20 possessing or receiving a firearm;

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

23 (A) a misdemeanor involving the use or threat of
24 physical force or violence to any person within the 5
25 years preceding the date of the license application; or

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

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

9 (5) has not been in residential or court-ordered
10 treatment for alcoholism, alcohol detoxification, or drug
11 treatment within the 5 years immediately preceding the date
12 of the license application; and

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

15 Section 30. Contents of license application.

16 (a) The license application shall be in writing, under
17 penalty of perjury, on a standard form adopted by the
18 Department and shall be accompanied by the documentation
19 required in this Section and the applicable fee. Each
20 application form shall include the following statement printed
21 in bold type: "Warning: Entering false information on this form
22 is punishable as perjury under Section 32-2 of the Criminal
23 Code of 2012."

24 (b) The application shall contain the following:

25 (1) the applicant's name, current address, date and

1 year of birth, place of birth, height, weight, hair color,
2 eye color, maiden name or any other name the applicant has
3 used or identified with, and any address where the
4 applicant resided for more than 30 days within the 10 years
5 preceding the date of the license application;

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

8 (3) a waiver of the applicant's privacy and
9 confidentiality rights and privileges under all federal
10 and state laws, including those limiting access to juvenile
11 court, criminal justice, psychological, or psychiatric
12 records or records relating to any institutionalization of
13 the applicant, and an affirmative request that a person
14 having custody of any of these records provide it or
15 information concerning it to the Department;

16 (4) an affirmation that the applicant possesses a
17 currently valid Firearm Owner's Identification Card and
18 card number if possessed or notice the applicant is
19 applying for a Firearm Owner's Identification Card in
20 conjunction with the license application;

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

23 (A) a felony;

24 (B) a misdemeanor involving the use or threat of
25 physical force or violence to any person within the 5
26 years preceding the date of the application; or

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

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

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

14 (8) a full set of fingerprints submitted to the
15 Department in electronic format, provided the Department
16 may accept an application submitted without a set of
17 fingerprints in which case the Department shall be granted
18 30 days in addition to the 90 days provided under
19 subsection (e) of Section 10 of this Act to issue or deny a
20 license;

21 (9) a head and shoulder color photograph in a size
22 specified by the Department taken within the 30 days
23 preceding the date of the license application; and

24 (10) a photocopy of any certificates or other evidence
25 of compliance with the training requirements under this
26 Act.

1 Section 35. Investigation of the applicant.

2 The Department shall conduct a background check of the
3 applicant to ensure compliance with the requirements of this
4 Act and all federal, State, and local laws. The background
5 check shall include a search of the following:

6 (1) the National Instant Criminal Background Check
7 System of the Federal Bureau of Investigation;

8 (2) all available state and local criminal history
9 record information files, including records of juvenile
10 adjudications;

11 (3) all available federal, state, and local records
12 regarding wanted persons;

13 (4) all available federal, state, and local records of
14 domestic violence restraining and protective orders;

15 (5) the files of the Department of Human Services
16 relating to mental health and developmental disabilities;
17 and

18 (6) all other available records of a federal, state, or
19 local agency or other public entity in any jurisdiction
20 likely to contain information relevant to whether the
21 applicant is prohibited from purchasing, possessing, or
22 carrying a firearm under federal, state, or local law.

23 (7) Fingerprints collected under Section 30 shall be
24 checked against the Department of State Police and Federal
25 Bureau of Investigation criminal history record databases

1 now and hereafter filed. The Department shall charge
2 applicants a fee for conducting the criminal history
3 records check, which shall be deposited in the State Police
4 Firearm Services Fund and shall not exceed the actual cost
5 of the records check.

6 Section 40. Non-resident license applications.

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

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

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

23 (1) the application and documentation required under
24 Section 30 of this Act and the applicable fee;

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

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

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

8 (C) understands Illinois laws pertaining to the
9 possession and transport of firearms, and

10 (D) acknowledges that the applicant is subject to
11 the jurisdiction of the Department and Illinois courts
12 for any violation of this Act; and

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

16 (4) a head and shoulder color photograph in a size
17 specified by the Department taken within the 30 days
18 preceding the date of the application.

19 (d) In lieu of an Illinois driver's license or Illinois
20 identification card, a non-resident applicant shall provide
21 similar documentation from his or her state or territory of
22 residence. In lieu of a valid Firearm Owner's Identification
23 Card, the applicant shall submit documentation and information
24 required by the Department to obtain a Firearm Owner's
25 Identification Card, including an affidavit that the
26 non-resident meets the mental health standards to obtain a

1 firearm under Illinois law, and the Department shall ensure
2 that the applicant would meet the eligibility criteria to
3 obtain a Firearm Owner's Identification card if he or she was a
4 resident of this State.

5 (e) Nothing in this Act shall prohibit a non-resident from
6 transporting a concealed handgun within his or her vehicle in
7 Illinois, if the concealed handgun remains within his or her
8 vehicle and the non-resident:

9 (1) is transporting the concealed handgun in
10 accordance with Article 24 of the Criminal Code of 2012 and
11 all other applicable provisions of law;

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

14 (3) is eligible to carry a firearm in public under the
15 laws of his or her state or territory of residence; and

16 (4) is not in possession of a license under this Act.

17 If the non-resident leaves his or her vehicle unattended,
18 he or she shall store the firearm within a locked vehicle or
19 locked container within the vehicle.

20 Section 45. Civil immunity; Board, employees, and agents.
21 The Board, Department, local law enforcement agency, or
22 employees and agents of the Board, Department, or local law
23 enforcement agency participating in the licensing process
24 under this Act shall not be held liable for damages in any
25 civil action arising from alleged wrongful or improper

1 granting, denying, renewing, revoking, suspending, or failing
2 to grant, deny, renew, revoke, or suspend a license under this
3 Act, except for willful or wanton misconduct.

4 Section 50. License renewal.

5 Applications for renewal of a license shall be made to the
6 Department. A license shall be renewed for a period of 5 years
7 upon receipt of a completed renewal application, completion of
8 3 hours of training required under Section 75 of this Section,
9 payment of the applicable renewal fee, and completion of an
10 investigation under Section 35 of this Act. The renewal
11 application shall contain the information required in Section
12 30 of this Act, except that the applicant need not resubmit a
13 full set of fingerprints.

14 Section 55. Change of address or name; lost, destroyed, or
15 stolen licenses.

16 (a) A licensee shall notify the Department within 30 days
17 of moving or changing residence or any change of name. The
18 licensee shall submit:

19 (1) a notarized statement that the licensee has changed
20 his or her residence or his or her name, including the
21 prior and current address or name and the date the
22 applicant moved or changed his or her name; and

23 (2) the requisite fee.

24 (b) A licensee shall notify the Department within 10 days

1 of discovering that a license has been lost, destroyed, or
2 stolen. A lost, destroyed, or stolen license is invalid. To
3 request a replacement license, the licensee shall submit:

4 (1) a notarized statement that the licensee no longer
5 possesses the license, and that it was lost, destroyed, or
6 stolen;

7 (2) if applicable, a copy of a police report stating
8 that the license was stolen; and

9 (3) the requisite fee.

10 (c) A violation of this Section is a petty offense with a
11 fine of \$150 which shall be deposited into the Mental Health
12 Reporting Fund.

13 Section 60. Fees.

14 (a) All fees collected under this Act shall be deposited as
15 provided in this Section. Application, renewal, and
16 replacement fees shall be non-refundable.

17 (b) An applicant for a new license or a renewal shall
18 submit \$150 with the application, of which \$120 shall be
19 apportioned to the State Police Firearm Services Fund, \$20
20 shall be apportioned to the Mental Health Reporting Fund, and
21 \$10 shall be apportioned to the State Crime Laboratory Fund.

22 (c) A non-resident applicant for a new license or renewal
23 shall submit \$300 with the application, of which \$250 shall be
24 apportioned to the State Police Firearm Services Fund, \$40
25 shall be apportioned to the Mental Health Reporting Fund, and

1 \$10 shall be apportioned to the State Crime Laboratory Fund.

2 (d) A licensee requesting a new license in accordance with
3 Section 55 shall submit \$75, of which \$60 shall be apportioned
4 to the State Police Firearm Services Fund, \$5 shall be
5 apportioned to the Mental Health Reporting Fund, and \$10 shall
6 be apportioned to the State Crime Laboratory Fund.

7 Section 65. Prohibited areas.

8 (a) A licensee under this Act shall not knowingly carry a
9 firearm on or into:

10 (1) Any building, real property, and parking area under
11 the control of a public or private elementary or secondary
12 school.

13 (2) Any building, real property, and parking area under
14 the control of a pre-school or child care facility,
15 including any room or portion of a building under the
16 control of a pre-school or child care facility. Nothing in
17 this paragraph shall prevent the operator of a child care
18 facility in a family home from owning or possessing a
19 firearm in the home or license under this Act, if no child
20 under child care at the home is present in the home or the
21 firearm in the home is stored in a locked container when a
22 child under child care at the home is present in the home.

23 (3) Any building, parking area, or portion of a
24 building under the control of an officer of the executive
25 or legislative branch of government, provided that nothing

1 in this paragraph shall prohibit a licensee from carrying a
2 concealed handgun onto the real property, bikeway, or trail
3 in a park regulated by the Department of Natural Resources
4 or any other designated public hunting area or building
5 where firearm possession is permitted as established by the
6 Department of Natural Resources under Section 1.8 of the
7 Wildlife Code.

8 (4) Any building designated for matters before a
9 circuit court, appellate court, or the Supreme Court, and
10 any building or portion of a building under the control of
11 the Supreme Court.

12 (5) Any building or portion of a building under the
13 control of a unit of local government.

14 (6) Any building, real property, and parking area under
15 the control of an adult or juvenile detention or
16 correctional institution, prison, or jail.

17 (7) Any building, real property, and parking area under
18 the control of a public or private hospital or hospital
19 affiliate, mental health facility, or nursing home.

20 (8) Any bus, train, or form of transportation paid for
21 in whole or in part with public funds, and any building,
22 real property, and parking area under the control of a
23 public transportation facility paid for in whole or in part
24 with public funds.

25 (9) Any building, real property, and parking area under
26 the control of an establishment that serves alcohol on its

1 premises.

2 (10) Any public gathering or special event conducted on
3 property open to the public that requires the issuance of a
4 permit from the unit of local government, provided this
5 prohibition shall not apply to a licensee who must walk
6 through a public gathering in order to access his or her
7 residence, place of business, or vehicle.

8 (11) Any building or real property that has been issued
9 a Special Event Retailer's license as defined in Section
10 1-3.17.1 of the Liquor Control Act during the time
11 designated for the sale of alcohol by the special event
12 retailer's license, or a Special use permit license as
13 defined in subsection (q) of Section 5-1 of the Liquor
14 Control Act during the time designated for the sale of
15 alcohol by the Special use permit license.

16 (12) Any public playground.

17 (13) Any public park, athletic area, or athletic
18 facility under the control of a municipality or park
19 district, provided nothing in this Section shall prohibit a
20 licensee from carrying a concealed handgun while on a trail
21 or bikeway if only a portion of the trail or bikeway
22 includes a public park.

23 (14) Any real property under the control of the Cook
24 County Forest Preserve District.

25 (15) Any building, classroom, laboratory, medical
26 clinic, hospital, artistic venue, athletic venue,

1 entertainment venue, officially recognized
2 university-related organization property, whether owned or
3 leased, and any real property, including parking areas,
4 sidewalks, and common areas under the control of a public
5 or private community college, college, or university.

6 (16) Any building, real property, or parking area under
7 the control of a gaming facility licensed under the
8 Riverboat Gambling Act or the Illinois Horse Racing Act of
9 1975, including an inter-track wagering location licensee.

10 (17) Any stadium, arena, or the real property or
11 parking area under the control of a stadium, arena, or any
12 collegiate or professional sporting event.

13 (18) Any building, real property, or parking area under
14 the control of a public library.

15 (19) Any building, real property, or parking area under
16 the control of an airport.

17 (20) Any building, real property, or parking area under
18 the control of an amusement park.

19 (21) Any building, real property, or parking area under
20 the control of a zoo or museum.

21 (22) Any street, driveway, parking area, property,
22 building, or facility, owned, leased, controlled, or used
23 by a nuclear energy, storage, weapons, or development site
24 or facility regulated by the federal Nuclear Regulatory
25 Commission. The licensee shall not under any circumstance
26 store a firearm or ammunition in his or her vehicle or in a

1 compartment or container within a vehicle located anywhere
2 in or on the street, driveway, parking area, property,
3 building, or facility described in this paragraph.

4 (23) Any area where firearms are prohibited under
5 federal law.

6 (a-5) Nothing in this Act shall prohibit a public or
7 private community college, college, or university from:

8 (1) prohibiting persons from carrying a firearm within
9 a vehicle owned, leased, or controlled by the college or
10 university;

11 (2) developing resolutions, regulations, or policies
12 regarding student, employee, or visitor misconduct and
13 discipline, including suspension and expulsion;

14 (3) developing resolutions, regulations, or policies
15 regarding the storage or maintenance of firearms, which
16 must include designated areas where persons can park
17 vehicles that carry firearms; and

18 (4) permitting the carrying or use of firearms for the
19 purpose of instruction and curriculum of officially
20 recognized programs, including but not limited to military
21 science and law enforcement training programs, or in any
22 designated area used for hunting purposes or target
23 shooting.

24 (a-10) The owner of private real property of any type may
25 prohibit firearms on the property under his or her control. The
26 owner must post a sign in accordance with subsection (d) of

1 this Section indicating that firearms are prohibited on the
2 property, unless the property is a private residence.

3 (b) Notwithstanding subsection (a) of this Section except
4 under paragraph (22) or (23) of subsection (a), any licensee
5 prohibited from carrying a concealed handgun into the parking
6 area of a prohibited location specified in subsection (a) of
7 this Section shall be permitted to carry a concealed handgun on
8 or about his or her person within a vehicle into the parking
9 area and may store a handgun or ammunition concealed in a case
10 within a locked vehicle or locked container out of plain view
11 within the vehicle in the parking area. A licensee may carry a
12 concealed handgun in the immediate area surrounding his or her
13 vehicle within a prohibited parking lot area only for the
14 limited purpose of storing or retrieving a handgun within the
15 vehicle's trunk, provided the licensee ensures the concealed
16 handgun is unloaded prior to exiting the vehicle. For purposes
17 of this subsection, "case" includes a glove compartment or
18 console that completely encloses the concealed handgun or
19 ammunition, the trunk of the vehicle, or a firearm carrying
20 box, shipping box, or other container.

21 (c) A licensee shall not be in violation of this Section
22 while he or she is traveling along a public right of way that
23 touches or crosses any of the premises under subsection (a) of
24 this Section if the concealed handgun is carried on his or her
25 person in accordance with the provisions of this Act or is
26 being transported in a vehicle by the licensee in accordance

1 with all other applicable provisions of law.

2 (d) Signs stating that the carrying of firearms is
3 prohibited shall be clearly and conspicuously posted at the
4 entrance of a building, premises, or real property specified in
5 this Section as a prohibited area, unless the building or
6 premises is a private residence. Signs shall be of a uniform
7 design as established by the Department and shall be 4 inches
8 by 6 inches in size. The Department shall adopt rules for
9 standardized signs to be used under this subsection.

10 Section 70. Violations.

11 (a) A license issued or renewed under this Act shall be
12 revoked if, at any time, the licensee is found to be ineligible
13 for a license under this Act or the licensee no longer meets
14 the eligibility requirements of the Firearm Owners
15 Identification Card Act.

16 (b) A license shall be suspended if an order of protection,
17 emergency order of protection, plenary order of protection, or
18 interim order of protection under Article 112A of the Code of
19 Criminal Procedure of 1963 or under the Illinois Domestic
20 Violence Act of 1986 is issued against a licensee for the
21 duration of the order, or if the Department is made aware of a
22 similar order issued against the licensee in any other
23 jurisdiction. If an order of protection is issued against a
24 licensee, the licensee shall surrender the license, as
25 applicable, to the court at the time the order is entered or to

1 the law enforcement agency or entity serving process at the
2 time the licensee is served the order. The court, law
3 enforcement agency, or entity responsible for serving the order
4 shall notify the Department within 7 days and transmit the
5 license to the Department.

6 (c) A license is invalid upon expiration of the license,
7 unless the licensee has submitted an application to renew the
8 license, and the applicant is otherwise eligible to possess a
9 license under this Act.

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

15 A licensee in violation of this subsection (d) shall be
16 guilty of a Class A misdemeanor for a first or second violation
17 and a Class 4 felony for a third or subsequent violation. The
18 Department may suspend a license for up to 6 months for a
19 second violation and shall permanently revoke a license for a
20 third violation.

21 (e) Except as otherwise provided, a licensee in violation
22 of this Act shall be guilty of a Class B misdemeanor. A second
23 or subsequent violation is a Class A misdemeanor. The
24 Department may suspend a license for up to 6 months for a
25 second violation and shall permanently revoke a license for 3
26 or more violations of Section 65 of this Act. Any person

1 convicted of a violation under this Section shall pay a \$150
2 fee to be deposited into the Mental Health Reporting Fund, plus
3 any applicable court costs or fees.

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

15 (g) A licensee whose license is revoked, suspended, or
16 denied shall, within 48 hours of receiving notice of the
17 revocation, suspension, or denial surrender his or her
18 concealed carry license to the local law enforcement agency
19 where the person resides. The local law enforcement agency
20 shall provide the licensee a receipt and transmit the concealed
21 carry license to the Department of State Police. If the
22 licensee whose concealed carry license has been revoked,
23 suspended, or denied fails to comply with the requirements of
24 this subsection, the law enforcement agency where the person
25 resides may petition the circuit court to issue a warrant to
26 search for and seize the concealed carry license in the

1 possession and under the custody or control of the licensee
2 whose concealed carry license has been revoked, suspended, or
3 denied. The observation of a concealed carry license in the
4 possession of a person whose license has been revoked,
5 suspended, or denied constitutes a sufficient basis for the
6 arrest of that person for violation of this subsection. A
7 violation of this subsection is a Class A misdemeanor.

8 (h) A license issued or renewed under this Act shall be
9 revoked if, at any time, the licensee is found ineligible for a
10 Firearm Owner's Identification Card, or the licensee no longer
11 possesses a valid Firearm Owner's Identification Card. A
12 licensee whose license is revoked under this subsection (h)
13 shall surrender his or her concealed carry license as provided
14 for in subsection (g) of this Section.

15 This subsection shall not apply to a person who has filed
16 an application with the State Police for renewal of a Firearm
17 Owner's Identification Card and who is otherwise eligible to
18 obtain a Firearm Owner's Identification Card.

19 Section 75. Applicant firearm training.

20 (a) Within 90 days of the effective date of this Act, the
21 Department shall begin approval of firearm training courses and
22 shall make a list of approved courses available of the
23 Department's website.

24 (b) An applicant for a new license shall provide proof of
25 completion of a firearms training course or combination of

1 courses approved by the Department of at least 16 hours, which
2 includes range qualification time under subsection (c) of this
3 Section, that covers the following:

4 (1) firearm safety;

5 (2) the basic principles of marksmanship;

6 (3) care, cleaning, loading, and unloading of a
7 concealable firearm;

8 (4) all applicable State and federal laws relating to
9 the ownership, storage, carry, and transportation of a
10 firearm; and

11 (5) instruction on the appropriate and lawful
12 interaction with law enforcement while transporting or
13 carrying a concealed firearm.

14 (c) An applicant for a new license shall provide proof of
15 certification by a certified instructor that the applicant
16 passed a live fire exercise with a concealable firearm
17 consisting of:

18 (1) a minimum of 30 rounds; and

19 (2) 10 rounds from a distance of 5 yards; 10 rounds
20 from a distance of 7 yards; and 10 rounds from a distance
21 of 10 yards at a B-27 silhouette target approved by the
22 Department.

23 (d) An applicant for renewal of a license shall provide
24 proof of completion of a firearms training course or
25 combination of courses approved by the Department of at least 3
26 hours.

1 (e) A certificate of completion for an applicant firearm
2 training course shall not be issued to a student who:

3 (1) does not follow the orders of the certified
4 firearms instructor;

5 (2) in the judgment of the certified instructor,
6 handles a firearm in a manner that poses a danger to the
7 student or to others; or

8 (3) during the range firing portion of testing fails to
9 hit the target with 70% of the rounds fired.

10 (f) An instructor shall maintain a record of each student's
11 performance for at least 5 years, and shall make all records
12 available upon demand of authorized personnel of the
13 Department.

14 (g) The Department and certified firearms instructor shall
15 recognize up to 8 hours of training already completed toward
16 the 16 hour training requirement under this Section if the
17 training course is approved by the Department and recognized
18 under the laws of another state. Any remaining hours that the
19 applicant completes must at least cover the classroom subject
20 matter of paragraph (4) of subsection (b) of this Section, and
21 the range qualification in subsection (c) of this Section.

22 (h) A person who has qualified to carry a firearm as an
23 active law enforcement officer, a person certified as a
24 firearms instructor by this Act or by the Illinois Law
25 Enforcement Training Standards Board, or a person who has
26 completed the required training and has been issued a firearm

1 control card by the Department of Financial and Professional
2 Regulation shall be exempt from the requirements of this
3 Section.

4 Section 80. Firearms instructor training.

5 (a) Within 90 days of the effective date of this Act, the
6 Department shall begin approval of certified firearms
7 instructors and enter certified firearms instructors into an
8 online registry on the Department's website.

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

15 (c) A person seeking to become a certified firearms
16 instructor shall:

- 17 (1) be at least 21 years of age;
- 18 (2) be a legal resident of the United States; and
- 19 (3) meet the requirements of Section 25 of this Act,
20 and any additional uniformly applied requirements
21 established by the Department.

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

- 25 (1) possess a high school diploma or GED certificate;

1 and

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

4 (A) certification from a law enforcement agency;

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

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

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

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

18 Section 85. Background Checks for Sales.

19 A license to carry a concealed handgun issued by this
20 State shall not exempt the licensee from the requirements of a
21 background check, including a check of the National Instant
22 Criminal Background Check System, upon purchase or transfer of
23 a firearm.

24 Section 87. Administrative and judicial review.

1 (a) Whenever an application for a concealed carry license
2 is denied, whenever the Department fails to act on an
3 application within 90 days of its receipt, or whenever a
4 license is revoked or suspended as provided in this Act, the
5 aggrieved party may appeal to the Director for a hearing upon
6 the denial, revocation, suspension, or failure to act on the
7 application, unless the denial was made by the Concealed Carry
8 Licensing Review Board, in which case the aggrieved party may
9 petition the circuit court in writing in the county of his or
10 her residence for a hearing upon the denial.

11 (b) All final administrative decisions of the Department or
12 the Concealed Carry Licensing Review Board under this Act shall
13 be subject to judicial review under the provisions of the
14 Administrative Review Law. The term "administrative decision"
15 is defined as in Section 3-101 of the Code of Civil Procedure.

16 Section 90. Preemption. The regulation and licensing of the
17 carrying of firearms are exclusive powers and functions of the
18 State. This Section is a denial and limitation of home rule
19 powers and functions under subsection (h) of Section 6 of
20 Article VII of the Illinois Constitution.

21 Section 92. Consolidation of concealed carry license and
22 Firearm Owner's Identification Card.

23 (a) The Director shall create a task force to develop a
24 plan to incorporate and consolidate the concealed carry license

1 under this Act and the Firearm Owner's Identification Card
2 under the Firearm Owners Identification Card Act into a
3 designation on the Illinois driver's license or Illinois
4 identification card of a person with authority to possess a
5 firearm under the Firearm Owners Identification Card Act, or
6 authority to possess a firearm under the Firearm Owners
7 Identification Card Act and authority to carry a concealed
8 handgun under this Act. The plan must provide for an
9 alternative card for:

10 (1) a non-resident or a resident without an Illinois
11 driver's license or Illinois identification card, who has
12 been granted authority under this Act to carry a concealed
13 handgun in this State; and

14 (2) a resident without an Illinois driver's license or
15 Illinois identification card, who has been granted
16 authority to possess a firearm under the Firearm Owners
17 Identification Card Act.

18 The plan shall include statutory changes necessary to
19 implement it.

20 (b) The task force shall consist of the following members:

21 (1) one member appointed by the Speaker of the House of
22 Representatives;

23 (2) one member appointed by the House of
24 Representatives Minority Leader;

25 (3) one member appointed by the President of the
26 Senate;

1 (4) one member appointed by the Senate Minority Leader;

2 (5) one member appointed by the Secretary of State;

3 (6) one member appointed by the Director of State
4 Police;

5 (7) one member appointed by the Speaker of the House of
6 Representatives representing the National Rifle
7 Association;

8 (8) one member appointed by the Governor from the
9 Department of Natural Resources; and

10 (9) one member appointed by the Governor representing
11 the Chicago Police Department.

12 The task force shall elect a chairperson from its
13 membership. Members shall serve without compensation.

14 (c) The task force shall file the plan supported by a
15 majority of its members with the General Assembly and the
16 Secretary of State on or before March 1, 2014.

17 (d) This Section is repealed on March 2, 2014.

18 Section 95. Procurement; rulemaking.

19 (a) The Department of State Police, in consultation with
20 and subject to the approval of the Chief Procurement Officer,
21 may procure a single contract or multiple contracts to
22 implement the provisions of this Act. A contract or contracts
23 under this paragraph are not subject to the provisions of the
24 Illinois Procurement Code, except for Sections 20-60, 20-65,
25 20-70, and 20-160 and Article 50 of that Code, provided that

1 the Chief Procurement Officer may, in writing with
2 justification, waive any certification required under Article
3 50. This exemption shall be repealed one year from the
4 effective date of this Act.

5 (b) The Department shall adopt rules to implement the
6 provisions of this Act. The Department may adopt rules
7 necessary to implement the provisions of this Act through the
8 use of emergency rulemaking in accordance with Section 5-45 of
9 the Illinois Administrative Procedure Act for a period not to
10 exceed 180 days after the effective date of this Act.

11 Section 100. Short title. Sections 100 through 110 may be
12 cited as the School Administrator Reporting of Mental Health
13 Clear and Present Danger Determinations Law.

14 Section 105. Duty of school administrator. It is the duty
15 of the principal of a public elementary or secondary school, or
16 his or her designee, and the chief administrative officer of a
17 private elementary or secondary school or a public or private
18 community college, college, or university, or his or her
19 designee, to report to the Department of State Police when a
20 student is determined to pose a clear and present danger to
21 himself, herself, or to others, within 24 hours of the
22 determination as provided in Section 6-103.3 of the Mental
23 Health and Developmental Disabilities Code. "Clear and present
24 danger" has the meaning as defined in paragraph (2) of the

1 definition of "clear and present danger" in Section 1.1 of the
2 Firearm Owners Identification Card Act.

3 Section 110. Immunity. A principal or chief administrative
4 officer, or the designee of a principal or chief administrative
5 officer, making the determination and reporting under Section
6 105 of this Law shall not be held criminally, civilly, or
7 professionally liable, except for willful or wanton
8 misconduct.

9 Section 115. The Open Meetings Act is amended by changing
10 Section 2 as follows:

11 (5 ILCS 120/2) (from Ch. 102, par. 42)

12 Sec. 2. Open meetings.

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

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

23 (c) Exceptions. A public body may hold closed meetings to

1 consider the following subjects:

2 (1) The appointment, employment, compensation,
3 discipline, performance, or dismissal of specific
4 employees of the public body or legal counsel for the
5 public body, including hearing testimony on a complaint
6 lodged against an employee of the public body or against
7 legal counsel for the public body to determine its
8 validity.

9 (2) Collective negotiating matters between the public
10 body and its employees or their representatives, or
11 deliberations concerning salary schedules for one or more
12 classes of employees.

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

20 (4) Evidence or testimony presented in open hearing, or
21 in closed hearing where specifically authorized by law, to
22 a quasi-adjudicative body, as defined in this Act, provided
23 that the body prepares and makes available for public
24 inspection a written decision setting forth its
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use

1 of the public body, including meetings held for the purpose
2 of discussing whether a particular parcel should be
3 acquired.

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

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

10 (8) Security procedures and the use of personnel and
11 equipment to respond to an actual, a threatened, or a
12 reasonably potential danger to the safety of employees,
13 students, staff, the public, or public property.

14 (9) Student disciplinary cases.

15 (10) The placement of individual students in special
16 education programs and other matters relating to
17 individual students.

18 (11) Litigation, when an action against, affecting or
19 on behalf of the particular public body has been filed and
20 is pending before a court or administrative tribunal, or
21 when the public body finds that an action is probable or
22 imminent, in which case the basis for the finding shall be
23 recorded and entered into the minutes of the closed
24 meeting.

25 (12) The establishment of reserves or settlement of
26 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the
2 disposition of a claim or potential claim might be
3 prejudiced, or the review or discussion of claims, loss or
4 risk management information, records, data, advice or
5 communications from or with respect to any insurer of the
6 public body or any intergovernmental risk management
7 association or self insurance pool of which the public body
8 is a member.

9 (13) Conciliation of complaints of discrimination in
10 the sale or rental of housing, when closed meetings are
11 authorized by the law or ordinance prescribing fair housing
12 practices and creating a commission or administrative
13 agency for their enforcement.

14 (14) Informant sources, the hiring or assignment of
15 undercover personnel or equipment, or ongoing, prior or
16 future criminal investigations, when discussed by a public
17 body with criminal investigatory responsibilities.

18 (15) Professional ethics or performance when
19 considered by an advisory body appointed to advise a
20 licensing or regulatory agency on matters germane to the
21 advisory body's field of competence.

22 (16) Self evaluation, practices and procedures or
23 professional ethics, when meeting with a representative of
24 a statewide association of which the public body is a
25 member.

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care
2 professionals for a hospital, or other institution
3 providing medical care, that is operated by the public
4 body.

5 (18) Deliberations for decisions of the Prisoner
6 Review Board.

7 (19) Review or discussion of applications received
8 under the Experimental Organ Transplantation Procedures
9 Act.

10 (20) The classification and discussion of matters
11 classified as confidential or continued confidential by
12 the State Government Suggestion Award Board.

13 (21) Discussion of minutes of meetings lawfully closed
14 under this Act, whether for purposes of approval by the
15 body of the minutes or semi-annual review of the minutes as
16 mandated by Section 2.06.

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

19 (23) The operation by a municipality of a municipal
20 utility or the operation of a municipal power agency or
21 municipal natural gas agency when the discussion involves
22 (i) contracts relating to the purchase, sale, or delivery
23 of electricity or natural gas or (ii) the results or
24 conclusions of load forecast studies.

25 (24) Meetings of a residential health care facility
26 resident sexual assault and death review team or the

1 Executive Council under the Abuse Prevention Review Team
2 Act.

3 (25) Meetings of an independent team of experts under
4 Brian's Law.

5 (26) Meetings of a mortality review team appointed
6 under the Department of Juvenile Justice Mortality Review
7 Team Act.

8 (27) Confidential information, when discussed by one
9 or more members of an elder abuse fatality review team,
10 designated under Section 15 of the Elder Abuse and Neglect
11 Act, while participating in a review conducted by that team
12 of the death of an elderly person in which abuse or neglect
13 is suspected, alleged, or substantiated; provided that
14 before the review team holds a closed meeting, or closes an
15 open meeting, to discuss the confidential information,
16 each participating review team member seeking to disclose
17 the confidential information in the closed meeting or
18 closed portion of the meeting must state on the record
19 during an open meeting or the open portion of a meeting the
20 nature of the information to be disclosed and the legal
21 basis for otherwise holding that information confidential.

22 (28) Correspondence and records (i) that may not be
23 disclosed under Section 11-9 of the Public Aid Code or (ii)
24 that pertain to appeals under Section 11-8 of the Public
25 Aid Code.

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) Meetings and deliberations for decisions of the
8 Concealed Carry Licensing Review Board under the Gun Safety
9 and Responsibility Act.

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

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

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

23 "Quasi-adjudicative body" means an administrative body
24 charged by law or ordinance with the responsibility to conduct
25 hearings, receive evidence or testimony and make
26 determinations based thereon, but does not include local

1 electoral boards when such bodies are considering petition
2 challenges.

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

7 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
8 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
9 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
10 eff. 8-1-12.)

11 Section 120. The Freedom of Information Act is amended by
12 changing Section 7.5 as follows:

13 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of the

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

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

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

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

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

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

24 (v) Names and information of people who have applied for or
25 received Firearm Owner's Identification Cards under the
26 Firearm Owners Identification Card Act or applied for or

1 received a concealed carry license under the Gun Safety and
2 Responsibility Act, unless otherwise authorized by the Gun
3 Safety and Responsibility Act; and databases under the Gun
4 Safety and Responsibility Act, records of the Concealed Carry
5 Licensing Review Board under the Gun Safety and Responsibility
6 Act, and law enforcement agency objections under the Gun Safety
7 and Responsibility Act.

8 (w) Personally identifiable information which is exempted
9 from disclosure under subsection (g) of Section 19.1 of the
10 Toll Highway Act.

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

14 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
15 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
16 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
17 eff. 1-1-13.)

18 Section 122. The Secretary of State Act is amended by
19 adding Section 13.5 as follows:

20 (15 ILCS 305/13.5 new)

21 Sec. 13.5. Department of State Police access to driver's
22 license and identification card photographs.

23 The Secretary of State shall allow the Department of State
24 Police to access the driver's license or Illinois

1 Identification card photograph, if available, of an applicant
2 for a handgun concealed carry license under the Gun Safety and
3 Responsibility Act for the purpose of identifying the handgun
4 concealed carry license applicant and issuing a license to the
5 applicant.

6 Section 125. The Department of State Police Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 Section 2605-300 and by adding Section 2605-595 as follows:

9 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

10 Sec. 2605-300. Records; crime laboratories; personnel. To
11 do the following:

12 (1) Be a central repository and custodian of criminal
13 statistics for the State.

14 (2) Be a central repository for criminal history record
15 information.

16 (3) Procure and file for record information that is
17 necessary and helpful to plan programs of crime prevention,
18 law enforcement, and criminal justice.

19 (4) Procure and file for record copies of fingerprints
20 that may be required by law.

21 (5) Establish general and field crime laboratories.

22 (6) Register and file for record information that may
23 be required by law for the issuance of firearm owner's
24 identification cards under the Firearm Owners

1 Identification Card Act and concealed carry licenses under
2 the Gun Safety and Responsibility Act.

3 (7) Employ polygraph operators, laboratory
4 technicians, and other specially qualified persons to aid
5 in the identification of criminal activity.

6 (8) Undertake other identification, information,
7 laboratory, statistical, or registration activities that
8 may be required by law.

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

12 (20 ILCS 2605/2605-595 new)

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

14 (a) There is created in the State treasury a special fund
15 known as the State Police Firearm Services Fund. The Fund shall
16 receive revenue under the Gun Safety and Responsibility Act and
17 Section 5 of the Firearm Owners Identification Card Act. The
18 Fund may also receive revenue from grants, pass-through grants,
19 donations, appropriations, and any other legal source.

20 (b) The Department of State Police may use moneys in the
21 Fund to finance any of its lawful purposes, mandates,
22 functions, and duties under the Firearm Owners Identification
23 Card Act and the Gun Safety and Responsibility Act, including
24 the cost of sending notices of expiration of Firearm Owner's
25 Identification Cards, concealed carry licenses, the prompt and

1 efficient processing of applications under the Firearm Owners
2 Identification Card Act and the Gun Safety and Responsibility
3 Act, the improved efficiency and reporting of the Law
4 Enforcement Agencies Data System (LEADS) and federal NICS law
5 enforcement data systems, and support for investigations
6 required under these Acts and law. Any surplus funds beyond
7 what is needed to comply with the aforementioned purposes shall
8 be used by the Department to improve the LEADS and criminal
9 history background check system.

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

13 Section 130. The State Finance Act is amended by adding
14 Sections 5.826, 5.827, and 6z-98 as follows:

15 (30 ILCS 105/5.826 new)

16 Sec. 5.826. The Mental Health Reporting Fund.

17 (30 ILCS 105/5.827 new)

18 Sec. 5.827. The State Police Firearm Services Fund.

19 (30 ILCS 105/6z-98 new)

20 Sec. 6z-98. The Mental Health Reporting Fund.

21 (a) There is created in the State treasury a special fund
22 known as the Mental Health Reporting Fund. The Fund shall

1 receive revenue under the Gun Safety and Responsibility Act.
2 The Fund may also receive revenue from grants, pass-through
3 grants, donations, appropriations, and any other legal source.

4 (b) The Department of State Police and Department of Human
5 Services shall coordinate to use moneys in the Fund to finance
6 their respective duties of collecting and reporting data on
7 mental health records and ensuring that mental health firearm
8 possession prohibitors are enforced as set forth under the Gun
9 Safety and Responsibility Act and the Firearm Owners
10 Identification Card Act. Any surplus in the Fund beyond what is
11 necessary to ensure compliance with mental health reporting
12 under these Acts shall be used by the Department of Human
13 Services for mental health treatment programs.

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

17 (30 ILCS 105/5.206 rep.)

18 Section 135. The State Finance Act is amended by repealing
19 Section 5.206.

20 Section 140. The Illinois Explosives Act is amended by
21 changing Section 2005 as follows:

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

23 Sec. 2005. Qualifications for licensure.

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

2 (1) is under 21 years of age;

3 (2) has been convicted in any court of a crime
4 punishable by imprisonment for a term exceeding one year;

5 (3) is under indictment for a crime punishable by
6 imprisonment for a term exceeding one year;

7 (4) is a fugitive from justice;

8 (5) is an unlawful user of or addicted to any
9 controlled substance as defined in Section 102 of the
10 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
11 seq.);

12 (6) has been adjudicated a mentally disabled person as
13 defined in Section 1.1 of the Firearm Owners Identification
14 Card Act ~~mental defective~~; or

15 (7) is not a legal citizen of the United States.

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

21 (Source: P.A. 96-1194, eff. 1-1-11.)

22 Section 145. The Mental Health and Developmental
23 Disabilities Code is amended by changing Section 6-103.1 and by
24 adding Sections 6-103.2 and 6-103.3 as follows:

1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a mentally disabled person
3 ~~mental defective~~.

4 When a person has been adjudicated as a mentally disabled
5 person ~~mental defective~~ as defined in Section 1.1 of the
6 Firearm Owners Identification Card Act, including, but not
7 limited to, an adjudication as a disabled person as defined in
8 Section 11a-2 of the Probate Act of 1975, the court shall
9 direct the circuit court clerk to ~~immediately~~ notify the
10 Department of State Police, Firearm Owner's Identification
11 (FOID) Office, in a form and manner prescribed by the
12 Department of State Police, and shall forward a copy of the
13 court order to the Department no later than 7 days after the
14 entry of the order. Upon receipt of the order, the Department
15 of State Police shall provide notification to the National
16 Instant Criminal Background Check System.

17 (Source: P.A. 97-1131, eff. 1-1-13.)

18 (405 ILCS 5/6-103.2 new)

19 Sec. 6-103.2. Developmental disability; notice.

20 For purposes of this Section, if a person is determined to
21 be developmentally disabled as defined in Section 1.1 of the
22 Firearm Owners Identification Card Act by a physician, clinical
23 psychologist, or qualified examiner, whether practicing at a
24 public or by a private mental health facility or developmental
25 disability facility, the physician, clinical psychologist, or

1 qualified examiner shall notify the Department of Human
2 Services within 24 hours of making the determination that the
3 person has a developmental disability. The Department of Human
4 Services shall immediately update its records and information
5 relating to mental health and developmental disabilities, and
6 if appropriate, shall notify the Department of State Police in
7 a form and manner prescribed by the Department of State Police.
8 Information disclosed under this Section shall remain
9 privileged and confidential, and shall not be redisclosed,
10 except as required under subsection (e) of Section 3.1 of the
11 Firearm Owners Identification Card Act, nor used for any other
12 purpose. The method of providing this information shall
13 guarantee that the information is not released beyond that
14 which is necessary for the purpose of this Section and shall be
15 provided by rule by the Department of Human Services. The
16 identity of the person reporting under this Section shall not
17 be disclosed to the subject of the report.

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

23 (405 ILCS 5/6-103.3 new)

24 Sec. 6-103.3. Clear and present danger; notice.

25 If a person is determined to pose a clear and present

1 danger to himself, herself, or to others by a physician,
2 clinical psychologist, or qualified examiner, whether employed
3 by the State, by any public or private mental health facility
4 or part thereof, or by a law enforcement official or a school
5 administrator, then the physician, clinical psychologist,
6 qualified examiner shall notify the Department of Human
7 Services and a law enforcement official or school administrator
8 shall notify the Department of State Police, within 24 hours of
9 making the determination that the person poses a clear and
10 present danger. The Department of Human Services shall
11 immediately update its records and information relating to
12 mental health and developmental disabilities, and if
13 appropriate, shall notify the Department of State Police in a
14 form and manner prescribed by the Department of State Police.
15 Information disclosed under this Section shall remain
16 privileged and confidential, and shall not be redisclosed,
17 except as required under subsection (e) of Section 3.1 of the
18 Firearm Owners Identification Card Act, nor used for any other
19 purpose. The method of providing this information shall
20 guarantee that the information is not released beyond that
21 which is necessary for the purpose of this Section and shall be
22 provided by rule by the Department of Human Services. The
23 identity of the person reporting under this Section shall not
24 be disclosed to the subject of the report. The physician,
25 clinical psychologist, qualified examiner, law enforcement
26 official, or school administrator making the determination and

1 his or her employer shall not be held criminally, civilly, or
2 professionally liable for making or not making the notification
3 required under this Section, except for willful or wanton
4 misconduct. This Section does not apply to a law enforcement
5 official, if making the notification under this Section will
6 interfere with an ongoing or pending criminal investigation.

7 For the purposes of this Section:

8 "Clear and present danger" has the meaning ascribed to
9 it in Section 1.1 of the Firearm Owners Identification Card
10 Act.

11 "School administrator" means the person required to
12 report under the School Administrator Reporting of Mental
13 Health Clear and Present Danger Determinations Law.

14 Section 150. The Firearm Owners Identification Card Act is
15 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10,
16 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

17 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

18 (Text of Section before amendment by P.A. 97-1167)

19 Sec. 1.1. For purposes of this Act:

20 "Addicted to narcotics" means a person who has been:

21 (1) convicted of an offense involving the use or
22 possession of cannabis, a controlled substance, or
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be

1 addicted to narcotics based upon federal law or federal
2 guidelines.

3 "Addicted to narcotics" does not include possession or use
4 of a prescribed controlled substance under the direction and
5 authority of a physician or other person authorized to
6 prescribe the controlled substance when the controlled
7 substance is used in the prescribed manner.

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

14 (1) presents a clear and present ~~is a~~ danger to
15 himself, herself, or to others;

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

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

21 (3.5) is guilty but mentally ill, as provided in
22 Section 5-2-6 of the Unified Code of Corrections;

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

24 (5) is not guilty by reason of lack of mental
25 responsibility under ~~pursuant~~ to Articles 50a and 72b of
26 the Uniform Code of Military Justice, 10 U.S.C. 850a,

1 876b~~i~~.

2 (6) is a sexually violent person under subsection (f)
3 of Section 5 of the Sexually Violent Persons Commitment
4 Act;

5 (7) has been found to be a sexually dangerous person
6 under the Sexually Dangerous Persons Act;

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

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

11 (10) is subject to involuntary admission as an
12 inpatient as defined in Section 1-119 of the Mental Health
13 and Development Disabilities Code;

14 (11) is subject to involuntary admission as an
15 outpatient as defined in Section 1-119.1 of the Mental
16 Health and Developmental Disabilities Code;

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

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

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

23 (1) communicates a serious threat of physical violence
24 against a reasonably identifiable victim or poses a clear
25 and imminent risk of serious physical injury to himself,
26 herself, or another person as determined by a physician,

1 clinical psychologist, or qualified examiner; or

2 (2) demonstrates threatening physical or verbal
3 behavior, such as violent, suicidal, or assaultive
4 threats, actions, or other behavior, as determined by a
5 physician, clinical psychologist, qualified examiner,
6 school administrator, or law enforcement official.

7 "Clinical psychologist" has the meaning provided in
8 Section 1-103 of the Mental Health and Developmental
9 Disabilities Code.

10 "Controlled substance" means a controlled substance or
11 controlled substance analog as defined in the Illinois
12 Controlled Substances Act.

13 "Counterfeit" means to copy or imitate, without legal
14 authority, with intent to deceive.

15 "Developmentally disabled" means a disability which is
16 attributable to any other condition which results in impairment
17 similar to that caused by an intellectual disability and which
18 requires services similar to those required by intellectually
19 disabled persons. The disability must originate before the age
20 of 18 years, be expected to continue indefinitely, and
21 constitute a substantial handicap.

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

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter or which has a maximum
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun, or
8 B-B gun which expels breakable paint balls containing
9 washable marking colors;

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

13 (3) any device used exclusively for the firing of stud
14 cartridges, explosive rivets or similar industrial
15 ammunition; and

16 (4) an antique firearm (other than a machine-gun)
17 which, although designed as a weapon, the Department of
18 State Police finds by reason of the date of its
19 manufacture, value, design, and other characteristics is
20 primarily a collector's item and is not likely to be used
21 as a weapon.

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

25 (1) any ammunition exclusively designed for use with a
26 device used exclusively for signalling or safety and

1 required or recommended by the United States Coast Guard or
2 the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a
4 stud or rivet driver or other similar industrial
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the
8 regular and normal course of business and where 50 or more
9 firearms are displayed, offered, or exhibited for sale,
10 transfer, or exchange; or

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

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

18 "Gun show" does not include training or safety classes,
19 competitive shooting events, such as rifle, shotgun, or handgun
20 matches, trap, skeet, or sporting clays shoots, dinners,
21 banquets, raffles, or any other event where the sale or
22 transfer of firearms is not the primary course of business.

23 "Gun show promoter" means a person who organizes or
24 operates a gun show.

25 "Gun show vendor" means a person who exhibits, sells,
26 offers for sale, transfers, or exchanges any firearms at a gun

1 show, regardless of whether the person arranges with a gun show
2 promoter for a fixed location from which to exhibit, sell,
3 offer for sale, transfer, or exchange any firearm.

4 "Intellectually disabled" means significantly subaverage
5 general intellectual functioning which exists concurrently
6 with impairment in adaptive behavior and which originates
7 before the age of 18 years.

8 "Involuntarily admitted" has the meaning as prescribed in
9 Sections 1-119 and 1-119.1 of the Mental Health and
10 Developmental Disabilities Code.

11 "Mental health facility" means any licensed private
12 hospital or hospital affiliate, institution, or facility, or
13 part thereof, and any facility, or part thereof, operated by
14 the State or a political subdivision thereof which provide
15 treatment of persons with mental illness and includes all
16 hospitals, institutions, clinics, evaluation facilities,
17 mental health centers, colleges, universities, long-term care
18 facilities, and nursing homes, or parts thereof, which provide
19 treatment of persons with mental illness whether or not the
20 primary purpose is to provide treatment of persons with mental
21 illness.

22 "Patient" means:

23 (1) a person who voluntarily receives mental health
24 treatment as an in-patient or resident of any public or
25 private mental health facility, unless the treatment was
26 solely for an alcohol abuse disorder and no other secondary

1 substance abuse disorder or mental illness; or

2 (2) a person who voluntarily receives mental health
3 treatment as an out-patient or is provided services by a
4 public or private mental health facility, and who poses a
5 clear and present danger to himself, herself, or to others.

6 "Physician" has the meaning as defined in Section 1-120 of
7 the Mental Health and Developmental Disabilities Code.

8 "Qualified examiner" has the meaning provided in Section
9 1-122 of the Mental Health and Developmental Disabilities Code.

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

14 "School administrator" means the person required to report
15 under the School Administrator Reporting of Mental Health Clear
16 and Present Danger Determinations Law.

17 "Stun gun or taser" has the meaning ascribed to it in
18 Section 24-1 of the Criminal Code of 2012.

19 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

20 (Text of Section after amendment by P.A. 97-1167)

21 Sec. 1.1. For purposes of this Act:

22 "Addicted to narcotics" means a person who has been:

23 (1) convicted of an offense involving the use or
24 possession of cannabis, a controlled substance, or
25 methamphetamine within the past year; or

1 (2) determined by the Department of State Police to be
2 addicted to narcotics based upon federal law or federal
3 guidelines.

4 "Addicted to narcotics" does not include possession or use
5 of a prescribed controlled substance under the direction and
6 authority of a physician or other person authorized to
7 prescribe the controlled substance when the controlled
8 substance is used in the prescribed manner.

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

15 (1) presents a clear and present ~~is a~~ danger to
16 himself, herself, or to others;

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

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

22 (3.5) is guilty but mentally ill, as provided in
23 Section 5-2-6 of the Unified Code of Corrections;

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

25 (5) is not guilty by reason of lack of mental
26 responsibility under ~~pursuant to~~ Articles 50a and 72b of

1 the Uniform Code of Military Justice, 10 U.S.C. 850a,
2 876b;~~;~~

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

6 (7) is a sexually dangerous person under the Sexually
7 Dangerous Persons Act; or

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

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

12 (10) is subject to involuntary admission as an
13 inpatient as defined in Section 1-119 of the Mental Health
14 and Development Disabilities Code;

15 (11) is subject to involuntary admission as an
16 outpatient as defined in Section 1-119.1 of the Mental
17 Health and Developmental Disabilities Code;

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

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

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

24 (1) communicates a serious threat of physical violence
25 against a reasonably identifiable victim or poses a clear
26 and imminent risk of serious physical injury to himself,

1 herself, or another person as determined by a physician,
2 clinical psychologist, or qualified examiner; or

3 (2) demonstrates threatening physical or verbal
4 behavior, such as violent, suicidal, or assaultive
5 threats, actions, or other behavior, as determined by a
6 physician, clinical psychologist, qualified examiner,
7 school administrator, or law enforcement official.

8 "Clinical psychologist" has the meaning provided in
9 Section 1-103 of the Mental Health and Developmental
10 Disabilities Code.

11 "Controlled substance" means a controlled substance or
12 controlled substance analog as defined in the Illinois
13 Controlled Substances Act.

14 "Counterfeit" means to copy or imitate, without legal
15 authority, with intent to deceive.

16 "Developmentally disabled" means a disability which is
17 attributable to any other condition which results in impairment
18 similar to that caused by an intellectual disability and which
19 requires services similar to those required by intellectually
20 disabled persons. The disability must originate before the age
21 of 18 years, be expected to continue indefinitely, and
22 constitute a substantial handicap.

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

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) any pneumatic gun, spring gun, paint ball gun, or
5 B-B gun which expels a single globular projectile not
6 exceeding .18 inch in diameter or which has a maximum
7 muzzle velocity of less than 700 feet per second;

8 (1.1) any pneumatic gun, spring gun, paint ball gun, or
9 B-B gun which expels breakable paint balls containing
10 washable marking colors;

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

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

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

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

26 (1) any ammunition exclusively designed for use with a

1 device used exclusively for signalling or safety and
2 required or recommended by the United States Coast Guard or
3 the Interstate Commerce Commission; and

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Gun show" means an event or function:

8 (1) at which the sale and transfer of firearms is the
9 regular and normal course of business and where 50 or more
10 firearms are displayed, offered, or exhibited for sale,
11 transfer, or exchange; or

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

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

19 "Gun show" does not include training or safety classes,
20 competitive shooting events, such as rifle, shotgun, or handgun
21 matches, trap, skeet, or sporting clays shoots, dinners,
22 banquets, raffles, or any other event where the sale or
23 transfer of firearms is not the primary course of business.

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun show
3 promoter for a fixed location from which to exhibit, sell,
4 offer for sale, transfer, or exchange any firearm.

5 "Intellectually disabled" means significantly subaverage
6 general intellectual functioning which exists concurrently
7 with impairment in adaptive behavior and which originates
8 before the age of 18 years.

9 "Involuntarily admitted" has the meaning as prescribed in
10 Sections 1-119 and 1-119.1 of the Mental Health and
11 Developmental Disabilities Code.

12 "Mental health facility ~~institution~~" means any licensed
13 private hospital or hospital affiliate, institution, or
14 facility, or part thereof, and any facility, or part thereof,
15 operated by the State or a political subdivision thereof which
16 provide clinic, evaluation facility, mental health center, or
17 part thereof, which is used primarily for the care or treatment
18 of persons with mental illness and includes all hospitals,
19 institutions, clinics, evaluation facilities, mental health
20 centers, colleges, universities, long-term care facilities,
21 and nursing homes, or parts thereof, which provide treatment of
22 persons with mental illness whether or not the primary purpose
23 is to provide treatment of persons with mental illness.

24 "Patient" means:

25 (1) a person who voluntarily receives mental health
26 treatment as an in-patient or resident of any public or

1 private mental health facility, unless the treatment was
2 solely for an alcohol abuse disorder and no other secondary
3 substance abuse disorder or mental illness; or

4 (2) a person who voluntarily receives mental health
5 treatment as an out-patient or is provided services by a
6 public or private mental health facility, and who poses a
7 clear and present danger to himself, herself, or to others.

8 "Physician" has the meaning as defined in Section 1-120 of
9 the Mental Health and Developmental Disabilities Code.

10 "Qualified examiner" has the meaning provided in Section
11 1-122 of the Mental Health and Developmental Disabilities Code.

12 ~~"Patient in a mental institution" means the person was~~
13 ~~admitted, either voluntarily or involuntarily, to a mental~~
14 ~~institution for mental health treatment, unless the treatment~~
15 ~~was voluntary and solely for an alcohol abuse disorder and no~~
16 ~~other secondary substance abuse disorder or mental illness.~~

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

21 "School administrator" means the person required to report
22 under the School Administrator Reporting of Mental Health Clear
23 and Present Danger Determinations Law.

24 "Stun gun or taser" has the meaning ascribed to it in
25 Section 24-1 of the Criminal Code of 2012.

26 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;

1 97-1167, eff. 6-1-13.)

2 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

3 Sec. 3.1. Dial up system.

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

14 (b) Upon receiving a request from a federally licensed
15 firearm dealer, gun show promoter, or gun show vendor, the
16 Department of State Police shall immediately approve, or within
17 the time period established by Section 24-3 of the Criminal
18 Code of 2012 regarding the delivery of firearms, stun guns, and
19 tasers notify the inquiring dealer, gun show promoter, or gun
20 show vendor of any objection that would disqualify the
21 transferee from acquiring or possessing a firearm, stun gun, or
22 taser. In conducting the inquiry, the Department of State
23 Police shall initiate and complete an automated search of its
24 criminal history record information files and those of the
25 Federal Bureau of Investigation, including the National

1 Instant Criminal Background Check System, and of the files of
2 the Department of Human Services relating to mental health and
3 developmental disabilities to obtain any felony conviction or
4 patient hospitalization information which would disqualify a
5 person from obtaining or require revocation of a currently
6 valid Firearm Owner's Identification Card.

7 (c) If receipt of a firearm would not violate Section 24-3
8 of the Criminal Code of 2012, federal law, or this Act the
9 Department of State Police shall:

10 (1) assign a unique identification number to the
11 transfer; and

12 (2) provide the licensee, gun show promoter, or gun
13 show vendor with the number.

14 (d) Approvals issued by the Department of State Police for
15 the purchase of a firearm are valid for 30 days from the date
16 of issue.

17 (e) (1) The Department of State Police must act as the
18 Illinois Point of Contact for the National Instant Criminal
19 Background Check System.

20 (2) The Department of State Police and the Department of
21 Human Services shall, in accordance with State and federal law
22 regarding confidentiality, enter into a memorandum of
23 understanding with the Federal Bureau of Investigation for the
24 purpose of implementing the National Instant Criminal
25 Background Check System in the State. The Department of State
26 Police shall report the name, date of birth, and physical

1 description of any person prohibited from possessing a firearm
2 pursuant to the Firearm Owners Identification Card Act or 18
3 U.S.C. 922(g) and (n) to the National Instant Criminal
4 Background Check System Index, Denied Persons Files.

5 (3) The Department of State Police shall provide notice of
6 the disqualification of a person under subsection (b) of this
7 Section or the revocation of a person's Firearm Owner's
8 Identification Card under Section 8 of this Act, and the reason
9 for the disqualification or revocation, to all law enforcement
10 agencies with jurisdiction to assist with the seizure of the
11 person's Firearm Owner's Identification Card.

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

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

17 (Text of Section before amendment by P.A. 97-1167)

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

20 (1) Make application on blank forms prepared and
21 furnished at convenient locations throughout the State by
22 the Department of State Police, or by electronic means, if
23 and when made available by the Department of State Police;
24 and

25 (2) Submit evidence to the Department of State Police

1 that:

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

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

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

17 (iv) He or she has not been a patient in a mental
18 health facility institution within the past 5 years or,
19 if he or she has been a patient in a mental health
20 facility more than 5 years ago submit the certification
21 required under subsection (u) of Section 8 of this
22 Act and he or she has not been adjudicated as a mental
23 defective;

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

25 (vi) He or she is not an alien who is unlawfully
26 present in the United States under the laws of the

1 United States;

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

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

10 (ix) He or she has not been convicted of domestic
11 battery, aggravated domestic battery, or a
12 substantially similar offense in another jurisdiction
13 committed before, on or after January 1, 2012 (the
14 effective date of Public Act 97-158). If the applicant
15 knowingly and intelligently waives the right to have an
16 offense described in this clause (ix) tried by a jury,
17 and by guilty plea or otherwise, results in a
18 conviction for an offense in which a domestic
19 relationship is not a required element of the offense
20 but in which a determination of the applicability of 18
21 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
22 Code of Criminal Procedure of 1963, an entry by the
23 court of a judgment of conviction for that offense
24 shall be grounds for denying the issuance of a Firearm
25 Owner's Identification Card under this Section;

26 (x) (Blank);

1 (xi) He or she is not an alien who has been
2 admitted to the United States under a non-immigrant
3 visa (as that term is defined in Section 101(a)(26) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(26))), or that he or she is an alien who has
6 been lawfully admitted to the United States under a
7 non-immigrant visa if that alien is:

8 (1) admitted to the United States for lawful
9 hunting or sporting purposes;

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

12 (A) accredited to the United States
13 Government or the Government's mission to an
14 international organization having its
15 headquarters in the United States; or

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

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

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

24 (5) one who has received a waiver from the
25 Attorney General of the United States pursuant to
26 18 U.S.C. 922(y)(3);

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

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

10 (xiv) He or she is a resident of the State of
11 Illinois; ~~and~~

12 (xv) He or she has not been adjudicated as a
13 mentally disabled person;

14 (xvi) He or she has not been involuntarily admitted
15 into a mental health facility; and

16 (xvii) He or she is not developmentally disabled;
17 and

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

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

6 (a-5) Each applicant for a Firearm Owner's Identification
7 Card who is over the age of 18 shall furnish to the Department
8 of State Police either his or her Illinois driver's license
9 number or Illinois Identification Card number, except as
10 provided in subsection (a-10).

11 (a-10) Each applicant for a Firearm Owner's Identification
12 Card, who is employed as a law enforcement officer, an armed
13 security officer in Illinois, or by the United States Military
14 permanently assigned in Illinois and who is not an Illinois
15 resident, shall furnish to the Department of State Police his
16 or her driver's license number or state identification card
17 number from his or her state of residence. The Department of
18 State Police may adopt ~~promulgate~~ rules to enforce the
19 provisions of this subsection (a-10).

20 (a-15) If an applicant applying for a Firearm Owner's
21 Identification Card moves from the residence address named in
22 the application, he or she shall immediately notify in a form
23 and manner prescribed by the Department of State Police of that
24 change of address.

25 (a-20) Each applicant for a Firearm Owner's Identification
26 Card shall furnish to the Department of State Police his or her

1 photograph. An applicant who is 21 years of age or older
2 seeking a religious exemption to the photograph requirement
3 must furnish with the application an approved copy of United
4 States Department of the Treasury Internal Revenue Service Form
5 4029. In lieu of a photograph, an applicant regardless of age
6 seeking a religious exemption to the photograph requirement
7 shall submit fingerprints on a form and manner prescribed by
8 the Department with his or her application.

9 (b) Each application form shall include the following
10 statement printed in bold type: "Warning: Entering false
11 information on an application for a Firearm Owner's
12 Identification Card is punishable as a Class 2 felony in
13 accordance with subsection (d-5) of Section 14 of the Firearm
14 Owners Identification Card Act."

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

19 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
20 eff. 7-13-12; 97-1131, eff. 1-1-13.)

21 (Text of Section after amendment by P.A. 97-1167)

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

24 (1) Make application on blank forms prepared and
25 furnished at convenient locations throughout the State by

1 the Department of State Police, or by electronic means, if
2 and when made available by the Department of State Police;
3 and

4 (2) Submit evidence to the Department of State Police
5 that:

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

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

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

21 (iv) He or she has not been a patient in a mental
22 health facility ~~institution~~ within the past 5 years or,
23 if he or she has been a patient in a mental health
24 facility more than 5 years ago submit the certification
25 required under subsection (u) of Section 8 of this Act;

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

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

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

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

12 (ix) He or she has not been convicted of domestic
13 battery, aggravated domestic battery, or a
14 substantially similar offense in another jurisdiction
15 committed before, on or after January 1, 2012 (the
16 effective date of Public Act 97-158). If the applicant
17 knowingly and intelligently waives the right to have an
18 offense described in this clause (ix) tried by a jury,
19 and by guilty plea or otherwise, results in a
20 conviction for an offense in which a domestic
21 relationship is not a required element of the offense
22 but in which a determination of the applicability of 18
23 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
24 Code of Criminal Procedure of 1963, an entry by the
25 court of a judgment of conviction for that offense
26 shall be grounds for denying the issuance of a Firearm

1 Owner's Identification Card under this Section;

2 (x) (Blank);

3 (xi) He or she is not an alien who has been
4 admitted to the United States under a non-immigrant
5 visa (as that term is defined in Section 101(a)(26) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(26))), or that he or she is an alien who has
8 been lawfully admitted to the United States under a
9 non-immigrant visa if that alien is:

10 (1) admitted to the United States for lawful
11 hunting or sporting purposes;

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

14 (A) accredited to the United States
15 Government or the Government's mission to an
16 international organization having its
17 headquarters in the United States; or

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

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

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

26 (5) one who has received a waiver from the

1 Attorney General of the United States pursuant to
2 18 U.S.C. 922(y) (3);

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

8 (xiii) He or she is not an adult who had been
9 adjudicated a delinquent minor under the Juvenile
10 Court Act of 1987 for the commission of an offense that
11 if committed by an adult would be a felony;

12 (xiv) He or she is a resident of the State of
13 Illinois; ~~and~~

14 (xv) He or she has not been adjudicated as a
15 mentally disabled person ~~mental defective; and~~

16 (xvi) He or she has not been involuntarily admitted
17 into a mental health facility; and

18 (xvii) He or she is not developmentally disabled;
19 and

20 (3) Upon request by the Department of State Police,
21 sign a release on a form prescribed by the Department of
22 State Police waiving any right to confidentiality and
23 requesting the disclosure to the Department of State Police
24 of limited mental health institution admission information
25 from another state, the District of Columbia, any other
26 territory of the United States, or a foreign nation

1 concerning the applicant for the sole purpose of
2 determining whether the applicant is or was a patient in a
3 mental health institution and disqualified because of that
4 status from receiving a Firearm Owner's Identification
5 Card. No mental health care or treatment records may be
6 requested. The information received shall be destroyed
7 within one year of receipt.

8 (a-5) Each applicant for a Firearm Owner's Identification
9 Card who is over the age of 18 shall furnish to the Department
10 of State Police either his or her Illinois driver's license
11 number or Illinois Identification Card number, except as
12 provided in subsection (a-10).

13 (a-10) Each applicant for a Firearm Owner's Identification
14 Card, who is employed as a law enforcement officer, an armed
15 security officer in Illinois, or by the United States Military
16 permanently assigned in Illinois and who is not an Illinois
17 resident, shall furnish to the Department of State Police his
18 or her driver's license number or state identification card
19 number from his or her state of residence. The Department of
20 State Police may adopt ~~promulgate~~ rules to enforce the
21 provisions of this subsection (a-10).

22 (a-15) If an applicant applying for a Firearm Owner's
23 Identification Card moves from the residence address named in
24 the application, he or she shall immediately notify in a form
25 and manner prescribed by the Department of State Police of that
26 change of address.

1 (a-20) Each applicant for a Firearm Owner's Identification
2 Card shall furnish to the Department of State Police his or her
3 photograph. An applicant who is 21 years of age or older
4 seeking a religious exemption to the photograph requirement
5 must furnish with the application an approved copy of United
6 States Department of the Treasury Internal Revenue Service Form
7 4029. In lieu of a photograph, an applicant regardless of age
8 seeking a religious exemption to the photograph requirement
9 shall submit fingerprints on a form and manner prescribed by
10 the Department with his or her application.

11 (b) Each application form shall include the following
12 statement printed in bold type: "Warning: Entering false
13 information on an application for a Firearm Owner's
14 Identification Card is punishable as a Class 2 felony in
15 accordance with subsection (d-5) of Section 14 of the Firearm
16 Owners Identification Card Act."

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

21 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
22 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

23 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

24 Sec. 5. The Department of State Police shall either approve
25 or deny all applications within 30 days from the date they are

1 received, and every applicant found qualified under ~~pursuant to~~
2 Section 8 of this Act by the Department shall be entitled to a
3 Firearm Owner's Identification Card upon the payment of a \$10
4 fee. Any applicant who is an active duty member of the Armed
5 Forces of the United States, a member of the Illinois National
6 Guard, or a member of the Reserve Forces of the United States
7 is exempt from the application fee. \$6 of each fee derived from
8 the issuance of Firearm Owner's Identification Cards, or
9 renewals thereof, shall be deposited in the Wildlife and Fish
10 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be
11 deposited in the State Police Services Fund and \$3 of the ~~such~~
12 fee shall be deposited in the State Police Firearm Services
13 Fund. ~~Firearm Owner's Notification Fund. Monies in the Firearm~~
14 ~~Owner's Notification Fund shall be used exclusively to pay for~~
15 ~~the cost of sending notices of expiration of Firearm Owner's~~
16 ~~Identification Cards under Section 13.2 of this Act. Excess~~
17 ~~monies in the Firearm Owner's Notification Fund shall be used~~
18 ~~to ensure the prompt and efficient processing of applications~~
19 ~~received under Section 4 of this Act.~~

20 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

21 (430 ILCS 65/5.1 new)

22 Sec. 5.1. State Police Firearm Services Fund. All moneys
23 remaining in the Firearm Owner's Notification Fund on the
24 effective date of this amendatory Act of the 98th General
25 Assembly shall be transferred into the State Police Firearm

1 Services Fund, a special fund created in the State treasury, to
2 be expended by the Department of State Police, for the purposes
3 specified in this Act and Section 2605-595 of the Department of
4 State Police Law of the Civil Administrative Code of Illinois.

5 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

6 (Text of Section before amendment by P.A. 97-1167)

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

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

15 (b) A person under 21 years of age who does not have the
16 written consent of his parent or guardian to acquire and
17 possess firearms and firearm ammunition, or whose parent or
18 guardian has revoked such written consent, or where such parent
19 or guardian does not qualify to have a Firearm Owner's
20 Identification Card;

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

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental health
25 facility ~~institution~~ within the past 5 years or a person who

1 has been a patient in a mental health facility more than 5
2 years ago who has not received the certification required under
3 subsection (u) of this Section. An active law enforcement
4 officer employed by a unit of government who is denied,
5 revoked, or has his or her Firearm Owner's Identification Card
6 seized under this subsection (e) may obtain relief as described
7 in subsection (c-5) of Section 10 of this Act if the officer
8 did not act in a manner threatening to the officer, another
9 person, or the public as determined by the treating clinical
10 psychologist or physician, and the officer seeks mental health
11 treatment; or has been adjudicated as a mental defective;

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

15 ~~For the purposes of this Section, "mental condition" means~~
16 ~~a state of mind manifested by violent, suicidal, threatening or~~
17 ~~assaultive behavior.~~

18 (g) A person who is intellectually disabled;

19 (h) A person who intentionally makes a false statement in
20 the Firearm Owner's Identification Card application;

21 (i) An alien who is unlawfully present in the United States
22 under the laws of the United States;

23 (i-5) An alien who has been admitted to the United States
24 under a non-immigrant visa (as that term is defined in Section
25 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
26 1101(a)(26))), except that this subsection (i-5) does not apply

1 to any alien who has been lawfully admitted to the United
2 States under a non-immigrant visa if that alien is:

3 (1) admitted to the United States for lawful hunting or
4 sporting purposes;

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

7 (A) accredited to the United States Government or
8 the Government's mission to an international
9 organization having its headquarters in the United
10 States; or

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

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

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

19 (5) one who has received a waiver from the Attorney
20 General of the United States pursuant to 18 U.S.C.
21 922 (y) (3);

22 (j) (Blank);

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

1 (1) A person who has been convicted of domestic battery,
2 aggravated domestic battery, or a substantially similar
3 offense in another jurisdiction committed before, on or after
4 January 1, 2012 (the effective date of Public Act 97-158). If
5 the applicant or person who has been previously issued a
6 Firearm Owner's Identification Card under this Act knowingly
7 and intelligently waives the right to have an offense described
8 in this paragraph (1) tried by a jury, and by guilty plea or
9 otherwise, results in a conviction for an offense in which a
10 domestic relationship is not a required element of the offense
11 but in which a determination of the applicability of 18 U.S.C.
12 922(g)(9) is made under Section 112A-11.1 of the Code of
13 Criminal Procedure of 1963, an entry by the court of a judgment
14 of conviction for that offense shall be grounds for denying an
15 application for and for revoking and seizing a Firearm Owner's
16 Identification Card previously issued to the person under this
17 Act;

18 (m) (Blank);

19 (n) A person who is prohibited from acquiring or possessing
20 firearms or firearm ammunition by any Illinois State statute or
21 by federal law;

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

26 (p) An adult who had been adjudicated a delinquent minor

1 under the Juvenile Court Act of 1987 for the commission of an
2 offense that if committed by an adult would be a felony; ~~or~~

3 (q) A person who is not a resident of the State of
4 Illinois, except as provided in subsection (a-10) of Section
5 4;

6 (r) A person who has been adjudicated as a mentally
7 disabled person;

8 (s) A person who has been found to be developmentally
9 disabled;

10 (t) A person involuntarily admitted into a mental health
11 facility;

12 (u) A person who has had his or her Firearm Owner's
13 Identification Card revoked or denied under subsection (e) of
14 this Section or item (iv) of Section 4 of this Act because he
15 or she was a patient in a mental health facility as provided in
16 item (2) of subsection (e) of this Section, shall not be
17 permitted to obtain a Firearm Owner's Identification Card,
18 after the 5 year period has lapsed, unless he or she has
19 received a mental health evaluation by a physician, clinical
20 psychologist, or qualified examiner as those terms are defined
21 in the Mental Health and Developmental Disabilities Code, and
22 has received a certification that he or she is not a clear and
23 present danger to himself, herself, or others. The physician,
24 clinical psychologist, or qualified examiner making the
25 certification shall not be held criminally, civilly, or
26 professionally liable for making or not making the

1 certification required under this subsection, except for
2 willful or wanton misconduct. This subsection does not apply to
3 a person whose firearm possession rights have been restored
4 through administrative or judicial action under Section 10 or
5 11 of this Act; or

6 (v) Upon revocation of a person's Firearm Owner's
7 Identification Card, the Department of State Police shall
8 provide notice to the person and the person shall comply with
9 Section 9.5 of this Act.

10 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
11 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

12 (Text of Section after amendment by P.A. 97-1167)

13 Sec. 8. The Department of State Police has authority to
14 deny an application for or to revoke and seize a Firearm
15 Owner's Identification Card previously issued under this Act
16 only if the Department finds that the applicant or the person
17 to whom such card was issued is or was at the time of issuance:

18 (a) A person under 21 years of age who has been convicted
19 of a misdemeanor other than a traffic offense or adjudged
20 delinquent;

21 (b) A person under 21 years of age who does not have the
22 written consent of his parent or guardian to acquire and
23 possess firearms and firearm ammunition, or whose parent or
24 guardian has revoked such written consent, or where such parent
25 or guardian does not qualify to have a Firearm Owner's

1 Identification Card;

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

4 (d) A person addicted to narcotics;

5 (e) A person who has been a patient of a mental health
6 facility institution within the past 5 years or a person who
7 has been a patient in a mental health facility more than 5
8 years ago who has not received the certification required under
9 subsection (u) of this Section. An active law enforcement
10 officer employed by a unit of government who is denied,
11 revoked, or has his or her Firearm Owner's Identification Card
12 seized under this subsection (e) may obtain relief as described
13 in subsection (c-5) of Section 10 of this Act if the officer
14 did not act in a manner threatening to the officer, another
15 person, or the public as determined by the treating clinical
16 psychologist or physician, and the officer seeks mental health
17 treatment;

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

21 ~~For the purposes of this Section, "mental condition" means~~
22 ~~a state of mind manifested by violent, suicidal, threatening or~~
23 ~~assaultive behavior.~~

24 (g) A person who is intellectually disabled;

25 (h) A person who intentionally makes a false statement in
26 the Firearm Owner's Identification Card application;

1 (i) An alien who is unlawfully present in the United States
2 under the laws of the United States;

3 (i-5) An alien who has been admitted to the United States
4 under a non-immigrant visa (as that term is defined in Section
5 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(26))), except that this subsection (i-5) does not apply
7 to any alien who has been lawfully admitted to the United
8 States under a non-immigrant visa if that alien is:

9 (1) admitted to the United States for lawful hunting or
10 sporting purposes;

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

13 (A) accredited to the United States Government or
14 the Government's mission to an international
15 organization having its headquarters in the United
16 States; or

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

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

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

25 (5) one who has received a waiver from the Attorney
26 General of the United States pursuant to 18 U.S.C.

1 922 (y) (3);

2 (j) (Blank);

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

7 (l) A person who has been convicted of domestic battery,
8 aggravated domestic battery, or a substantially similar
9 offense in another jurisdiction committed before, on or after
10 January 1, 2012 (the effective date of Public Act 97-158). If
11 the applicant or person who has been previously issued a
12 Firearm Owner's Identification Card under this Act knowingly
13 and intelligently waives the right to have an offense described
14 in this paragraph (l) tried by a jury, and by guilty plea or
15 otherwise, results in a conviction for an offense in which a
16 domestic relationship is not a required element of the offense
17 but in which a determination of the applicability of 18 U.S.C.
18 922(g)(9) is made under Section 112A-11.1 of the Code of
19 Criminal Procedure of 1963, an entry by the court of a judgment
20 of conviction for that offense shall be grounds for denying an
21 application for and for revoking and seizing a Firearm Owner's
22 Identification Card previously issued to the person under this
23 Act;

24 (m) (Blank);

25 (n) A person who is prohibited from acquiring or possessing
26 firearms or firearm ammunition by any Illinois State statute or

1 by federal law;

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

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

9 (q) A person who is not a resident of the State of
10 Illinois, except as provided in subsection (a-10) of Section 4;
11 ~~or~~

12 (r) A person who has been adjudicated as a mentally
13 disabled person; ~~mental defective.~~

14 (s) A person who has been found to be developmentally
15 disabled;

16 (t) A person involuntarily admitted into a mental health
17 facility;

18 (u) A person who has had his or her Firearm Owner's
19 Identification Card revoked or denied under subsection (e) of
20 this Section or item (iv) of Section 4 of this Act because he
21 or she was a patient in a mental health facility as provided in
22 item (2) of subsection (e) of this Section, shall not be
23 permitted to obtain a Firearm Owner's Identification Card,
24 after the 5 year period has lapsed, unless he or she has
25 received a mental health evaluation by a physician, clinical
26 psychologist, or qualified examiner as those terms are defined

1 in the Mental Health and Developmental Disabilities Code, and
2 has received a certification that he or she is not a clear and
3 present danger to himself, herself, or others. The physician,
4 clinical psychologist, or qualified examiner making the
5 certification shall not be held criminally, civilly, or
6 professionally liable for making or not making the
7 certification required under this subsection, except for
8 willful or wanton misconduct. This subsection does not apply to
9 a person whose firearm possession rights have been restored
10 through administrative or judicial action under Section 10 or
11 11 of this Act; or

12 (v) Upon revocation of a person's Firearm Owner's
13 Identification Card, the Department of State Police shall
14 provide notice to the person and the person shall comply with
15 Section 9.5 of this Act.

16 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
17 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
18 97-1167, eff. 6-1-13.)

19 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

20 Sec. 8.1. Notifications to the Circuit Clerk to notify
21 Department of State Police.

22 (a) The Circuit Clerk shall, in the form and manner
23 required by the Supreme Court, notify the Department of State
24 Police of all final dispositions of cases for which the
25 Department has received information reported to it under

1 Sections 2.1 and 2.2 of the Criminal Identification Act.

2 (b) Upon adjudication of any individual as a mentally
3 disabled person ~~mental defective~~, as defined in Section 1.1 of
4 this Act or a finding that a person has been involuntarily
5 admitted ~~or as provided in paragraph (3.5) of subsection (c) of~~
6 ~~Section 104-26 of the Code of Criminal Procedure of 1963~~, the
7 court shall direct the circuit court clerk to immediately
8 notify the Department of State Police, Firearm Owner's
9 Identification (FOID) department, and shall forward a copy of
10 the court order to the Department.

11 (c) The Department of Human Services shall, in the form and
12 manner prescribed by the Department of State Police, report all
13 information collected under subsection (b) of Section 12 of the
14 Mental Health and Developmental Disabilities Confidentiality
15 Act for the purpose of determining whether a person who may be
16 or may have been a patient in a mental health facility is
17 disqualified under State or federal law from receiving or
18 retaining a Firearm Owner's Identification Card, or purchasing
19 a weapon.

20 (d) If a person is determined to pose a clear and present
21 danger to himself, herself, or to others by a physician,
22 clinical psychologist, qualified examiner, law enforcement
23 official, or school administrator, or is determined to be
24 developmentally disabled by a physician, clinical
25 psychologist, or qualified examiner, whether employed by the
26 State or by a private mental health facility, then the

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

26 (e) The Department of State Police shall adopt rules to

1 implement this Section.

2 (Source: P.A. 97-1131, eff. 1-1-13.)

3 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

4 Sec. 9. Every person whose application for a Firearm
5 Owner's Identification Card is denied, and every holder of such
6 a Card whose Card is revoked or seized, shall receive a written
7 notice from the Department of State Police stating specifically
8 the grounds upon which his application has been denied or upon
9 which his Identification Card has been revoked. The written
10 notice shall include the requirements of Section 9.5 of this
11 Act and the persons's right to administrative or judicial
12 review under Section 10 and 11 of this Act. A copy of the
13 written notice shall be provided to the sheriff and law
14 enforcement agency where the person resides.

15 (Source: P.A. 97-1131, eff. 1-1-13.)

16 (430 ILCS 65/9.5 new)

17 Sec. 9.5. Revocation of Firearm Owner's Identification
18 Card.

19 (a) A person who receives a revocation notice under Section
20 9 of this Act shall, within 48 hours of receiving notice of the
21 revocation:

22 (1) surrender his or her Firearm Owner's
23 Identification Card to the local law enforcement agency
24 where the person resides. The local law enforcement agency

1 shall provide the person a receipt and transmit the Firearm
2 Owner's Identification Card to the Department of State
3 Police; and

4 (2) complete a Firearm Disposition Record on a form
5 prescribed by the Department of State Police and place his
6 or her firearms in the location or with the person reported
7 in the Firearm Disposition Record. The form shall require
8 the person to disclose:

9 (A) the make, model, and serial number of each
10 firearm owned by or under the custody and control of
11 the revoked person;

12 (B) the location where each firearm will be
13 maintained during the prohibited term; and

14 (C) if any firearm will be transferred to the
15 custody of another person, the name, address and
16 Firearm Owner's Identification Card number of the
17 transferee.

18 (b) The local law enforcement agency shall provide a copy
19 of the Firearm Disposition Record to the person whose Firearm
20 Owner's Identification Card has been revoked and to the
21 Department of State Police.

22 (c) If the person whose Firearm Owner's Identification Card
23 has been revoked fails to comply with the requirements of this
24 Section, the sheriff or law enforcement agency where the person
25 resides may petition the circuit court to issue a warrant to
26 search for and seize the Firearm Owner's Identification Card

1 and firearms in the possession or under the custody or control
2 of the person whose Firearm Owner's Identification Card has
3 been revoked.

4 (d) A violation of subsection (a) of this Section is a
5 Class A misdemeanor.

6 (e) The observation of a Firearm Owner's Identification
7 Card in the possession of a person whose Firearm Owner's
8 Identification Card has been revoked constitutes a sufficient
9 basis for the arrest of that person for violation of this
10 Section.

11 (f) Within 30 days after the effective date of this
12 amendatory Act of the 98th General Assembly, the Department of
13 State Police shall provide written notice of the requirements
14 of this Section to persons whose Firearm Owner's Identification
15 Cards have been revoked, suspended, or expired and who have
16 failed to surrender their cards to the Department.

17 (g) Persons whose Firearm Owner's Identification Cards
18 have been revoked and who receive notice under subsection (f)
19 shall comply with the requirements of this Section within 48
20 hours of receiving notice.

21 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

22 (Text of Section before amendment by P.A. 97-1167)

23 Sec. 10. Appeal to director; hearing; relief from firearm
24 prohibitions.

25 (a) Whenever an application for a Firearm Owner's

1 Identification Card is denied, whenever the Department fails to
2 act on an application within 30 days of its receipt, or
3 whenever such a Card is revoked or seized as provided for in
4 Section 8 of this Act, the aggrieved party may appeal to the
5 Director of State Police for a hearing upon such denial,
6 revocation or seizure, unless the denial, revocation, or
7 seizure was based upon a forcible felony, stalking, aggravated
8 stalking, domestic battery, any violation of the Illinois
9 Controlled Substances Act, the Methamphetamine Control and
10 Community Protection Act, or the Cannabis Control Act that is
11 classified as a Class 2 or greater felony, any felony violation
12 of Article 24 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, or any adjudication as a delinquent minor for the
14 commission of an offense that if committed by an adult would be
15 a felony, in which case the aggrieved party may petition the
16 circuit court in writing in the county of his or her residence
17 for a hearing upon such denial, revocation, or seizure.

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

1 prohibited from obtaining, possessing, or using a firearm under
2 federal law.

3 (c) Any person prohibited from possessing a firearm under
4 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
5 acquiring a Firearm Owner's Identification Card under Section 8
6 of this Act may apply to the Director of State Police or
7 petition the circuit court in the county where the petitioner
8 resides, whichever is applicable in accordance with subsection
9 (a) of this Section, requesting relief from such prohibition
10 and the Director or court may grant such relief if it is
11 established by the applicant to the court's or Director's
12 satisfaction that:

13 (0.05) when in the circuit court, the State's Attorney
14 has been served with a written copy of the petition at
15 least 30 days before any such hearing in the circuit court
16 and at the hearing the State's Attorney was afforded an
17 opportunity to present evidence and object to the petition;

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

24 (2) the circumstances regarding a criminal conviction,
25 where applicable, the applicant's criminal history and his
26 reputation are such that the applicant will not be likely

1 to act in a manner dangerous to public safety;

2 (3) granting relief would not be contrary to the public
3 interest; and

4 (4) granting relief would not be contrary to federal
5 law.

6 (c-5) (1) An active law enforcement officer employed by
7 a unit of government, who is denied, revoked, or has his or
8 her Firearm Owner's Identification Card seized under
9 subsection (e) of Section 8 of this Act may apply to the
10 Director of State Police requesting relief if the officer
11 did not act in a manner threatening to the officer, another
12 person, or the public as determined by the treating
13 clinical psychologist or physician, and as a result of his
14 or her work is referred by the employer for or voluntarily
15 seeks mental health evaluation or treatment by a licensed
16 clinical psychologist, psychiatrist, or qualified
17 examiner, and:

18 (A) the officer has not received treatment
19 involuntarily at a mental health facility, regardless
20 of the length of admission; or has not been voluntarily
21 admitted to a mental health facility for more than 30
22 days and not for more than one incident within the past
23 5 years; and

24 (B) the officer has not left the mental institution
25 against medical advice.

26 (2) The Director of State Police shall grant expedited

1 relief to active law enforcement officers described in
2 paragraph (1) of this subsection (c-5) upon a determination
3 by the Director that the officer's possession of a firearm
4 does not present a threat to themselves, others, or public
5 safety. The Director shall act on the request for relief
6 within 30 business days of receipt of:

7 (A) a notarized statement from the officer in the
8 form prescribed by the Director detailing the
9 circumstances that led to the hospitalization;

10 (B) all documentation regarding the admission,
11 evaluation, treatment and discharge from the treating
12 licensed clinical psychologist or psychiatrist of the
13 officer;

14 (C) a psychological fitness for duty evaluation of
15 the person completed after the time of discharge; and

16 (D) written confirmation in the form prescribed by
17 the Director from the treating licensed clinical
18 psychologist or psychiatrist that the provisions set
19 forth in paragraph (1) of this subsection (c-5) have
20 been met, the person successfully completed treatment,
21 and their professional opinion regarding the person's
22 ability to possess firearms.

23 (3) Officers eligible for the expedited relief in
24 paragraph (2) of this subsection (c-5) have the burden of
25 proof on eligibility and must provide all information
26 required. The Director may not consider granting expedited

1 relief until the proof and information is received.

2 (4) "Clinical psychologist", "psychiatrist", and
3 "qualified examiner" shall have the same meaning as
4 provided in Chapter 1 of the Mental Health and
5 Developmental Disabilities Code.

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

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

20 (f) Any person who is subject to the disabilities of 18
21 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
22 of 1968 because of an adjudication or commitment that occurred
23 under the laws of this State or who was determined to be
24 subject to the provisions of subsections (e), (f), or (g) of
25 Section 8 of this Act may apply to the Department of State
26 Police requesting relief from that prohibition. The Director

1 shall grant the relief if it is established by a preponderance
2 of the evidence that the person will not be likely to act in a
3 manner dangerous to public safety and that granting relief
4 would not be contrary to the public interest. In making this
5 determination, the Director shall receive evidence concerning
6 (i) the circumstances regarding the firearms disabilities from
7 which relief is sought; (ii) the petitioner's mental health and
8 criminal history records, if any; (iii) the petitioner's
9 reputation, developed at a minimum through character witness
10 statements, testimony, or other character evidence; and (iv)
11 changes in the petitioner's condition or circumstances since
12 the disqualifying events relevant to the relief sought. If
13 relief is granted under this subsection or by order of a court
14 under this Section, the Director shall as soon as practicable
15 but in no case later than 15 business days, update, correct,
16 modify, or remove the person's record in any database that the
17 Department of State Police makes available to the National
18 Instant Criminal Background Check System and notify the United
19 States Attorney General that the basis for the record being
20 made available no longer applies. The Department of State
21 Police shall adopt rules for the administration of this Section
22 ~~subsection (f)~~.

23 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
24 97-1150, eff. 1-25-13.)

25 (Text of Section after amendment by P.A. 97-1167)

1 Sec. 10. Appeal to director; hearing; relief from firearm
2 prohibitions.

3 (a) Whenever an application for a Firearm Owner's
4 Identification Card is denied, whenever the Department fails to
5 act on an application within 30 days of its receipt, or
6 whenever such a Card is revoked or seized as provided for in
7 Section 8 of this Act, the aggrieved party may appeal to the
8 Director of State Police for a hearing upon such denial,
9 revocation or seizure, unless the denial, revocation, or
10 seizure was based upon a forcible felony, stalking, aggravated
11 stalking, domestic battery, any violation of the Illinois
12 Controlled Substances Act, the Methamphetamine Control and
13 Community Protection Act, or the Cannabis Control Act that is
14 classified as a Class 2 or greater felony, any felony violation
15 of Article 24 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, or any adjudication as a delinquent minor for the
17 commission of an offense that if committed by an adult would be
18 a felony, in which case the aggrieved party may petition the
19 circuit court in writing in the county of his or her residence
20 for a hearing upon such denial, revocation, or seizure.

21 (b) At least 30 days before any hearing in the circuit
22 court, the petitioner shall serve the relevant State's Attorney
23 with a copy of the petition. The State's Attorney may object to
24 the petition and present evidence. At the hearing the court
25 shall determine whether substantial justice has been done.
26 Should the court determine that substantial justice has not

1 been done, the court shall issue an order directing the
2 Department of State Police to issue a Card. However, the court
3 shall not issue the order if the petitioner is otherwise
4 prohibited from obtaining, possessing, or using a firearm under
5 federal law.

6 (c) Any person prohibited from possessing a firearm under
7 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
8 acquiring a Firearm Owner's Identification Card under Section 8
9 of this Act may apply to the Director of State Police or
10 petition the circuit court in the county where the petitioner
11 resides, whichever is applicable in accordance with subsection
12 (a) of this Section, requesting relief from such prohibition
13 and the Director or court may grant such relief if it is
14 established by the applicant to the court's or Director's
15 satisfaction that:

16 (0.05) when in the circuit court, the State's Attorney
17 has been served with a written copy of the petition at
18 least 30 days before any such hearing in the circuit court
19 and at the hearing the State's Attorney was afforded an
20 opportunity to present evidence and object to the petition;

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

1 (2) the circumstances regarding a criminal conviction,
2 where applicable, the applicant's criminal history and his
3 reputation are such that the applicant will not be likely
4 to act in a manner dangerous to public safety;

5 (3) granting relief would not be contrary to the public
6 interest; and

7 (4) granting relief would not be contrary to federal
8 law.

9 (c-5) (1) An active law enforcement officer employed by
10 a unit of government, who is denied, revoked, or has his or
11 her Firearm Owner's Identification Card seized under
12 subsection (e) of Section 8 of this Act may apply to the
13 Director of State Police requesting relief if the officer
14 did not act in a manner threatening to the officer, another
15 person, or the public as determined by the treating
16 clinical psychologist or physician, and as a result of his
17 or her work is referred by the employer for or voluntarily
18 seeks mental health evaluation or treatment by a licensed
19 clinical psychologist, psychiatrist, or qualified
20 examiner, and:

21 (A) the officer has not received treatment
22 involuntarily at a mental health facility ~~institution~~,
23 regardless of the length of admission; or has not been
24 voluntarily admitted to a mental health facility
25 ~~institution~~ for more than 30 days and not for more than
26 one incident within the past 5 years; and

1 (B) the officer has not left the mental institution
2 against medical advice.

3 (2) The Director of State Police shall grant expedited
4 relief to active law enforcement officers described in
5 paragraph (1) of this subsection (c-5) upon a determination
6 by the Director that the officer's possession of a firearm
7 does not present a threat to themselves, others, or public
8 safety. The Director shall act on the request for relief
9 within 30 business days of receipt of:

10 (A) a notarized statement from the officer in the
11 form prescribed by the Director detailing the
12 circumstances that led to the hospitalization;

13 (B) all documentation regarding the admission,
14 evaluation, treatment and discharge from the treating
15 licensed clinical psychologist or psychiatrist of the
16 officer;

17 (C) a psychological fitness for duty evaluation of
18 the person completed after the time of discharge; and

19 (D) written confirmation in the form prescribed by
20 the Director from the treating licensed clinical
21 psychologist or psychiatrist that the provisions set
22 forth in paragraph (1) of this subsection (c-5) have
23 been met, the person successfully completed treatment,
24 and their professional opinion regarding the person's
25 ability to possess firearms.

26 (3) Officers eligible for the expedited relief in

1 paragraph (2) of this subsection (c-5) have the burden of
2 proof on eligibility and must provide all information
3 required. The Director may not consider granting expedited
4 relief until the proof and information is received.

5 (4) "Clinical psychologist", "psychiatrist", and
6 "qualified examiner" shall have the same meaning as
7 provided in Chapter 1 of the Mental Health and
8 Developmental Disabilities Code.

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

12 (e) The court shall review the denial of an application or
13 the revocation of a Firearm Owner's Identification Card of a
14 person who has been adjudicated delinquent for an offense that
15 if committed by an adult would be a felony if an application
16 for relief has been filed at least 10 years after the
17 adjudication of delinquency and the court determines that the
18 applicant should be granted relief from disability to obtain a
19 Firearm Owner's Identification Card. If the court grants
20 relief, the court shall notify the Department of State Police
21 that the disability has been removed and that the applicant is
22 eligible to obtain a Firearm Owner's Identification Card.

23 (f) Any person who is subject to the disabilities of 18
24 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
25 of 1968 because of an adjudication or commitment that occurred
26 under the laws of this State or who was determined to be

1 subject to the provisions of subsections (e), (f), or (g) of
2 Section 8 of this Act may apply to the Department of State
3 Police requesting relief from that prohibition. The Director
4 shall grant the relief if it is established by a preponderance
5 of the evidence that the person will not be likely to act in a
6 manner dangerous to public safety and that granting relief
7 would not be contrary to the public interest. In making this
8 determination, the Director shall receive evidence concerning
9 (i) the circumstances regarding the firearms disabilities from
10 which relief is sought; (ii) the petitioner's mental health and
11 criminal history records, if any; (iii) the petitioner's
12 reputation, developed at a minimum through character witness
13 statements, testimony, or other character evidence; and (iv)
14 changes in the petitioner's condition or circumstances since
15 the disqualifying events relevant to the relief sought. If
16 relief is granted under this subsection or by order of a court
17 under this Section, the Director shall as soon as practicable
18 but in no case later than 15 business days, update, correct,
19 modify, or remove the person's record in any database that the
20 Department of State Police makes available to the National
21 Instant Criminal Background Check System and notify the United
22 States Attorney General that the basis for the record being
23 made available no longer applies. The Department of State
24 Police shall adopt rules for the administration of this Section
25 ~~subsection (f)~~.

26 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;

1 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

2 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

3 Sec. 13.1.

4 Except as otherwise provided in the Gun Safety and
5 Responsibility Act, the ~~The~~ provisions of any ordinance enacted
6 by any municipality or home rule unit which requires
7 registration or imposes greater restrictions or limitations on
8 the acquisition, possession and transfer of firearms than are
9 imposed by this Act, are not invalidated or affected by this
10 Act.

11 (Source: P.A. 76-1939.)

12 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

13 Sec. 13.2. The Department of State Police shall, 60 days
14 prior to the expiration of a Firearm Owner's Identification
15 Card, forward by first class mail to each person whose card is
16 to expire a notification of the expiration of the card and an
17 application which may be used to apply for renewal of the card.
18 It is the obligation of the holder of a Firearm Owner's
19 Identification Card to notify the Department of State Police of
20 any address change since the issuance of the Firearm Owner's
21 Identification Card. Whenever any person moves from the
22 residence address named on his or her card, the person shall
23 within 21 calendar days thereafter notify in a form and manner
24 prescribed by the Department of his or her old and new

1 residence addresses and the card number held by him or her. Any
2 person whose legal name has changed from the name on the card
3 that he or she has been previously issued must apply for a
4 corrected card within 30 calendar days after the change. The
5 cost for a corrected card shall be \$5 which shall be deposited
6 into the State Police Firearm Services Fund ~~Firearm Owner's~~
7 ~~Notification Fund~~.

8 (Source: P.A. 97-1131, eff. 1-1-13.)

9 Section 155. The Criminal Code of 2012 is amended by
10 changing Sections 24-1.6 and 24-2 as follows:

11 (720 ILCS 5/24-1.6)

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

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

15 (1) Carries on or about his or her person or in any
16 vehicle or concealed on or about his or her person except
17 when on his or her land or in his or her abode, legal
18 dwelling, or fixed place of business, or on the land or in
19 the legal dwelling of another person as an invitee with
20 that person's permission, any pistol, revolver, stun gun or
21 taser or other firearm; or

22 (2) Carries or possesses on or about his or her person,
23 upon any public street, alley, or other public lands within
24 the corporate limits of a city, village or incorporated

1 town, except when an invitee thereon or therein, for the
2 purpose of the display of such weapon or the lawful
3 commerce in weapons, or except when on his or her own land
4 or in his or her own abode, legal dwelling, or fixed place
5 of business, or on the land or in the legal dwelling of
6 another person as an invitee with that person's permission,
7 any pistol, revolver, stun gun or taser or other firearm;
8 and

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

10 (A) the firearm, other than a pistol, revolver, or
11 handgun, possessed was uncased, loaded, and
12 immediately accessible at the time of the offense; or

13 (A-5) the pistol, revolver, or handgun possessed
14 was uncased, loaded, and immediately accessible at the
15 time of the offense and the person possessing the
16 pistol, revolver, or handgun has not been issued a
17 currently valid license under the Gun Safety and
18 Responsibility Act; or

19 (B) the firearm, other than a pistol, revolver, or
20 handgun, possessed was uncased, unloaded, and the
21 ammunition for the weapon was immediately accessible
22 at the time of the offense; or

23 (B-5) the pistol, revolver, or handgun possessed
24 was uncased, unloaded, and the ammunition for the
25 weapon was immediately accessible at the time of the
26 offense and the person possessing the pistol,

1 revolver, or handgun has not been issued a currently
2 valid license under the Gun Safety and Responsibility
3 Act; or

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

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

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

17 (F) (blank); or

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

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

25 (I) the person possessing the weapon was under 21
26 years of age and in possession of a handgun ~~as defined~~

1 ~~in Section 24-3~~, unless the person under 21 is engaged
2 in lawful activities under the Wildlife Code or
3 described in subsection 24-2(b)(1), (b)(3), or
4 24-2(f).

5 (a-5) "Handgun" as used in this Section has the meaning
6 given to it in Section 5 of the Gun Safety and Responsibility
7 Act.

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

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

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

13 (ii) are not immediately accessible; or

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

18 (d) Sentence.

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

24 (2) Except as otherwise provided in paragraphs (3) and
25 (4) of this subsection (d), a first offense of aggravated
26 unlawful use of a weapon committed with a firearm by a

1 person 18 years of age or older where the factors listed in
2 both items (A) and (C) or both items (A-5) and (C) of
3 paragraph (3) of subsection (a) are present is a Class 4
4 felony, for which the person shall be sentenced to a term
5 of imprisonment of not less than one year and not more than
6 3 years.

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

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

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

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

22 (720 ILCS 5/24-2)

23 Sec. 24-2. Exemptions.

24 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
25 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of

1 the following:

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

5 (2) Wardens, superintendents and keepers of prisons,
6 penitentiaries, jails and other institutions for the
7 detention of persons accused or convicted of an offense,
8 while in the performance of their official duty, or while
9 commuting between their homes and places of employment.

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard or the
12 Reserve Officers Training Corps, while in the performance
13 of their official duty.

14 (4) Special agents employed by a railroad or a public
15 utility to perform police functions, and guards of armored
16 car companies, while actually engaged in the performance of
17 the duties of their employment or commuting between their
18 homes and places of employment; and watchmen while actually
19 engaged in the performance of the duties of their
20 employment.

21 (5) Persons licensed as private security contractors,
22 private detectives, or private alarm contractors, or
23 employed by an agency certified by the Department of
24 Financial and Professional Regulation, if their duties
25 include the carrying of a weapon under the provisions of
26 the Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004, while
2 actually engaged in the performance of the duties of their
3 employment or commuting between their homes and places of
4 employment, provided that such commuting is accomplished
5 within one hour from departure from home or place of
6 employment, as the case may be. A person shall be
7 considered eligible for this exemption if he or she has
8 completed the required 20 hours of training for a private
9 security contractor, private detective, or private alarm
10 contractor, or employee of a licensed agency and 20 hours
11 of required firearm training, and has been issued a firearm
12 control card by the Department of Financial and
13 Professional Regulation. Conditions for the renewal of
14 firearm control cards issued under the provisions of this
15 Section shall be the same as for those cards issued under
16 the provisions of the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Act of
18 2004. The firearm control card shall be carried by the
19 private security contractor, private detective, or private
20 alarm contractor, or employee of the licensed agency at all
21 times when he or she is in possession of a concealable
22 weapon.

23 (6) Any person regularly employed in a commercial or
24 industrial operation as a security guard for the protection
25 of persons employed and private property related to such
26 commercial or industrial operation, while actually engaged

1 in the performance of his or her duty or traveling between
2 sites or properties belonging to the employer, and who, as
3 a security guard, is a member of a security force of at
4 least 5 persons registered with the Department of Financial
5 and Professional Regulation; provided that such security
6 guard has successfully completed a course of study,
7 approved by and supervised by the Department of Financial
8 and Professional Regulation, consisting of not less than 40
9 hours of training that includes the theory of law
10 enforcement, liability for acts, and the handling of
11 weapons. A person shall be considered eligible for this
12 exemption if he or she has completed the required 20 hours
13 of training for a security officer and 20 hours of required
14 firearm training, and has been issued a firearm control
15 card by the Department of Financial and Professional
16 Regulation. Conditions for the renewal of firearm control
17 cards issued under the provisions of this Section shall be
18 the same as for those cards issued under the provisions of
19 the Private Detective, Private Alarm, Private Security,
20 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
21 control card shall be carried by the security guard at all
22 times when he or she is in possession of a concealable
23 weapon.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
2 any investigation for the Commission.

3 (8) Persons employed by a financial institution for the
4 protection of other employees and property related to such
5 financial institution, while actually engaged in the
6 performance of their duties, commuting between their homes
7 and places of employment, or traveling between sites or
8 properties owned or operated by such financial
9 institution, provided that any person so employed has
10 successfully completed a course of study, approved by and
11 supervised by the Department of Financial and Professional
12 Regulation, consisting of not less than 40 hours of
13 training which includes theory of law enforcement,
14 liability for acts, and the handling of weapons. A person
15 shall be considered to be eligible for this exemption if he
16 or she has completed the required 20 hours of training for
17 a security officer and 20 hours of required firearm
18 training, and has been issued a firearm control card by the
19 Department of Financial and Professional Regulation.
20 Conditions for renewal of firearm control cards issued
21 under the provisions of this Section shall be the same as
22 for those issued under the provisions of the Private
23 Detective, Private Alarm, Private Security, Fingerprint
24 Vendor, and Locksmith Act of 2004. Such firearm control
25 card shall be carried by the person so trained at all times
26 when such person is in possession of a concealable weapon.

1 For purposes of this subsection, "financial institution"
2 means a bank, savings and loan association, credit union or
3 company providing armored car services.

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

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

9 (11) Investigators of the Office of the State's
10 Attorneys Appellate Prosecutor authorized by the board of
11 governors of the Office of the State's Attorneys Appellate
12 Prosecutor to carry weapons pursuant to Section 7.06 of the
13 State's Attorneys Appellate Prosecutor's Act.

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

16 (12.5) Probation officers while in the performance of
17 their duties, or while commuting between their homes,
18 places of employment or specific locations that are part of
19 their assigned duties, with the consent of the chief judge
20 of the circuit for which they are employed.

21 (13) Court Security Officers while in the performance
22 of their official duties, or while commuting between their
23 homes and places of employment, with the consent of the
24 Sheriff.

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

5 (14) Manufacture, transportation, or sale of weapons
6 to persons authorized under subdivisions (1) through
7 (13.5) of this subsection to possess those weapons.

8 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
9 to or affect any person carrying a concealed pistol, revolver,
10 or handgun and the person has been issued a currently valid
11 license under the Gun Safety and Responsibility Act at the time
12 of the commission of the offense.

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any of the following:

15 (1) Members of any club or organization organized for
16 the purpose of practicing shooting at targets upon
17 established target ranges, whether public or private, and
18 patrons of such ranges, while such members or patrons are
19 using their firearms on those target ranges.

20 (2) Duly authorized military or civil organizations
21 while parading, with the special permission of the
22 Governor.

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

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

1 (5) Carrying or possessing any pistol, revolver, stun
2 gun or taser or other firearm on the land or in the legal
3 dwelling of another person as an invitee with that person's
4 permission.

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

7 (1) Peace officers while in performance of their
8 official duties.

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

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

15 (4) Manufacture, transportation, or sale of machine
16 guns to persons authorized under subdivisions (1) through
17 (3) of this subsection to possess machine guns, if the
18 machine guns are broken down in a non-functioning state or
19 are not immediately accessible.

20 (5) Persons licensed under federal law to manufacture
21 any weapon from which 8 or more shots or bullets can be
22 discharged by a single function of the firing device, or
23 ammunition for such weapons, and actually engaged in the
24 business of manufacturing such weapons or ammunition, but
25 only with respect to activities which are within the lawful
26 scope of such business, such as the manufacture,

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

8 During transportation, such weapons shall be broken
9 down in a non-functioning state or not immediately
10 accessible.

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

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 During transportation, any such weapon shall be broken
3 down in a non-functioning state, or not immediately
4 accessible.

5 (7) A person possessing a rifle with a barrel or
6 barrels less than 16 inches in length if: (A) the person
7 has been issued a Curios and Relics license from the U.S.
8 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
9 the person is an active member of a bona fide, nationally
10 recognized military re-enacting group and the modification
11 is required and necessary to accurately portray the weapon
12 for historical re-enactment purposes; the re-enactor is in
13 possession of a valid and current re-enacting group
14 membership credential; and the overall length of the weapon
15 as modified is not less than 26 inches.

16 During transportation, any such weapon shall be broken
17 down in a non-functioning state, or not immediately
18 accessible.

19 (d) Subsection 24-1(a)(1) does not apply to the purchase,
20 possession or carrying of a black-jack or slung-shot by a peace
21 officer.

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

25 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
26 Section 24-1.6 do not apply to members of any club or

1 organization organized for the purpose of practicing shooting
2 at targets upon established target ranges, whether public or
3 private, while using their firearms on those target ranges.

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

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

9 (2) Bonafide collectors of antique or surplus military
10 ordinance.

11 (3) Laboratories having a department of forensic
12 ballistics, or specializing in the development of
13 ammunition or explosive ordinance.

14 (4) Commerce, preparation, assembly or possession of
15 explosive bullets by manufacturers of ammunition licensed
16 by the federal government, in connection with the supply of
17 those organizations and persons exempted by subdivision
18 (g)(1) of this Section, or like organizations and persons
19 outside this State, or the transportation of explosive
20 bullets to any organization or person exempted in this
21 Section by a common carrier or by a vehicle owned or leased
22 by an exempted manufacturer.

23 (g-5) Subsection 24-1(a)(6) does not apply to or affect
24 persons licensed under federal law to manufacture any device or
25 attachment of any kind designed, used, or intended for use in
26 silencing the report of any firearm, firearms, or ammunition

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

14 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-1.6 do not apply to or affect any parole agent or parole
16 supervisor who meets the qualifications and conditions
17 prescribed in Section 3-14-1.5 of the Unified Code of
18 Corrections.

19 (g-7) Subsection 24-1(a)(6) does not apply to a peace
20 officer while serving as a member of a tactical response team
21 or special operations team. A peace officer may not personally
22 own or apply for ownership of a device or attachment of any
23 kind designed, used, or intended for use in silencing the
24 report of any firearm. These devices shall be owned and
25 maintained by lawfully recognized units of government whose
26 duties include the investigation of criminal acts.

1 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
2 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
3 athlete's possession, transport on official Olympic and
4 Paralympic transit systems established for athletes, or use of
5 competition firearms sanctioned by the International Olympic
6 Committee, the International Paralympic Committee, the
7 International Shooting Sport Federation, or USA Shooting in
8 connection with such athlete's training for and participation
9 in shooting competitions at the 2016 Olympic and Paralympic
10 Games and sanctioned test events leading up to the 2016 Olympic
11 and Paralympic Games.

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

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

1 this Article, which is unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container, by the
3 possessor of a valid Firearm Owners Identification Card.

4 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
5 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
6 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
7 revised 8-23-12.)

8 Section 160. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 112A-14 as follows:

10 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

11 Sec. 112A-14. Order of protection; remedies.

12 (a) Issuance of order. If the court finds that petitioner
13 has been abused by a family or household member, as defined in
14 this Article, an order of protection prohibiting such abuse
15 shall issue; provided that petitioner must also satisfy the
16 requirements of one of the following Sections, as appropriate:
17 Section 112A-17 on emergency orders, Section 112A-18 on interim
18 orders, or Section 112A-19 on plenary orders. Petitioner shall
19 not be denied an order of protection because petitioner or
20 respondent is a minor. The court, when determining whether or
21 not to issue an order of protection, shall not require physical
22 manifestations of abuse on the person of the victim.
23 Modification and extension of prior orders of protection shall
24 be in accordance with this Article.

1 (b) Remedies and standards. The remedies to be included in
2 an order of protection shall be determined in accordance with
3 this Section and one of the following Sections, as appropriate:
4 Section 112A-17 on emergency orders, Section 112A-18 on interim
5 orders, and Section 112A-19 on plenary orders. The remedies
6 listed in this subsection shall be in addition to other civil
7 or criminal remedies available to petitioner.

8 (1) Prohibition of abuse. Prohibit respondent's
9 harassment, interference with personal liberty,
10 intimidation of a dependent, physical abuse or willful
11 deprivation, as defined in this Article, if such abuse has
12 occurred or otherwise appears likely to occur if not
13 prohibited.

14 (2) Grant of exclusive possession of residence.
15 Prohibit respondent from entering or remaining in any
16 residence, household, or premises of the petitioner,
17 including one owned or leased by respondent, if petitioner
18 has a right to occupancy thereof. The grant of exclusive
19 possession of the residence, household, or premises shall
20 not affect title to real property, nor shall the court be
21 limited by the standard set forth in Section 701 of the
22 Illinois Marriage and Dissolution of Marriage Act.

23 (A) Right to occupancy. A party has a right to
24 occupancy of a residence or household if it is solely
25 or jointly owned or leased by that party, that party's
26 spouse, a person with a legal duty to support that

1 party or a minor child in that party's care, or by any
2 person or entity other than the opposing party that
3 authorizes that party's occupancy (e.g., a domestic
4 violence shelter). Standards set forth in subparagraph
5 (B) shall not preclude equitable relief.

6 (B) Presumption of hardships. If petitioner and
7 respondent each has the right to occupancy of a
8 residence or household, the court shall balance (i) the
9 hardships to respondent and any minor child or
10 dependent adult in respondent's care resulting from
11 entry of this remedy with (ii) the hardships to
12 petitioner and any minor child or dependent adult in
13 petitioner's care resulting from continued exposure to
14 the risk of abuse (should petitioner remain at the
15 residence or household) or from loss of possession of
16 the residence or household (should petitioner leave to
17 avoid the risk of abuse). When determining the balance
18 of hardships, the court shall also take into account
19 the accessibility of the residence or household.
20 Hardships need not be balanced if respondent does not
21 have a right to occupancy.

22 The balance of hardships is presumed to favor
23 possession by petitioner unless the presumption is
24 rebutted by a preponderance of the evidence, showing
25 that the hardships to respondent substantially
26 outweigh the hardships to petitioner and any minor

1 child or dependent adult in petitioner's care. The
2 court, on the request of petitioner or on its own
3 motion, may order respondent to provide suitable,
4 accessible, alternate housing for petitioner instead
5 of excluding respondent from a mutual residence or
6 household.

7 (3) Stay away order and additional prohibitions. Order
8 respondent to stay away from petitioner or any other person
9 protected by the order of protection, or prohibit
10 respondent from entering or remaining present at
11 petitioner's school, place of employment, or other
12 specified places at times when petitioner is present, or
13 both, if reasonable, given the balance of hardships.
14 Hardships need not be balanced for the court to enter a
15 stay away order or prohibit entry if respondent has no
16 right to enter the premises.

17 If an order of protection grants petitioner exclusive
18 possession of the residence, or prohibits respondent from
19 entering the residence, or orders respondent to stay away
20 from petitioner or other protected persons, then the court
21 may allow respondent access to the residence to remove
22 items of clothing and personal adornment used exclusively
23 by respondent, medications, and other items as the court
24 directs. The right to access shall be exercised on only one
25 occasion as the court directs and in the presence of an
26 agreed-upon adult third party or law enforcement officer.

1 (4) Counseling. Require or recommend the respondent to
2 undergo counseling for a specified duration with a social
3 worker, psychologist, clinical psychologist, psychiatrist,
4 family service agency, alcohol or substance abuse program,
5 mental health center guidance counselor, agency providing
6 services to elders, program designed for domestic violence
7 abusers or any other guidance service the court deems
8 appropriate. The court may order the respondent in any
9 intimate partner relationship to report to an Illinois
10 Department of Human Services protocol approved partner
11 abuse intervention program for an assessment and to follow
12 all recommended treatment.

13 (5) Physical care and possession of the minor child. In
14 order to protect the minor child from abuse, neglect, or
15 unwarranted separation from the person who has been the
16 minor child's primary caretaker, or to otherwise protect
17 the well-being of the minor child, the court may do either
18 or both of the following: (i) grant petitioner physical
19 care or possession of the minor child, or both, or (ii)
20 order respondent to return a minor child to, or not remove
21 a minor child from, the physical care of a parent or person
22 in loco parentis.

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 112A-3) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding physical care to respondent would not be in the

1 minor child's best interest.

2 (6) Temporary legal custody. Award temporary legal
3 custody to petitioner in accordance with this Section, the
4 Illinois Marriage and Dissolution of Marriage Act, the
5 Illinois Parentage Act of 1984, and this State's Uniform
6 Child-Custody Jurisdiction and Enforcement Act.

7 If a court finds, after a hearing, that respondent has
8 committed abuse (as defined in Section 112A-3) of a minor
9 child, there shall be a rebuttable presumption that
10 awarding temporary legal custody to respondent would not be
11 in the child's best interest.

12 (7) Visitation. Determine the visitation rights, if
13 any, of respondent in any case in which the court awards
14 physical care or temporary legal custody of a minor child
15 to petitioner. The court shall restrict or deny
16 respondent's visitation with a minor child if the court
17 finds that respondent has done or is likely to do any of
18 the following: (i) abuse or endanger the minor child during
19 visitation; (ii) use the visitation as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members; (iii) improperly conceal or detain the
22 minor child; or (iv) otherwise act in a manner that is not
23 in the best interests of the minor child. The court shall
24 not be limited by the standards set forth in Section 607.1
25 of the Illinois Marriage and Dissolution of Marriage Act.
26 If the court grants visitation, the order shall specify

1 dates and times for the visitation to take place or other
2 specific parameters or conditions that are appropriate. No
3 order for visitation shall refer merely to the term
4 "reasonable visitation".

5 Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for visitation,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving in
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's
12 family or household from future abuse, respondent shall be
13 prohibited from coming to petitioner's residence to meet
14 the minor child for visitation, and the parties shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for visitation. A person may be
17 approved to supervise visitation only after filing an
18 affidavit accepting that responsibility and acknowledging
19 accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return the
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or
2 the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly; sharing
10 it would risk abuse of petitioner by respondent or is
11 impracticable; and the balance of hardships favors
12 temporary possession by petitioner.

13 If petitioner's sole claim to ownership of the property
14 is that it is marital property, the court may award
15 petitioner temporary possession thereof under the
16 standards of subparagraph (ii) of this paragraph only if a
17 proper proceeding has been filed under the Illinois
18 Marriage and Dissolution of Marriage Act, as now or
19 hereafter amended.

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may grant
6 petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or custody, when the respondent has a
26 legal obligation to support that person, in accordance with

1 the Illinois Marriage and Dissolution of Marriage Act,
2 which shall govern, among other matters, the amount of
3 support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may be
5 granted to a petitioner with lawful physical care or
6 custody of a child, or an order or agreement for physical
7 care or custody, prior to entry of an order for legal
8 custody. Such a support order shall expire upon entry of a
9 valid order granting legal custody to another, unless
10 otherwise provided in the custody order.

11 (13) Order for payment of losses. Order respondent to
12 pay petitioner for losses suffered as a direct result of
13 the abuse. Such losses shall include, but not be limited
14 to, medical expenses, lost earnings or other support,
15 repair or replacement of property damaged or taken,
16 reasonable attorney's fees, court costs and moving or other
17 travel expenses, including additional reasonable expenses
18 for temporary shelter and restaurant meals.

19 (i) Losses affecting family needs. If a party is
20 entitled to seek maintenance, child support or
21 property distribution from the other party under the
22 Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended, the court may order
24 respondent to reimburse petitioner's actual losses, to
25 the extent that such reimbursement would be
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including but not
7 limited to legal fees, court costs, private
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent
10 from entering or remaining in the residence or household
11 while the respondent is under the influence of alcohol or
12 drugs and constitutes a threat to the safety and well-being
13 of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (A) A person who is subject to an existing order of
16 protection, interim order of protection, emergency
17 order of protection, or plenary order of protection,
18 issued under this Code may not lawfully possess weapons
19 under Section 8.2 of the Firearm Owners Identification
20 Card Act. ~~(a) Prohibit a respondent against whom an~~

21 ~~order of protection was issued from possessing any~~
22 ~~firearms during the duration of the order if the order:~~

23 ~~(1) was issued after a hearing of which such~~
24 ~~person received actual notice, and at which such~~
25 ~~person had an opportunity to participate;~~

26 ~~(2) restrains such person from harassing,~~

1 ~~stalking, or threatening an intimate partner of~~
2 ~~such person or child of such intimate partner or~~
3 ~~person, or engaging in other conduct that would~~
4 ~~place an intimate partner in reasonable fear of~~
5 ~~bodily injury to the partner or child; and~~

6 ~~(3)(i) includes a finding that such person~~
7 ~~represents a credible threat to the physical~~
8 ~~safety of such intimate partner or child; or (ii)~~
9 ~~by its terms explicitly prohibits the use,~~
10 ~~attempted use, or threatened use of physical force~~
11 ~~against such intimate partner or child that would~~
12 ~~reasonably be expected to cause bodily injury.~~

13 (B) Any firearms in the possession of the respondent,
14 except as provided in subparagraph (C) of this
15 paragraph (14.5) subsection (b), shall be ordered by
16 the court to be turned over to a person with a valid
17 Firearm Owner's Identification Card ~~the local law~~
18 ~~enforcement agency~~ for safekeeping. The court shall
19 issue an order that the respondent's Firearm Owner's
20 Identification Card be turned over to the local law
21 enforcement agency, which in turn shall immediately
22 mail the card to the Department of State Police Firearm
23 Owner's Identification Card Office for safekeeping.
24 The period of safekeeping shall be for the duration of
25 the order of protection. The firearm or firearms and
26 Firearm Owner's Identification Card, if unexpired,

1 shall at the respondent's request be returned to the
2 respondent at expiration of the order of protection.

3 (C) ~~(b)~~ If the respondent is a peace officer as
4 defined in Section 2-13 of the Criminal Code of 2012,
5 the court shall order that any firearms used by the
6 respondent in the performance of his or her duties as a
7 peace officer be surrendered to the chief law
8 enforcement executive of the agency in which the
9 respondent is employed, who shall retain the firearms
10 for safekeeping for the duration of the order of
11 protection.

12 (D) ~~(e)~~ Upon expiration of the period of
13 safekeeping, if the firearms or Firearm Owner's
14 Identification Card cannot be returned to respondent
15 because respondent cannot be located, fails to respond
16 to requests to retrieve the firearms, or is not
17 lawfully eligible to possess a firearm, upon petition
18 from the local law enforcement agency, the court may
19 order the local law enforcement agency to destroy the
20 firearms, use the firearms for training purposes, or
21 for any other application as deemed appropriate by the
22 local law enforcement agency; or that the firearms be
23 turned over to a third party who is lawfully eligible
24 to possess firearms, and who does not reside with
25 respondent.

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with
2 the minor child, or if petitioner's address is omitted
3 under subsection (b) of Section 112A-5, or if necessary to
4 prevent abuse or wrongful removal or concealment of a minor
5 child, the order shall deny respondent access to, and
6 prohibit respondent from inspecting, obtaining, or
7 attempting to inspect or obtain, school or any other
8 records of the minor child who is in the care of
9 petitioner.

10 (16) Order for payment of shelter services. Order
11 respondent to reimburse a shelter providing temporary
12 housing and counseling services to the petitioner for the
13 cost of the services, as certified by the shelter and
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive
16 relief necessary or appropriate to prevent further abuse of
17 a family or household member or to effectuate one of the
18 granted remedies, if supported by the balance of hardships.
19 If the harm to be prevented by the injunction is abuse or
20 any other harm that one of the remedies listed in
21 paragraphs (1) through (16) of this subsection is designed
22 to prevent, no further evidence is necessary to establish
23 that the harm is an irreparable injury.

24 (c) Relevant factors; findings.

25 (1) In determining whether to grant a specific remedy,
26 other than payment of support, the court shall consider

1 relevant factors, including but not limited to the
2 following:

3 (i) the nature, frequency, severity, pattern and
4 consequences of the respondent's past abuse of the
5 petitioner or any family or household member,
6 including the concealment of his or her location in
7 order to evade service of process or notice, and the
8 likelihood of danger of future abuse to petitioner or
9 any member of petitioner's or respondent's family or
10 household; and

11 (ii) the danger that any minor child will be abused
12 or neglected or improperly removed from the
13 jurisdiction, improperly concealed within the State or
14 improperly separated from the child's primary
15 caretaker.

16 (2) In comparing relative hardships resulting to the
17 parties from loss of possession of the family home, the
18 court shall consider relevant factors, including but not
19 limited to the following:

20 (i) availability, accessibility, cost, safety,
21 adequacy, location and other characteristics of
22 alternate housing for each party and any minor child or
23 dependent adult in the party's care;

24 (ii) the effect on the party's employment; and

25 (iii) the effect on the relationship of the party,
26 and any minor child or dependent adult in the party's

1 care, to family, school, church and community.

2 (3) Subject to the exceptions set forth in paragraph
3 (4) of this subsection, the court shall make its findings
4 in an official record or in writing, and shall at a minimum
5 set forth the following:

6 (i) That the court has considered the applicable
7 relevant factors described in paragraphs (1) and (2) of
8 this subsection.

9 (ii) Whether the conduct or actions of respondent,
10 unless prohibited, will likely cause irreparable harm
11 or continued abuse.

12 (iii) Whether it is necessary to grant the
13 requested relief in order to protect petitioner or
14 other alleged abused persons.

15 (4) For purposes of issuing an ex parte emergency order
16 of protection, the court, as an alternative to or as a
17 supplement to making the findings described in paragraphs
18 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
19 the following procedure:

20 When a verified petition for an emergency order of
21 protection in accordance with the requirements of Sections
22 112A-5 and 112A-17 is presented to the court, the court
23 shall examine petitioner on oath or affirmation. An
24 emergency order of protection shall be issued by the court
25 if it appears from the contents of the petition and the
26 examination of petitioner that the averments are

1 sufficient to indicate abuse by respondent and to support
2 the granting of relief under the issuance of the emergency
3 order of protection.

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of marriage
6 attach to a putative father until a father and child
7 relationship has been established under the Illinois
8 Parentage Act of 1984. Absent such an adjudication, no
9 putative father shall be granted temporary custody of the
10 minor child, visitation with the minor child, or physical
11 care and possession of the minor child, nor shall an order
12 of payment for support of the minor child be entered.

13 (d) Balance of hardships; findings. If the court finds that
14 the balance of hardships does not support the granting of a
15 remedy governed by paragraph (2), (3), (10), (11), or (16) of
16 subsection (b) of this Section, which may require such
17 balancing, the court's findings shall so indicate and shall
18 include a finding as to whether granting the remedy will result
19 in hardship to respondent that would substantially outweigh the
20 hardship to petitioner from denial of the remedy. The findings
21 shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be
23 based, in whole or in part, on evidence that:

24 (1) Respondent has cause for any use of force, unless
25 that cause satisfies the standards for justifiable use of
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of
3 another, provided that, if petitioner utilized force, such
4 force was justifiable under Article 7 of the Criminal Code
5 of 2012;

6 (4) Petitioner did not act in self-defense or defense
7 of another;

8 (5) Petitioner left the residence or household to avoid
9 further abuse by respondent;

10 (6) Petitioner did not leave the residence or household
11 to avoid further abuse by respondent;

12 (7) Conduct by any family or household member excused
13 the abuse by respondent, unless that same conduct would
14 have excused such abuse if the parties had not been family
15 or household members.

16 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
17 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
18 1-25-13.)

19 Section 165. The Mental Health and Developmental
20 Disabilities Confidentiality Act is amended by changing
21 Section 12 as follows:

22 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

23 Sec. 12. (a) If the United States Secret Service or the
24 Department of State Police requests information from a mental

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

23 For the purpose of this subsection (a), the term "public
24 official" means the Governor, Lieutenant Governor, Attorney
25 General, Secretary of State, State Comptroller, State
26 Treasurer, member of the General Assembly, member of the United

1 States Congress, Judge of the United States as defined in 28
2 U.S.C. 451, Justice of the United States as defined in 28
3 U.S.C. 451, United States Magistrate Judge as defined in 28
4 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
5 Supreme, Appellate, Circuit, or Associate Judge of the State of
6 Illinois. The term shall also include the spouse, child or
7 children of a public official.

8 (b) The Department of Human Services (acting as successor
9 to the Department of Mental Health and Developmental
10 Disabilities) and all public or private hospitals and mental
11 health facilities are required, as hereafter described in this
12 subsection, to furnish the Department of State Police only such
13 information as may be required for the sole purpose of
14 determining whether an individual who may be or may have been a
15 patient is disqualified because of that status from receiving
16 or retaining a Firearm Owner's Identification Card or falls
17 within the federal prohibitors under subsection (e), (f), (g),
18 (r), (s), or (t) of Section 8 of the Firearm Owners
19 Identification Card Act, or falls within the federal
20 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~
21 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~
22 (n). All physicians, clinical psychologists, or qualified
23 examiners at public or private ~~hospitals and~~ mental health
24 facilities or parts thereof as defined in this subsection
25 shall, in the form and manner required by the Department,
26 provide notice directly to the Department of Human Services, or

1 to his or her employer who shall then report to the Department,
2 within 24 hours after determining that a patient as described
3 in clause (2) of the definition of "patient" in Section 1.1 of
4 the Firearm Owners Identification Card Act poses a clear and
5 present danger to himself, herself, or others, or is determined
6 to be developmentally disabled ~~such information as shall be~~
7 ~~necessary for the Department to comply with the reporting~~
8 ~~requirements to the Department of State Police. This~~ Such
9 information shall be furnished within 24 hours after the
10 physician, clinical psychologist, or qualified examiner has
11 made a determination, or within 7 days after admission to a
12 public or private hospital or mental health facility or the
13 provision of services to a patient described in clause (1) of
14 the definition of "patient" in Section 1.1 of the Firearm
15 Owners Identification Card Act ~~clause (2) of this subsection~~
16 ~~(b)~~. Any such information disclosed under this subsection shall
17 remain privileged and confidential, and shall not be
18 redisclosed, except as required by subsection (e) ~~clause (e) (2)~~
19 of Section 3.1 of the Firearm Owners Identification Card Act,
20 nor utilized for any other purpose. The method of requiring the
21 providing of such information shall guarantee that no
22 information is released beyond what is necessary for this
23 purpose. In addition, the information disclosed shall be
24 provided by the Department within the time period established
25 by Section 24-3 of the Criminal Code of 2012 regarding the
26 delivery of firearms. The method used shall be sufficient to

1 provide the necessary information within the prescribed time
2 period, which may include periodically providing lists to the
3 Department of Human Services or any public or private hospital
4 or mental health facility of Firearm Owner's Identification
5 Card applicants on which the Department or hospital shall
6 indicate the identities of those individuals who are to its
7 knowledge disqualified from having a Firearm Owner's
8 Identification Card for reasons described herein. The
9 Department may provide for a centralized source of information
10 for the State on this subject under its jurisdiction. The
11 identity of the person reporting under this subsection shall
12 not be disclosed to the subject of the report. For the purposes
13 of this subsection, the physician, clinical psychologist, or
14 qualified examiner making the determination and his or her
15 employer shall not be held criminally, civilly, or
16 professionally liable for making or not making the notification
17 required under this subsection, except for willful or wanton
18 misconduct.

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

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

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

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

14 (1.3) "Clear and present danger" has the meaning as
15 defined in Section 1.1 of the Firearm Owners Identification
16 Card Act.

17 (1.5) "Developmentally disabled" has the meaning as
18 defined in Section 1.1 of the Firearm Owners Identification
19 Card Act.

20 (2) "Patient" has the meaning as defined in Section 1.1
21 of the Firearm Owners Identification Card Act ~~shall include~~
22 ~~only: (i) a person who is an in-patient or resident of any~~
23 ~~public or private hospital or mental health facility or~~
24 ~~(ii) a person who is an out-patient or provided services by~~
25 ~~a public or private hospital or mental health facility~~
26 ~~whose mental condition is of such a nature that it is~~

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

13 (3) "Mental health facility" has the meaning as defined
14 in Section 1.1 of the Firearm Owners Identification Card
15 Act ~~is defined by Section 1-114 of the Mental Health and~~
16 ~~Developmental Disabilities Code.~~

17 (c) Upon the request of a peace officer who takes a person
18 into custody and transports such person to a mental health or
19 developmental disability facility pursuant to Section 3-606 or
20 4-404 of the Mental Health and Developmental Disabilities Code
21 or who transports a person from such facility, a facility
22 director shall furnish said peace officer the name, address,
23 age and name of the nearest relative of the person transported
24 to or from the mental health or developmental disability
25 facility. In no case shall the facility director disclose to
26 the peace officer any information relating to the diagnosis,

1 treatment or evaluation of the person's mental or physical
2 health.

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

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

24 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

25 Section 170. The Probate Act of 1975 is amended by adding

1 Section 11a-24 as follows:

2 (755 ILCS 5/11a-24 new)

3 Sec. 11a-24. Notification; Department of State Police.

4 When a court adjudges a respondent to be a disabled person
5 under this Article, the court shall direct the circuit court
6 clerk to notify the Department of State Police, Firearm Owner's
7 Identification (FOID) Office, in a form and manner prescribed
8 by the Department of State Police, and shall forward a copy of
9 the court order to the Department no later than 7 days after
10 the entry of the order. Upon receipt of the order, the
11 Department of State Police shall provide notification to the
12 National Instant Criminal Background Check System.

13 Section 195. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law."