



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1709

Introduced 2/15/2013, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Provides that names and information of people who have applied for or received Certificates of Firearm Registration are exempt from public inspections and copying. Amends the State Finance Act. Creates the National Instant Criminal Background Check System Improvement Fund and the Illinois LEADS Information and Technology Improvement Fund. Amends the Firearm Owners Identification Act. Provides that the Act may now be cited to as the "Firearm Owners Identification Card and Certificate of Firearm Registration Act". Defines "Certificate of Firearm Registration" and "firearm". Prohibits any person in the State from carrying or possessing a firearm without a Certificate of Firearm Registration. Sets forth requirements concerning exemptions, applications for registration, registration fees, the distribution of moneys received from certain fees, and the denial of an application. Creates penalties for the possession of a firearm without a current certificate of registration, knowingly providing false or misleading information or evidence in connection with an application, and the failure to report to local law enforcement that a registered firearm is lost, stolen, missing, or destroyed. Sets forth procedures for the return of a certificate of registration for a firearm that is lost, stolen, or otherwise disposed of. Amends various Acts to make conforming changes.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (5 ILCS 140/7.5)

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

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

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

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

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 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 or Certificates
20 of Firearm Registration under the Firearm Owners
21 Identification Card and Certificate of Firearm Registration
22 Act.

23 (w) Personally identifiable information which is exempted
24 from disclosure under subsection (g) of Section 19.1 of the
25 Toll Highway Act.

26 (x) Information which is exempted from disclosure under

1 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
2 Illinois Municipal Code.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
4 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
5 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
6 eff. 1-1-13.)

7 Section 10. The Department of State Police Law of the Civil
8 Administrative Code of Illinois is amended by changing Sections
9 2605-45 and 2605-120 as follows:

10 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

11 Sec. 2605-45. Division of Administration. The Division of
12 Administration shall exercise the following functions:

13 (1) Exercise the rights, powers, and duties vested in
14 the Department by the Governor's Office of Management and
15 Budget Act.

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

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

20 (4) Operate an electronic data processing and computer
21 center for the storage and retrieval of data pertaining to
22 criminal activity.

23 (5) Exercise the rights, powers, and duties vested in
24 the former Division of State Troopers by Section 17 of the

1 State Police Act.

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

6 (6.5) Exercise the rights, powers, and duties vested in
7 the Department by the Firearm Owners Identification Card
8 and Certificate of Firearm Registration Act.

9 (7) Exercise other duties that may be assigned by the
10 Director to fulfill the responsibilities and achieve the
11 purposes of the Department.

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

13 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

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

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

23 Section 15. The Criminal Identification Act is amended by
24 changing Section 2.2 as follows:

1 (20 ILCS 2630/2.2)

2 Sec. 2.2. Notification to the Department. Upon judgment of
3 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
4 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 when the defendant has been determined, pursuant
6 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
7 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
8 circuit court clerk shall include notification and a copy of
9 the written determination in a report of the conviction to the
10 Department of State Police Firearm Owner's Identification Card
11 Office to enable the office to perform its duties under
12 Sections 4 and 8 of the Firearm Owners Identification Card and
13 Certificate of Firearm Registration Act and to report that
14 determination to the Federal Bureau of Investigation to assist
15 the Bureau in identifying persons prohibited from purchasing
16 and possessing a firearm pursuant to the provisions of 18
17 U.S.C. 922. The written determination described in this Section
18 shall be included in the defendant's record of arrest and
19 conviction in the manner and form prescribed by the Department
20 of State Police.

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

22 Section 20. The State Finance Act is amended by adding
23 Sections 5.826, 5.827, 6z-98, and 6z-99 as follows:

1 (30 ILCS 105/5.826 new)

2 Sec. 5.826. The National Instant Criminal Background Check
3 System Improvement Fund.

4 (30 ILCS 105/5.827 new)

5 Sec. 5.827. The Illinois LEADS Information and Technology
6 Improvement Fund.

7 (30 ILCS 105/6z-98 new)

8 Sec. 6z-98. National Instant Criminal Background Check
9 System Improvement Fund.

10 (a) There is created in the State treasury a special fund
11 known as National Instant Criminal Background Check System
12 Improvement Fund. The Fund shall receive revenue under Section
13 3.4 of the Firearm Owners Identification Card and Certificate
14 of Firearm Registration Act. The Fund may also receive revenue
15 from grants, donations, appropriations, and any other legal
16 source.

17 (b) The Department of State Police shall use moneys in the
18 Fund to perform its duties and responsibilities under
19 subsection (e) of Section 3.1 of the Firearm Owners
20 Identification Card and Certificate of Firearm Registration
21 Act.

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

24 (d) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (e) The Fund shall not be subject to administrative
4 chargebacks.

5 (30 ILCS 105/6z-99 new)

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

8 (a) There is created in the State treasury a special fund
9 known as the Illinois LEADS Information and Technology
10 Improvement Fund. The Fund shall receive revenue under Section
11 3.4 of the Firearm Owners Identification Card and Certificate
12 of Firearm Registration Act. The Fund may also receive revenue
13 from grants, donations, appropriations, and any other legal
14 source.

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

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

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

25 (e) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (f) The Fund shall not be subject to administrative
4 chargebacks.

5 Section 25. The School Code is amended by changing Sections
6 10-22.6, 10-27.1A, and 34-8.05 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, and no action shall lie
13 against them for such expulsion. Expulsion shall take place
14 only after the parents have been requested to appear at a
15 meeting of the board, or with a hearing officer appointed by
16 it, to discuss their child's behavior. Such request shall be
17 made by registered or certified mail and shall state the time,
18 place and purpose of the meeting. The board, or a hearing
19 officer appointed by it, at such meeting shall state the
20 reasons for dismissal and the date on which the expulsion is to
21 become effective. If a hearing officer is appointed by the
22 board he shall report to the board a written summary of the
23 evidence heard at the meeting and the board may take such
24 action thereon as it finds appropriate. An expelled pupil may

1 be immediately transferred to an alternative program in the
2 manner provided in Article 13A or 13B of this Code. A pupil
3 must not be denied transfer because of the expulsion, except in
4 cases in which such transfer is deemed to cause a threat to the
5 safety of students or staff in the alternative program.

6 (b) To suspend or by policy to authorize the superintendent
7 of the district or the principal, assistant principal, or dean
8 of students of any school to suspend pupils guilty of gross
9 disobedience or misconduct, or to suspend pupils guilty of
10 gross disobedience or misconduct on the school bus from riding
11 the school bus, and no action shall lie against them for such
12 suspension. The board may by policy authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend pupils
15 guilty of such acts for a period not to exceed 10 school days.
16 If a pupil is suspended due to gross disobedience or misconduct
17 on a school bus, the board may suspend the pupil in excess of
18 10 school days for safety reasons. Any suspension shall be
19 reported immediately to the parents or guardian of such pupil
20 along with a full statement of the reasons for such suspension
21 and a notice of their right to a review. The school board must
22 be given a summary of the notice, including the reason for the
23 suspension and the suspension length. Upon request of the
24 parents or guardian the school board or a hearing officer
25 appointed by it shall review such action of the superintendent
26 or principal, assistant principal, or dean of students. At such

1 review the parents or guardian of the pupil may appear and
2 discuss the suspension with the board or its hearing officer.
3 If a hearing officer is appointed by the board he shall report
4 to the board a written summary of the evidence heard at the
5 meeting. After its hearing or upon receipt of the written
6 report of its hearing officer, the board may take such action
7 as it finds appropriate. A pupil who is suspended in excess of
8 20 school days may be immediately transferred to an alternative
9 program in the manner provided in Article 13A or 13B of this
10 Code. A pupil must not be denied transfer because of the
11 suspension, except in cases in which such transfer is deemed to
12 cause a threat to the safety of students or staff in the
13 alternative program.

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

18 (d) The board may expel a student for a definite period of
19 time not to exceed 2 calendar years, as determined on a case by
20 case basis. A student who is determined to have brought one of
21 the following objects to school, any school-sponsored activity
22 or event, or any activity or event that bears a reasonable
23 relationship to school shall be expelled for a period of not
24 less than one year:

25 (1) A firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

1 by Section 921 of Title 18 of the United States Code,
2 firearm as defined in Section 1.1 of the Firearm Owners
3 Identification Card and Certificate of Firearm
4 Registration Act, or firearm as defined in Section 24-1 of
5 the Criminal Code of 2012. The expulsion period under this
6 subdivision (1) may be modified by the superintendent, and
7 the superintendent's determination may be modified by the
8 board on a case-by-case basis.

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

17 Expulsion or suspension shall be construed in a manner
18 consistent with the Federal Individuals with Disabilities
19 Education Act. A student who is subject to suspension or
20 expulsion as provided in this Section may be eligible for a
21 transfer to an alternative school program in accordance with
22 Article 13A of the School Code. The provisions of this
23 subsection (d) apply in all school districts, including special
24 charter districts and districts organized under Article 34.

25 (d-5) The board may suspend or by regulation authorize the
26 superintendent of the district or the principal, assistant

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

19 (e) To maintain order and security in the schools, school
20 authorities may inspect and search places and areas such as
21 lockers, desks, parking lots, and other school property and
22 equipment owned or controlled by the school, as well as
23 personal effects left in those places and areas by students,
24 without notice to or the consent of the student, and without a
25 search warrant. As a matter of public policy, the General
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects
2 left in these places and areas. School authorities may request
3 the assistance of law enforcement officials for the purpose of
4 conducting inspections and searches of lockers, desks, parking
5 lots, and other school property and equipment owned or
6 controlled by the school for illegal drugs, weapons, or other
7 illegal or dangerous substances or materials, including
8 searches conducted through the use of specially trained dogs.
9 If a search conducted in accordance with this Section produces
10 evidence that the student has violated or is violating either
11 the law, local ordinance, or the school's policies or rules,
12 such evidence may be seized by school authorities, and
13 disciplinary action may be taken. School authorities may also
14 turn over such evidence to law enforcement authorities. The
15 provisions of this subsection (e) apply in all school
16 districts, including special charter districts and districts
17 organized under Article 34.

18 (f) Suspension or expulsion may include suspension or
19 expulsion from school and all school activities and a
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that if
22 a student is suspended or expelled for any reason from any
23 public or private school in this or any other state, the
24 student must complete the entire term of the suspension or
25 expulsion in an alternative school program under Article 13A of
26 this Code or an alternative learning opportunities program

1 under Article 13B of this Code before being admitted into the
2 school district if there is no threat to the safety of students
3 or staff in the alternative program. This subsection (g)
4 applies to all school districts, including special charter
5 districts and districts organized under Article 34 of this
6 Code.

7 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
8 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
9 97-1150, eff. 1-25-13.)

10 (105 ILCS 5/10-27.1A)

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

12 (a) All school officials, including teachers, guidance
13 counselors, and support staff, shall immediately notify the
14 office of the principal in the event that they observe any
15 person in possession of a firearm on school grounds; provided
16 that taking such immediate action to notify the office of the
17 principal would not immediately endanger the health, safety, or
18 welfare of students who are under the direct supervision of the
19 school official or the school official. If the health, safety,
20 or welfare of students under the direct supervision of the
21 school official or of the school official is immediately
22 endangered, the school official shall notify the office of the
23 principal as soon as the students under his or her supervision
24 and he or she are no longer under immediate danger. A report is
25 not required by this Section when the school official knows

1 that the person in possession of the firearm is a law
2 enforcement official engaged in the conduct of his or her
3 official duties. Any school official acting in good faith who
4 makes such a report under this Section shall have immunity from
5 any civil or criminal liability that might otherwise be
6 incurred as a result of making the report. The identity of the
7 school official making such report shall not be disclosed
8 except as expressly and specifically authorized by law.
9 Knowingly and willfully failing to comply with this Section is
10 a petty offense. A second or subsequent offense is a Class C
11 misdemeanor.

12 (b) Upon receiving a report from any school official
13 pursuant to this Section, or from any other person, the
14 principal or his or her designee shall immediately notify a
15 local law enforcement agency. If the person found to be in
16 possession of a firearm on school grounds is a student, the
17 principal or his or her designee shall also immediately notify
18 that student's parent or guardian. Any principal or his or her
19 designee acting in good faith who makes such reports under this
20 Section shall have immunity from any civil or criminal
21 liability that might otherwise be incurred or imposed as a
22 result of making the reports. Knowingly and willfully failing
23 to comply with this Section is a petty offense. A second or
24 subsequent offense is a Class C misdemeanor. If the person
25 found to be in possession of the firearm on school grounds is a
26 minor, the law enforcement agency shall detain that minor until

1 such time as the agency makes a determination pursuant to
2 clause (a) of subsection (1) of Section 5-401 of the Juvenile
3 Court Act of 1987, as to whether the agency reasonably believes
4 that the minor is delinquent. If the law enforcement agency
5 determines that probable cause exists to believe that the minor
6 committed a violation of item (4) of subsection (a) of Section
7 24-1 of the Criminal Code of 2012 while on school grounds, the
8 agency shall detain the minor for processing pursuant to
9 Section 5-407 of the Juvenile Court Act of 1987.

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

21 The State Board of Education shall receive an annual
22 statistical compilation and related data associated with
23 incidents involving firearms in schools from the Department of
24 State Police. The State Board of Education shall compile this
25 information by school district and make it available to the
26 public.

1 (d) As used in this Section, the term "firearm" shall have
2 the meaning ascribed to it in Section 1.1 of the Firearm Owners
3 Identification Card and Certificate of Firearm Registration
4 Act.

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

7 As used in this Section, the term "school grounds" includes
8 the real property comprising any school, any conveyance owned,
9 leased, or contracted by a school to transport students to or
10 from school or a school-related activity, or any public way
11 within 1,000 feet of the real property comprising any school.

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

13 (105 ILCS 5/34-8.05)

14 Sec. 34-8.05. Reporting firearms in schools. On or after
15 January 1, 1997, upon receipt of any written, electronic, or
16 verbal report from any school personnel regarding a verified
17 incident involving a firearm in a school or on school owned or
18 leased property, including any conveyance owned, leased, or
19 used by the school for the transport of students or school
20 personnel, the general superintendent or his or her designee
21 shall report all such firearm-related incidents occurring in a
22 school or on school property to the local law enforcement
23 authorities no later than 24 hours after the occurrence of the
24 incident and to the Department of State Police in a form,
25 manner, and frequency as prescribed by the Department of State

1 Police.

2 The State Board of Education shall receive an annual
3 statistical compilation and related data associated with
4 incidents involving firearms in schools from the Department of
5 State Police. As used in this Section, the term "firearm" shall
6 have the meaning ascribed to it in Section 1.1 of the Firearm
7 Owners Identification Card and Certificate of Firearm
8 Registration Act.

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

10 Section 30. The Lead Poisoning Prevention Act is amended by
11 changing Section 2 as follows:

12 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

14 "Abatement" means the removal or encapsulation of all
15 leadbearing substances in a residential building or dwelling
16 unit.

17 "Child care facility" means any structure used by a child
18 care provider licensed by the Department of Children and Family
19 Services or public school structure frequented by children
20 through 6 years of age.

21 "Delegate agency" means a unit of local government or
22 health department approved by the Department to carry out the
23 provisions of this Act.

24 "Department" means the Department of Public Health of the

1 State of Illinois.

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

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

16 "Exposed surface" means any interior or exterior surface of
17 a dwelling or residential building.

18 "Lead abatement contractor" means any person or entity
19 licensed by the Department to perform lead abatement and
20 mitigation.

21 "Lead abatement worker" means any person employed by a lead
22 abatement contractor and licensed by the Department to perform
23 lead abatement and mitigation.

24 "Lead bearing substance" means any item containing or
25 coated with lead such that the lead content is more than
26 six-hundredths of one percent (0.06%) lead by total weight; or

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

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

20 "Lead poisoning" means the condition of having blood lead
21 levels in excess of those considered safe under State and
22 federal rules and regulations.

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

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

4 "Owner" means any person, who alone, jointly, or severally
5 with others:

6 (a) Has legal title to any dwelling or residential
7 building, with or without accompanying actual possession
8 of the dwelling or residential building, or

9 (b) Has charge, care or control of the dwelling or
10 residential building as owner or agent of the owner, or as
11 executor, administrator, trustee, or guardian of the
12 estate of the owner.

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

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

19 "Risk assessment" means a questionnaire to be developed by
20 the Department for use by physicians and other health care
21 providers to determine risk factors for children through 6
22 years of age residing in areas designated as low risk for lead
23 exposure.

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

25 Section 35. The Firearm Owners Identification Card Act is

1 amended by changing Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and
2 14 and by adding Section 3.4 as follows:

3 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Firearm Owners Identification Card and Certificate of Firearm
6 Registration Act.

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

8 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

9 Sec. 1. It is hereby declared as a matter of legislative
10 determination that in order to promote and protect the health,
11 safety and welfare of the public, it is necessary and in the
12 public interest to provide a system of identifying persons who
13 are not qualified to acquire or possess firearms, firearm
14 ammunition, stun guns, and tasers within the State of Illinois
15 by the establishment of a system of Firearm Owner's
16 Identification Cards and firearm registration, thereby
17 establishing a practical and workable system by which law
18 enforcement authorities will be afforded an opportunity to
19 identify those persons who are prohibited by Section 24-3.1 of
20 the Criminal Code of 2012, from acquiring or possessing
21 firearms and firearm ammunition and who are prohibited by this
22 Act from acquiring stun guns and tasers, and to identify the
23 ownership of firearms that have been recovered or seized as
24 evidence.

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

2 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

3 Sec. 1.1. For purposes of this Act:

4 "Has been adjudicated as a mental defective" means the
5 person is the subject of a determination by a court, board,
6 commission or other lawful authority that a person, as a result
7 of marked subnormal intelligence, or mental illness, mental
8 impairment, incompetency, condition, or disease:

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

10 (2) lacks the mental capacity to manage his or her own
11 affairs;

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

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

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

18 "Certificate of Firearm Registration" means a certificate
19 issued by the Illinois Department of State Police under Section
20 3.4 of this Act.

21 "Counterfeit" means to copy or imitate, without legal
22 authority, with intent to deceive.

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).

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

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

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

13 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

14 Sec. 3. (a) Except as provided in Section 3a, no person may
15 knowingly transfer, or cause to be transferred, any firearm,
16 firearm ammunition, stun gun, or taser to any person within
17 this State unless the transferee with whom he deals displays a
18 currently valid Firearm Owner's Identification Card which has
19 previously been issued in his name by the Department of State
20 Police under the provisions of this Act. In addition, all
21 firearm, stun gun, and taser transfers by federally licensed
22 firearm dealers are subject to Section 3.1. In addition, the
23 transferor and transferee of a firearm shall be subject to
24 Section 3.4 of this Act regardless of whether the transferor is
25 a federally licensed firearm dealer.

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

12 (b) Any person within this State who transfers or causes to
13 be transferred any firearm, stun gun, or taser shall keep a
14 record of such transfer for a period of 10 years from the date
15 of transfer. Such record shall contain the date of the
16 transfer; the description, serial number or other information
17 identifying the firearm, stun gun, or taser if no serial number
18 is available; and, if the transfer was completed within this
19 State, the transferee's Firearm Owner's Identification Card
20 number. On or after January 1, 2006, the record shall contain
21 the date of application for transfer of the firearm. On demand
22 of a peace officer such transferor shall produce for inspection
23 such record of transfer. If the transfer or sale took place at
24 a gun show, the record shall include the unique identification
25 number. Failure to record the unique identification number is a
26 petty offense.

1 (b-5) Any resident may purchase ammunition from a person
2 within or outside of Illinois if shipment is by United States
3 mail or by a private express carrier authorized by federal law
4 to ship ammunition. Any resident purchasing ammunition within
5 or outside the State of Illinois must provide the seller with a
6 copy of his or her valid Firearm Owner's Identification Card
7 and either his or her Illinois driver's license or Illinois
8 State Identification Card prior to the shipment of the
9 ammunition. The ammunition may be shipped only to an address on
10 either of those 2 documents.

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

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

15 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

16 Sec. 3.1. Dial up system.

17 (a) The Department of State Police shall provide a dial up
18 telephone system or utilize other existing technology which
19 shall be used by any federally licensed firearm dealer, gun
20 show promoter, or gun show vendor who is to transfer a firearm,
21 stun gun, or taser under the provisions of this Act. The
22 Department of State Police may utilize existing technology
23 which allows the caller to be charged a fee not to exceed \$2.
24 Fees collected by the Department of State Police shall be
25 deposited in the State Police Services Fund and used to provide

1 the service.

2 (b) Upon receiving a request from a federally licensed
3 firearm dealer, gun show promoter, or gun show vendor, the
4 Department of State Police shall immediately approve, or within
5 the time period established by Section 24-3 of the Criminal
6 Code of 2012 regarding the delivery of firearms, stun guns, and
7 tasers notify the inquiring dealer, gun show promoter, or gun
8 show vendor of any objection that would disqualify the
9 transferee from acquiring or possessing a firearm, stun gun, or
10 taser. In conducting the inquiry, the Department of State
11 Police shall initiate and complete an automated search of its
12 criminal history record information files and those of the
13 Federal Bureau of Investigation, including the National
14 Instant Criminal Background Check System, and of the files of
15 the Department of Human Services relating to mental health and
16 developmental disabilities to obtain any felony conviction or
17 patient hospitalization information which would disqualify a
18 person from obtaining or require revocation of a currently
19 valid Firearm Owner's Identification Card.

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

23 (1) assign a unique identification number to the
24 transfer; and

25 (2) provide the licensee, gun show promoter, or gun
26 show vendor with the number.

1 (d) Approvals issued by the Department of State Police for
2 the purchase of a firearm are valid for 30 days from the date
3 of issue.

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

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

17 (n) to the National Instant Criminal Background Check System
18 Index, Denied Persons Files. The Department of State Police
19 shall implement a program to distribute grant moneys, with
20 funds appropriated for that purpose, to units of local
21 government to facilitate participation in the National Instant
22 Criminal Background Check System by their enforcement
23 agencies.

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

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

1 (430 ILCS 65/3.4 new)

2 Sec. 3.4. Certificate of Firearm Registration.

3 (a) No person shall transport or possess a firearm in this
4 State without a Certificate of Firearm Registration issued for
5 that firearm by the Department of State Police.

6 (b) The provisions of this Section requiring the issuance
7 of certificates of firearm registration do not apply to the
8 following persons:

9 (1) any person who is exempt from the Firearm Owner's
10 Identification Card requirements of this Act under
11 subsection (b) of Section 2 of this Act;

12 (2) any person who is exempt from the Firearm Owner's
13 Identification Card requirements of this Act under
14 subsection (c) of Section 2 of this Act; and

15 (3) a federally licensed firearm dealer holding a new
16 firearm for transfer or sale.

17 (c) An applicant for an original or transferred certificate
18 of firearm registration shall submit an application to the
19 Department, prepared and furnished at convenient locations
20 throughout the State or by electronic means. The application
21 shall request the following information from the applicant:

22 (1) the applicant's name, address, and telephone
23 number;

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

1 (3) the name of the manufacturer, the caliber or gauge,
2 the model, the type, and the serial number identification
3 of the firearm to be registered;

4 (4) the source from which the firearm was obtained,
5 including the name and address of the source;

6 (5) the date the firearm was acquired;

7 (6) any other information that the Department shall
8 find reasonably necessary or desirable to effectuate the
9 purposes of this Act and to arrive at a fair determination
10 as to whether the terms of this Act have been complied
11 with; and

12 (7) an affidavit signed by the applicant certifying
13 that the applicant:

14 (A) possesses a valid Firearm Owner's
15 Identification Card;

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

19 (d) Any person who transports or possesses a firearm
20 without a current Certificate of Firearm Registration is guilty
21 of a Class 2 felony. Any person who knowingly enters false or
22 misleading information or who submits false or misleading
23 evidence in connection with the application described in
24 subsection (c) of this Section is guilty of a Class 2 felony.
25 Any person who knows or should know that his or her registered
26 firearm is lost, stolen, missing, or destroyed but does not

1 report that occurrence to local law enforcement is guilty of a
2 Class A misdemeanor.

3 (e) The Department shall issue an original or transferred
4 certificate of registration or shall issue a written denial of
5 the application within 30 days after the application is
6 received.

7 (f) Except as provided in subsection (g) of this Section, a
8 nonrefundable application fee of \$65 shall be payable for each
9 original or transferred Certificate of Firearm Registration.
10 All moneys received from this \$65 fee shall be deposited as
11 follows:

12 (1) \$25 to the Department for the administration of
13 firearm registration;

14 (2) \$20 to the Illinois LEADS Information and
15 Technology Improvement Fund; and

16 (3) \$20 to the National Instant Criminal Background
17 Check System Improvement Fund.

18 (g) A nonrefundable application fee of \$33 shall be payable
19 for each original or transferred Certificate of Firearm
20 Registration submitted to the Department within 90 days after
21 the effective date of this amendatory Act of the 98th General
22 Assembly. All moneys received from this \$33 fee shall be
23 deposited as follows:

24 (1) \$11 to the Department for the administration of
25 firearm registration;

26 (2) \$11 to the Illinois LEADS Information and

1 Technology Improvement Fund; and

2 (3) \$11 to the National Instant Criminal Background
3 Check System Improvement Fund.

4 (h) A nonrefundable fee of \$10 shall be payable for each
5 duplicate or replacement Certificate of Firearm Registration.
6 All moneys received this \$10 fee shall be deposited with the
7 Department for the administration of firearm registration.

8 (i) Certificates of Firearm Registration shall expire
9 every 5 years. The fee for renewal of a Certificate of Firearm
10 Registration is \$25. All moneys received from this \$25 fee
11 shall be deposited with the Department for the administration
12 of firearm registration.

13 (j) Every person issued a Certificate of Firearm
14 Registration shall notify local law enforcement within 72 hours
15 of any of the following events:

16 (1) the destruction of his or her firearm, or when the
17 person knows, or should have known, that his or her firearm
18 is lost, stolen, or otherwise missing;

19 (2) the loss, theft, or destruction of the certificate
20 of firearm registration within 72 hours of the discovery of
21 the loss, theft, or destruction.

22 (j-5) Every person issued a Certificate of Firearm
23 Registration shall notify the Department in a manner prescribed
24 by the Department within 72 hours of any of the following
25 events:

26 (1) a change in any of the information appearing on the

1 Certificate of Firearm Registration;

2 (2) the sale, transfer, inheritance, or other
3 disposition of the registered firearm not less than 48
4 hours prior to delivery.

5 (k) Every person issued a Certificate of Firearm
6 Registration, in addition to any other requirements of this
7 Section, shall immediately return to the Department his or her
8 copy of the Certificate of Firearm Registration for any firearm
9 which is lost, stolen, destroyed, or otherwise disposed of.

10 (l) If an owner transfers ownership of a firearm, he or she
11 shall execute to the transferee, at the time of the delivery of
12 the firearm, an assignment of registration in the space
13 provided on the Certificate of Firearm Registration, and shall
14 cause the certificate and assignment to be delivered to the
15 transferee.

16 (l-5) In the case of a federally licensed firearm dealer
17 making a sale of a new firearm, the dealer shall submit the
18 application described in subsection (c) along with the required
19 fee to the Department on the purchaser's behalf within 20 days
20 from the date of sale. If the purchaser does not receive an
21 original Certificate of Firearm Registration or a written
22 denial of the application submitted on his or her behalf by the
23 dealer within 50 days from the date of purchase, the purchaser
24 shall inquire to the Department regarding the status of his or
25 her application.

26 (m) Within 20 days after the delivery to a transferee of a

1 firearm or the delivery of the certificate and assignment,
2 whichever occurs sooner, the transferee shall execute the
3 application for a new Certificate of Firearm Registration in
4 the space provided on the Certificate and cause the Certificate
5 and application to be mailed or delivered to the Department.

6 (n) No transferee shall knowingly accept ownership of a
7 firearm from a transferor who has failed to obtain a
8 Certificate of Firearm Registration in violation of this
9 Section, or who fails to execute an assignment of registration
10 to the transferee as required by subsection (l) of this
11 Section.

12 (o) Any person who accepts delivery of a firearm that has
13 not been previously registered and assigned to the transferee
14 shall file an application for an original certificate of
15 firearm registration within 20 days after taking possession of
16 the firearm. Any person who owns a firearm on the effective
17 date of this amendatory Act of the 98th General Assembly shall
18 file an application for an original certificate of firearm
19 registration not later than 90 days after the effective date of
20 this amendatory Act of the 98th General Assembly.

21 (p) Transfer of ownership of a registered firearm shall not
22 be considered complete until the transferee has complied with
23 subsection (m) of this Section, provided that a transferor who
24 has complied with subsections (j) and (l) of this Section, and
25 has complied with the requirements of Section 3 and 3.1, if
26 applicable, shall not be liable as an owner by virtue of the

1 transferee's failure to comply with subsection (m) for damages
2 arising out of use of the firearm.

3 (q) The Department has authority to deny an application for
4 or to revoke and seize a Certificate of Firearm Registration
5 previously issued under this Section if the Department finds
6 that:

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

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

11 (3) the firearm is unlawful for the applicant to own.

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

16 (s) Whenever an application for a certificate of firearm
17 registration is denied, whenever the Department fails to act on
18 an application within 30 days of its receipt, or whenever a
19 certificate is revoked or seized, the aggrieved party may
20 appeal to the Director of the Department of State Police for a
21 hearing upon the denial, revocation or seizure, unless the
22 denial, revocation, or seizure was based upon a forcible
23 felony, stalking, aggravated stalking, domestic battery, any
24 violation of the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or the
26 Cannabis Control Act that is classified as a Class 2 or greater

1 felony, any felony violation of Article 24 of the Criminal Code
2 of 2012, or any adjudication as a delinquent minor for the
3 commission of an offense that if committed by an adult would be
4 a felony, in which case the aggrieved party may petition the
5 circuit court in writing in the county of his or her residence
6 for a hearing upon the denial, revocation, or seizure.

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

16 (2) Any person prohibited from possessing a firearm
17 under Sections 24-1.1 or 24-3.1 of the Criminal Code of
18 2012 or acquiring a Certificate of Firearm Registration
19 under Section 3.4 of the Act may apply to the Director of
20 State Police or petition the circuit court in the county
21 where the petitioner resides, whichever is applicable in
22 accordance with this subsection (s), requesting relief
23 from the prohibition and the Director or court may grant
24 the relief if it is established by the applicant to the
25 court's or Director's satisfaction that:

26 (A) when in the circuit court, the State's Attorney

1 has been served with a written copy of the petition at
2 least 30 days before the hearing in the circuit court
3 and at the hearing the State's Attorney was afforded an
4 opportunity to present evidence and object to the
5 petition;

6 (B) the applicant has not been convicted of a
7 forcible felony under the laws of this State or any
8 other jurisdiction within 20 years of the applicant's
9 application for a Firearm Owner's Identification Card,
10 or at least 20 years have passed since the end of any
11 period of imprisonment imposed in relation to that
12 conviction;

13 (C) the circumstances regarding a criminal
14 conviction, where applicable, the applicant's criminal
15 history and his or her reputation are such that the
16 applicant will not be likely to act in a manner
17 dangerous to public safety; and

18 (D) granting relief would not be contrary to the
19 public interest.

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

23 (4) The court shall review the denial of an application
24 or the revocation of a Certificate of Firearm Registration
25 of a person who has been adjudicated delinquent for an
26 offense that if committed by an adult would be a felony if

1 an application for relief has been filed at least 10 years
2 after the adjudication of delinquency and the court
3 determines that the applicant should be granted relief from
4 disability to obtain a certificate of firearm
5 registration. If the court grants relief, the court shall
6 notify the Department of State Police that the disability
7 has been removed and that the applicant is eligible to
8 obtain a Certificate of Firearm Registration.

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

18 (t) Notwithstanding any other provision of law, including
19 the Freedom of Information Act, it is the public policy of this
20 State that the names and information of people who have applied
21 for or received certificates of firearm registration under this
22 Section are considered private and shall not be disclosed. No
23 State or local law enforcement agency shall provide the names
24 and information of holders of or applicants for Certificates of
25 Firearm Registration, except that the Department may provide
26 confirmation that an individual has or has not been issued,

1 applied for, or denied a Certificate of Firearm Registration in
2 connection with a criminal investigation.

3 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

6 (1) Make application on blank forms prepared and
7 furnished at convenient locations throughout the State by
8 the Department of State Police, or by electronic means, if
9 and when made available by the Department of State Police;
10 and

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

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

25 (ii) He or she has not been convicted of a felony

1 under the laws of this or any other jurisdiction;

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

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

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

7 (vi) He or she is not an alien who is unlawfully
8 present in the United States under the laws of the
9 United States;

10 (vii) He or she is not subject to an existing order
11 of protection prohibiting him or her from possessing a
12 firearm;

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

18 (ix) He or she has not been convicted of domestic
19 battery, aggravated domestic battery, or a
20 substantially similar offense in another jurisdiction
21 committed before, on or after January 1, 2012 (the
22 effective date of Public Act 97-158). If the applicant
23 knowingly and intelligently waives the right to have an
24 offense described in this clause (ix) tried by a jury,
25 and by guilty plea or otherwise, results in a
26 conviction for an offense in which a domestic

1 relationship is not a required element of the offense
2 but in which a determination of the applicability of 18
3 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the
4 Code of Criminal Procedure of 1963, an entry by the
5 court of a judgment of conviction for that offense
6 shall be grounds for denying the issuance of a Firearm
7 Owner's Identification Card under this Section;

8 (x) (Blank);

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

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

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

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

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

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so
2 designated by the Department of State;

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

6 (5) one who has received a waiver from the
7 Attorney General of the United States pursuant to
8 18 U.S.C. 922(y) (3);

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

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

18 (xiv) He or she is a resident of the State of
19 Illinois; and

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

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

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

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

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

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

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

24 (430 ILCS 65/6.1)

25 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's

1 Identification Cards.

2 (a) Any person who forges or materially alters a Firearm
3 Owner's Identification Card or Certificate of Firearm
4 Registration or who counterfeits a Firearm Owner's
5 Identification Card or Certificate of Firearm Registration
6 commits a Class 2 felony.

7 (b) Any person who knowingly possesses a forged or
8 materially altered Firearm Owner's Identification Card or
9 Certificate of Firearm Registration with the intent to use it
10 commits a Class 2 felony. A person who possesses a Firearm
11 Owner's Identification Card or Certificate of Firearm
12 Registration with knowledge that it is counterfeit commits a
13 Class 2 felony.

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

15 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

16 Sec. 14. Sentence.

17 (a) Except as provided in subsection (a-5), a violation of
18 paragraph (1) of subsection (a) of Section 2, when the person's
19 Firearm Owner's Identification Card is expired but the person
20 is not otherwise disqualified from renewing the card, is a
21 Class A misdemeanor.

22 (a-5) A violation of paragraph (1) of subsection (a) of
23 Section 2, when the person's Firearm Owner's Identification
24 Card is expired but the person is not otherwise disqualified
25 from owning, purchasing, or possessing firearms, is a petty

1 offense if the card was expired for 6 months or less from the
2 date of expiration.

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

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

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

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

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

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

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

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

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

4 Section 40. The Wildlife Code is amended by changing
5 Section 3.2 as follows:

6 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

7 Sec. 3.2. Hunting license; application; instruction.
8 Before the Department or any county, city, village, township,
9 incorporated town clerk or his duly designated agent or any
10 other person authorized or designated by the Department to
11 issue hunting licenses shall issue a hunting license to any
12 person, the person shall file his application with the
13 Department or other party authorized to issue licenses on a
14 form provided by the Department and further give definite proof
15 of identity and place of legal residence. Each clerk
16 designating agents to issue licenses and stamps shall furnish
17 the Department, within 10 days following the appointment, the
18 names and mailing addresses of the agents. Each clerk or his
19 duly designated agent shall be authorized to sell licenses and
20 stamps only within the territorial area for which he was
21 elected or appointed. No duly designated agent is authorized to
22 furnish licenses or stamps for issuance by any other business
23 establishment. Each application shall be executed and sworn to
24 and shall set forth the name and description of the applicant

1 and place of residence.

2 No hunting license shall be issued to any person born on or
3 after January 1, 1980 unless he presents the person authorized
4 to issue the license evidence that he has held a hunting
5 license issued by the State of Illinois or another state in a
6 prior year, or a certificate of competency as provided in this
7 Section. Persons under 16 years of age may be issued a Lifetime
8 Hunting or Sportsmen's Combination License as provided under
9 Section 20-45 of the Fish and Aquatic Life Code but shall not
10 be entitled to hunt unless they have a certificate of
11 competency as provided in this Section and they shall have the
12 certificate in their possession while hunting.

13 The Department of Natural Resources shall authorize
14 personnel of the Department or certified volunteer instructors
15 to conduct courses, of not less than 10 hours in length, in
16 firearms and hunter safety, which may include training in bow
17 and arrow safety, at regularly specified intervals throughout
18 the State. Persons successfully completing the course shall
19 receive a certificate of competency. The Department of Natural
20 Resources may further cooperate with any reputable association
21 or organization in establishing courses if the organization has
22 as one of its objectives the promotion of safety in the
23 handling of firearms or bow and arrow.

24 The Department of Natural Resources shall designate any
25 person found by it to be competent to give instruction in the
26 handling of firearms, hunter safety, and bow and arrow. The

1 persons so appointed shall give the course of instruction and
2 upon the successful completion shall issue to the person
3 instructed a certificate of competency in the safe handling of
4 firearms, hunter safety, and bow and arrow. No charge shall be
5 made for any course of instruction except for materials or
6 ammunition consumed. The Department of Natural Resources shall
7 furnish information on the requirements of hunter safety
8 education programs to be distributed free of charge to
9 applicants for hunting licenses by the persons appointed and
10 authorized to issue licenses. Funds for the conducting of
11 firearms and hunter safety courses shall be taken from the fee
12 charged for the Firearm Owners Identification Card and
13 Certificate of Firearm Registration.

14 The fee for a hunting license to hunt all species for a
15 resident of Illinois is \$12. For residents age 65 or older,
16 and, commencing with the 2012 license year, resident veterans
17 of the United States Armed Forces after returning from service
18 abroad or mobilization by the President of the United States,
19 the fee is one-half of the fee charged for a hunting license to
20 hunt all species for a resident of Illinois. Veterans must
21 provide to the Department, at one of the Department's 5
22 regional offices, verification of their service. The
23 Department shall establish what constitutes suitable
24 verification of service for the purpose of issuing resident
25 veterans hunting licenses at a reduced fee. Nonresidents shall
26 be charged \$57 for a hunting license.

1 Nonresidents may be issued a nonresident hunting license
2 for a period not to exceed 10 consecutive days' hunting in the
3 State and shall be charged a fee of \$35.

4 A special nonresident hunting license authorizing a
5 nonresident to take game birds by hunting on a game breeding
6 and hunting preserve area only, established under Section 3.27,
7 shall be issued upon proper application being made and payment
8 of a fee equal to that for a resident hunting license. The
9 expiration date of this license shall be on the same date each
10 year that game breeding and hunting preserve area licenses
11 expire.

12 Each applicant for a State Migratory Waterfowl Stamp,
13 regardless of his residence or other condition, shall pay a fee
14 of \$15 and shall receive a stamp. Except as provided under
15 Section 20-45 of the Fish and Aquatic Life Code, the stamp
16 shall be signed by the person or affixed to his license or
17 permit in a space designated by the Department for that
18 purpose.

19 Each applicant for a State Habitat Stamp, regardless of his
20 residence or other condition, shall pay a fee of \$5 and shall
21 receive a stamp. Except as provided under Section 20-45 of the
22 Fish and Aquatic Life Code, the stamp shall be signed by the
23 person or affixed to his license or permit in a space
24 designated by the Department for that purpose.

25 Nothing in this Section shall be construed as to require
26 the purchase of more than one State Habitat Stamp by any person

1 in any one license year.

2 The Department shall furnish the holders of hunting
3 licenses and stamps with an insignia as evidence of possession
4 of license, or license and stamp, as the Department may
5 consider advisable. The insignia shall be exhibited and used as
6 the Department may order.

7 All other hunting licenses and all State stamps shall
8 expire upon March 31 of each year.

9 Every person holding any license, permit, or stamp issued
10 under the provisions of this Act shall have it in his
11 possession for immediate presentation for inspection to the
12 officers and authorized employees of the Department, any
13 sheriff, deputy sheriff, or any other peace officer making a
14 demand for it. This provision shall not apply to Department
15 owned or managed sites where it is required that all hunters
16 deposit their license, permit, or Firearm Owner's
17 Identification Card at the check station upon entering the
18 hunting areas.

19 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12.)

20 Section 45. The Clerks of Courts Act is amended by changing
21 Section 27.3a as follows:

22 (705 ILCS 105/27.3a)

23 Sec. 27.3a. Fees for automated record keeping, probation
24 and court services operations, and State and Conservation

1 Police operations.

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

23 1.1. Starting on July 6, 2012 (the effective date of Public
24 Act 97-761) and pursuant to an administrative order from the
25 chief judge of the circuit or the presiding judge of the county
26 authorizing such collection, a clerk of the circuit court in

1 any county that imposes a fee pursuant to subsection 1 of this
2 Section shall also charge and collect an additional \$10
3 operations fee for probation and court services department
4 operations.

5 This additional fee shall be paid by the defendant in any
6 felony, traffic, misdemeanor, local ordinance, or conservation
7 case upon a judgment of guilty or grant of supervision, except
8 such \$10 operations fee shall not be charged and collected in
9 cases governed by Supreme Court Rule 529 in which the bail
10 amount is \$120 or less.

11 1.2. With respect to the fee imposed and collected under
12 subsection 1.1 of this Section, each clerk shall transfer all
13 fees monthly to the county treasurer for deposit into the
14 probation and court services fund created under Section 15.1 of
15 the Probation and Probation Officers Act, and such monies shall
16 be disbursed from the fund only at the direction of the chief
17 judge of the circuit or another judge designated by the Chief
18 Circuit Judge in accordance with the policies and guidelines
19 approved by the Supreme Court.

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

1 ordinance case upon a judgment of guilty or grant of
2 supervision. This fee shall not be paid by the defendant for
3 any conservation violation listed in subsection 1.6 of this
4 Section.

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

1 Dangerous Animals Act, the Hunter and Fishermen Interference
2 Prohibition Act, the Wrongful Tree Cutting Act, or Section
3 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2,
4 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle
5 Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

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

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

25 4. With respect to the fee imposed under subsection 1 of
26 this Section, such fees shall not be charged in any matter

1 coming to any such clerk on change of venue, nor in any
2 proceeding to review the decision of any administrative
3 officer, agency or body.

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

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

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

1 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
2 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;
3 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; 97-1150, eff.
4 1-25-13.)

5 Section 50. The Criminal Code of 2012 is amended by
6 changing Sections 2-7.1, 2-7.5, 12-3.05, 17-30, 24-1.1,
7 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9 as follows:

8 (720 ILCS 5/2-7.1)

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

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

14 (720 ILCS 5/2-7.5)

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

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

20 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

21 Sec. 12-3.05. Aggravated battery.

22 (a) Offense based on injury. A person commits aggravated

1 battery when, in committing a battery, other than by the
2 discharge of a firearm, he or she knowingly does any of the
3 following:

4 (1) Causes great bodily harm or permanent disability or
5 disfigurement.

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

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

18 (i) performing his or her official duties;

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

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

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

25 (5) Strangles another individual.

26 (b) Offense based on injury to a child or intellectually

1 disabled person. A person who is at least 18 years of age
2 commits aggravated battery when, in committing a battery, he or
3 she knowingly and without legal justification by any means:

4 (1) causes great bodily harm or permanent disability or
5 disfigurement to any child under the age of 13 years, or to
6 any severely or profoundly intellectually disabled person;
7 or

8 (2) causes bodily harm or disability or disfigurement
9 to any child under the age of 13 years or to any severely
10 or profoundly intellectually disabled person.

11 (c) Offense based on location of conduct. A person commits
12 aggravated battery when, in committing a battery, other than by
13 the discharge of a firearm, he or she is or the person battered
14 is on or about a public way, public property, a public place of
15 accommodation or amusement, a sports venue, or a domestic
16 violence shelter.

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

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

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

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

26 (4) A peace officer, community policing volunteer,

1 fireman, private security officer, correctional
2 institution employee, or Department of Human Services
3 employee supervising or controlling sexually dangerous
4 persons or sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (5) A judge, emergency management worker, emergency
11 medical technician, or utility worker:

12 (i) performing his or her official duties;

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

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

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

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

22 (8) A taxi driver on duty.

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

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

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

9 (1) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 another person.

12 (2) Discharges a firearm, other than a machine gun or a
13 firearm equipped with a silencer, and causes any injury to
14 a person he or she knows to be a peace officer, community
15 policing volunteer, person summoned by a police officer,
16 fireman, private security officer, correctional
17 institution employee, or emergency management worker:

18 (i) performing his or her official duties;

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

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

23 (3) Discharges a firearm, other than a machine gun or a
24 firearm equipped with a silencer, and causes any injury to
25 a person he or she knows to be an emergency medical
26 technician employed by a municipality or other

1 governmental unit:

2 (i) performing his or her official duties;

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

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

7 (4) Discharges a firearm and causes any injury to a
8 person he or she knows to be a teacher, a student in a
9 school, or a school employee, and the teacher, student, or
10 employee is upon school grounds or grounds adjacent to a
11 school or in any part of a building used for school
12 purposes.

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

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

21 (i) performing his or her official duties;

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

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

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

1 a silencer, and causes any injury to a person he or she
2 knows to be an emergency medical technician employed by a
3 municipality or other governmental unit:

4 (i) performing his or her official duties;

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

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

9 (8) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be a teacher, or a student in a school, or a
12 school employee, and the teacher, student, or employee is
13 upon school grounds or grounds adjacent to a school or in
14 any part of a building used for school purposes.

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

18 (1) Uses a deadly weapon other than by discharge of a
19 firearm, or uses an air rifle as defined in Section
20 24.8-0.1 of this Code ~~the Air Rifle Act~~.

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

23 (3) Knowingly and without lawful justification shines
24 or flashes a laser gunsight or other laser device attached
25 to a firearm, or used in concert with a firearm, so that
26 the laser beam strikes upon or against the person of

1 another.

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

5 (1) Violates Section 401 of the Illinois Controlled
6 Substances Act by unlawfully delivering a controlled
7 substance to another and any user experiences great bodily
8 harm or permanent disability as a result of the injection,
9 inhalation, or ingestion of any amount of the controlled
10 substance.

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

18 (3) Knowingly causes or attempts to cause a
19 correctional institution employee or Department of Human
20 Services employee to come into contact with blood, seminal
21 fluid, urine, or feces by throwing, tossing, or expelling
22 the fluid or material, and the person is an inmate of a
23 penal institution or is a sexually dangerous person or
24 sexually violent person in the custody of the Department of
25 Human Services.

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

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

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

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

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

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

17 (B) the person caused great bodily harm or permanent
18 disability or disfigurement to the other person while
19 committing the offense; or

20 (C) the person has been previously convicted of a
21 violation of subdivision (a)(5) under the laws of this
22 State or laws similar to subdivision (a)(5) of any other
23 state.

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

26 Aggravated battery as defined in subdivision (a)(2) is a

1 Class X felony for which a person shall be sentenced to a term
2 of imprisonment of a minimum of 6 years and a maximum of 45
3 years.

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

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

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

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

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

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

24 (3) if, during the commission of the offense, the
25 person personally discharged a firearm that proximately
26 caused great bodily harm, permanent disability, permanent

1 disfigurement, or death to another person, 25 years or up
2 to a term of natural life shall be added to the term of
3 imprisonment imposed by the court.

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

5 "Building or other structure used to provide shelter" has
6 the meaning ascribed to "shelter" in Section 1 of the Domestic
7 Violence Shelters Act.

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

10 "Domestic violence shelter" means any building or other
11 structure used to provide shelter or other services to victims
12 or to the dependent children of victims of domestic violence
13 pursuant to the Illinois Domestic Violence Act of 1986 or the
14 Domestic Violence Shelters Act, or any place within 500 feet of
15 such a building or other structure in the case of a person who
16 is going to or from such a building or other structure.

17 "Firearm" has the meaning provided under Section 1.1 of the
18 Firearm Owners Identification Card and Certificate of Firearm
19 Registration Act, and does not include an air rifle as defined
20 by Section 24.8-0.1 of this Code ~~1 of the Air Rifle Act~~.

21 "Machine gun" has the meaning ascribed to it in Section
22 24-1 of this Code.

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

25 "Strangle" means intentionally impeding the normal
26 breathing or circulation of the blood of an individual by

1 applying pressure on the throat or neck of that individual or
2 by blocking the nose or mouth of that individual.

3 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
4 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
5 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
6 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

8 Sec. 17-30. Defaced, altered, or removed manufacturer or
9 owner identification number.

10 (a) Unlawful sale of household appliances. A person commits
11 unlawful sale of household appliances when he or she knowingly,
12 with the intent to defraud or deceive another, keeps for sale,
13 within any commercial context, any household appliance with a
14 missing, defaced, obliterated, or otherwise altered
15 manufacturer's identification number.

16 (b) Construction equipment identification defacement. A
17 person commits construction equipment identification
18 defacement when he or she knowingly changes, alters, removes,
19 mutilates, or obliterates a permanently affixed serial number,
20 product identification number, part number, component
21 identification number, owner-applied identification, or other
22 mark of identification attached to or stamped, inscribed,
23 molded, or etched into a machine or other equipment, whether
24 stationary or mobile or self-propelled, or a part of such
25 machine or equipment, used in the construction, maintenance, or

1 demolition of buildings, structures, bridges, tunnels, sewers,
2 utility pipes or lines, ditches or open cuts, roads, highways,
3 dams, airports, or waterways or in material handling for such
4 projects.

5 The trier of fact may infer that the defendant has
6 knowingly changed, altered, removed, or obliterated the serial
7 number, product identification number, part number, component
8 identification number, owner-applied identification number, or
9 other mark of identification, if the defendant was in
10 possession of any machine or other equipment or a part of such
11 machine or equipment used in the construction, maintenance, or
12 demolition of buildings, structures, bridges, tunnels, sewers,
13 utility pipes or lines, ditches or open cuts, roads, highways,
14 dams, airports, or waterways or in material handling for such
15 projects upon which any such serial number, product
16 identification number, part number, component identification
17 number, owner-applied identification number, or other mark of
18 identification has been changed, altered, removed, or
19 obliterated.

20 (c) Defacement of manufacturer's serial number or
21 identification mark. A person commits defacement of a
22 manufacturer's serial number or identification mark when he or
23 she knowingly removes, alters, defaces, covers, or destroys the
24 manufacturer's serial number or any other manufacturer's
25 number or distinguishing identification mark upon any machine
26 or other article of merchandise, other than a motor vehicle as

1 defined in Section 1-146 of the Illinois Vehicle Code or a
2 firearm as defined in the Firearm Owners Identification Card
3 and Certificate of Firearm Registration Act, with the intent of
4 concealing or destroying the identity of such machine or other
5 article of merchandise.

6 (d) Sentence.

7 (1) A violation of subsection (a) of this Section is a
8 Class 4 felony if the value of the appliance or appliances
9 exceeds \$1,000 and a Class B misdemeanor if the value of
10 the appliance or appliances is \$1,000 or less.

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

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

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

17 (f) Definitions. In this Section:

18 "Commercial context" means a continuing business
19 enterprise conducted for profit by any person whose primary
20 business is the wholesale or retail marketing of household
21 appliances, or a significant portion of whose business or
22 inventory consists of household appliances kept or sold on a
23 wholesale or retail basis.

24 "Household appliance" means any gas or electric device or
25 machine marketed for use as home entertainment or for
26 facilitating or expediting household tasks or chores. The term

1 shall include but not necessarily be limited to refrigerators,
2 freezers, ranges, radios, television sets, vacuum cleaners,
3 toasters, dishwashers, and other similar household items.

4 "Manufacturer's identification number" means any serial
5 number or other similar numerical or alphabetical designation
6 imprinted upon or attached to or placed, stamped, or otherwise
7 imprinted upon or attached to a household appliance or item by
8 the manufacturer for purposes of identifying a particular
9 appliance or item individually or by lot number.

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

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

12 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
13 Felons or Persons in the Custody of the Department of
14 Corrections Facilities.

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

25 (b) It is unlawful for any person confined in a penal

1 institution, which is a facility of the Illinois Department of
2 Corrections, to possess any weapon prohibited under Section
3 24-1 of this Code or any firearm or firearm ammunition,
4 regardless of the intent with which he possesses it.

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

9 (d) The defense of necessity is not available to a person
10 who is charged with a violation of subsection (b) of this
11 Section.

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

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

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

23 (720 ILCS 5/24-1.6)

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

25 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

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

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

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

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

23 (B) the firearm possessed was uncased, unloaded
24 and the ammunition for the weapon was immediately
25 accessible at the time of the offense; or

26 (C) the person possessing the firearm has not been

1 issued a currently valid Firearm Owner's
2 Identification Card; or

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

7 (E) the person possessing the weapon was engaged in
8 a misdemeanor violation of the Cannabis Control Act, in
9 a misdemeanor violation of the Illinois Controlled
10 Substances Act, or in a misdemeanor violation of the
11 Methamphetamine Control and Community Protection Act;
12 or

13 (F) (blank); or

14 (G) the person possessing the weapon had a order of
15 protection issued against him or her within the
16 previous 2 years; or

17 (H) the person possessing the weapon was engaged in
18 the commission or attempted commission of a
19 misdemeanor involving the use or threat of violence
20 against the person or property of another; or

21 (I) the person possessing the weapon was under 21
22 years of age and in possession of a handgun as defined
23 in Section 24-3, unless the person under 21 is engaged
24 in lawful activities under the Wildlife Code or
25 described in subsection 24-2(b)(1), (b)(3), or
26 24-2(f).

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

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

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

6 (ii) are not immediately accessible; or

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

11 (d) Sentence.

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

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

25 (3) Aggravated unlawful use of a weapon by a person who
26 has been previously convicted of a felony in this State or

1 another jurisdiction is a Class 2 felony for which the
2 person shall be sentenced to a term of imprisonment of not
3 less than 3 years and not more than 7 years.

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

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

12 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
13 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

14 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

16 (A) A person commits the offense of unlawful sale or
17 delivery of firearms when he or she knowingly does any of the
18 following:

19 (a) Sells or gives any firearm of a size which may be
20 concealed upon the person to any person under 18 years of
21 age.

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

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

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

4 (e) Sells or gives any firearm to any person who has
5 been a patient in a mental hospital within the past 5
6 years.

7 (f) Sells or gives any firearms to any person who is
8 intellectually disabled.

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

1 to a point outside the boundaries of Illinois; (3) the sale
2 of a firearm to a nonresident of Illinois while at a
3 firearm showing or display recognized by the Illinois
4 Department of State Police; or (4) the sale of a firearm to
5 a dealer licensed as a federal firearms dealer under
6 Section 923 of the federal Gun Control Act of 1968 (18
7 U.S.C. 923). For purposes of this paragraph (g),
8 "application" means when the buyer and seller reach an
9 agreement to purchase a firearm.

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

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

26 (j) Sells or gives a firearm while engaged in the

1 business of selling firearms at wholesale or retail without
2 being licensed as a federal firearms dealer under Section
3 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
4 In this paragraph (j):

5 A person "engaged in the business" means a person who
6 devotes time, attention, and labor to engaging in the
7 activity as a regular course of trade or business with the
8 principal objective of livelihood and profit, but does not
9 include a person who makes occasional repairs of firearms
10 or who occasionally fits special barrels, stocks, or
11 trigger mechanisms to firearms.

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

21 (k) Sells or transfers ownership of a firearm to a
22 person who does not display to the seller or transferor of
23 the firearm a currently valid Firearm Owner's
24 Identification Card that has previously been issued in the
25 transferee's name by the Department of State Police under
26 the provisions of the Firearm Owners Identification Card

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

16 (1) Not being entitled to the possession of a firearm,
17 delivers the firearm, knowing it to have been stolen or
18 converted. It may be inferred that a person who possesses a
19 firearm with knowledge that its serial number has been
20 removed or altered has knowledge that the firearm is stolen
21 or converted.

22 (B) Paragraph (h) of subsection (A) does not include
23 firearms sold within 6 months after enactment of Public Act
24 78-355 (approved August 21, 1973, effective October 1, 1973),
25 nor is any firearm legally owned or possessed by any citizen or
26 purchased by any citizen within 6 months after the enactment of

1 Public Act 78-355 subject to confiscation or seizure under the
2 provisions of that Public Act. Nothing in Public Act 78-355
3 shall be construed to prohibit the gift or trade of any firearm
4 if that firearm was legally held or acquired within 6 months
5 after the enactment of that Public Act.

6 (C) Sentence.

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

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

13 (3) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a) of subsection (A)
15 commits a Class 2 felony.

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

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

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

1 mixed-income development commits a Class 2 felony.

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

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

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

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

23 (10) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection (A)
25 commits a Class 2 felony if the delivery is of one firearm.
26 Any person convicted of unlawful sale or delivery of

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

1 imprisonment of not less than 6 years and not more than 60
2 years if the delivery is of 31 or more firearms at the same
3 time or within a 5 year period.

4 (D) For purposes of this Section:

5 "School" means a public or private elementary or secondary
6 school, community college, college, or university.

7 "School related activity" means any sporting, social,
8 academic, or other activity for which students' attendance or
9 participation is sponsored, organized, or funded in whole or in
10 part by a school or school district.

11 (E) A prosecution for a violation of paragraph (k) of
12 subsection (A) of this Section may be commenced within 6 years
13 after the commission of the offense. A prosecution for a
14 violation of this Section other than paragraph (g) of
15 subsection (A) of this Section may be commenced within 5 years
16 after the commission of the offense defined in the particular
17 paragraph.

18 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
19 eff. 1-1-12; 97-813, eff. 7-13-12.)

20 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

1 For purposes of this Section:

2 "Armor piercing bullet" means any handgun bullet or handgun
3 ammunition with projectiles or projectile cores constructed
4 entirely (excluding the presence of traces of other substances)
5 from tungsten alloys, steel, iron, brass, bronze, beryllium
6 copper or depleted uranium, or fully jacketed bullets larger
7 than 22 caliber whose jacket has a weight of more than 25% of
8 the total weight of the projectile, and excluding those handgun
9 projectiles whose cores are composed of soft materials such as
10 lead or lead alloys, zinc or zinc alloys, frangible projectiles
11 designed primarily for sporting purposes, and any other
12 projectiles or projectile cores that the U. S. Secretary of the
13 Treasury finds to be primarily intended to be used for sporting
14 purposes or industrial purposes or that otherwise does not
15 constitute "armor piercing ammunition" as that term is defined
16 by federal law.

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

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

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

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

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

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

14 (1) Peace officers;

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

18 (3) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard while in
20 the performance of their official duties;

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

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

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

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 and
12 Certificate of Firearm Registration 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 (720 ILCS 5/24-3.5)

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

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

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

1 and

2 (2) on which the transferee certifies that he or she is
3 not prohibited by federal law from transporting or shipping
4 a firearm in interstate or foreign commerce or receiving a
5 firearm that has been shipped or transported in interstate
6 or foreign commerce or possessing a firearm in or affecting
7 commerce.

8 (b) A person commits the offense of unlawful purchase of a
9 firearm who knowingly purchases or attempts to purchase a
10 firearm with the intent to deliver that firearm to another
11 person who is prohibited by federal or State law from
12 possessing a firearm.

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

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

25 (e) Sentence.

26 (1) A person who commits the offense of unlawful

1 purchase of a firearm:

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

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

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

13 (2) In addition to any other penalty that may be
14 imposed for a violation of this Section, the court may
15 sentence a person convicted of a violation of subsection
16 (c) of this Section to a fine not to exceed \$250,000 for
17 each violation.

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

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

21 (720 ILCS 5/24-9)

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

23 (a) Except as provided in subsection (c), it is unlawful
24 for any person to store or leave, within premises under his or
25 her control, a firearm if the person knows or has reason to

1 believe that a minor under the age of 14 years who does not
2 have a Firearm Owners Identification Card is likely to gain
3 access to the firearm without the lawful permission of the
4 minor's parent, guardian, or person having charge of the minor,
5 and the minor causes death or great bodily harm with the
6 firearm, unless the firearm is:

7 (1) secured by a device or mechanism, other than the
8 firearm safety, designed to render a firearm temporarily
9 inoperable; or

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

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

14 (b) Sentence. A person who violates this Section is guilty
15 of a Class C misdemeanor and shall be fined not less than
16 \$1,000. A second or subsequent violation of this Section is a
17 Class A misdemeanor.

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

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

22 (2) to any firearm obtained by a minor under the age of
23 14 because of an unlawful entry of the premises by the
24 minor or another person.

25 (d) For the purposes of this Section, "firearm" has the
26 meaning ascribed to it in Section 1.1 of the Firearm Owners

1 Identification Card and Certificate of Firearm Registration
2 Act.

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

4 Section 55. The Methamphetamine Control and Community
5 Protection Act is amended by changing Section 10 as follows:

6 (720 ILCS 646/10)

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

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

10 "Anhydrous ammonia equipment" means all items used to
11 store, hold, contain, handle, transfer, transport, or apply
12 anhydrous ammonia for lawful purposes.

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

18 "Deliver" or "delivery" has the meaning provided in
19 subsection (h) of Section 102 of the Illinois Controlled
20 Substances Act.

21 "Director" means the Director of State Police or the
22 Director's designated agents.

23 "Dispose" or "disposal" means to abandon, discharge,
24 release, deposit, inject, dump, spill, leak, or place

1 methamphetamine waste onto or into any land, water, or well of
2 any type so that the waste has the potential to enter the
3 environment, be emitted into the air, or be discharged into the
4 soil or any waters, including groundwater.

5 "Emergency response" means the act of collecting evidence
6 from or securing a methamphetamine laboratory site,
7 methamphetamine waste site or other methamphetamine-related
8 site and cleaning up the site, whether these actions are
9 performed by public entities or private contractors paid by
10 public entities.

11 "Emergency service provider" means a local, State, or
12 federal peace officer, firefighter, emergency medical
13 technician-ambulance, emergency medical
14 technician-intermediate, emergency medical
15 technician-paramedic, ambulance driver, or other medical or
16 first aid personnel rendering aid, or any agent or designee of
17 the foregoing.

18 "Finished methamphetamine" means methamphetamine in a form
19 commonly used for personal consumption.

20 "Firearm" has the meaning provided in Section 1.1 of the
21 Firearm Owners Identification Card and Certificate of Firearm
22 Registration Act.

23 "Manufacture" means to produce, prepare, compound,
24 convert, process, synthesize, concentrate, purify, separate,
25 extract, or package any methamphetamine, methamphetamine
26 precursor, methamphetamine manufacturing catalyst,

1 methamphetamine manufacturing reagent, methamphetamine
2 manufacturing solvent, or any substance containing any of the
3 foregoing.

4 "Methamphetamine" means the chemical methamphetamine (a
5 Schedule II controlled substance under the Illinois Controlled
6 Substances Act) or any salt, optical isomer, salt of optical
7 isomer, or analog thereof, with the exception of
8 3,4-Methylenedioxymethamphetamine (MDMA) or any other
9 scheduled substance with a separate listing under the Illinois
10 Controlled Substances Act.

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

15 "Methamphetamine manufacturing environment" means a
16 structure or vehicle in which:

- 17 (1) methamphetamine is being or has been manufactured;
18 (2) chemicals that are being used, have been used, or
19 are intended to be used to manufacture methamphetamine are
20 stored;
21 (3) methamphetamine manufacturing materials that have
22 been used to manufacture methamphetamine are stored; or
23 (4) methamphetamine manufacturing waste is stored.

24 "Methamphetamine manufacturing material" means any
25 methamphetamine precursor, substance containing any
26 methamphetamine precursor, methamphetamine manufacturing

1 catalyst, substance containing any methamphetamine
2 manufacturing catalyst, methamphetamine manufacturing reagent,
3 substance containing any methamphetamine manufacturing
4 reagent, methamphetamine manufacturing solvent, substance
5 containing any methamphetamine manufacturing solvent, or any
6 other chemical, substance, ingredient, equipment, apparatus,
7 or item that is being used, has been used, or is intended to be
8 used in the manufacture of methamphetamine.

9 "Methamphetamine manufacturing reagent" means any
10 substance other than a methamphetamine manufacturing catalyst
11 that has been used, is being used, or is intended to be used to
12 react with and chemically alter any methamphetamine precursor.

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

20 "Methamphetamine manufacturing waste" means any chemical,
21 substance, ingredient, equipment, apparatus, or item that is
22 left over from, results from, or is produced by the process of
23 manufacturing methamphetamine, other than finished
24 methamphetamine.

25 "Methamphetamine precursor" means ephedrine,
26 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,

1 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
2 isomer, or salt of an optical isomer of any of these chemicals.

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

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

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

20 "Person with a disability" means a person who suffers from
21 a permanent physical or mental impairment resulting from
22 disease, injury, functional disorder, or congenital condition
23 which renders the person incapable of adequately providing for
24 his or her own health and personal care.

25 "Procure" means to purchase, steal, gather, or otherwise
26 obtain, by legal or illegal means, or to cause another to take

1 such action.

2 "Second or subsequent offense" means an offense under this
3 Act committed by an offender who previously committed an
4 offense under this Act, the Illinois Controlled Substances Act,
5 the Cannabis Control Act, or another Act of this State, another
6 state, or the United States relating to methamphetamine,
7 cannabis, or any other controlled substance.

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

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

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

1 Section 60. The Unified Code of Corrections is amended by
2 changing Sections 5-5-3 and 5-5-3.2 as follows:

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

4 Sec. 5-5-3. Disposition.

5 (a) (Blank).

6 (b) (Blank).

7 (c) (1) (Blank).

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

15 (A) First degree murder where the death penalty is
16 not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

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

24 (D-5) A violation of subdivision (c) (1) of Section

1 401 of the Illinois Controlled Substances Act which
2 relates to 3 or more grams of a substance containing
3 heroin or an analog thereof.

4 (E) A violation of Section 5.1 or 9 of the Cannabis
5 Control Act.

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

18 (F-5) A violation of Section 24-1, 24-1.1, or
19 24-1.6 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 for which imprisonment is prescribed in
21 those Sections.

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

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as

1 described in Section 12-4.6 or subdivision (a)(4) of
2 Section 12-3.05 of the Criminal Code of 1961 or the
3 Criminal Code of 2012.

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

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

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

16 (K) Vehicular hijacking.

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

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

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

1 Registration Act.

2 (O) A violation of Section 12-6.1 or 12-6.5 of the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (P) A violation of paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012.

7 (Q) A violation of subsection (b) or (b-5) of
8 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 (R) A violation of Section 24-3A of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

12 (S) (Blank).

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

15 (U) A second or subsequent violation of Section
16 6-303 of the Illinois Vehicle Code committed while his
17 or her driver's license, permit, or privilege was
18 revoked because of a violation of Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 relating to the offense of reckless homicide, or a
21 similar provision of a law of another state.

22 (V) A violation of paragraph (4) of subsection (c)
23 of Section 11-20.1B or paragraph (4) of subsection (c)
24 of Section 11-20.3 of the Criminal Code of 1961, or
25 paragraph (6) of subsection (a) of Section 11-20.1 of
26 the Criminal Code of 2012 when the victim is under 13

1 years of age and the defendant has previously been
2 convicted under the laws of this State or any other
3 state of the offense of child pornography, aggravated
4 child pornography, aggravated criminal sexual abuse,
5 aggravated criminal sexual assault, predatory criminal
6 sexual assault of a child, or any of the offenses
7 formerly known as rape, deviate sexual assault,
8 indecent liberties with a child, or aggravated
9 indecent liberties with a child where the victim was
10 under the age of 18 years or an offense that is
11 substantially equivalent to those offenses.

12 (W) A violation of Section 24-3.5 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

14 (X) A violation of subsection (a) of Section 31-1a
15 of the Criminal Code of 1961 or the Criminal Code of
16 2012.

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

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

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

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

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

5 (DD) A conviction for aggravated assault under
6 paragraph (6) of subsection (c) of Section 12-2 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 if
8 the firearm is aimed toward the person against whom the
9 firearm is being used.

10 (3) (Blank).

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

15 (4.1) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

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

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

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

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

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

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

24 (6) (Blank).

25 (7) (Blank).

26 (8) (Blank).

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

4 (10) (Blank).

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

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

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

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

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

3 (e) In cases where prosecution for aggravated criminal
4 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 results in conviction
6 of a defendant who was a family member of the victim at the
7 time of the commission of the offense, the court shall consider
8 the safety and welfare of the victim and may impose a sentence
9 of probation only where:

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

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

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

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

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

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

22 and

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

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court

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

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

13 For the purposes of this Section, "family member" and
14 "victim" shall have the meanings ascribed to them in Section
15 11-0.1 of the Criminal Code of 2012.

16 (f) (Blank).

17 (g) Whenever a defendant is convicted of an offense under
18 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
19 11-14.3, 11-14.4 except for an offense that involves keeping a
20 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
21 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
22 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, the defendant shall undergo medical
24 testing to determine whether the defendant has any sexually
25 transmissible disease, including a test for infection with
26 human immunodeficiency virus (HIV) or any other identified

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

1 transmission of HIV under Section 12-5.01 or 12-16.2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 against the
3 defendant. The court shall order that the cost of any such test
4 shall be paid by the county and may be taxed as costs against
5 the convicted defendant.

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

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

1 best interests of the public, the judge shall have the
2 discretion to determine to whom, if anyone, the results of the
3 testing may be revealed. The court shall notify the defendant
4 of a positive test showing an infection with the human
5 immunodeficiency virus (HIV). The court shall provide
6 information on the availability of HIV testing and counseling
7 at Department of Public Health facilities to all parties to
8 whom the results of the testing are revealed and shall direct
9 the State's Attorney to provide the information to the victim
10 when possible. A State's Attorney may petition the court to
11 obtain the results of any HIV test administered under this
12 Section, and the court shall grant the disclosure if the
13 State's Attorney shows it is relevant in order to prosecute a
14 charge of criminal transmission of HIV under Section 12-5.01 or
15 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
16 2012 against the defendant. The court shall order that the cost
17 of any such test shall be paid by the county and may be taxed as
18 costs against the convicted defendant.

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

26 (j) In cases when prosecution for any violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
2 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
3 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
5 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, any violation of the Illinois Controlled
7 Substances Act, any violation of the Cannabis Control Act, or
8 any violation of the Methamphetamine Control and Community
9 Protection Act results in conviction, a disposition of court
10 supervision, or an order of probation granted under Section 10
11 of the Cannabis Control Act, Section 410 of the Illinois
12 Controlled Substance Act, or Section 70 of the Methamphetamine
13 Control and Community Protection Act of a defendant, the court
14 shall determine whether the defendant is employed by a facility
15 or center as defined under the Child Care Act of 1969, a public
16 or private elementary or secondary school, or otherwise works
17 with children under 18 years of age on a daily basis. When a
18 defendant is so employed, the court shall order the Clerk of
19 the Court to send a copy of the judgment of conviction or order
20 of supervision or probation to the defendant's employer by
21 certified mail. If the employer of the defendant is a school,
22 the Clerk of the Court shall direct the mailing of a copy of
23 the judgment of conviction or order of supervision or probation
24 to the appropriate regional superintendent of schools. The
25 regional superintendent of schools shall notify the State Board
26 of Education of any notification under this subsection.

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

1 subsection (j-5) does not apply to a defendant who has a high
2 school diploma or has successfully passed the GED test. This
3 subsection (j-5) does not apply to a defendant who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational or
6 vocational program.

7 (k) (Blank).

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

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

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

22 Otherwise, the defendant shall be sentenced as
23 provided in this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on
26 probation under Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act, or
2 Section 70 of the Methamphetamine Control and Community
3 Protection Act, the court may, upon motion of the State's
4 Attorney to suspend the sentence imposed, commit the
5 defendant to the custody of the Attorney General of the
6 United States or his or her designated agent when:

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

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

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

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

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, in which the property damage exceeds
3 \$300 and the property damaged is a school building, shall be
4 ordered to perform community service that may include cleanup,
5 removal, or painting over the defacement.

6 (n) The court may sentence a person convicted of a
7 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
8 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
9 of 1961 or the Criminal Code of 2012 (i) to an impact
10 incarceration program if the person is otherwise eligible for
11 that program under Section 5-8-1.1, (ii) to community service,
12 or (iii) if the person is an addict or alcoholic, as defined in
13 the Alcoholism and Other Drug Abuse and Dependency Act, to a
14 substance or alcohol abuse program licensed under that Act.

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

20 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
21 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
22 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
23 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
24 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
25 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
26 eff. 1-25-13.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
3 Sentencing.

4 (a) The following factors shall be accorded weight in favor
5 of imposing a term of imprisonment or may be considered by the
6 court as reasons to impose a more severe sentence under Section
7 5-8-1 or Article 4.5 of Chapter V:

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

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency or
13 criminal activity;

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

18 (5) the defendant held public office at the time of the
19 offense, and the offense related to the conduct of that
20 office;

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

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

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

3 (9) the defendant committed the offense against a
4 person who is physically handicapped or such person's
5 property;

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

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

24 (12) the defendant was convicted of a felony committed
25 while he was released on bail or his own recognizance
26 pending trial for a prior felony and was convicted of such

1 prior felony, or the defendant was convicted of a felony
2 committed while he was serving a period of probation,
3 conditional discharge, or mandatory supervised release
4 under subsection (d) of Section 5-8-1 for a prior felony;

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

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 11-0.1 of the Criminal Code of 2012,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
17 11-14.4 except for an offense that involves keeping a place
18 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
19 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

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

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
26 18-2, or 33A-2, or Section 12-3.05 except for subdivision

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 2012;

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

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card and Certificate of Firearm
22 Registration Act and has now committed either a felony
23 violation of the Firearm Owners Identification Card and
24 Certificate of Firearm Registration Act or an act of armed
25 violence while armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 or the offense of driving
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds or any combination
5 thereof under Section 11-501 of the Illinois Vehicle Code
6 or a similar provision of a local ordinance and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code;

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

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

24 (23) the defendant committed the offense against a
25 person who was elderly, disabled, or infirm by taking
26 advantage of a family or fiduciary relationship with the

1 elderly, disabled, or infirm person;

2 (24) the defendant committed any offense under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 and possessed 100 or more images;

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

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

23 (27) the defendant committed the offense of first
24 degree murder, assault, aggravated assault, battery,
25 aggravated battery, robbery, armed robbery, or aggravated
26 robbery against a person who was a veteran and the

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

14 (28) the defendant committed the offense of assault,
15 aggravated assault, battery, aggravated battery, robbery,
16 armed robbery, or aggravated robbery against a person that
17 the defendant knew or reasonably should have known was a
18 letter carrier or postal worker while that person was
19 performing his or her duties delivering mail for the United
20 States Postal Service.

21 For the purposes of this Section:

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

24 "Day care center" means a public or private State certified
25 and licensed day care center as defined in Section 2.09 of the
26 Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 "Public transportation" means the transportation or
3 conveyance of persons by means available to the general public,
4 and includes paratransit services.

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

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

15 (2) When a defendant is convicted of any felony and the
16 court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

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

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

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

1 (4) When a defendant is convicted of any felony and the
2 offense involved any of the following types of specific
3 misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or social
6 group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

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

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight attached

1 to it. For purposes of this paragraph, "laser sight" has
2 the meaning ascribed to it in Section 26-7 of the Criminal
3 Code of 2012; or

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

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

18 (c) The following factors may be considered by the court as
19 reasons to impose an extended term sentence under Section 5-8-2
20 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of
2 acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

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

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

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
4 of Section 12-14.1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation
7 of Section 24-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
9 finding that the defendant is a member of an organized
10 gang.

11 (6) When a defendant was convicted of unlawful use of
12 weapons under Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
14 a weapon that is not readily distinguishable as one of the
15 weapons enumerated in Section 24-1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

17 (7) When a defendant is convicted of an offense
18 involving the illegal manufacture of a controlled
19 substance under Section 401 of the Illinois Controlled
20 Substances Act (720 ILCS 570/401), the illegal manufacture
21 of methamphetamine under Section 25 of the Methamphetamine
22 Control and Community Protection Act (720 ILCS 646/25), or
23 the illegal possession of explosives and an emergency
24 response officer in the performance of his or her duties is
25 killed or injured at the scene of the offense while
26 responding to the emergency caused by the commission of the

1 offense. In this paragraph, "emergency" means a situation
2 in which a person's life, health, or safety is in jeopardy;
3 and "emergency response officer" means a peace officer,
4 community policing volunteer, fireman, emergency medical
5 technician-ambulance, emergency medical
6 technician-intermediate, emergency medical
7 technician-paramedic, ambulance driver, other medical
8 assistance or first aid personnel, or hospital emergency
9 room personnel.

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

13 (e) The court may impose an extended term sentence under
14 Article 4.5 of Chapter V upon an offender who has been
15 convicted of a felony violation of Section 11-1.20, 11-1.30,
16 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
17 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
18 when the victim of the offense is under 18 years of age at the
19 time of the commission of the offense and, during the
20 commission of the offense, the victim was under the influence
21 of alcohol, regardless of whether or not the alcohol was
22 supplied by the offender; and the offender, at the time of the
23 commission of the offense, knew or should have known that the
24 victim had consumed alcohol.

25 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
26 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;

1 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
2 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
3 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
4 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
5 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
6 1-25-13.)

7 Section 65. The Mental Health and Developmental
8 Disabilities Confidentiality Act is amended by changing
9 Section 12 as follows:

10 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

11 Sec. 12. (a) If the United States Secret Service or the
12 Department of State Police requests information from a mental
13 health or developmental disability facility, as defined in
14 Section 1-107 and 1-114 of the Mental Health and Developmental
15 Disabilities Code, relating to a specific recipient and the
16 facility director determines that disclosure of such
17 information may be necessary to protect the life of, or to
18 prevent the infliction of great bodily harm to, a public
19 official, or a person under the protection of the United States
20 Secret Service, only the following information may be
21 disclosed: the recipient's name, address, and age and the date
22 of any admission to or discharge from a facility; and any
23 information which would indicate whether or not the recipient
24 has a history of violence or presents a danger of violence to

1 the person under protection. Any information so disclosed shall
2 be used for investigative purposes only and shall not be
3 publicly disseminated. Any person participating in good faith
4 in the disclosure of such information in accordance with this
5 provision shall have immunity from any liability, civil,
6 criminal or otherwise, if such information is disclosed relying
7 upon the representation of an officer of the United States
8 Secret Service or the Department of State Police that a person
9 is under the protection of the United States Secret Service or
10 is a public official.

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

22 (b) The Department of Human Services (acting as successor
23 to the Department of Mental Health and Developmental
24 Disabilities) and all public or private hospitals and mental
25 health facilities are required, as hereafter described in this
26 subsection, to furnish the Department of State Police only such

1 information as may be required for the sole purpose of
2 determining whether an individual who may be or may have been a
3 patient is disqualified because of that status from receiving
4 or retaining a Firearm Owner's Identification Card under
5 subsection (e) or (f) of Section 8 of the Firearm Owners
6 Identification Card and Certificate of Firearm Registration
7 Act or 18 U.S.C. 922(g) and (n). All public or private
8 hospitals and mental health facilities shall, in the form and
9 manner required by the Department, provide such information as
10 shall be necessary for the Department to comply with the
11 reporting requirements to the Department of State Police. Such
12 information shall be furnished within 7 days after admission to
13 a public or private hospital or mental health facility or the
14 provision of services to a patient described in clause (2) of
15 this subsection (b). Any such information disclosed under this
16 subsection shall remain privileged and confidential, and shall
17 not be redisclosed, except as required by clause (e)(2) of
18 Section 3.1 of the Firearm Owners Identification Card and
19 Certificate of Firearm Registration Act, nor utilized for any
20 other purpose. The method of requiring the providing of such
21 information shall guarantee that no information is released
22 beyond what is necessary for this purpose. In addition, the
23 information disclosed shall be provided by the Department
24 within the time period established by Section 24-3 of the
25 Criminal Code of 2012 regarding the delivery of firearms. The
26 method used shall be sufficient to provide the necessary

1 information within the prescribed time period, which may
2 include periodically providing lists to the Department of Human
3 Services or any public or private hospital or mental health
4 facility of Firearm Owner's Identification Card applicants on
5 which the Department or hospital shall indicate the identities
6 of those individuals who are to its knowledge disqualified from
7 having a Firearm Owner's Identification Card for reasons
8 described herein. The Department may provide for a centralized
9 source of information for the State on this subject under its
10 jurisdiction.

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

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

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

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

24 (3) "Mental health facility" is defined by Section
25 1-114 of the Mental Health and Developmental Disabilities
26 Code.

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

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

17 (d) Upon the request of a peace officer or prosecuting
18 authority who is conducting a bona fide investigation of a
19 criminal offense, or attempting to apprehend a fugitive from
20 justice, a facility director may disclose whether a person is
21 present at the facility. Upon request of a peace officer or
22 prosecuting authority who has a valid forcible felony warrant
23 issued, a facility director shall disclose: (1) whether the
24 person who is the subject of the warrant is present at the
25 facility and (2) the date of that person's discharge or future
26 discharge from the facility. The requesting peace officer or

1 prosecuting authority must furnish a case number and the
2 purpose of the investigation or an outstanding arrest warrant
3 at the time of the request. Any person, institution, or agency
4 participating in good faith in disclosing such information in
5 accordance with this subsection (d) is immune from any
6 liability, civil, criminal or otherwise, that might result by
7 reason of the action.

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

9 Section 70. The Uniform Disposition of Unclaimed Property
10 Act is amended by changing Section 1 as follows:

11 (765 ILCS 1025/1) (from Ch. 141, par. 101)

12 Sec. 1. As used in this Act, unless the context otherwise
13 requires:

14 (a) "Banking organization" means any bank, trust company,
15 savings bank, industrial bank, land bank, safe deposit company,
16 or a private banker.

17 (b) "Business association" means any corporation, joint
18 stock company, business trust, partnership, or any
19 association, limited liability company, or other business
20 entity consisting of one or more persons, whether or not for
21 profit.

22 (c) "Financial organization" means any savings and loan
23 association, building and loan association, credit union,
24 currency exchange, co-operative bank, mutual funds, or

1 investment company.

2 (d) "Holder" means any person in possession of property
3 subject to this Act belonging to another, or who is trustee in
4 case of a trust, or is indebted to another on an obligation
5 subject to this Act.

6 (e) "Life insurance corporation" means any association or
7 corporation transacting the business of insurance on the lives
8 of persons or insurance appertaining thereto, including, but
9 not by way of limitation, endowments and annuities.

10 (f) "Owner" means a depositor in case of a deposit, a
11 beneficiary in case of a trust, a creditor, claimant, or payee
12 in case of other property, or any person having a legal or
13 equitable interest in property subject to this Act, or his
14 legal representative.

15 (g) "Person" means any individual, business association,
16 financial organization, government or political subdivision or
17 agency, public authority, estate, trust, or any other legal or
18 commercial entity.

19 (h) "Utility" means any person who owns or operates, for
20 public use, any plant, equipment, property, franchise, or
21 license for the transmission of communications or the
22 production, storage, transmission, sale, delivery, or
23 furnishing of electricity, water, steam, oil or gas.

24 (i) (Blank).

25 (j) "Insurance company" means any person transacting the
26 kinds of business enumerated in Section 4 of the Illinois

1 Insurance Code other than life insurance.

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

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

16 (m) "Firearm" has the meaning ascribed to that term in the
17 Firearm Owners Identification Card and Certificate of Firearm
18 Registration Act.

19 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
20 eff. 6-2-00.)

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2	Statutes amended in order of appearance	
3	5 ILCS 140/7.5	
4	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
5	20 ILCS 2605/2605-120	was 20 ILCS 2605/55a in part
6	20 ILCS 2630/2.2	
7	30 ILCS 105/5.826 new	
8	30 ILCS 105/5.827 new	
9	30 ILCS 105/6z-98 new	
10	30 ILCS 105/6z-99 new	
11	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
12	105 ILCS 5/10-27.1A	
13	105 ILCS 5/34-8.05	
14	410 ILCS 45/2	from Ch. 111 1/2, par. 1302
15	430 ILCS 65/0.01	from Ch. 38, par. 83-0.1
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18	430 ILCS 65/3	from Ch. 38, par. 83-3
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