



Sen. Gary Forby

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FISCAL NOTE ACT  
MAY APPLY

09800HB0183sam005

LRB098 05760 MRW 46754 a

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  
5 Firearm Concealed Carry 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 firearm under this Act.

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

10 "Concealed firearm" 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 firearm 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 firearm, fully  
21 concealed or partially concealed, on or about his or her  
22 person; and

23 (2) keep or carry a loaded or unloaded concealed  
24 firearm 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 firearm except:

20 (1) when the licensee is carrying or possessing a  
21 concealed firearm 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 firearm, 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 firearm  
10 under this Act, present the license upon the request of the  
11 officer, and identify the location of the concealed firearm.

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 Services Fund and shall not exceed the actual cost of the  
5 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 firearm within his or her vehicle in  
7 Illinois, if the concealed firearm remains within his or her  
8 vehicle and the non-resident:

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

11 (2) is eligible to carry a firearm in public under the  
12 laws of his or her state or territory of residence; and

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

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

18 Section 45. Civil immunity; Board, employees, and agents.  
19 The Board, Department, local law enforcement agency, or the  
20 employees and agents of the Board, Department, or local law  
21 enforcement agency participating in the licensing process  
22 under this Act shall not be held liable for damages in any  
23 civil action arising from alleged wrongful or improper  
24 granting, denying, renewing, revoking, suspending, or failing  
25 to grant, deny, renew, revoke, or suspend a license under this

1 Act, except for willful or wanton misconduct.

2 Section 50. License renewal.

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

12 Section 55. Change of address or name; lost, destroyed, or  
13 stolen licenses.

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

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

21 (2) the requisite fee.

22 (b) A licensee shall notify the Department within 10 days  
23 of discovering that a license has been lost, destroyed, or  
24 stolen. A lost, destroyed, or stolen license is invalid. To

1 request a replacement license, the licensee shall submit:

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

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

7 (3) the requisite fee.

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

11 Section 60. Fees.

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

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

20 (c) A non-resident applicant for a new license or renewal  
21 shall submit \$300 with the application, of which \$250 shall be  
22 apportioned to the State Police Firearm Services Fund, \$40  
23 shall be apportioned to the Mental Health Reporting Fund, and  
24 \$10 shall be apportioned to the State Crime Laboratory Fund.

25 (d) A licensee requesting a new license in accordance with

1 Section 55 shall submit \$75, of which \$60 shall be apportioned  
2 to the State Police Firearm Services Fund, \$5 shall be  
3 apportioned to the Mental Health Reporting Fund, and \$10 shall  
4 be apportioned to the State Crime Laboratory Fund.

5 Section 65. Prohibited areas.

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

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

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

21 (3) Any building, parking area, or portion of a  
22 building under the control of an officer of the executive  
23 or legislative branch of government, provided that nothing  
24 in this paragraph shall prohibit a licensee from carrying a  
25 concealed firearm onto the real property, bikeway, or trail

1 in a park regulated by the Department of Natural Resources  
2 or any other designated public hunting area or building  
3 where firearm possession is permitted as established by the  
4 Department of Natural Resources under Section 1.8 of the  
5 Wildlife Code.

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

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

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

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

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

23 (9) Any building, real property, and parking area under  
24 the control of an establishment that serves alcohol on its  
25 premises, if more than 50% of the establishment's gross  
26 receipts within the prior 3 months is from the sale of

1 alcohol. The owner of an establishment who knowingly fails  
2 to prohibit concealed firearms on its premises as provided  
3 in this paragraph or who knowingly makes a false statement  
4 or record to avoid the prohibition on concealed firearms  
5 under this paragraph is subject to the penalty under  
6 subsection (c-5) of Section 10-1 of the Liquor Control Act  
7 of 1934.

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

14 (11) Any building or real property that has been issued  
15 a Special Event Retailer's license as defined in Section  
16 1-3.17.1 of the Liquor Control Act during the time  
17 designated for the sale of alcohol by the Special Event  
18 Retailer's license, or a Special use permit license as  
19 defined in subsection (q) of Section 5-1 of the Liquor  
20 Control Act during the time designated for the sale of  
21 alcohol by the Special use permit license.

22 (12) Any public playground.

23 (13) Any public park, athletic area, or athletic  
24 facility under the control of a municipality or park  
25 district, provided nothing in this Section shall prohibit a  
26 licensee from carrying a concealed firearm while on a trail

1 or bikeway if only a portion of the trail or bikeway  
2 includes a public park.

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

5 (15) Any building, classroom, laboratory, medical  
6 clinic, hospital, artistic venue, athletic venue,  
7 entertainment venue, officially recognized  
8 university-related organization property, whether owned or  
9 leased, and any real property, including parking areas,  
10 sidewalks, and common areas under the control of a public  
11 or private community college, college, or university.

12 (16) Any building, real property, or parking area under  
13 the control of a gaming facility licensed under the  
14 Riverboat Gambling Act or the Illinois Horse Racing Act of  
15 1975, including an inter-track wagering location licensee.

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

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

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

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

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



1           (22) Any street, driveway, parking area, property,  
2           building, or facility, owned, leased, controlled, or used  
3           by a nuclear energy, storage, weapons, or development site  
4           or facility regulated by the federal Nuclear Regulatory  
5           Commission. The licensee shall not under any circumstance  
6           store a firearm or ammunition in his or her vehicle or in a  
7           compartment or container within a vehicle located anywhere  
8           in or on the street, driveway, parking area, property,  
9           building, or facility described in this paragraph.

10           (23) Any area where firearms are prohibited under  
11           federal law.

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

14           (1) prohibiting persons from carrying a firearm within  
15           a vehicle owned, leased, or controlled by the college or  
16           university;

17           (2) developing resolutions, regulations, or policies  
18           regarding student, employee, or visitor misconduct and  
19           discipline, including suspension and expulsion;

20           (3) developing resolutions, regulations, or policies  
21           regarding the storage or maintenance of firearms, which  
22           must include designated areas where persons can park  
23           vehicles that carry firearms; and

24           (4) permitting the carrying or use of firearms for the  
25           purpose of instruction and curriculum of officially  
26           recognized programs, including but not limited to military

1 science and law enforcement training programs, or in any  
2 designated area used for hunting purposes or target  
3 shooting.

4 (a-10) The owner of private real property of any type may  
5 prohibit the carrying of concealed firearms on the property  
6 under his or her control. The owner must post a sign in  
7 accordance with subsection (d) of this Section indicating that  
8 firearms are prohibited on the property, unless the property is  
9 a private residence.

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

1 trunk of the vehicle, or a firearm carrying box, shipping box,  
2 or other container.

3 (c) A licensee shall not be in violation of this Section  
4 while he or she is traveling along a public right of way that  
5 touches or crosses any of the premises under subsection (a),  
6 (a-5), or (a-10) of this Section if the concealed firearm is  
7 carried on his or her person in accordance with the provisions  
8 of this Act or is being transported in a vehicle by the  
9 licensee in accordance with all other applicable provisions of  
10 law.

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

19 Section 70. Violations.

20 (a) A license issued or renewed under this Act shall be  
21 revoked if, at any time, the licensee is found to be ineligible  
22 for a license under this Act or the licensee no longer meets  
23 the eligibility requirements of the Firearm Owners  
24 Identification Card Act.

25 (b) A license shall be suspended if an order of protection,

1 including an emergency order of protection, plenary order of  
2 protection, or interim order of protection under Article 112A  
3 of the Code of Criminal Procedure of 1963 or under the Illinois  
4 Domestic Violence Act of 1986, is issued against a licensee for  
5 the duration of the order, or if the Department is made aware  
6 of a similar order issued against the licensee in any other  
7 jurisdiction. If an order of protection is issued against a  
8 licensee, the licensee shall surrender the license, as  
9 applicable, to the court at the time the order is entered or to  
10 the law enforcement agency or entity serving process at the  
11 time the licensee is served the order. The court, law  
12 enforcement agency, or entity responsible for serving the order  
13 of protection shall notify the Department within 7 days and  
14 transmit the license to the Department.

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

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

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

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

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

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

23 (g) A licensee whose license is revoked, suspended, or  
24 denied shall, within 48 hours of receiving notice of the  
25 revocation, suspension, or denial surrender his or her  
26 concealed carry license to the local law enforcement agency

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

16 (h) A license issued or renewed under this Act shall be  
17 revoked if, at any time, the licensee is found ineligible for a  
18 Firearm Owner's Identification Card, or the licensee no longer  
19 possesses a valid Firearm Owner's Identification Card. A  
20 licensee whose license is revoked under this subsection (h)  
21 shall surrender his or her concealed carry license as provided  
22 for in subsection (g) of this Section.

23 This subsection shall not apply to a person who has filed  
24 an application with the State Police for renewal of a Firearm  
25 Owner's Identification Card and who is not otherwise ineligible  
26 to obtain a Firearm Owner's Identification Card.

1 Section 75. Applicant firearm training.

2 (a) Within 60 days of the effective date of this Act, the  
3 Department shall begin approval of firearm training courses and  
4 shall make a list of approved courses available of the  
5 Department's website.

6 (b) An applicant for a new license shall provide proof of  
7 completion of a firearms training course or combination of  
8 courses approved by the Department of at least 16 hours, which  
9 includes range qualification time under subsection (c) of this  
10 Section, that covers the following:

11 (1) firearm safety;

12 (2) the basic principles of marksmanship;

13 (3) care, cleaning, loading, and unloading of a  
14 concealable firearm;

15 (4) all applicable State and federal laws relating to  
16 the ownership, storage, carry, and transportation of a  
17 firearm; and

18 (5) instruction on the appropriate and lawful  
19 interaction with law enforcement while transporting or  
20 carrying a concealed firearm.

21 (c) An applicant for a new license shall provide proof of  
22 certification by a certified instructor that the applicant  
23 passed a live fire exercise with a concealable firearm  
24 consisting of:

25 (1) a minimum of 30 rounds; and

1           (2) 10 rounds from a distance of 5 yards; 10 rounds  
2           from a distance of 7 yards; and 10 rounds from a distance  
3           of 10 yards at a B-27 silhouette target approved by the  
4           Department.

5           (d) An applicant for renewal of a license shall provide  
6           proof of completion of a firearms training course or  
7           combination of courses approved by the Department of at least 3  
8           hours.

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

11          (1) does not follow the orders of the certified  
12          firearms instructor;

13          (2) in the judgment of the certified instructor,  
14          handles a firearm in a manner that poses a danger to the  
15          student or to others; or

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

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

22          (g) The Department and certified firearms instructor shall  
23          recognize up to 8 hours of training already completed toward  
24          the 16 hour training requirement under this Section if the  
25          training course is approved by the Department and recognized  
26          under the laws of another state. Any remaining hours that the



1 applicant completes must at least cover the classroom subject  
2 matter of paragraph (4) of subsection (b) of this Section, and  
3 the range qualification in subsection (c) of this Section.

4 (h) A person who has qualified to carry a firearm as an  
5 active law enforcement officer, a person certified as a  
6 firearms instructor by this Act or by the Illinois Law  
7 Enforcement Training Standards Board, or a person who has  
8 completed the required training and has been issued a firearm  
9 control card by the Department of Financial and Professional  
10 Regulation shall be exempt from the requirements of this  
11 Section.

12 (i) The Department shall accept 8 hours of training as  
13 completed toward the 16 hour training requirement under this  
14 Section, if the applicant is an active, retired, or honorably  
15 discharged member of the United States Armed Forces.

16 Section 80. Firearms instructor training.

17 (a) Within 60 days of the effective date of this Act, the  
18 Department shall begin approval of certified firearms  
19 instructors and enter certified firearms instructors into an  
20 online registry on the Department's website.

21 (b) A person who is not a certified firearms instructor  
22 shall not teach applicant training courses or advertise or  
23 otherwise represent courses they teach as qualifying their  
24 students to meet the requirements to receive a license under  
25 this Act. Each violation of this subsection is a business

1 offense with a fine of at least \$1,000 per violation.

2 (c) A person seeking to become a certified firearms  
3 instructor shall:

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

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

6 (3) meet the requirements of Section 25 of this Act,  
7 and any additional uniformly applied requirements  
8 established by the Department.

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

12 (1) possess a high school diploma or GED certificate;  
13 and

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

16 (A) certification from a law enforcement agency;

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

19 (C) certification from a firearm instructor  
20 qualification course offered by the Illinois Law  
21 Enforcement Training Standards Board; or

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

25 (e) A person may have his or her firearms instructor  
26 certification denied or revoked if he or she does not meet the

1 requirements to obtain a license under this Act, provides false  
2 or misleading information to the Department, or has had a prior  
3 instructor certification revoked or denied by the Department.

4 Section 85. Background Checks for Sales.

5 A license to carry a concealed firearm issued by this  
6 State shall not exempt the licensee from the requirements of a  
7 background check, including a check of the National Instant  
8 Criminal Background Check System, upon purchase or transfer of  
9 a firearm.

10 Section 87. Administrative and judicial review.

11 (a) Whenever an application for a concealed carry license  
12 is denied, whenever the Department fails to act on an  
13 application within 90 days of its receipt, or whenever a  
14 license is revoked or suspended as provided in this Act, the  
15 aggrieved party may appeal to the Director for a hearing upon  
16 the denial, revocation, suspension, or failure to act on the  
17 application, unless the denial was made by the Concealed Carry  
18 Licensing Review Board, in which case the aggrieved party may  
19 petition the circuit court in writing in the county of his or  
20 her residence for a hearing upon the denial.

21 (b) All final administrative decisions of the Department or  
22 the Concealed Carry Licensing Review Board under this Act shall  
23 be subject to judicial review under the provisions of the  
24 Administrative Review Law. The term "administrative decision"

1 is defined as in Section 3-101 of the Code of Civil Procedure.

2 Section 90. Preemption.

3 The regulation, licensing, possession, registration, and  
4 transportation of concealed handguns and ammunition for  
5 concealed handguns by licensees are exclusive powers and  
6 functions of the State. Any ordinance or regulation, or portion  
7 thereof, enacted on or before the effective date of this Act  
8 that purports to impose regulations or restrictions on  
9 licensees or concealed handguns and ammunition for concealed  
10 handguns in a manner inconsistent with this Act shall be  
11 invalid in its application to licensees under this Act on the  
12 effective date of this Act. This Section is a denial and  
13 limitation of home rule powers and functions under subsection  
14 (h) of Section 6 of Article VII of the Illinois Constitution.

15 Section 92. Consolidation of concealed carry license and  
16 Firearm Owner's Identification Card.

17 (a) The Director shall create a task force to develop a  
18 plan to incorporate and consolidate the concealed carry license  
19 under this Act and the Firearm Owner's Identification Card  
20 under the Firearm Owners Identification Card Act into a  
21 designation on the Illinois driver's license or Illinois  
22 identification card of a person with authority to possess a  
23 firearm under the Firearm Owners Identification Card Act, or  
24 authority to possess a firearm under the Firearm Owners

1 Identification Card Act and authority to carry a concealed  
2 firearm under this Act. The plan must provide for an  
3 alternative card for:

4 (1) a non-resident or a resident without an Illinois  
5 driver's license or Illinois identification card, who has  
6 been granted authority under this Act to carry a concealed  
7 firearm in this State; and

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

12 The plan shall include statutory changes necessary to  
13 implement it.

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

15 (1) one member appointed by the Speaker of the House of  
16 Representatives;

17 (2) one member appointed by the House of  
18 Representatives Minority Leader;

19 (3) one member appointed by the President of the  
20 Senate;

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

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

23 (6) one member appointed by the Director of State  
24 Police;

25 (7) one member appointed by the Speaker of the House of  
26 Representatives representing the National Rifle

1 Association;

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

4 (9) one member appointed by the Governor representing  
5 the Chicago Police Department.

6 The task force shall elect a chairperson from its  
7 membership. Members shall serve without compensation.

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

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

12 Section 95. Procurement; rulemaking.

13 (a) The Department of State Police, in consultation with  
14 and subject to the approval of the Chief Procurement Officer,  
15 may procure a single contract or multiple contracts to  
16 implement the provisions of this Act. A contract or contracts  
17 under this paragraph are not subject to the provisions of the  
18 Illinois Procurement Code, except for Sections 20-60, 20-65,  
19 20-70, and 20-160 and Article 50 of that Code, provided that  
20 the Chief Procurement Officer may, in writing with  
21 justification, waive any certification required under Article  
22 50. This exemption shall be repealed one year from the  
23 effective date of this Act.

24 (b) The Department shall adopt rules to implement the  
25 provisions of this Act. The Department may adopt rules

1 necessary to implement the provisions of this Act through the  
2 use of emergency rulemaking in accordance with Section 5-45 of  
3 the Illinois Administrative Procedure Act for a period not to  
4 exceed 180 days after the effective date of this Act.

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

8 Section 105. Duty of school administrator. It is the duty  
9 of the principal of a public elementary or secondary school, or  
10 his or her designee, and the chief administrative officer of a  
11 private elementary or secondary school or a public or private  
12 community college, college, or university, or his or her  
13 designee, to report to the Department of State Police when a  
14 student is determined to pose a clear and present danger to  
15 himself, herself, or to others, within 24 hours of the  
16 determination as provided in Section 6-103.3 of the Mental  
17 Health and Developmental Disabilities Code. "Clear and present  
18 danger" has the meaning as provided in paragraph (2) of the  
19 definition of "clear and present danger" in Section 1.1 of the  
20 Firearm Owners Identification Card Act.

21 Section 110. Immunity. A principal or chief administrative  
22 officer, or the designee of a principal or chief administrative  
23 officer, making the determination and reporting under Section

1 105 of this Law shall not be held criminally, civilly, or  
2 professionally liable, except for willful or wanton  
3 misconduct.

4 Section 115. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

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

7 Sec. 2. Open meetings.

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

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

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

20 (1) The appointment, employment, compensation,  
21 discipline, performance, or dismissal of specific  
22 employees of the public body or legal counsel for the  
23 public body, including hearing testimony on a complaint  
24 lodged against an employee of the public body or against



1 legal counsel for the public body to determine its  
2 validity.

3 (2) Collective negotiating matters between the public  
4 body and its employees or their representatives, or  
5 deliberations concerning salary schedules for one or more  
6 classes of employees.

7 (3) The selection of a person to fill a public office,  
8 as defined in this Act, including a vacancy in a public  
9 office, when the public body is given power to appoint  
10 under law or ordinance, or the discipline, performance or  
11 removal of the occupant of a public office, when the public  
12 body is given power to remove the occupant under law or  
13 ordinance.

14 (4) Evidence or testimony presented in open hearing, or  
15 in closed hearing where specifically authorized by law, to  
16 a quasi-adjudicative body, as defined in this Act, provided  
17 that the body prepares and makes available for public  
18 inspection a written decision setting forth its  
19 determinative reasoning.

20 (5) The purchase or lease of real property for the use  
21 of the public body, including meetings held for the purpose  
22 of discussing whether a particular parcel should be  
23 acquired.

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

26 (7) The sale or purchase of securities, investments, or

1 investment contracts. This exception shall not apply to the  
2 investment of assets or income of funds deposited into the  
3 Illinois Prepaid Tuition Trust Fund.

4 (8) Security procedures and the use of personnel and  
5 equipment to respond to an actual, a threatened, or a  
6 reasonably potential danger to the safety of employees,  
7 students, staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special  
10 education programs and other matters relating to  
11 individual students.

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

19 (12) The establishment of reserves or settlement of  
20 claims as provided in the Local Governmental and  
21 Governmental Employees Tort Immunity Act, if otherwise the  
22 disposition of a claim or potential claim might be  
23 prejudiced, or the review or discussion of claims, loss or  
24 risk management information, records, data, advice or  
25 communications from or with respect to any insurer of the  
26 public body or any intergovernmental risk management

1 association or self insurance pool of which the public body  
2 is a member.

3 (13) Conciliation of complaints of discrimination in  
4 the sale or rental of housing, when closed meetings are  
5 authorized by the law or ordinance prescribing fair housing  
6 practices and creating a commission or administrative  
7 agency for their enforcement.

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

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

16 (16) Self evaluation, practices and procedures or  
17 professional ethics, when meeting with a representative of  
18 a statewide association of which the public body is a  
19 member.

20 (17) The recruitment, credentialing, discipline or  
21 formal peer review of physicians or other health care  
22 professionals for a hospital, or other institution  
23 providing medical care, that is operated by the public  
24 body.

25 (18) Deliberations for decisions of the Prisoner  
26 Review Board.

1           (19) Review or discussion of applications received  
2 under the Experimental Organ Transplantation Procedures  
3 Act.

4           (20) The classification and discussion of matters  
5 classified as confidential or continued confidential by  
6 the State Government Suggestion Award Board.

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

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

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

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

23           (25) Meetings of an independent team of experts under  
24 Brian's Law.

25           (26) Meetings of a mortality review team appointed  
26 under the Department of Juvenile Justice Mortality Review

1 Team Act.

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

16 (28) Correspondence and records (i) that may not be  
17 disclosed under Section 11-9 of the Public Aid Code or (ii)  
18 that pertain to appeals under Section 11-8 of the Public  
19 Aid Code.

20 (29) Meetings between internal or external auditors  
21 and governmental audit committees, finance committees, and  
22 their equivalents, when the discussion involves internal  
23 control weaknesses, identification of potential fraud risk  
24 areas, known or suspected frauds, and fraud interviews  
25 conducted in accordance with generally accepted auditing  
26 standards of the United States of America.

1           (30) Meetings and deliberations for decisions of the  
2           Concealed Carry Licensing Review Board under the Firearm  
3           Concealed Carry Act.

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

5           "Employee" means a person employed by a public body whose  
6           relationship with the public body constitutes an  
7           employer-employee relationship under the usual common law  
8           rules, and who is not an independent contractor.

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

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

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

1 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;  
2 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.  
3 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,  
4 eff. 8-1-12.)

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

7 (5 ILCS 140/7.5)

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

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

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

16 (c) Applications, related documents, and medical records  
17 received by the Experimental Organ Transplantation Procedures  
18 Board and any and all documents or other records prepared by  
19 the Experimental Organ Transplantation Procedures Board or its  
20 staff relating to applications it has received.

21 (d) Information and records held by the Department of  
22 Public Health and its authorized representatives relating to  
23 known or suspected cases of sexually transmissible disease or  
24 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

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

4 (f) Firm performance evaluations under Section 55 of the  
5 Architectural, Engineering, and Land Surveying Qualifications  
6 Based Selection Act.

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

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

14 (i) Information contained in a local emergency energy plan  
15 submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under Section  
17 11-21.5-5 of the Illinois Municipal Code.

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

21 (k) Law enforcement officer identification information or  
22 driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation under  
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death review



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

3 (m) Information provided to the predatory lending database  
4 created pursuant to Article 3 of the Residential Real Property  
5 Disclosure Act, except to the extent authorized under that  
6 Article.

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

14 (o) Information that is prohibited from being disclosed  
15 under Section 4 of the Illinois Health and Hazardous Substances  
16 Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act or the St. Clair County  
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

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

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

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

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

18 (v) Names and information of people who have applied for or  
19 received Firearm Owner's Identification Cards under the  
20 Firearm Owners Identification Card Act or applied for or  
21 received a concealed carry license under the Firearm Concealed  
22 Carry Act, unless otherwise authorized by the Firearm Concealed  
23 Carry Act; and databases under the Firearm Concealed Carry Act,  
24 records of the Concealed Carry Licensing Review Board under the  
25 Firearm Concealed Carry Act, and law enforcement agency  
26 objections under the Firearm Concealed Carry Act.

1 (w) Personally identifiable information which is exempted  
2 from disclosure under subsection (g) of Section 19.1 of the  
3 Toll Highway Act.

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

7 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
8 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
9 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
10 eff. 1-1-13.)

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

13 (15 ILCS 305/13.5 new)

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

16 The Secretary of State shall allow the Department of State  
17 Police to access the driver's license or Illinois  
18 Identification card photograph, if available, of an applicant  
19 for a firearm concealed carry license under the Firearm  
20 Concealed Carry Act for the purpose of identifying the firearm  
21 concealed carry license applicant and issuing a license to the  
22 applicant.

23 Section 125. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing  
2 Section 2605-300 and by adding Section 2605-595 as follows:

3 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-300. Records; crime laboratories; personnel. To  
5 do the following:

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

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

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

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

15 (5) Establish general and field crime laboratories.

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

21 (7) Employ polygraph operators, laboratory  
22 technicians, and other specially qualified persons to aid  
23 in the identification of criminal activity.

24 (8) Undertake other identification, information,  
25 laboratory, statistical, or registration activities that

1           may be required by law.

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

5           (20 ILCS 2605/2605-595 new)

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

7           (a) There is created in the State treasury a special fund  
8           known as the State Police Firearm Services Fund. The Fund shall  
9           receive revenue under the Firearm Concealed Carry Act and  
10           Section 5 of the Firearm Owners Identification Card Act. The  
11           Fund may also receive revenue from grants, pass-through grants,  
12           donations, appropriations, and any other legal source.

13           (b) The Department of State Police may use moneys in the  
14           Fund to finance any of its lawful purposes, mandates,  
15           functions, and duties under the Firearm Owners Identification  
16           Card Act and the Firearm Concealed Carry Act, including the  
17           cost of sending notices of expiration of Firearm Owner's  
18           Identification Cards, concealed carry licenses, the prompt and  
19           efficient processing of applications under the Firearm Owners  
20           Identification Card Act and the Firearm Concealed Carry Act,  
21           the improved efficiency and reporting of the LEADS and federal  
22           NICS law enforcement data systems, and support for  
23           investigations required under these Acts and law. Any surplus  
24           funds beyond what is needed to comply with the aforementioned  
25           purposes shall be used by the Department to improve the Law

1 Enforcement Agencies Data System (LEADS) and criminal history  
2 background check system.

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

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

8 (30 ILCS 105/5.826 new)

9 Sec. 5.826. The Mental Health Reporting Fund.

10 (30 ILCS 105/5.827 new)

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

12 (30 ILCS 105/6z-98 new)

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

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

19 (b) The Department of State Police and Department of Human  
20 Services shall coordinate to use moneys in the Fund to finance  
21 their respective duties of collecting and reporting data on  
22 mental health records and ensuring that mental health firearm

1 possession prohibitors are enforced as set forth under the  
2 Firearm Concealed Carry Act and the Firearm Owners  
3 Identification Card Act. Any surplus in the Fund beyond what is  
4 necessary to ensure compliance with mental health reporting  
5 under these Acts shall be used by the Department of Human  
6 Services for mental health treatment programs.

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

10 (30 ILCS 105/5.206 rep.)

11 Section 135. The State Finance Act is amended by repealing  
12 Section 5.206.

13 Section 140. The Illinois Explosives Act is amended by  
14 changing Section 2005 as follows:

15 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

16 Sec. 2005. Qualifications for licensure.

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

18 (1) is under 21 years of age;

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

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

23 (4) is a fugitive from justice;

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

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

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

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

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

15           Section 142. The Liquor Control Act of 1934 is amended by  
16 changing Section 10-1 as follows:

17           (235 ILCS 5/10-1) (from Ch. 43, par. 183)

18           Sec. 10-1. Violations; penalties. Whereas a substantial  
19 threat to the sound and careful control, regulation, and  
20 taxation of the manufacture, sale, and distribution of  
21 alcoholic liquors exists by virtue of individuals who  
22 manufacture, import, distribute, or sell alcoholic liquors  
23 within the State without having first obtained a valid license  
24 to do so, and whereas such threat is especially serious along



1 the borders of this State, and whereas such threat requires  
2 immediate correction by this Act, by active investigation and  
3 prosecution by law enforcement officials and prosecutors, and  
4 by prompt and strict enforcement through the courts of this  
5 State to punish violators and to deter such conduct in the  
6 future:

7 (a) Any person who manufactures, imports for distribution  
8 or use, or distributes or sells alcoholic liquor at any place  
9 within the State without having first obtained a valid license  
10 to do so under the provisions of this Act shall be guilty of a  
11 business offense and fined not more than \$1,000 for the first  
12 such offense and shall be guilty of a Class 4 felony for each  
13 subsequent offense.

14 (b) (1) Any retailer, licensed in this State, who knowingly  
15 causes to furnish, give, sell, or otherwise being within the  
16 State, any alcoholic liquor destined to be used, distributed,  
17 consumed or sold in another state, unless such alcoholic liquor  
18 was received in this State by a duly licensed distributor, or  
19 importing distributors shall have his license suspended for 7  
20 days for the first offense and for the second offense, shall  
21 have his license revoked by the Commission.

22 (2) In the event the Commission receives a certified copy  
23 of a final order from a foreign jurisdiction that an Illinois  
24 retail licensee has been found to have violated that foreign  
25 jurisdiction's laws, rules, or regulations concerning the  
26 importation of alcoholic liquor into that foreign

1 jurisdiction, the violation may be grounds for the Commission  
2 to revoke, suspend, or refuse to issue or renew a license, to  
3 impose a fine, or to take any additional action provided by  
4 this Act with respect to the Illinois retail license or  
5 licensee. Any such action on the part of the Commission shall  
6 be in accordance with this Act and implementing rules.

7 For the purposes of paragraph (2): (i) "foreign  
8 jurisdiction" means a state, territory, or possession of the  
9 United States, the District of Columbia, or the Commonwealth of  
10 Puerto Rico, and (ii) "final order" means an order or judgment  
11 of a court or administrative body that determines the rights of  
12 the parties respecting the subject matter of the proceeding,  
13 that remains in full force and effect, and from which no appeal  
14 can be taken.

15 (c) Any person who shall make any false statement or  
16 otherwise violates any of the provisions of this Act in  
17 obtaining any license hereunder, or who having obtained a  
18 license hereunder shall violate any of the provisions of this  
19 Act with respect to the manufacture, possession, distribution  
20 or sale of alcoholic liquor, or with respect to the maintenance  
21 of the licensed premises, or shall violate any other provision  
22 of this Act, shall for a first offense be guilty of a petty  
23 offense and fined not more than \$500, and for a second or  
24 subsequent offense shall be guilty of a Class B misdemeanor.

25 (c-5) Any owner of an establishment that serves alcohol on  
26 its premises, if more than 50% of the establishment's gross

1 receipts within the prior 3 months is from the sale of alcohol,  
2 who knowingly fails to prohibit concealed firearms on its  
3 premises or who knowingly makes a false statement or record to  
4 avoid the prohibition of concealed firearms on its premises  
5 under the Firearm Concealed Carry Act shall be guilty of a  
6 business offense with a fine up to \$5,000.

7 (d) Each day any person engages in business as a  
8 manufacturer, foreign importer, importing distributor,  
9 distributor or retailer in violation of the provisions of this  
10 Act shall constitute a separate offense.

11 (e) Any person, under the age of 21 years who, for the  
12 purpose of buying, accepting or receiving alcoholic liquor from  
13 a licensee, represents that he is 21 years of age or over shall  
14 be guilty of a Class A misdemeanor.

15 (f) In addition to the penalties herein provided, any  
16 person licensed as a wine-maker in either class who  
17 manufactures more wine than authorized by his license shall be  
18 guilty of a business offense and shall be fined \$1 for each  
19 gallon so manufactured.

20 (g) A person shall be exempt from prosecution for a  
21 violation of this Act if he is a peace officer in the  
22 enforcement of the criminal laws and such activity is approved  
23 in writing by one of the following:

24 (1) In all counties, the respective State's Attorney;

25 (2) The Director of State Police under Section 2605-10,  
26 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,

1 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,  
2 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,  
3 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,  
4 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,  
5 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,  
6 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
7 Department of State Police Law (20 ILCS 2605/2605-10,  
8 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
9 2605/2605-110, 2605/2605-115, 2605/2605-120,  
10 2605/2605-130, 2605/2605-140, 2605/2605-190,  
11 2605/2605-200, 2605/2605-205, 2605/2605-210,  
12 2605/2605-215, 2605/2605-250, 2605/2605-275,  
13 2605/2605-300, 2605/2605-305, 2605/2605-315,  
14 2605/2605-325, 2605/2605-335, 2605/2605-340,  
15 2605/2605-350, 2605/2605-355, 2605/2605-360,  
16 2605/2605-365, 2605/2605-375, 2605/2605-390,  
17 2605/2605-400, 2605/2605-405, 2605/2605-420,  
18 2605/2605-430, 2605/2605-435, 2605/2605-500,  
19 2605/2605-525, or 2605/2605-550); or

20 (3) In cities over 1,000,000, the Superintendent of  
21 Police.

22 (Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)

23 Section 145. The Mental Health and Developmental  
24 Disabilities Code is amended by changing Section 6-103.1 and by  
25 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

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

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

24 (405 ILCS 5/6-103.3 new)

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

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

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

8 For the purposes of this Section:

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

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

15 Section 150. The Firearm Owners Identification Card Act is  
16 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10,  
17 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

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

20 Sec. 1.1. For purposes of this Act:

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

22 (1) convicted of an offense involving the use or  
23 possession of cannabis, a controlled substance, or  
24 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) has been found to be a sexually dangerous person  
7 under the Sexually Dangerous Persons Act;

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

23 "Patient" means:

24 (1) a person who voluntarily receives mental health  
25 treatment as an in-patient or resident of any public or  
26 private mental health facility, unless the treatment was

1 solely for an alcohol abuse disorder and no other secondary  
2 substance abuse disorder or mental illness; or

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

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

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

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

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

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

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

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

22 Sec. 1.1. For purposes of this Act:

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

24 (1) convicted of an offense involving the use or  
25 possession of cannabis, a controlled substance, or

1       methamphetamine within the past year; or

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

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

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

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

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

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

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

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

26               (5) is not guilty by reason of lack of mental



1 responsibility under ~~pursuant to~~ Articles 50a and 72b of  
2 the Uniform Code of Military Justice, 10 U.S.C. 850a,  
3 876b;~~;~~

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

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

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

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

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

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

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

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

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

25 (1) communicates a serious threat of physical violence  
26 against a reasonably identifiable victim or poses a clear

1 and imminent risk of serious physical injury to himself,  
2 herself, or another person as determined by a physician,  
3 clinical psychologist, or qualified examiner; or

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

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

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

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

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

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

1 "Firearm" means any device, by whatever name known, which  
2 is designed to expel a projectile or projectiles by the action  
3 of an explosion, expansion of gas or escape of gas; excluding,  
4 however:

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

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

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

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

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

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

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

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

8           "Gun show" means an event or function:

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

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

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

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

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

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

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

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

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

25 "Patient" means:

26 (1) a person who voluntarily receives mental health

1 treatment as an in-patient or resident of any public or  
2 private mental health facility, unless the treatment was  
3 solely for an alcohol abuse disorder and no other secondary  
4 substance abuse disorder or mental illness; or

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

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

11 "Qualified examiner" has the meaning provided in Section  
12 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

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

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

1 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
2 97-1167, eff. 6-1-13.)

3 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)  
4 Sec. 3.1. Dial up system.

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

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

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

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

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

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

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

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

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



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

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

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

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

17 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

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

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

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

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

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

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

26          (vi) He or she is not an alien who is unlawfully

1 present in the United States under the laws of the  
2 United States;

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

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

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

1 (x) (Blank);

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

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

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

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

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

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

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

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

1 18 U.S.C. 922 (y) (3);

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

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

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

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

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

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

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

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

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

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

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

26 (a-20) Each applicant for a Firearm Owner's Identification

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

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

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

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

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

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

25 (1) Make application on blank forms prepared and

1 furnished at convenient locations throughout the State by  
2 the Department of State Police, or by electronic means, if  
3 and when made available by the Department of State Police;  
4 and

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

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

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

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

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



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

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

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

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

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

1 shall be grounds for denying the issuance of a Firearm  
2 Owner's Identification Card under this Section;

3 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 change of address.

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

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

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

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

24 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

25 Sec. 5. The Department of State Police shall either approve

1 or deny all applications within 30 days from the date they are  
2 received, and every applicant found qualified under ~~pursuant to~~  
3 Section 8 of this Act by the Department shall be entitled to a  
4 Firearm Owner's Identification Card upon the payment of a \$10  
5 fee. Any applicant who is an active duty member of the Armed  
6 Forces of the United States, a member of the Illinois National  
7 Guard, or a member of the Reserve Forces of the United States  
8 is exempt from the application fee. \$6 of each fee derived from  
9 the issuance of Firearm Owner's Identification Cards, or  
10 renewals thereof, shall be deposited in the Wildlife and Fish  
11 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be  
12 deposited in the State Police Services Fund and \$3 of the ~~such~~  
13 fee shall be deposited in the State Police Firearm Services  
14 Fund. ~~Firearm Owner's Notification Fund. Monies in the Firearm~~  
15 ~~Owner's Notification Fund shall be used exclusively to pay for~~  
16 ~~the cost of sending notices of expiration of Firearm Owner's~~  
17 ~~Identification Cards under Section 13.2 of this Act. Excess~~  
18 ~~monies in the Firearm Owner's Notification Fund shall be used~~  
19 ~~to ensure the prompt and efficient processing of applications~~  
20 ~~received under Section 4 of this Act.~~

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

22 (430 ILCS 65/5.1 new)

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

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

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

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

24 (d) A person addicted to narcotics;

25 (e) A person who has been a patient of a mental health

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

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

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

19 (g) A person who is intellectually disabled;

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

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

24 (i-5) An alien who has been admitted to the United States  
25 under a non-immigrant visa (as that term is defined in Section  
26 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.



1 1101(a)(26))), except that this subsection (i-5) does not apply  
2 to any alien who has been lawfully admitted to the United  
3 States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

20 (5) one who has received a waiver from the Attorney  
21 General of the United States pursuant to 18 U.S.C.  
22 922(y)(3);

23 (j) (Blank);

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

1 jurisdiction, in which a firearm was used or possessed;

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

19 (m) (Blank);

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

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

1 (p) An adult who had been adjudicated a delinquent minor  
2 under the Juvenile Court Act of 1987 for the commission of an  
3 offense that if committed by an adult would be a felony; ~~or~~

4 (q) A person who is not a resident of the State of  
5 Illinois, except as provided in subsection (a-10) of Section  
6 4;

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

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

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

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

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

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

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

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

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

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

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

1 or guardian does not qualify to have a Firearm Owner's  
2 Identification Card;

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

5 (d) A person addicted to narcotics;

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

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

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

25 (g) A person who is intellectually disabled;

26 (h) A person who intentionally makes a false statement in

1 the Firearm Owner's Identification Card application;

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

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

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

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

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

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

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

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

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

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

3 (j) (Blank);

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

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

25 (m) (Blank);

26 (n) A person who is prohibited from acquiring or possessing

1 firearms or firearm ammunition by any Illinois State statute or  
2 by federal law;

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

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

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

12 ~~or~~

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

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

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

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



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

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

17 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
18 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
19 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

23 (a) The Circuit Clerk shall, in the form and manner  
24 required by the Supreme Court, notify the Department of State  
25 Police of all final dispositions of cases for which the

1 Department has received information reported to it under  
2 Sections 2.1 and 2.2 of the Criminal Identification Act.

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

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

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

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

1       (e) The Department of State Police shall adopt rules to  
2 implement this Section.

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

4           (430 ILCS 65/9) (from Ch. 38, par. 83-9)

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

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

17           (430 ILCS 65/9.5 new)

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

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

23           (1) surrender his or her Firearm Owner's  
24 Identification Card to the local law enforcement agency

1 where the person resides. The local law enforcement agency  
2 shall provide the person a receipt and transmit the Firearm  
3 Owner's Identification Card to the Department of State  
4 Police; and

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

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

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

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

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

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

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

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

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

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

18 (g) A person whose Firearm Owner's Identification Card has  
19 been revoked and who received notice under subsection (f) shall  
20 comply with the requirements of this Section within 48 hours of  
21 receiving notice.

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

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

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

1 shall not issue the order if the petitioner is otherwise  
2 prohibited from obtaining, possessing, or using a firearm under  
3 federal law.

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

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

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

25 (2) the circumstances regarding a criminal conviction,  
26 where applicable, the applicant's criminal history and his



1 reputation are such that the applicant will not be likely  
2 to act in a manner dangerous to public safety;

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

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

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

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

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

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

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

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

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

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

24           (3) Officers eligible for the expedited relief in  
25           paragraph (2) of this subsection (c-5) have the burden of  
26           proof on eligibility and must provide all information

1       required. The Director may not consider granting expedited  
2       relief until the proof and information is received.

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

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

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

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

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

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

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

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

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

22 (b) At least 30 days before any hearing in the circuit  
23 court, the petitioner shall serve the relevant State's Attorney  
24 with a copy of the petition. The State's Attorney may object to  
25 the petition and present evidence. At the hearing the court  
26 shall determine whether substantial justice has been done.

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

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

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

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

1 of imprisonment imposed in relation to that conviction;

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

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

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

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

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

1           one incident within the past 5 years; and

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

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

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

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

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

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



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

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

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

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

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

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

1 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;  
2 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

3 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

4 Sec. 13.1. Preemption.

5 (a) Except as otherwise provided in the Firearm Concealed  
6 Carry Act and subsections (b) and (c) of this Section, the ~~The~~  
7 provisions of any ordinance enacted by any municipality which  
8 requires registration or imposes greater restrictions or  
9 limitations on the acquisition, possession and transfer of  
10 firearms than are imposed by this Act, are not invalidated or  
11 affected by this Act.

12 (b) Notwithstanding subsection (a) of this Section, the  
13 regulation, licensing, possession, and registration of  
14 handguns and ammunition for a handgun, and the transportation  
15 of any firearm and ammunition by a holder of a valid Firearm  
16 Owner's Identification Card issued by the Department of State  
17 Police under this Act are exclusive powers and functions of  
18 this State. Any ordinance or regulation, or portion of that  
19 ordinance or regulation, enacted on or before the effective  
20 date of this amendatory Act of the 98th General Assembly that  
21 purports to impose regulations or restrictions on a holder of a  
22 valid Firearm Owner's Identification Card issued by the  
23 Department of State Police under this Act in a manner that is  
24 inconsistent with this Act, on the effective date of this  
25 amendatory Act of the 98th General Assembly, shall be invalid

1 in its application to a holder of valid Firearm Owner's  
2 Identification Card issued by the Department of State Police  
3 under this Act.

4 (c) Notwithstanding subsection (a) of this Section, the  
5 regulation of the possession or ownership of assault weapons  
6 are exclusive powers and functions of this State. Any ordinance  
7 or regulation, or portion of that ordinance or regulation, that  
8 purports to regulate the possession or ownership of assault  
9 weapons in a manner that is inconsistent with this Act, shall  
10 be invalid unless the ordinance or regulation is enacted on,  
11 before, or within 10 days after the effective date of this  
12 amendatory Act of the 98th General Assembly. Any ordinance or  
13 regulation described in this subsection (c) enacted more than  
14 10 days after the effective date of this amendatory Act of the  
15 98th General Assembly is invalid. An ordinance enacted on,  
16 before, or within 10 days after the effective date of this  
17 amendatory Act of the 98th General Assembly may be amended. The  
18 enactment or amendment of ordinances under this subsection (c)  
19 are subject to the submission requirements of Section 13.3. For  
20 the purposes of this subsection, "assault weapons" means  
21 firearms designated by either make or model or by a test or  
22 list of cosmetic features that cumulatively would place the  
23 firearm into a definition of "assault weapon" under the  
24 ordinance.

25 (d) For the purposes of this Section, "handgun" has the  
26 meaning ascribed to it in Section 5 of the Firearm Concealed

1 Carry Act.

2 (e) This Section is a denial and limitation of home rule  
3 powers and functions under subsection (h) of Section 6 of  
4 Article VII of the Illinois Constitution.

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

6 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

7 Sec. 13.2. The Department of State Police shall, 60 days  
8 prior to the expiration of a Firearm Owner's Identification  
9 Card, forward by first class mail to each person whose card is  
10 to expire a notification of the expiration of the card and an  
11 application which may be used to apply for renewal of the card.  
12 It is the obligation of the holder of a Firearm Owner's  
13 Identification Card to notify the Department of State Police of  
14 any address change since the issuance of the Firearm Owner's  
15 Identification Card. Whenever any person moves from the  
16 residence address named on his or her card, the person shall  
17 within 21 calendar days thereafter notify in a form and manner  
18 prescribed by the Department of his or her old and new  
19 residence addresses and the card number held by him or her. Any  
20 person whose legal name has changed from the name on the card  
21 that he or she has been previously issued must apply for a  
22 corrected card within 30 calendar days after the change. The  
23 cost for a corrected card shall be \$5 which shall be deposited  
24 into the State Police Firearm Services Fund ~~Firearm Owner's~~  
25 ~~Notification Fund.~~

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

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

4 (720 ILCS 5/24-1.6)

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

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

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

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

1           and

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

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

6           (A-5) the pistol, revolver, or handgun possessed  
7 was uncased, loaded, and immediately accessible at the  
8 time of the offense and the person possessing the  
9 pistol, revolver, or handgun has not been issued a  
10 currently valid license under the Firearm Concealed  
11 Carry Act; or

12           (B) the firearm, other than a pistol, revolver, or  
13 handgun, possessed was uncased, unloaded, and the  
14 ammunition for the weapon was immediately accessible  
15 at the time of the offense; or

16           (B-5) the pistol, revolver, or handgun possessed  
17 was uncased, unloaded, and the ammunition for the  
18 weapon was immediately accessible at the time of the  
19 offense and the person possessing the pistol,  
20 revolver, or handgun has not been issued a currently  
21 valid license under the Firearm Concealed Carry Act; or

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

25           (D) the person possessing the weapon was  
26 previously adjudicated a delinquent minor under the

1 Juvenile Court Act of 1987 for an act that if committed  
2 by an adult would be a felony; or

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

9 (F) (blank); or

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

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

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

23 (a-5) "Handgun" as used in this Section has the meaning  
24 given to it in Section 5 of the Firearm Concealed Carry Act.

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



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

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

4                   (ii) are not immediately accessible; or

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

9           (d) Sentence.

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

15                   (2) Except as otherwise provided in paragraphs (3) and  
16 (4) of this subsection (d), a first offense of aggravated  
17 unlawful use of a weapon committed with a firearm by a  
18 person 18 years of age or older where the factors listed in  
19 both items (A) and (C) or both items (A-5) and (C) of  
20 paragraph (3) of subsection (a) are present is a Class 4  
21 felony, for which the person shall be sentenced to a term  
22 of imprisonment of not less than one year and not more than  
23 3 years.

24                   (3) Aggravated unlawful use of a weapon by a person who  
25 has been previously convicted of a felony in this State or  
26 another jurisdiction is a Class 2 felony for which the

1 person shall be sentenced to a term of imprisonment of not  
2 less than 3 years and not more than 7 years.

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

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

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

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
16 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
17 the following:

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

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

1           (3) Members of the Armed Services or Reserve Forces of  
2 the United States or the Illinois National Guard or the  
3 Reserve Officers Training Corps, while in the performance  
4 of their official duty.

5           (4) Special agents employed by a railroad or a public  
6 utility to perform police functions, and guards of armored  
7 car companies, while actually engaged in the performance of  
8 the duties of their employment or commuting between their  
9 homes and places of employment; and watchmen while actually  
10 engaged in the performance of the duties of their  
11 employment.

12           (5) Persons licensed as private security contractors,  
13 private detectives, or private alarm contractors, or  
14 employed by an agency certified by the Department of  
15 Financial and Professional Regulation, if their duties  
16 include the carrying of a weapon under the provisions of  
17 the Private Detective, Private Alarm, Private Security,  
18 Fingerprint Vendor, and Locksmith Act of 2004, while  
19 actually engaged in the performance of the duties of their  
20 employment or commuting between their homes and places of  
21 employment, provided that such commuting is accomplished  
22 within one hour from departure from home or place of  
23 employment, as the case may be. A person shall be  
24 considered eligible for this exemption if he or she has  
25 completed the required 20 hours of training for a private  
26 security contractor, private detective, or private alarm

1 contractor, or employee of a licensed agency and 20 hours  
2 of required firearm training, and has been issued a firearm  
3 control card by the Department of Financial and  
4 Professional Regulation. Conditions for the renewal of  
5 firearm control cards issued under the provisions of this  
6 Section shall be the same as for those cards issued under  
7 the provisions of the Private Detective, Private Alarm,  
8 Private Security, Fingerprint Vendor, and Locksmith Act of  
9 2004. The firearm control card shall be carried by the  
10 private security contractor, private detective, or private  
11 alarm contractor, or employee of the licensed agency at all  
12 times when he or she is in possession of a concealable  
13 weapon.

14 (6) Any person regularly employed in a commercial or  
15 industrial operation as a security guard for the protection  
16 of persons employed and private property related to such  
17 commercial or industrial operation, while actually engaged  
18 in the performance of his or her duty or traveling between  
19 sites or properties belonging to the employer, and who, as  
20 a security guard, is a member of a security force of at  
21 least 5 persons registered with the Department of Financial  
22 and Professional Regulation; provided that such security  
23 guard has successfully completed a course of study,  
24 approved by and supervised by the Department of Financial  
25 and Professional Regulation, consisting of not less than 40  
26 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of  
2 weapons. A person shall be considered eligible for this  
3 exemption if he or she has completed the required 20 hours  
4 of training for a security officer and 20 hours of required  
5 firearm training, and has been issued a firearm control  
6 card by the Department of Financial and Professional  
7 Regulation. Conditions for the renewal of firearm control  
8 cards issued under the provisions of this Section shall be  
9 the same as for those cards issued under the provisions of  
10 the Private Detective, Private Alarm, Private Security,  
11 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
12 control card shall be carried by the security guard at all  
13 times when he or she is in possession of a concealable  
14 weapon.

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

20 (8) Persons employed by a financial institution for the  
21 protection of other employees and property related to such  
22 financial institution, while actually engaged in the  
23 performance of their duties, commuting between their homes  
24 and places of employment, or traveling between sites or  
25 properties owned or operated by such financial  
26 institution, provided that any person so employed has

1           successfully completed a course of study, approved by and  
2           supervised by the Department of Financial and Professional  
3           Regulation, consisting of not less than 40 hours of  
4           training which includes theory of law enforcement,  
5           liability for acts, and the handling of weapons. A person  
6           shall be considered to be eligible for this exemption if he  
7           or she has completed the required 20 hours of training for  
8           a security officer and 20 hours of required firearm  
9           training, and has been issued a firearm control card by the  
10          Department of Financial and Professional Regulation.  
11          Conditions for renewal of firearm control cards issued  
12          under the provisions of this Section shall be the same as  
13          for those issued under the provisions of the Private  
14          Detective, Private Alarm, Private Security, Fingerprint  
15          Vendor, and Locksmith Act of 2004. Such firearm control  
16          card shall be carried by the person so trained at all times  
17          when such person is in possession of a concealable weapon.  
18          For purposes of this subsection, "financial institution"  
19          means a bank, savings and loan association, credit union or  
20          company providing armored car services.

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

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

26                 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of  
2 governors of the Office of the State's Attorneys Appellate  
3 Prosecutor to carry weapons pursuant to Section 7.06 of the  
4 State's Attorneys Appellate Prosecutor's Act.

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

7 (12.5) Probation officers while in the performance of  
8 their duties, or while commuting between their homes,  
9 places of employment or specific locations that are part of  
10 their assigned duties, with the consent of the chief judge  
11 of the circuit for which they are employed.

12 (13) Court Security Officers while in the performance  
13 of their official duties, or while commuting between their  
14 homes and places of employment, with the consent of the  
15 Sheriff.

16 (13.5) A person employed as an armed security guard at  
17 a nuclear energy, storage, weapons or development site or  
18 facility regulated by the Nuclear Regulatory Commission  
19 who has completed the background screening and training  
20 mandated by the rules and regulations of the Nuclear  
21 Regulatory Commission.

22 (14) Manufacture, transportation, or sale of weapons  
23 to persons authorized under subdivisions (1) through  
24 (13.5) of this subsection to possess those weapons.

25 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
26 to or affect any person carrying a concealed pistol, revolver,

1 or handgun and the person has been issued a currently valid  
2 license under the Firearm Concealed Carry Act at the time of  
3 the commission of the offense.

4 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
5 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

24 (1) Peace officers while in performance of their  
25 official duties.

26 (2) Wardens, superintendents and keepers of prisons,



1 penitentiaries, jails and other institutions for the  
2 detention of persons accused or convicted of an offense.

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

6 (4) Manufacture, transportation, or sale of machine  
7 guns to persons authorized under subdivisions (1) through  
8 (3) of this subsection to possess machine guns, if the  
9 machine guns are broken down in a non-functioning state or  
10 are not immediately accessible.

11 (5) Persons licensed under federal law to manufacture  
12 any weapon from which 8 or more shots or bullets can be  
13 discharged by a single function of the firing device, or  
14 ammunition for such weapons, and actually engaged in the  
15 business of manufacturing such weapons or ammunition, but  
16 only with respect to activities which are within the lawful  
17 scope of such business, such as the manufacture,  
18 transportation, or testing of such weapons or ammunition.  
19 This exemption does not authorize the general private  
20 possession of any weapon from which 8 or more shots or  
21 bullets can be discharged by a single function of the  
22 firing device, but only such possession and activities as  
23 are within the lawful scope of a licensed manufacturing  
24 business described in this paragraph.

25 During transportation, such weapons shall be broken  
26 down in a non-functioning state or not immediately

1 accessible.

2 (6) The manufacture, transport, testing, delivery,  
3 transfer or sale, and all lawful commercial or experimental  
4 activities necessary thereto, of rifles, shotguns, and  
5 weapons made from rifles or shotguns, or ammunition for  
6 such rifles, shotguns or weapons, where engaged in by a  
7 person operating as a contractor or subcontractor pursuant  
8 to a contract or subcontract for the development and supply  
9 of such rifles, shotguns, weapons or ammunition to the  
10 United States government or any branch of the Armed Forces  
11 of the United States, when such activities are necessary  
12 and incident to fulfilling the terms of such contract.

13 The exemption granted under this subdivision (c)(6)  
14 shall also apply to any authorized agent of any such  
15 contractor or subcontractor who is operating within the  
16 scope of his employment, where such activities involving  
17 such weapon, weapons or ammunition are necessary and  
18 incident to fulfilling the terms of such contract.

19 ~~During transportation, any such weapon shall be broken~~  
20 ~~down in a non-functioning state, or not immediately~~  
21 ~~accessible.~~

22 (7) A person possessing a rifle with a barrel or  
23 barrels less than 16 inches in length if: (A) the person  
24 has been issued a Curios and Relics license from the U.S.  
25 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
26 the person is an active member of a bona fide, nationally

1 recognized military re-enacting group and the modification  
2 is required and necessary to accurately portray the weapon  
3 for historical re-enactment purposes; the re-enactor is in  
4 possession of a valid and current re-enacting group  
5 membership credential; and the overall length of the weapon  
6 as modified is not less than 26 inches.

7 ~~During transportation, any such weapon shall be broken~~  
8 ~~down in a non functioning state, or not immediately~~  
9 ~~accessible.~~

10 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
11 possession or carrying of a black-jack or slung-shot by a peace  
12 officer.

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military

1 ordinance.

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

5 (4) Commerce, preparation, assembly or possession of  
6 explosive bullets by manufacturers of ammunition licensed  
7 by the federal government, in connection with the supply of  
8 those organizations and persons exempted by subdivision  
9 (g) (1) of this Section, or like organizations and persons  
10 outside this State, or the transportation of explosive  
11 bullets to any organization or person exempted in this  
12 Section by a common carrier or by a vehicle owned or leased  
13 by an exempted manufacturer.

14 (g-5) Subsection 24-1(a) (6) does not apply to or affect  
15 persons licensed under federal law to manufacture any device or  
16 attachment of any kind designed, used, or intended for use in  
17 silencing the report of any firearm, firearms, or ammunition  
18 for those firearms equipped with those devices, and actually  
19 engaged in the business of manufacturing those devices,  
20 firearms, or ammunition, but only with respect to activities  
21 that are within the lawful scope of that business, such as the  
22 manufacture, transportation, or testing of those devices,  
23 firearms, or ammunition. This exemption does not authorize the  
24 general private possession of any device or attachment of any  
25 kind designed, used, or intended for use in silencing the  
26 report of any firearm, but only such possession and activities

1 as are within the lawful scope of a licensed manufacturing  
2 business described in this subsection (g-5). During  
3 transportation, these devices shall be detached from any weapon  
4 or not immediately accessible.

5 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
6 24-1.6 do not apply to or affect any parole agent or parole  
7 supervisor who meets the qualifications and conditions  
8 prescribed in Section 3-14-1.5 of the Unified Code of  
9 Corrections.

10 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
11 officer while serving as a member of a tactical response team  
12 or special operations team. A peace officer may not personally  
13 own or apply for ownership of a device or attachment of any  
14 kind designed, used, or intended for use in silencing the  
15 report of any firearm. These devices shall be owned and  
16 maintained by lawfully recognized units of government whose  
17 duties include the investigation of criminal acts.

18 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
19 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
20 athlete's possession, transport on official Olympic and  
21 Paralympic transit systems established for athletes, or use of  
22 competition firearms sanctioned by the International Olympic  
23 Committee, the International Paralympic Committee, the  
24 International Shooting Sport Federation, or USA Shooting in  
25 connection with such athlete's training for and participation  
26 in shooting competitions at the 2016 Olympic and Paralympic

1 Games and sanctioned test events leading up to the 2016 Olympic  
2 and Paralympic Games.

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

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

21 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
22 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
23 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;  
24 revised 8-23-12.)

25 Section 160. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-14 as follows:

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

3 Sec. 112A-14. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that petitioner  
5 has been abused by a family or household member, as defined in  
6 this Article, an order of protection prohibiting such abuse  
7 shall issue; provided that petitioner must also satisfy the  
8 requirements of one of the following Sections, as appropriate:  
9 Section 112A-17 on emergency orders, Section 112A-18 on interim  
10 orders, or Section 112A-19 on plenary orders. Petitioner shall  
11 not be denied an order of protection because petitioner or  
12 respondent is a minor. The court, when determining whether or  
13 not to issue an order of protection, shall not require physical  
14 manifestations of abuse on the person of the victim.  
15 Modification and extension of prior orders of protection shall  
16 be in accordance with this Article.

17 (b) Remedies and standards. The remedies to be included in  
18 an order of protection shall be determined in accordance with  
19 this Section and one of the following Sections, as appropriate:  
20 Section 112A-17 on emergency orders, Section 112A-18 on interim  
21 orders, and Section 112A-19 on plenary orders. The remedies  
22 listed in this subsection shall be in addition to other civil  
23 or criminal remedies available to petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's  
25 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful  
2 deprivation, as defined in this Article, if such abuse has  
3 occurred or otherwise appears likely to occur if not  
4 prohibited.

5 (2) Grant of exclusive possession of residence.  
6 Prohibit respondent from entering or remaining in any  
7 residence, household, or premises of the petitioner,  
8 including one owned or leased by respondent, if petitioner  
9 has a right to occupancy thereof. The grant of exclusive  
10 possession of the residence, household, or premises shall  
11 not affect title to real property, nor shall the court be  
12 limited by the standard set forth in Section 701 of the  
13 Illinois Marriage and Dissolution of Marriage Act.

14 (A) Right to occupancy. A party has a right to  
15 occupancy of a residence or household if it is solely  
16 or jointly owned or leased by that party, that party's  
17 spouse, a person with a legal duty to support that  
18 party or a minor child in that party's care, or by any  
19 person or entity other than the opposing party that  
20 authorizes that party's occupancy (e.g., a domestic  
21 violence shelter). Standards set forth in subparagraph  
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and  
24 respondent each has the right to occupancy of a  
25 residence or household, the court shall balance (i) the  
26 hardships to respondent and any minor child or



1 dependent adult in respondent's care resulting from  
2 entry of this remedy with (ii) the hardships to  
3 petitioner and any minor child or dependent adult in  
4 petitioner's care resulting from continued exposure to  
5 the risk of abuse (should petitioner remain at the  
6 residence or household) or from loss of possession of  
7 the residence or household (should petitioner leave to  
8 avoid the risk of abuse). When determining the balance  
9 of hardships, the court shall also take into account  
10 the accessibility of the residence or household.  
11 Hardships need not be balanced if respondent does not  
12 have a right to occupancy.

13 The balance of hardships is presumed to favor  
14 possession by petitioner unless the presumption is  
15 rebutted by a preponderance of the evidence, showing  
16 that the hardships to respondent substantially  
17 outweigh the hardships to petitioner and any minor  
18 child or dependent adult in petitioner's care. The  
19 court, on the request of petitioner or on its own  
20 motion, may order respondent to provide suitable,  
21 accessible, alternate housing for petitioner instead  
22 of excluding respondent from a mutual residence or  
23 household.

24 (3) Stay away order and additional prohibitions. Order  
25 respondent to stay away from petitioner or any other person  
26 protected by the order of protection, or prohibit

1       respondent from entering or remaining present at  
2       petitioner's school, place of employment, or other  
3       specified places at times when petitioner is present, or  
4       both, if reasonable, given the balance of hardships.  
5       Hardships need not be balanced for the court to enter a  
6       stay away order or prohibit entry if respondent has no  
7       right to enter the premises.

8       If an order of protection grants petitioner exclusive  
9       possession of the residence, or prohibits respondent from  
10      entering the residence, or orders respondent to stay away  
11      from petitioner or other protected persons, then the court  
12      may allow respondent access to the residence to remove  
13      items of clothing and personal adornment used exclusively  
14      by respondent, medications, and other items as the court  
15      directs. The right to access shall be exercised on only one  
16      occasion as the court directs and in the presence of an  
17      agreed-upon adult third party or law enforcement officer.

18      (4) Counseling. Require or recommend the respondent to  
19      undergo counseling for a specified duration with a social  
20      worker, psychologist, clinical psychologist, psychiatrist,  
21      family service agency, alcohol or substance abuse program,  
22      mental health center guidance counselor, agency providing  
23      services to elders, program designed for domestic violence  
24      abusers or any other guidance service the court deems  
25      appropriate. The court may order the respondent in any  
26      intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner  
2 abuse intervention program for an assessment and to follow  
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In  
5 order to protect the minor child from abuse, neglect, or  
6 unwarranted separation from the person who has been the  
7 minor child's primary caretaker, or to otherwise protect  
8 the well-being of the minor child, the court may do either  
9 or both of the following: (i) grant petitioner physical  
10 care or possession of the minor child, or both, or (ii)  
11 order respondent to return a minor child to, or not remove  
12 a minor child from, the physical care of a parent or person  
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has  
15 committed abuse (as defined in Section 112A-3) of a minor  
16 child, there shall be a rebuttable presumption that  
17 awarding physical care to respondent would not be in the  
18 minor child's best interest.

19 (6) Temporary legal custody. Award temporary legal  
20 custody to petitioner in accordance with this Section, the  
21 Illinois Marriage and Dissolution of Marriage Act, the  
22 Illinois Parentage Act of 1984, and this State's Uniform  
23 Child-Custody Jurisdiction and Enforcement Act.

24 If a court finds, after a hearing, that respondent has  
25 committed abuse (as defined in Section 112A-3) of a minor  
26 child, there shall be a rebuttable presumption that

1           awarding temporary legal custody to respondent would not be  
2           in the child's best interest.

3           (7) Visitation. Determine the visitation rights, if  
4           any, of respondent in any case in which the court awards  
5           physical care or temporary legal custody of a minor child  
6           to petitioner. The court shall restrict or deny  
7           respondent's visitation with a minor child if the court  
8           finds that respondent has done or is likely to do any of  
9           the following: (i) abuse or endanger the minor child during  
10          visitation; (ii) use the visitation as an opportunity to  
11          abuse or harass petitioner or petitioner's family or  
12          household members; (iii) improperly conceal or detain the  
13          minor child; or (iv) otherwise act in a manner that is not  
14          in the best interests of the minor child. The court shall  
15          not be limited by the standards set forth in Section 607.1  
16          of the Illinois Marriage and Dissolution of Marriage Act.  
17          If the court grants visitation, the order shall specify  
18          dates and times for the visitation to take place or other  
19          specific parameters or conditions that are appropriate. No  
20          order for visitation shall refer merely to the term  
21          "reasonable visitation".

22          Petitioner may deny respondent access to the minor  
23          child if, when respondent arrives for visitation,  
24          respondent is under the influence of drugs or alcohol and  
25          constitutes a threat to the safety and well-being of  
26          petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

2 If necessary to protect any member of petitioner's  
3 family or household from future abuse, respondent shall be  
4 prohibited from coming to petitioner's residence to meet  
5 the minor child for visitation, and the parties shall  
6 submit to the court their recommendations for reasonable  
7 alternative arrangements for visitation. A person may be  
8 approved to supervise visitation only after filing an  
9 affidavit accepting that responsibility and acknowledging  
10 accountability to the court.

11 (8) Removal or concealment of minor child. Prohibit  
12 respondent from removing a minor child from the State or  
13 concealing the child within the State.

14 (9) Order to appear. Order the respondent to appear in  
15 court, alone or with a minor child, to prevent abuse,  
16 neglect, removal or concealment of the child, to return the  
17 child to the custody or care of the petitioner or to permit  
18 any court-ordered interview or examination of the child or  
19 the respondent.

20 (10) Possession of personal property. Grant petitioner  
21 exclusive possession of personal property and, if  
22 respondent has possession or control, direct respondent to  
23 promptly make it available to petitioner, if:

24 (i) petitioner, but not respondent, owns the  
25 property; or

26 (ii) the parties own the property jointly; sharing

1           it would risk abuse of petitioner by respondent or is  
2           impracticable; and the balance of hardships favors  
3           temporary possession by petitioner.

4           If petitioner's sole claim to ownership of the property  
5           is that it is marital property, the court may award  
6           petitioner temporary possession thereof under the  
7           standards of subparagraph (ii) of this paragraph only if a  
8           proper proceeding has been filed under the Illinois  
9           Marriage and Dissolution of Marriage Act, as now or  
10          hereafter amended.

11          No order under this provision shall affect title to  
12          property.

13          (11) Protection of property. Forbid the respondent  
14          from taking, transferring, encumbering, concealing,  
15          damaging or otherwise disposing of any real or personal  
16          property, except as explicitly authorized by the court, if:

17                 (i) petitioner, but not respondent, owns the  
18                 property; or

19                 (ii) the parties own the property jointly, and the  
20                 balance of hardships favors granting this remedy.

21          If petitioner's sole claim to ownership of the property  
22          is that it is marital property, the court may grant  
23          petitioner relief under subparagraph (ii) of this  
24          paragraph only if a proper proceeding has been filed under  
25          the Illinois Marriage and Dissolution of Marriage Act, as  
26          now or hereafter amended.

1           The court may further prohibit respondent from  
2           improperly using the financial or other resources of an  
3           aged member of the family or household for the profit or  
4           advantage of respondent or of any other person.

5           (11.5) Protection of animals. Grant the petitioner the  
6           exclusive care, custody, or control of any animal owned,  
7           possessed, leased, kept, or held by either the petitioner  
8           or the respondent or a minor child residing in the  
9           residence or household of either the petitioner or the  
10          respondent and order the respondent to stay away from the  
11          animal and forbid the respondent from taking,  
12          transferring, encumbering, concealing, harming, or  
13          otherwise disposing of the animal.

14          (12) Order for payment of support. Order respondent to  
15          pay temporary support for the petitioner or any child in  
16          the petitioner's care or custody, when the respondent has a  
17          legal obligation to support that person, in accordance with  
18          the Illinois Marriage and Dissolution of Marriage Act,  
19          which shall govern, among other matters, the amount of  
20          support, payment through the clerk and withholding of  
21          income to secure payment. An order for child support may be  
22          granted to a petitioner with lawful physical care or  
23          custody of a child, or an order or agreement for physical  
24          care or custody, prior to entry of an order for legal  
25          custody. Such a support order shall expire upon entry of a  
26          valid order granting legal custody to another, unless

1 otherwise provided in the custody order.

2 (13) Order for payment of losses. Order respondent to  
3 pay petitioner for losses suffered as a direct result of  
4 the abuse. Such losses shall include, but not be limited  
5 to, medical expenses, lost earnings or other support,  
6 repair or replacement of property damaged or taken,  
7 reasonable attorney's fees, court costs and moving or other  
8 travel expenses, including additional reasonable expenses  
9 for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is  
11 entitled to seek maintenance, child support or  
12 property distribution from the other party under the  
13 Illinois Marriage and Dissolution of Marriage Act, as  
14 now or hereafter amended, the court may order  
15 respondent to reimburse petitioner's actual losses, to  
16 the extent that such reimbursement would be  
17 "appropriate temporary relief", as authorized by  
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an  
20 improper concealment or removal of a minor child, the  
21 court may order respondent to pay the reasonable  
22 expenses incurred or to be incurred in the search for  
23 and recovery of the minor child, including but not  
24 limited to legal fees, court costs, private  
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent



1 from entering or remaining in the residence or household  
2 while the respondent is under the influence of alcohol or  
3 drugs and constitutes a threat to the safety and well-being  
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (A) A person who is subject to an existing order of  
7 protection, interim order of protection, emergency  
8 order of protection, or plenary order of protection,  
9 issued under this Code may not lawfully possess weapons  
10 under Section 8.2 of the Firearm Owners Identification  
11 Card Act. ~~(a) Prohibit a respondent against whom an~~  
12 order of protection was issued from possessing any  
13 firearms during the duration of the order if the order:

14 ~~(1) was issued after a hearing of which such~~  
15 ~~person received actual notice, and at which such~~  
16 ~~person had an opportunity to participate;~~

17 ~~(2) restrains such person from harassing,~~  
18 ~~stalking, or threatening an intimate partner of~~  
19 ~~such person or child of such intimate partner or~~  
20 ~~person, or engaging in other conduct that would~~  
21 ~~place an intimate partner in reasonable fear of~~  
22 ~~bodily injury to the partner or child; and~~

23 ~~(3) (i) includes a finding that such person~~  
24 ~~represents a credible threat to the physical~~  
25 ~~safety of such intimate partner or child; or (ii)~~  
26 ~~by its terms explicitly prohibits the use,~~

1           ~~attempted use, or threatened use of physical force~~  
2           ~~against such intimate partner or child that would~~  
3           ~~reasonably be expected to cause bodily injury.~~

4           (B) Any firearms in the possession of the respondent,  
5           except as provided in subparagraph (C) of this  
6           paragraph (14.5) subsection (b), shall be ordered by  
7           the court to be turned over to a person with a valid  
8           Firearm Owner's Identification Card ~~the local law~~  
9           ~~enforcement agency~~ for safekeeping. The court shall  
10          issue an order that the respondent's Firearm Owner's  
11          Identification Card be turned over to the local law  
12          enforcement agency, which in turn shall immediately  
13          mail the card to the Department of State Police Firearm  
14          Owner's Identification Card Office for safekeeping.  
15          The period of safekeeping shall be for the duration of  
16          the order of protection. The firearm or firearms and  
17          Firearm Owner's Identification Card, if unexpired,  
18          shall at the respondent's request be returned to the  
19          respondent at expiration of the order of protection.

20          (C) ~~(b)~~ If the respondent is a peace officer as  
21          defined in Section 2-13 of the Criminal Code of 2012,  
22          the court shall order that any firearms used by the  
23          respondent in the performance of his or her duties as a  
24          peace officer be surrendered to the chief law  
25          enforcement executive of the agency in which the  
26          respondent is employed, who shall retain the firearms

1 for safekeeping for the duration of the order of  
2 protection.

3 (D) ~~(e)~~ Upon expiration of the period of  
4 safekeeping, if the firearms or Firearm Owner's  
5 Identification Card cannot be returned to respondent  
6 because respondent cannot be located, fails to respond  
7 to requests to retrieve the firearms, or is not  
8 lawfully eligible to possess a firearm, upon petition  
9 from the local law enforcement agency, the court may  
10 order the local law enforcement agency to destroy the  
11 firearms, use the firearms for training purposes, or  
12 for any other application as deemed appropriate by the  
13 local law enforcement agency; or that the firearms be  
14 turned over to a third party who is lawfully eligible  
15 to possess firearms, and who does not reside with  
16 respondent.

17 (15) Prohibition of access to records. If an order of  
18 protection prohibits respondent from having contact with  
19 the minor child, or if petitioner's address is omitted  
20 under subsection (b) of Section 112A-5, or if necessary to  
21 prevent abuse or wrongful removal or concealment of a minor  
22 child, the order shall deny respondent access to, and  
23 prohibit respondent from inspecting, obtaining, or  
24 attempting to inspect or obtain, school or any other  
25 records of the minor child who is in the care of  
26 petitioner.

1           (16) Order for payment of shelter services. Order  
2           respondent to reimburse a shelter providing temporary  
3           housing and counseling services to the petitioner for the  
4           cost of the services, as certified by the shelter and  
5           deemed reasonable by the court.

6           (17) Order for injunctive relief. Enter injunctive  
7           relief necessary or appropriate to prevent further abuse of  
8           a family or household member or to effectuate one of the  
9           granted remedies, if supported by the balance of hardships.  
10          If the harm to be prevented by the injunction is abuse or  
11          any other harm that one of the remedies listed in  
12          paragraphs (1) through (16) of this subsection is designed  
13          to prevent, no further evidence is necessary to establish  
14          that the harm is an irreparable injury.

15          (c) Relevant factors; findings.

16          (1) In determining whether to grant a specific remedy,  
17          other than payment of support, the court shall consider  
18          relevant factors, including but not limited to the  
19          following:

20                 (i) the nature, frequency, severity, pattern and  
21                 consequences of the respondent's past abuse of the  
22                 petitioner or any family or household member,  
23                 including the concealment of his or her location in  
24                 order to evade service of process or notice, and the  
25                 likelihood of danger of future abuse to petitioner or  
26                 any member of petitioner's or respondent's family or

1 household; and

2 (ii) the danger that any minor child will be abused  
3 or neglected or improperly removed from the  
4 jurisdiction, improperly concealed within the State or  
5 improperly separated from the child's primary  
6 caretaker.

7 (2) In comparing relative hardships resulting to the  
8 parties from loss of possession of the family home, the  
9 court shall consider relevant factors, including but not  
10 limited to the following:

11 (i) availability, accessibility, cost, safety,  
12 adequacy, location and other characteristics of  
13 alternate housing for each party and any minor child or  
14 dependent adult in the party's care;

15 (ii) the effect on the party's employment; and

16 (iii) the effect on the relationship of the party,  
17 and any minor child or dependent adult in the party's  
18 care, to family, school, church and community.

19 (3) Subject to the exceptions set forth in paragraph  
20 (4) of this subsection, the court shall make its findings  
21 in an official record or in writing, and shall at a minimum  
22 set forth the following:

23 (i) That the court has considered the applicable  
24 relevant factors described in paragraphs (1) and (2) of  
25 this subsection.

26 (ii) Whether the conduct or actions of respondent,

1           unless prohibited, will likely cause irreparable harm  
2           or continued abuse.

3           (iii) Whether it is necessary to grant the  
4           requested relief in order to protect petitioner or  
5           other alleged abused persons.

6           (4) For purposes of issuing an ex parte emergency order  
7           of protection, the court, as an alternative to or as a  
8           supplement to making the findings described in paragraphs  
9           (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
10          the following procedure:

11          When a verified petition for an emergency order of  
12          protection in accordance with the requirements of Sections  
13          112A-5 and 112A-17 is presented to the court, the court  
14          shall examine petitioner on oath or affirmation. An  
15          emergency order of protection shall be issued by the court  
16          if it appears from the contents of the petition and the  
17          examination of petitioner that the averments are  
18          sufficient to indicate abuse by respondent and to support  
19          the granting of relief under the issuance of the emergency  
20          order of protection.

21          (5) Never married parties. No rights or  
22          responsibilities for a minor child born outside of marriage  
23          attach to a putative father until a father and child  
24          relationship has been established under the Illinois  
25          Parentage Act of 1984. Absent such an adjudication, no  
26          putative father shall be granted temporary custody of the

1 minor child, visitation with the minor child, or physical  
2 care and possession of the minor child, nor shall an order  
3 of payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that  
5 the balance of hardships does not support the granting of a  
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
7 subsection (b) of this Section, which may require such  
8 balancing, the court's findings shall so indicate and shall  
9 include a finding as to whether granting the remedy will result  
10 in hardship to respondent that would substantially outweigh the  
11 hardship to petitioner from denial of the remedy. The findings  
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be  
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless  
16 that cause satisfies the standards for justifiable use of  
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of  
20 another, provided that, if petitioner utilized force, such  
21 force was justifiable under Article 7 of the Criminal Code  
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense  
24 of another;

25 (5) Petitioner left the residence or household to avoid  
26 further abuse by respondent;

1           (6) Petitioner did not leave the residence or household  
2           to avoid further abuse by respondent;

3           (7) Conduct by any family or household member excused  
4           the abuse by respondent, unless that same conduct would  
5           have excused such abuse if the parties had not been family  
6           or household members.

7           (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
8           97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
9           1-25-13.)

10           Section 165. The Mental Health and Developmental  
11           Disabilities Confidentiality Act is amended by changing  
12           Section 12 as follows:

13           (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

14           Sec. 12. (a) If the United States Secret Service or the  
15           Department of State Police requests information from a mental  
16           health or developmental disability facility, as defined in  
17           Section 1-107 and 1-114 of the Mental Health and Developmental  
18           Disabilities Code, relating to a specific recipient and the  
19           facility director determines that disclosure of such  
20           information may be necessary to protect the life of, or to  
21           prevent the infliction of great bodily harm to, a public  
22           official, or a person under the protection of the United States  
23           Secret Service, only the following information may be  
24           disclosed: the recipient's name, address, and age and the date



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

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

25 (b) The Department of Human Services (acting as successor  
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental  
2 health facilities are required, as hereafter described in this  
3 subsection, to furnish the Department of State Police only such  
4 information as may be required for the sole purpose of  
5 determining whether an individual who may be or may have been a  
6 patient is disqualified because of that status from receiving  
7 or retaining a Firearm Owner's Identification Card or falls  
8 within the federal prohibitors under subsection (e), (f), (g),  
9 (r), (s), or (t) of Section 8 of the Firearm Owners  
10 Identification Card Act, or falls within the federal  
11 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~  
12 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~  
13 (n). All physicians, clinical psychologists, or qualified  
14 examiners at public or private hospitals and mental health  
15 facilities or parts thereof as defined in this subsection  
16 shall, in the form and manner required by the Department,  
17 provide notice directly to the Department of Human Services, or  
18 to his or her employer who shall then report to the Department,  
19 within 24 hours after determining that a patient as described  
20 in clause (2) of the definition of "patient" in Section 1.1 of  
21 the Firearm Owners Identification Card Act poses a clear and  
22 present danger to himself, herself, or others, or is determined  
23 to be developmentally disabled ~~such information as shall be~~  
24 ~~necessary for the Department to comply with the reporting~~  
25 ~~requirements to the Department of State Police. This~~ Such  
26 information shall be furnished within 24 hours after the

1 physician, clinical psychologist, or qualified examiner has  
2 made a determination, or within 7 days after admission to a  
3 public or private hospital or mental health facility or the  
4 provision of services to a patient described in clause (1) of  
5 the definition of "patient" in Section 1.1 of the Firearm  
6 Owners Identification Card Act ~~clause (2) of this subsection~~  
7 ~~(b)~~. Any such information disclosed under this subsection shall  
8 remain privileged and confidential, and shall not be  
9 redisclosed, except as required by subsection (e) ~~clause (e) (2)~~  
10 of Section 3.1 of the Firearm Owners Identification Card Act,  
11 nor utilized for any other purpose. The method of requiring the  
12 providing of such information shall guarantee that no  
13 information is released beyond what is necessary for this  
14 purpose. In addition, the information disclosed shall be  
15 provided by the Department within the time period established  
16 by Section 24-3 of the Criminal Code of 2012 regarding the  
17 delivery of firearms. The method used shall be sufficient to  
18 provide the necessary information within the prescribed time  
19 period, which may include periodically providing lists to the  
20 Department of Human Services or any public or private hospital  
21 or mental health facility of Firearm Owner's Identification  
22 Card applicants on which the Department or hospital shall  
23 indicate the identities of those individuals who are to its  
24 knowledge disqualified from having a Firearm Owner's  
25 Identification Card for reasons described herein. The  
26 Department may provide for a centralized source of information

1 for the State on this subject under its jurisdiction. The  
2 identity of the person reporting under this subsection shall  
3 not be disclosed to the subject of the report. For the purposes  
4 of this subsection, the physician, clinical psychologist, or  
5 qualified examiner making the determination and his or her  
6 employer shall not be held criminally, civilly, or  
7 professionally liable for making or not making the notification  
8 required under this subsection, except for willful or wanton  
9 misconduct.

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

26 For purposes of this subsection (b) only, the following

1 terms shall have the meaning prescribed:

2 (1) (Blank). ~~"Hospital" means only that type of~~  
3 ~~institution which is providing full-time residential~~  
4 ~~facilities and treatment.~~

5 (1.3) "Clear and present danger" has the meaning as  
6 defined in Section 1.1 of the Firearm Owners Identification  
7 Card Act.

8 (1.5) "Developmentally disabled" has the meaning as  
9 defined in Section 1.1 of the Firearm Owners Identification  
10 Card Act.

11 (2) "Patient" has the meaning as defined in Section 1.1  
12 of the Firearm Owners Identification Card Act ~~shall include~~  
13 ~~only: (i) a person who is an in-patient or resident of any~~  
14 ~~public or private hospital or mental health facility or~~  
15 ~~(ii) a person who is an out-patient or provided services by~~  
16 ~~a public or private hospital or mental health facility~~  
17 ~~whose mental condition is of such a nature that it is~~  
18 ~~manifested by violent, suicidal, threatening, or~~  
19 ~~assaultive behavior or reported behavior, for which there~~  
20 ~~is a reasonable belief by a physician, clinical~~  
21 ~~psychologist, or qualified examiner that the condition~~  
22 ~~poses a clear and present or imminent danger to the~~  
23 ~~patient, any other person or the community meaning the~~  
24 ~~patient's condition poses a clear and present danger in~~  
25 ~~accordance with subsection (f) of Section 8 of the Firearm~~  
26 ~~Owners Identification Card Act. The terms physician,~~

1 ~~clinical psychologist, and qualified examiner are defined~~  
2 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~  
3 ~~and Developmental Disabilities Code.~~

4 (3) "Mental health facility" has the meaning as defined  
5 in Section 1.1 of the Firearm Owners Identification Card  
6 Act ~~is defined by Section 1-114 of the Mental Health and~~  
7 ~~Developmental Disabilities Code.~~

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

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

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

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

15 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

16 Section 170. The Probate Act of 1975 is amended by adding  
17 Section 11a-24 as follows:

18 (755 ILCS 5/11a-24 new)

19 Sec. 11a-24. Notification; Department of State Police.  
20 When a court adjudges a respondent to be a disabled person  
21 under this Article, the court shall direct the circuit court  
22 clerk to notify the Department of State Police, Firearm Owner's  
23 Identification (FOID) Office, in a form and manner prescribed  
24 by the Department of State Police, and shall forward a copy of

1 the court order to the Department no later than 7 days after  
2 the entry of the order. Upon receipt of the order, the  
3 Department of State Police shall provide notification to the  
4 National Instant Criminal Background Check System.

5       Section 195. No acceleration or delay. Where this Act makes  
6 changes in a statute that is represented in this Act by text  
7 that is not yet or no longer in effect (for example, a Section  
8 represented by multiple versions), the use of that text does  
9 not accelerate or delay the taking effect of (i) the changes  
10 made by this Act or (ii) provisions derived from any other  
11 Public Act.

12       Section 999. Effective date. This Act takes effect upon  
13 becoming law.".