



Rep. William Davis

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LRB098 08475 MRW 42941 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. _____. Amend House Bill 1155, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 2. Legislative determination. It is hereby
5 declared as a matter of legislative determination that in order
6 to promote and protect the health, safety and welfare of the
7 public, it is necessary and in the public interest within the
8 State of Illinois to establish a system of handgun
9 registration, thereby establishing a practical and workable
10 system by which law enforcement authorities will be afforded an
11 opportunity to identify the ownership of handguns that have
12 been recovered or seized as evidence in connection with a
13 criminal offense.

14 Section 4. Definitions

15 As used in Sections 2 and 5 of this Act:

16 "Certificate of Handgun Registration" means a certificate

1 issued by the Illinois Department of State Police under Section
2 5 of this Act.

3 "Department" means the Department of State Police.

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

7 "Firearm" has the same meaning as set forth in Section 1.1
8 of the Firearm Owners Identification Card Act.

9 "Handgun" means a firearm designed to be held and fired by
10 the use of a single hand.

11 Section 5. Certificate of Handgun Registration.

12 (a) No person shall transport or possess a handgun in this
13 State without a Certificate of Handgun Registration issued for
14 that handgun by the Department of State Police.

15 (b) The provisions of this Section prohibiting a person
16 from transporting or possessing a handgun without a Certificate
17 of Handgun Registration do not apply to the following:

18 (1) any person who is exempt from the Firearm Owners
19 Identification Card Act under subsection (b) of Section 2
20 of that Act;

21 (2) any person who is exempt from the Firearm Owners
22 Identification Card Act under subsection (c) of Section 2
23 of that Act;

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

1 (4) a federally licensed firearm dealer holding a new
2 handgun for transfer or sale.

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

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

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

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

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

17 (5) the date the handgun was acquired;

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

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

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

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

4 (d) The Department shall issue an original or transferred
5 Certificate of Handgun Registration or shall issue a written
6 denial of the application within 30 days after the application
7 is received.

8 (e) There is created in the State treasury the Handgun
9 Certificate Administration Fund to be used by the Department
10 for the administration of handgun registration as required by
11 this Section.

12 (f) A nonrefundable application fee of \$20 shall be payable
13 for each original or transferred Certificate of Handgun
14 Registration. All moneys received from this \$20 fee shall be
15 deposited as follows:

16 (1) \$10 to the Handgun Certificate Administration Fund
17 for the administration of handgun registration;

18 (2) \$5 to the Illinois LEADS Information and Technology
19 Improvement Fund; and

20 (3) \$5 to the National Instant Criminal Background
21 Check System Improvement Fund.

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

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

6 (i) Every person issued a Certificate of Handgun
7 Registration shall notify the Department in the manner
8 prescribed by the Department within 72 hours of the following:

9 (1) a change in any of the information appearing on the
10 Certificate of Handgun Registration; or

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

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

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

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

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

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

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

20 (n) Any person who accepts delivery of a handgun that has
21 not been previously registered and assigned to the transferee
22 shall file an application for an original Certificate of
23 Handgun Registration within 20 days after taking possession of
24 the handgun. Any person who owns a handgun on the effective
25 date of this Act shall file an application for an original
26 Certificate of Handgun Registration not later than 90 days

1 after the effective date of this Act.

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

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

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

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

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

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

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

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

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

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

1 2012 or acquiring a Certificate of Handgun Registration
2 under this Section may apply to the Director of the
3 Department of State Police or petition the circuit court in
4 the county where the petitioner resides, whichever is
5 applicable in accordance with this subsection (r),
6 requesting relief from the prohibition and the Director or
7 court may grant this relief if it is established by the
8 applicant to the court's or Director's satisfaction that:

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

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

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

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

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

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

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

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

13 (t) The Department of State Police may perform its duties
14 under this Act through the Department's Firearm Owner's
15 Identification Card Office.

16 (u) Altered, forged or counterfeit Certificate of Handgun
17 Registration.

18 (1) Any person who forges or materially alters a
19 Certificate of Handgun Registration or who counterfeits a
20 Certificate of Handgun Registration commits a Class 2
21 felony.

22 (2) Any person who knowingly possesses a forged or
23 materially altered Certificate of Handgun Registration
24 with the intent to use it commits a Class 2 felony.

25 (3) A person who possesses a Certificate of Handgun
26 Registration with knowledge that it is counterfeit commits

1 a Class 2 felony.

2 (v) Certificate of Handgun Registration and handgun
3 transfer violations.

4 (1) Any person who transports or possesses a handgun
5 without a current Certificate of Handgun Registration
6 commits a Class 2 felony.

7 (2) Any person who knowingly enters false or misleading
8 information or who submits false or misleading evidence in
9 connection with the application described in subsection
10 (c) of this Section commits a Class 2 felony.

11 (3) Any person who sells, transfers, or otherwise
12 disposes of his or her registered handgun and does not
13 notify the Department of that sale, transfer, or
14 disposition within the timelines in this Section commits a
15 Class A misdemeanor.

16 (4) Any federally licensed dealer who does not submit
17 an application on behalf of a purchaser in accordance with
18 subsection (k-5) of this Section commits a Class A
19 misdemeanor.

20 Section 800. The Freedom of Information Act is amended by
21 changing Section 7.5 as follows:

22 (5 ILCS 140/7.5)

23 Sec. 7.5. Statutory Exemptions. To the extent provided for
24 by the statutes referenced below, the following shall be exempt

1 from inspection and copying:

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

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library Records
6 Confidentiality Act.

7 (c) Applications, related documents, and medical records
8 received by the Experimental Organ Transplantation Procedures
9 Board and any and all documents or other records prepared by
10 the Experimental Organ Transplantation Procedures Board or its
11 staff relating to applications it has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating to
14 known or suspected cases of sexually transmissible disease or
15 any information the disclosure of which is restricted under the
16 Illinois Sexually Transmissible Disease Control Act.

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

19 (f) Firm performance evaluations under Section 55 of the
20 Architectural, Engineering, and Land Surveying Qualifications
21 Based Selection Act.

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

24 (h) Information the disclosure of which is exempted under
25 the State Officials and Employees Ethics Act, and records of
26 any lawfully created State or local inspector general's office

1 that would be exempt if created or obtained by an Executive
2 Inspector General's office under that Act.

3 (i) Information contained in a local emergency energy plan
4 submitted to a municipality in accordance with a local
5 emergency energy plan ordinance that is adopted under Section
6 11-21.5-5 of the Illinois Municipal Code.

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

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

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death review
16 team or the Executive Council under the Abuse Prevention Review
17 Team Act.

18 (m) Information provided to the predatory lending database
19 created pursuant to Article 3 of the Residential Real Property
20 Disclosure Act, except to the extent authorized under that
21 Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial counsel as
24 provided under Sections 10 and 15 of the Capital Crimes
25 Litigation Act. This subsection (n) shall apply until the
26 conclusion of the trial of the case, even if the prosecution

1 chooses not to pursue the death penalty prior to trial or
2 sentencing.

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

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of the
10 Regional Transportation Authority Act or the St. Clair County
11 Transit District under the Bi-State Transit Safety Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

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

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

18 (t) All identified or deidentified health information in
19 the form of health data or medical records contained in, stored
20 in, submitted to, transferred by, or released from the Illinois
21 Health Information Exchange, and identified or deidentified
22 health information in the form of health data and medical
23 records of the Illinois Health Information Exchange in the
24 possession of the Illinois Health Information Exchange
25 Authority due to its administration of the Illinois Health
26 Information Exchange. The terms "identified" and

1 "deidentified" shall be given the same meaning as in the Health
2 Insurance Accountability and Portability Act of 1996, Public
3 Law 104-191, or any subsequent amendments thereto, and any
4 regulations promulgated thereunder.

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

7 (v) Names and information of people who have applied for or
8 received Firearm Owner's Identification Cards or Certificates
9 of Handgun Registration under the Firearm Owners
10 Identification Card Act and the Family and Personal Protection
11 Act.

12 (w) Personally identifiable information which is exempted
13 from disclosure under subsection (g) of Section 19.1 of the
14 Toll Highway Act.

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

18 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
19 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
20 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
21 eff. 1-1-13.)

22 Section 801. The Department of State Police Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Sections 2605-45 and 2605-120 as follows:

1 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

2 Sec. 2605-45. Division of Administration. The Division of
3 Administration shall exercise the following functions:

4 (1) Exercise the rights, powers, and duties vested in
5 the Department by the Governor's Office of Management and
6 Budget Act.

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

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

11 (4) Operate an electronic data processing and computer
12 center for the storage and retrieval of data pertaining to
13 criminal activity.

14 (5) Exercise the rights, powers, and duties vested in
15 the former Division of State Troopers by Section 17 of the
16 State Police Act.

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

21 (6.5) Exercise the rights, powers, and duties vested in
22 the Department by the Firearm Owners Identification Card
23 Act and the Family and Personal Protection Act.

24 (7) Exercise other duties that may be assigned by the
25 Director to fulfill the responsibilities and achieve the
26 purposes of the Department.

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

2 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-120. Firearm Owners Identification Card Act and
4 the Family and Personal Protection Act. To exercise the rights,
5 powers, and duties that have been vested in the Department of
6 Public Safety by the Firearm Owners Identification Card Act and
7 the Family and Personal Protection Act.

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

11 Section 802. The Criminal Identification Act is amended by
12 changing Section 2.2 as follows:

13 (20 ILCS 2630/2.2)

14 Sec. 2.2. Notification to the Department. Upon judgment of
15 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
16 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
17 Code of 2012 when the defendant has been determined, pursuant
18 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
19 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
20 circuit court clerk shall include notification and a copy of
21 the written determination in a report of the conviction to the
22 Department of State Police Firearm Owner's Identification Card
23 Office to enable the office to perform its duties under

1 Sections 4 and 8 of the Firearm Owners Identification Card Act
2 and Section 5 of the Family and Personal Protection Act and to
3 report that determination to the Federal Bureau of
4 Investigation to assist the Bureau in identifying persons
5 prohibited from purchasing and possessing a firearm pursuant to
6 the provisions of 18 U.S.C. 922. The written determination
7 described in this Section shall be included in the defendant's
8 record of arrest and conviction in the manner and form
9 prescribed by the Department of State Police.

10 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

11 Section 803. The State Finance Act is amended by adding
12 Sections 5.826, 5.827, 5.828, 6z-98, and 6z-99 as follows:

13 (30 ILCS 105/5.826 new)

14 Sec. 5.826. The Handgun Certificate Administration Fund.

15 (30 ILCS 105/5.827 new)

16 Sec. 5.827. The National Instant Criminal Background Check
17 System Improvement Fund.

18 (30 ILCS 105/5.828 new)

19 Sec. 5.828. The Illinois LEADS Information and Technology
20 Improvement Fund.

21 (30 ILCS 105/6z-98 new)

1 Sec. 6z-98. National Instant Criminal Background Check
2 System Improvement Fund.

3 (a) There is created in the State treasury a special fund
4 known as National Instant Criminal Background Check System
5 Improvement Fund. The Fund shall receive revenue under Section
6 5 of the Family and Personal Protection Act. The Fund may also
7 receive revenue from grants, donations, appropriations, and
8 any other legal source.

9 (b) The Department of State Police shall use moneys in the
10 Fund to perform its duties and responsibilities under
11 subsection (e) of Section 3.1 of the Firearm Owners
12 Identification Card Act and Section 5 of the Family and
13 Personal Protection Act.

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

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

19 (e) The Fund shall not be subject to administrative
20 chargebacks.

21 (30 ILCS 105/6z-99 new)

22 Sec. 6z-99. Illinois LEADS Information and Technology
23 Improvement Fund.

24 (a) There is created in the State treasury a special fund
25 known as the Illinois LEADS Information and Technology

1 Improvement Fund. The Fund shall receive revenue under Section
2 5 of the Family and Personal Protection Act. The Fund may also
3 receive revenue from grants, donations, appropriations, and
4 any other legal source.

5 (b) The Department of State Police shall use the moneys in
6 the Fund to update and improve the technology used for the Law
7 Enforcement Agencies Data System (LEADS) system. The Fund shall
8 also be used to support the Department's responsibilities in
9 managing background checks and public safety record-keeping.

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

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

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

18 (f) The Fund shall not be subject to administrative
19 chargebacks.

20 Section 804. The Firearm Owners Identification Card Act is
21 amended by changing Sections 3 and 3.1 as follows:

22 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

23 Sec. 3. (a) Except as provided in Section 3a, no person may
24 knowingly transfer, or cause to be transferred, any firearm,

1 firearm ammunition, stun gun, or taser to any person within
2 this State unless the transferee with whom he deals displays a
3 currently valid Firearm Owner's Identification Card which has
4 previously been issued in his name by the Department of State
5 Police under the provisions of this Act. In addition, all
6 firearm, stun gun, and taser transfers by federally licensed
7 firearm dealers are subject to Section 3.1. In addition, the
8 transferor and transferee of a handgun shall be subject to
9 Section 5 of the Family and Personal Protection Act regardless
10 of whether the transferor is a federally licensed firearm
11 dealer.

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

24 (b) Any person within this State who transfers or causes to
25 be transferred any firearm, stun gun, or taser shall keep a
26 record of such transfer for a period of 10 years from the date

1 of transfer. Such record shall contain the date of the
2 transfer; the description, serial number or other information
3 identifying the firearm, stun gun, or taser if no serial number
4 is available; and, if the transfer was completed within this
5 State, the transferee's Firearm Owner's Identification Card
6 number. On or after January 1, 2006, the record shall contain
7 the date of application for transfer of the firearm. On demand
8 of a peace officer such transferor shall produce for inspection
9 such record of transfer. If the transfer or sale took place at
10 a gun show, the record shall include the unique identification
11 number. Failure to record the unique identification number is a
12 petty offense.

13 (b-5) Any resident may purchase ammunition from a person
14 within or outside of Illinois if shipment is by United States
15 mail or by a private express carrier authorized by federal law
16 to ship ammunition. Any resident purchasing ammunition within
17 or outside the State of Illinois must provide the seller with a
18 copy of his or her valid Firearm Owner's Identification Card
19 and either his or her Illinois driver's license or Illinois
20 State Identification Card prior to the shipment of the
21 ammunition. The ammunition may be shipped only to an address on
22 either of those 2 documents.

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

26 (Source: P.A. 97-1135, eff. 12-4-12.)

1 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

2 Sec. 3.1. Dial up system.

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

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

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

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

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

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

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

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

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

1 pursuant to the Firearm Owners Identification Card Act or 18
2 U.S.C. 922(g) and (n) to the National Instant Criminal
3 Background Check System Index, Denied Persons Files. The
4 Department of State Police shall implement a program to
5 distribute grant moneys, with funds appropriated for that
6 purpose, to units of local government to facilitate
7 participation in the National Instant Criminal Background
8 Check System by their enforcement agencies.

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

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

12 Section 805. The Criminal Code of 2012 is amended by
13 changing Sections 24-1.1 and 24-3.4 as follows:

14 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

18 (a) It is unlawful for a person to knowingly possess on or
19 about his person or on his land or in his own abode or fixed
20 place of business any weapon prohibited under Section 24-1 of
21 this Act or any firearm or any firearm ammunition if the person
22 has been convicted of a felony under the laws of this State or
23 any other jurisdiction. This Section shall not apply if the
24 person has been granted relief by the Director of the

1 Department of State Police under Section 10 of the Firearm
2 Owners Identification Card Act.

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

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

12 (d) The defense of necessity is not available to a person
13 who is charged with a violation of subsection (b) of this
14 Section.

15 (e) Sentence. Violation of this Section by a person not
16 confined in a penal institution shall be a Class 3 felony for
17 which the person shall be sentenced to no less than 2 years and
18 no more than 10 years and any second or subsequent violation
19 shall be a Class 2 felony for which the person shall be
20 sentenced to a term of imprisonment of not less than 3 years
21 and not more than 14 years. Violation of this Section by a
22 person not confined in a penal institution who has been
23 convicted of a forcible felony, a felony violation of Article
24 24 of this Code or of the Firearm Owners Identification Card
25 Act or of Section 5 of the Family and Personal Protection Act,
26 stalking or aggravated stalking, or a Class 2 or greater felony

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

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

1 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

3 (a) It shall be unlawful for any person who holds a license
4 to sell at retail any alcoholic liquor issued by the Illinois
5 Liquor Control Commission or local liquor control commissioner
6 under the Liquor Control Act of 1934 or an agent or employee of
7 the licensee to sell or deliver to any other person a firearm
8 in or on the real property of the establishment where the
9 licensee is licensed to sell alcoholic liquors unless the sale
10 or delivery of the firearm is otherwise lawful under this
11 Article and under the Firearm Owners Identification Card Act
12 and Section 5 of the Family and Personal Protection Act.

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

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

16 Section 806. The Unified Code of Corrections is amended by
17 changing Section 5-5-3.2 as follows:

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
20 Sentencing.

21 (a) The following factors shall be accorded weight in favor
22 of imposing a term of imprisonment or may be considered by the
23 court as reasons to impose a more severe sentence under Section
24 5-8-1 or Article 4.5 of Chapter V:

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

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency or
6 criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular offense
9 committed or to bring the offenders committing it to
10 justice;

11 (5) the defendant held public office at the time of the
12 offense, and the offense related to the conduct of that
13 office;

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

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

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

21 (9) the defendant committed the offense against a
22 person who is physically handicapped or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual; (ii)
3 the person or property of a person who has an association
4 with, is married to, or has a friendship with the other
5 individual; or (iii) the person or property of a relative
6 (by blood or marriage) of a person described in clause (i)
7 or (ii). For the purposes of this Section, "sexual
8 orientation" means heterosexuality, homosexuality, or
9 bisexuality;

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

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

23 (13) the defendant committed or attempted to commit a
24 felony while he was wearing a bulletproof vest. For the
25 purposes of this paragraph (13), a bulletproof vest is any
26 device which is designed for the purpose of protecting the

1 wearer from bullets, shot or other lethal projectiles;

2 (14) the defendant held a position of trust or
3 supervision such as, but not limited to, family member as
4 defined in Section 11-0.1 of the Criminal Code of 2012,
5 teacher, scout leader, baby sitter, or day care worker, in
6 relation to a victim under 18 years of age, and the
7 defendant committed an offense in violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
9 11-14.4 except for an offense that involves keeping a place
10 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
11 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
12 or 12-16 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 against that victim;

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

19 (16) the defendant committed an offense in violation of
20 one of the following Sections while in a school, regardless
21 of the time of day or time of year; on any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity; on
24 the real property of a school; or on a public way within
25 1,000 feet of the real property comprising any school:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (16.5) the defendant committed an offense in violation
8 of one of the following Sections while in a day care
9 center, regardless of the time of day or time of year; on
10 the real property of a day care center, regardless of the
11 time of day or time of year; or on a public way within
12 1,000 feet of the real property comprising any day care
13 center, regardless of the time of day or time of year:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (17) the defendant committed the offense by reason of
22 any person's activity as a community policing volunteer or
23 to prevent any person from engaging in activity as a
24 community policing volunteer. For the purpose of this
25 Section, "community policing volunteer" has the meaning
26 ascribed to it in Section 2-3.5 of the Criminal Code of

1 2012;

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

10 (19) the defendant was a federally licensed firearm
11 dealer and was previously convicted of a violation of
12 subsection (a) of Section 3 of the Firearm Owners
13 Identification Card Act or Section 5 of the Family and
14 Personal Protection Act and has now committed either a
15 felony violation of the Firearm Owners Identification Card
16 Act or Section 5 of the Family and Personal Protection Act
17 or an act of armed violence while armed with a firearm;

18 (20) the defendant (i) committed the offense of
19 reckless homicide under Section 9-3 of the Criminal Code of
20 1961 or the Criminal Code of 2012 or the offense of driving
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds or any combination
23 thereof under Section 11-501 of the Illinois Vehicle Code
24 or a similar provision of a local ordinance and (ii) was
25 operating a motor vehicle in excess of 20 miles per hour
26 over the posted speed limit as provided in Article VI of

1 Chapter 11 of the Illinois Vehicle Code;

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

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

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

20 (24) the defendant committed any offense under Section
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 and possessed 100 or more images;

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

26 (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically
2 including paragraph (1), (2), (3), (4), (5), or (7) of
3 subsection (a) of Section 11-20.1 of the Criminal Code of
4 1961 or the Criminal Code of 2012 where a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context
8 and specifically including paragraph (1), (2), (3), (4),
9 (5), or (7) of subsection (a) of Section 11-20.1B or
10 Section 11-20.3 of the Criminal Code of 1961 where a child
11 engaged in, solicited for, depicted in, or posed in any act
12 of sexual penetration or bound, fettered, or subject to
13 sadistic, masochistic, or sadomasochistic abuse in a
14 sexual context;

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

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

6 (28) the defendant committed the offense of assault,
7 aggravated assault, battery, aggravated battery, robbery,
8 armed robbery, or aggravated robbery against a person that
9 the defendant knew or reasonably should have known was a
10 letter carrier or postal worker while that person was
11 performing his or her duties delivering mail for the United
12 States Postal Service.

13 For the purposes of this Section:

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

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

20 "Public transportation" means the transportation or
21 conveyance of persons by means available to the general public,
22 and includes paratransit services.

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

26 (1) When a defendant is convicted of any felony, after

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

7 (2) When a defendant is convicted of any felony and the
8 court finds that the offense was accompanied by
9 exceptionally brutal or heinous behavior indicative of
10 wanton cruelty; or

11 (3) When a defendant is convicted of any felony
12 committed against:

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

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

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

19 (4) When a defendant is convicted of any felony and the
20 offense involved any of the following types of specific
21 misconduct committed as part of a ceremony, rite,
22 initiation, observance, performance, practice or activity
23 of any actual or ostensible religious, fraternal, or social
24 group:

25 (i) the brutalizing or torturing of humans or
26 animals;

1 (ii) the theft of human corpses;

2 (iii) the kidnapping of humans;

3 (iv) the desecration of any cemetery, religious,
4 fraternal, business, governmental, educational, or
5 other building or property; or

6 (v) ritualized abuse of a child; or

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

17 (6) When a defendant is convicted of an offense
18 committed while using a firearm with a laser sight attached
19 to it. For purposes of this paragraph, "laser sight" has
20 the meaning ascribed to it in Section 26-7 of the Criminal
21 Code of 2012; or

22 (7) When a defendant who was at least 17 years of age
23 at the time of the commission of the offense is convicted
24 of a felony and has been previously adjudicated a
25 delinquent minor under the Juvenile Court Act of 1987 for
26 an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10
2 years after the previous adjudication, excluding time
3 spent in custody; or

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

10 (c) The following factors may be considered by the court as
11 reasons to impose an extended term sentence under Section 5-8-2
12 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

13 (1) When a defendant is convicted of first degree
14 murder, after having been previously convicted in Illinois
15 of any offense listed under paragraph (c)(2) of Section
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
17 within 10 years after the previous conviction, excluding
18 time spent in custody, and the charges are separately
19 brought and tried and arise out of different series of
20 acts.

21 (1.5) When a defendant is convicted of first degree
22 murder, after having been previously convicted of domestic
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
24 (720 ILCS 5/12-3.3) committed on the same victim or after
25 having been previously convicted of violation of an order
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

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

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

17 (4) If the victim was under 18 years of age at the time
18 of the commission of the offense, when a defendant is
19 convicted of aggravated criminal sexual assault or
20 predatory criminal sexual assault of a child under
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
22 of Section 12-14.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony violation
25 of Section 24-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized
2 gang.

3 (6) When a defendant was convicted of unlawful use of
4 weapons under Section 24-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
6 a weapon that is not readily distinguishable as one of the
7 weapons enumerated in Section 24-1 of the Criminal Code of
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

1 room personnel.

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

5 (e) The court may impose an extended term sentence under
6 Article 4.5 of Chapter V upon an offender who has been
7 convicted of a felony violation of Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
9 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
10 when the victim of the offense is under 18 years of age at the
11 time of the commission of the offense and, during the
12 commission of the offense, the victim was under the influence
13 of alcohol, regardless of whether or not the alcohol was
14 supplied by the offender; and the offender, at the time of the
15 commission of the offense, knew or should have known that the
16 victim had consumed alcohol.

17 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
18 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
19 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
20 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
21 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
22 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
23 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
24 1-25-13.)".