



Rep. Cynthia Soto

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09700SB1034ham002

LRB097 04765 RLC 69406 a

1 AMENDMENT TO SENATE BILL 1034

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1034 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 adding Section 2.2 as follows:

6 (20 ILCS 2630/2.2 new)

7 Sec. 2.2. Notification to the Department. Upon judgment of  
8 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.05,  
9 12-3.2, 12-3.3, 12-3.4, or 12-3.5 of the Criminal Code of 1961  
10 when the defendant has been determined, pursuant to Section  
11 112A-11.1, to be related or situated to the victim of the  
12 offense in the manner specified in 18 U.S.C. 921(a)(33)(A)(ii),  
13 the circuit court clerk shall include notification and a copy  
14 of the written determination in a report of the conviction to  
15 the Department of State Police Firearm Owner's Identification  
16 Card Office to enable the office to perform its duties under

1 Sections 4 and 8 of the Firearm Owners Identification Card Act  
2 and to report that determination to the Federal Bureau of  
3 Investigation and assist the Bureau in identifying persons  
4 prohibited from purchasing and possessing a firearm pursuant to  
5 the provisions of 18 U.S.C. 922.

6 Section 10. The Firearm Owners Identification Card Act is  
7 amended by changing Sections 2, 4, 6, 8, 8.1, 9, 10, 11, 13.2,  
8 and 14 as follows:

9 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

10 Sec. 2. Firearm Owner's Identification Card required;  
11 exceptions.

12 (a) (1) No person may acquire or possess any firearm, stun  
13 gun, or taser within this State without having in his or  
14 her possession a Firearm Owner's Identification Card  
15 previously issued in his or her name by the Department of  
16 State Police under the provisions of this Act.

17 (2) No person may acquire or possess firearm ammunition  
18 within this State without having in his or her possession a  
19 Firearm Owner's Identification Card previously issued in  
20 his or her name by the Department of State Police under the  
21 provisions of this Act.

22 (b) The provisions of this Section regarding the possession  
23 of firearms, firearm ammunition, stun guns, and tasers do not  
24 apply to:

1           (1) United States Marshals, while engaged in the  
2 operation of their official duties;

3           (2) Members of the Armed Forces of the United States or  
4 the National Guard, while engaged in the operation of their  
5 official duties;

6           (3) Federal officials required to carry firearms,  
7 while engaged in the operation of their official duties;

8           (4) Members of bona fide veterans organizations which  
9 receive firearms directly from the armed forces of the  
10 United States, while using the firearms for ceremonial  
11 purposes with blank ammunition;

12           (5) Nonresident hunters during hunting season, with  
13 valid nonresident hunting licenses and while in an area  
14 where hunting is permitted; however, at all other times and  
15 in all other places these persons must have their firearms  
16 unloaded and enclosed in a case;

17           (6) Those hunters exempt from obtaining a hunting  
18 license who are required to submit their Firearm Owner's  
19 Identification Card when hunting on Department of Natural  
20 Resources owned or managed sites;

21           (7) Nonresidents while on a firing or shooting range  
22 recognized by the Department of State Police; however,  
23 these persons must at all other times and in all other  
24 places have their firearms unloaded and enclosed in a case;

25           (8) Nonresidents while at a firearm showing or display  
26 recognized by the Department of State Police; however, at

1 all other times and in all other places these persons must  
2 have their firearms unloaded and enclosed in a case;

3 (9) Nonresidents whose firearms are unloaded and  
4 enclosed in a case;

5 (10) Nonresidents who are currently licensed or  
6 registered to possess a firearm in their resident state;

7 (11) Unemancipated minors while in the custody and  
8 immediate control of their parent or legal guardian or  
9 other person in loco parentis to the minor if the parent or  
10 legal guardian or other person in loco parentis to the  
11 minor has a currently valid Firearm Owner's Identification  
12 Card;

13 (12) Color guards of bona fide veterans organizations  
14 or members of bona fide American Legion bands while using  
15 firearms for ceremonial purposes with blank ammunition;

16 (13) Nonresident hunters whose state of residence does  
17 not require them to be licensed or registered to possess a  
18 firearm and only during hunting season, with valid hunting  
19 licenses, while accompanied by, and using a firearm owned  
20 by, a person who possesses a valid Firearm Owner's  
21 Identification Card and while in an area within a  
22 commercial club licensed under the Wildlife Code where  
23 hunting is permitted and controlled, but in no instance  
24 upon sites owned or managed by the Department of Natural  
25 Resources;

26 (14) Resident hunters who are properly authorized to

1 hunt and, while accompanied by a person who possesses a  
2 valid Firearm Owner's Identification Card, hunt in an area  
3 within a commercial club licensed under the Wildlife Code  
4 where hunting is permitted and controlled;

5 (15) A person who is otherwise eligible to obtain a  
6 Firearm Owner's Identification Card under this Act and is  
7 under the direct supervision of a holder of a Firearm  
8 Owner's Identification Card who is 21 years of age or older  
9 while the person is on a firing or shooting range or is a  
10 participant in a firearms safety and training course  
11 recognized by a law enforcement agency or a national,  
12 statewide shooting sports organization; and

13 (16) Competitive shooting athletes whose competition  
14 firearms are sanctioned by the International Olympic  
15 Committee, the International Paralympic Committee, the  
16 International Shooting Sport Federation, or USA Shooting  
17 in connection with such athletes' training for and  
18 participation in shooting competitions at the 2016 Olympic  
19 and Paralympic Games and sanctioned test events leading up  
20 to the 2016 Olympic and Paralympic Games.

21 (c) The provisions of this Section regarding the  
22 acquisition and possession of firearms, firearm ammunition,  
23 stun guns, and tasers do not apply to law enforcement officials  
24 of this or any other jurisdiction, while engaged in the  
25 operation of their official duties.

26 (d) New residents, who are not otherwise prohibited from

1 obtaining, possessing, or using a firearm, firearm ammunition,  
2 stun gun, or taser, shall have 60 calendar days from when they  
3 obtain an Illinois driver's license or State identification  
4 card to make application and obtain a Firearm Owner's  
5 Identification Card. During this 60 day period these new  
6 residents, who are not otherwise prohibited, may possess a  
7 firearm, firearm ammunition, stun gun, or taser but shall not  
8 transfer or purchase firearms or ammunition. For purposes of  
9 this subsection (d), "domicile" means a true, fixed, and  
10 permanent legal home of a person or the place to which the  
11 person intends to return even though the person may reside  
12 elsewhere; and "new resident" means a non-resident who  
13 establishes a domicile in Illinois.

14 (Source: P.A. 96-7, eff. 4-3-09.)

15 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

25 (i) He or she is 21 years of age or over, or if he

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

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

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

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

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

19 (vi) He or she is not an alien who is unlawfully  
20 present in the United States under the laws of the  
21 United States;

22 (vii) He or she is not subject to an existing order  
23 of protection prohibiting him or her from possessing a  
24 firearm;

25 (viii) He or she has not been convicted within the  
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially  
2 similar offense in another jurisdiction, in which a  
3 firearm was used or possessed;

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

21 (x) (Blank);

22 (xi) He or she is not an alien who has been  
23 admitted to the United States under a non-immigrant  
24 visa (as that term is defined in Section 101(a)(26) of  
25 the Immigration and Nationality Act (8 U.S.C.  
26 1101(a)(26))), or that he or she is an alien who has



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

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

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

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

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

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

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

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

22                   (xii) He or she is not a minor subject to a  
23          petition filed under Section 5-520 of the Juvenile  
24          Court Act of 1987 alleging that the minor is a  
25          delinquent minor for the commission of an offense that  
26          if committed by an adult would be a felony; ~~and~~

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

5           (xiv) He or she is a resident of the State of  
6 Illinois; and

7           (3) Upon request by the Department of State Police,  
8 sign a release on a form prescribed by the Department of  
9 State Police waiving any right to confidentiality and  
10 requesting the disclosure to the Department of State Police  
11 of limited mental health institution admission information  
12 from another state, the District of Columbia, any other  
13 territory of the United States, or a foreign nation  
14 concerning the applicant for the sole purpose of  
15 determining whether the applicant is or was a patient in a  
16 mental health institution and disqualified because of that  
17 status from receiving a Firearm Owner's Identification  
18 Card. No mental health care or treatment records may be  
19 requested. The information received shall be destroyed  
20 within one year of receipt.

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

26           (a-10) Each applicant for a Firearm Owner's Identification

1 Card, who is employed as a law enforcement officer, an armed  
2 security officer in Illinois, or by the United States Military  
3 permanently assigned in Illinois ~~at a nuclear energy, storage,~~  
4 ~~weapons, or development facility regulated by the Nuclear~~  
5 ~~Regulatory Commission~~ and who is not an Illinois resident,  
6 shall furnish to the Department of State Police his or her  
7 driver's license number or state identification card number  
8 from his or her state of residence. The Department of State  
9 Police may promulgate rules to enforce the provisions of this  
10 subsection (a-10).

11 (a-15) Each applicant for a Firearm Owner's Identification  
12 Card shall furnish to the Department of State Police his or her  
13 social security number for the purposes of conducting a  
14 background investigation and the prevention of fraud.

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

20 (a-25) Each applicant for a Firearm Owner's Identification  
21 Card shall furnish to the Department of State Police his or her  
22 photograph. An applicant seeking a religious exemption to the  
23 photograph requirement must furnish with the application an  
24 approved copy of United States Department of the Treasury  
25 Internal Revenue Service Form 4029. In lieu of a photograph,  
26 the applicant shall submit fingerprints on a form and manner

1 prescribed by the Department with his or her application.

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

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

12 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised  
13 10-4-11.)

14 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

15 Sec. 6. Contents of Firearm Owner's Identification Card.

16 (a) A Firearm Owner's Identification Card, issued by the  
17 Department of State Police at such places as the Director of  
18 the Department shall specify, shall contain the applicant's  
19 name, residence, date of birth, sex, physical description,  
20 recent photograph, except as provided in subsection (c-5), and  
21 signature. Each Firearm Owner's Identification Card must have  
22 the expiration date boldly and conspicuously displayed on the  
23 face of the card. Each Firearm Owner's Identification Card must  
24 have printed on it the following: "CAUTION - This card does not  
25 permit bearer to UNLAWFULLY carry or use firearms." Before

1 December 1, 2002, the Department may use a person's digital  
2 photograph and signature from his or her Illinois driver's  
3 license or Illinois Identification Card, if available. On and  
4 after December 1, 2002, the Department shall use a person's  
5 digital photograph and signature from his or her Illinois  
6 driver's license or Illinois Identification Card, if  
7 available. The Department shall decline to use a person's  
8 digital photograph or signature if the digital photograph or  
9 signature is the result of or associated with fraudulent or  
10 erroneous data, unless otherwise provided by law.

11 (b) A person applying for a Firearm Owner's Identification  
12 Card shall consent to the Department of State Police using the  
13 applicant's digital driver's license or Illinois  
14 Identification Card photograph, if available, and signature on  
15 the applicant's Firearm Owner's Identification Card. The  
16 Secretary of State shall allow the Department of State Police  
17 access to the photograph and signature for the purpose of  
18 identifying the applicant and issuing to the applicant a  
19 Firearm Owner's Identification Card.

20 (c) The Secretary of State shall conduct a study to  
21 determine the cost and feasibility of creating a method of  
22 adding an identifiable code, background, or other means on the  
23 driver's license or Illinois Identification Card to show that  
24 an individual is not disqualified from owning or possessing a  
25 firearm under State or federal law. The Secretary shall report  
26 the findings of this study 12 months after the effective date

1 of this amendatory Act of the 92nd General Assembly.

2 (c-5) If a person qualifies for a photograph exemption, in  
3 lieu of a photograph, the Firearm Owner's Identification Card  
4 shall contain a copy of the card holder's fingerprints. Each  
5 Firearm Owner's Identification Card described in this  
6 subsection (c-5) must have printed on it the following: "This  
7 cardholder is not eligible for purchases or transfers conducted  
8 through a federally licensed firearm dealer."

9 (Source: P.A. 91-694, eff. 4-13-00; 92-442, eff. 8-17-01.)

10 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

25 (c) A person convicted of a felony under the laws of this

1 or any other jurisdiction;

2 (d) A person addicted to narcotics;

3 (e) A person who has been a patient of a mental institution  
4 within the past 5 years or has been adjudicated as a mental  
5 defective;

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

9 For the purposes of this Section, "mental condition" means  
10 a state of mind manifested by violent, suicidal, threatening or  
11 assaultive behavior.

12 (g) A person who is intellectually disabled;

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

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

17 (i-5) An alien who has been admitted to the United States  
18 under a non-immigrant visa (as that term is defined in Section  
19 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
20 1101(a)(26))), except that this subsection (i-5) does not apply  
21 to any alien who has been lawfully admitted to the United  
22 States under a non-immigrant visa if that alien is:

23 (1) admitted to the United States for lawful hunting or  
24 sporting purposes;

25 (2) an official representative of a foreign government  
26 who is:

1 (A) accredited to the United States Government or  
2 the Government's mission to an international  
3 organization having its headquarters in the United  
4 States; or

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

7 (3) an official of a foreign government or  
8 distinguished foreign visitor who has been so designated by  
9 the Department of State;

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

13 (5) one who has received a waiver from the Attorney  
14 General of the United States pursuant to 18 U.S.C.  
15 922(y)(3);

16 (j) (Blank);

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

21 (l) A person who has been convicted of domestic battery,  
22 aggravated domestic battery, or a substantially similar  
23 offense in another jurisdiction committed before, on or after  
24 January 1, 2012 (the effective date of Public Act 97-158). If  
25 the applicant or person who has been previously issued a  
26 Firearm Owner's Identification Card under this Act knowingly



1 and intelligently waives the right to have an offense described  
2 in this paragraph (l) tried by a jury, by guilty plea or  
3 otherwise, resulting in conviction for an offense in which a  
4 domestic relationship is not a defining element of the offense  
5 but in which a determination of domestic relationship is made  
6 under Section 112A-11.1 of the Code of Criminal Procedure of  
7 1963, an entry by the court of a judgment of conviction for  
8 that offense shall be grounds for denying an application for  
9 and for revoking and seizing a Firearm Owner's Identification  
10 Card previously issued to the person under this Act ~~this~~  
11 amendatory Act of the 97th General Assembly;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or possessing  
14 firearms or firearm ammunition by any Illinois State statute or  
15 by federal law;

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

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

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

25 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
26 eff. 1-1-12; revised 10-4-11.)

1 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

2 Sec. 8.1. Circuit Clerk to notify Department of State  
3 Police.

4 (a) The Circuit Clerk shall, in the form and manner  
5 required by the Supreme Court, notify the Department of State  
6 Police of all final dispositions of cases for which the  
7 Department has received information reported to it under  
8 Sections ~~Section~~ 2.1 and 2.2 of the Criminal Identification  
9 Act.

10 (b) Upon adjudication of any individual as a mental  
11 defective, as defined in Section 1.1 or as provided in  
12 paragraph (3.5) of subsection (c) of Section 104-26 of the Code  
13 of Criminal Procedure of 1963, the court shall direct the  
14 circuit court clerk to immediately notify the Department of  
15 State Police, Firearm Owner's Identification (FOID)  
16 department, and shall forward a copy of the court order to the  
17 Department.

18 (Source: P.A. 95-581, eff. 6-1-08.)

19 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

20 Sec. 9. Every person whose application for a Firearm  
21 Owner's Identification Card is denied, and every holder of such  
22 a Card whose ~~before his~~ Card is revoked or seized, shall  
23 receive a written notice from the Department of State Police  
24 stating specifically the grounds upon which his application has

1 been denied or upon which his Identification Card has been  
2 revoked.

3 (Source: P.A. 84-25.)

4 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

5 Sec. 10. Appeal to director; hearing; relief from firearm  
6 possession prohibition.

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

25 (b) At least 30 days before any hearing in the circuit

1 court, the petitioner shall serve the relevant State's Attorney  
2 with a copy of the petition. The State's Attorney may object to  
3 the petition and present evidence. At the hearing the court  
4 shall determine whether substantial justice has been done.  
5 Should the court determine that substantial justice has not  
6 been done, the court shall issue an order directing the  
7 Department of State Police to issue a Card. However, the court  
8 shall not issue the order if the petitioner is otherwise  
9 prohibited from obtaining, possessing, or using a firearm under  
10 federal law.

11 (c) Any person prohibited from possessing a firearm under  
12 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or  
13 acquiring a Firearm Owner's Identification Card under Section 8  
14 of this Act may apply to the Director of ~~the Department of~~  
15 State Police or petition the circuit court in the county where  
16 the petitioner resides, whichever is applicable in accordance  
17 with subsection (a) of this Section, requesting relief from  
18 such prohibition and the Director or court may grant such  
19 relief if it is established by the applicant to the court's or  
20 Director's satisfaction that:

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

26 (1) the applicant has not been convicted of a forcible

1 felony under the laws of this State or any other  
2 jurisdiction within 20 years of the applicant's  
3 application for a Firearm Owner's Identification Card, or  
4 at least 20 years have passed since the end of any period  
5 of imprisonment imposed in relation to that conviction;

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

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

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

14  
15 (d) When a minor is adjudicated delinquent for an offense  
16 which if committed by an adult would be a felony, the court  
17 shall notify the Department of State Police.

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

1 that the disability has been removed and that the applicant is  
2 eligible to obtain a Firearm Owner's Identification Card.

3 (f) Any person who is prohibited from possessing a firearm  
4 under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun  
5 Control Act of 1968 may apply to the Department of State Police  
6 requesting relief from such prohibition and the Director shall  
7 grant such relief if it is established to the Director's  
8 satisfaction that the person will not be likely to act in a  
9 manner dangerous to public safety and granting relief would not  
10 be contrary to the public interest. The Department of State  
11 Police shall adopt rules for the administration of this  
12 subsection (f).

13 (Source: P.A. 96-1368, eff. 7-28-10.)

14 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

15 Sec. 11. Judicial review of final administrative  
16 decisions.

17 (a) All final administrative decisions of the Department  
18 under this Act, except final administrative decisions of the  
19 Director of State Police to deny a person's application for  
20 relief under subsection (f) of Section 10 of this Act, shall be  
21 subject to judicial review under the provisions of the  
22 Administrative Review Law, and all amendments and  
23 modifications thereof, and the rules adopted pursuant thereto.  
24 The term "administrative decision" is defined as in Section  
25 3-101 of the Code of Civil Procedure.

1       (b) Any final administrative decision by the Director of  
2       State Police to deny a person's application for relief under  
3       subsection (f) of Section 10 of this Act is subject to de novo  
4       judicial review by the circuit court, and any party may offer  
5       evidence that is otherwise proper and admissible without regard  
6       to whether that evidence is part of the administrative record.

7       (c) The Director of State Police shall submit a report to  
8       the General Assembly on March 1 of each year, beginning March  
9       1, 1991, listing all final decisions by a court of this State  
10      upholding, reversing, or reversing in part any administrative  
11      decision made by the Department of State Police.

12      (Source: P.A. 86-882.)

13           (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

14      Sec. 13.2. The Department of State Police shall, 60 days  
15      prior to the expiration of a Firearm Owner's Identification  
16      Card, forward by first class mail to each person whose card is  
17      to expire a notification of the expiration of the card and an  
18      application which may be used to apply for renewal of the card.  
19      It is the obligation of the holder of a Firearm Owner's  
20      Identification Card to notify the Department of State Police of  
21      any address change since the issuance of the Firearm Owner's  
22      Identification Card. Whenever any person moves from the  
23      residence address named on his or her card the person shall  
24      within 10 days thereafter notify in a form and manner  
25      prescribed by the Department of his or her old and new

1 residence addresses and the card number held by him or her. Any  
2 person whose legal name has changed from the name on the card  
3 that he or she has been previously issued must apply for a  
4 corrected card within 30 days after the change.

5 (Source: P.A. 91-690, eff. 4-13-00.)

6 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

7 Sec. 14. Sentence.

8 (a) Except as provided in subsection (a-5), a ~~A~~ violation  
9 of paragraph (1) of subsection (a) of Section 2, when the  
10 person's Firearm Owner's Identification Card is expired but the  
11 person is not otherwise disqualified from renewing the card, is  
12 a Class A misdemeanor.

13 (a-5) A violation of paragraph (1) of subsection (a) of  
14 Section 2, when the person's Firearm Owner's Identification  
15 Card is expired but the person is not otherwise disqualified  
16 from owning, purchasing, or possessing firearms, is a petty  
17 offense if the card was expired for 6 months or less from the  
18 date of expiration.

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

25 (c) A violation of paragraph (1) of subsection (a) of



1 Section 2 is a Class 3 felony when:

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

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

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

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

12 (d-5) Any person who knowingly enters false information on  
13 an application for a Firearm Owner's Identification Card, who  
14 knowingly gives a false answer to any question on the  
15 application, or who knowingly submits false evidence in  
16 connection with an application is guilty of a Class 2 felony.

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

19 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;  
20 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

21 Section 15. The Code of Criminal Procedure of 1963 is  
22 amended by changing Sections 104-26 and 112A-14 and adding  
23 Sections 112A-11.1 and 112A-11.2 as follows:

24 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

1           Sec. 104-26. Disposition of Defendants suffering  
2 disabilities.

3           (a) A defendant convicted following a trial conducted under  
4 the provisions of Section 104-22 shall not be sentenced before  
5 a written presentence report of investigation is presented to  
6 and considered by the court. The presentence report shall be  
7 prepared pursuant to Sections 5-3-2, 5-3-3 and 5-3-4 of the  
8 Unified Code of Corrections, as now or hereafter amended, and  
9 shall include a physical and mental examination unless the  
10 court finds that the reports of prior physical and mental  
11 examinations conducted pursuant to this Article are adequate  
12 and recent enough so that additional examinations would be  
13 unnecessary.

14           (b) A defendant convicted following a trial under Section  
15 104-22 shall not be subject to the death penalty.

16           (c) A defendant convicted following a trial under Section  
17 104-22 shall be sentenced according to the procedures and  
18 dispositions authorized under the Unified Code of Corrections,  
19 as now or hereafter amended, subject to the following  
20 provisions:

21           (1) The court shall not impose a sentence of  
22 imprisonment upon the offender if the court believes that  
23 because of his disability a sentence of imprisonment would  
24 not serve the ends of justice and the interests of society  
25 and the offender or that because of his disability a  
26 sentence of imprisonment would subject the offender to

1 excessive hardship. In addition to any other conditions of  
2 a sentence of conditional discharge or probation the court  
3 may require that the offender undergo treatment  
4 appropriate to his mental or physical condition.

5 (2) After imposing a sentence of imprisonment upon an  
6 offender who has a mental disability, the court may remand  
7 him to the custody of the Department of Human Services and  
8 order a hearing to be conducted pursuant to the provisions  
9 of the Mental Health and Developmental Disabilities Code,  
10 as now or hereafter amended. If the offender is committed  
11 following such hearing, he shall be treated in the same  
12 manner as any other civilly committed patient for all  
13 purposes except as provided in this Section. If the  
14 defendant is not committed pursuant to such hearing, he  
15 shall be remanded to the sentencing court for disposition  
16 according to the sentence imposed.

17 (3) If the court imposes a sentence of imprisonment  
18 upon an offender who has a mental disability but does not  
19 proceed under subparagraph (2) of paragraph (c) of this  
20 Section, it shall order the Department of Corrections to  
21 proceed pursuant to Section 3-8-5 of the Unified Code of  
22 Corrections, as now or hereafter amended.

23 (3.5) If the court imposes a sentence of imprisonment  
24 upon an offender who has a mental disability, the court  
25 shall direct the circuit court clerk to immediately notify  
26 the Department of State Police, Firearm Owner's

1       Identification (FOID) Office, in a form and manner  
2       prescribed by the Department of State Police and shall  
3       forward a copy of the court order to the Department.

4           (4) If the court imposes a sentence of imprisonment  
5       upon an offender who has a physical disability, it may  
6       authorize the Department of Corrections to place the  
7       offender in a public or private facility which is able to  
8       provide care or treatment for the offender's disability and  
9       which agrees to do so.

10          (5) When an offender is placed with the Department of  
11       Human Services or another facility pursuant to  
12       subparagraph (2) or (4) of this paragraph (c), the  
13       Department or private facility shall not discharge or allow  
14       the offender to be at large in the community without prior  
15       approval of the court. If the defendant is placed in the  
16       custody of the Department of Human Services, the defendant  
17       shall be placed in a secure setting unless the court  
18       determines that there are compelling reasons why such  
19       placement is not necessary. The offender shall accrue good  
20       time and shall be eligible for parole in the same manner as  
21       if he were serving his sentence within the Department of  
22       Corrections. When the offender no longer requires  
23       hospitalization, care, or treatment, the Department of  
24       Human Services or the facility shall transfer him, if his  
25       sentence has not expired, to the Department of Corrections.  
26       If an offender is transferred to the Department of

1 Corrections, the Department of Human Services shall  
2 transfer to the Department of Corrections all related  
3 records pertaining to length of custody and treatment  
4 services provided during the time the offender was held.

5 (6) The Department of Corrections shall notify the  
6 Department of Human Services or a facility in which an  
7 offender has been placed pursuant to subparagraph (2) or  
8 (4) of paragraph (c) of this Section of the expiration of  
9 his sentence. Thereafter, an offender in the Department of  
10 Human Services shall continue to be treated pursuant to his  
11 commitment order and shall be considered a civilly  
12 committed patient for all purposes including discharge. An  
13 offender who is in a facility pursuant to subparagraph (4)  
14 of paragraph (c) of this Section shall be informed by the  
15 facility of the expiration of his sentence, and shall  
16 either consent to the continuation of his care or treatment  
17 by the facility or shall be discharged.

18 (Source: P.A. 89-507, eff. 7-1-97.)

19 (725 ILCS 5/112A-11.1 new)

20 Sec. 112A-11.1. Procedure for determining whether certain  
21 misdemeanor crimes are crimes of domestic violence for purposes  
22 of federal law.

23 (a) When a defendant has been charged with a violation of  
24 Section 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.4, or  
25 12-3.5 of the Criminal Code of 1961, the State may, at

1 arraignment or no later than 45 days after arraignment, for the  
2 purpose of notification to the Department of State Police  
3 Firearm Owner's Identification Card Office, serve on the  
4 defendant and file with the court a notice alleging that the  
5 defendant is related or situated to the victim of the crime in  
6 the manner specified in 18 U.S.C. 921(a) (33) (A) (ii).

7 (b) The notice shall include the name of the person alleged  
8 to be the victim of the crime and shall specify the nature of  
9 the alleged relationship as set forth in 18 U.S.C.  
10 921(a) (33) (A) (ii). Upon conviction of that offense, the court  
11 shall advise the defendant that he or she is entitled to a  
12 hearing on the allegation contained in the notice and, if  
13 necessary, an adjournment of the sentencing proceeding in order  
14 to prepare for the hearing, and that if the allegation is  
15 sustained, that determination and conviction shall be reported  
16 to the Department of State Police Firearm Owner's  
17 Identification Card Office.

18 (c) After having been advised by the court as provided in  
19 subsection (b) of this Section, the defendant may stipulate or  
20 admit, orally on the record or in writing, that he or she is  
21 related or situated to the victim of the crime in the manner  
22 described in subsection (a) of this Section. In that case, the  
23 relationship shall be deemed established for purposes of  
24 Section 112A-11.2. If the defendant denies that he or she is  
25 related or situated to the victim of the crime as alleged in  
26 the notice served by the State, or stands mute with respect to

1 that allegation, then the State shall bear the burden to prove  
2 beyond a reasonable doubt that the defendant is related or  
3 situated to the victim in the manner alleged in the notice. The  
4 court may consider reliable hearsay evidence submitted by  
5 either party provided that it is relevant to the determination  
6 of the allegation. Facts previously proven at trial or elicited  
7 at the time of entry of a plea of guilty shall be deemed  
8 established beyond a reasonable doubt and shall not be  
9 relitigated. At the conclusion of the hearing, or upon such a  
10 stipulation or admission, as applicable, the court shall make a  
11 specific written determination with respect to the allegation.  
12

13 (725 ILCS 5/112A-11.2 new)

14 Sec. 112A-11.2. Notification to the Department of State  
15 Police Firearm Owner's Identification Card Office of  
16 determinations in certain misdemeanor cases. Upon judgment of  
17 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.05,  
18 12-3.2, 12-3.3, 12-3.4, or 12-3.5 of the Criminal Code of 1961  
19 when the defendant has been determined, pursuant to Section  
20 112A-11.1, to be related or situated to the victim of the  
21 offense in the manner specified in 18 U.S.C. 921(a)(33)(A)(ii),  
22 the circuit court clerk shall include notification and a copy  
23 of the written determination in a report of the conviction to  
24 the Department of State Police Firearm Owner's Identification  
25 Card Office to enable the office to report that determination

1 to the Federal Bureau of Investigation and assist the Bureau in  
2 identifying persons prohibited from purchasing and possessing  
3 a firearm pursuant to the provisions of 18 U.S.C. 922.

4 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

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

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



1           (1) Prohibition of abuse. Prohibit respondent's  
2 harassment, interference with personal liberty,  
3 intimidation of a dependent, physical abuse or willful  
4 deprivation, as defined in this Article, if such abuse has  
5 occurred or otherwise appears likely to occur if not  
6 prohibited.

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

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

25           (B) Presumption of hardships. If petitioner and  
26 respondent each has the right to occupancy of a

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

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

26 (3) Stay away order and additional prohibitions. Order

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

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

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

1 appropriate. The court may order the respondent in any  
2 intimate partner relationship to report to an Illinois  
3 Department of Human Services protocol approved partner  
4 abuse intervention program for an assessment and to follow  
5 all recommended treatment.

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

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

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

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 112A-3) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding temporary legal custody to respondent would not be  
4 in the child's best interest.

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

24 Petitioner may deny respondent access to the minor  
25 child if, when respondent arrives for visitation,  
26 respondent is under the influence of drugs or alcohol and

1 constitutes a threat to the safety and well-being of  
2 petitioner or petitioner's minor children or is behaving in  
3 a violent or abusive manner.

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

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

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

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

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing  
3 it would risk abuse of petitioner by respondent or is  
4 impracticable; and the balance of hardships favors  
5 temporary possession by petitioner.

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

13 No order under this provision shall affect title to  
14 property.

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

19 (i) petitioner, but not respondent, owns the  
20 property; or

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

23 If petitioner's sole claim to ownership of the property  
24 is that it is marital property, the court may grant  
25 petitioner relief under subparagraph (ii) of this  
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended.

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

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

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



1 custody. Such a support order shall expire upon entry of a  
2 valid order granting legal custody to another, unless  
3 otherwise provided in the custody order.

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

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

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

1 investigator fees, and travel costs.

2 (14) Prohibition of entry. Prohibit the respondent  
3 from entering or remaining in the residence or household  
4 while the respondent is under the influence of alcohol or  
5 drugs and constitutes a threat to the safety and well-being  
6 of the petitioner or the petitioner's children.

7 (14.5) Prohibition of firearm possession.

8 (a) Prohibit a respondent against whom an order of  
9 protection was issued from possessing any firearms  
10 during the duration of the order if the order:

11 (1) was issued after a hearing of which such  
12 person received actual notice, and at which such  
13 person had an opportunity to participate;

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

20 (3)(i) includes a finding that such person  
21 represents a credible threat to the physical  
22 safety of such intimate partner or child; or (ii)  
23 by its terms explicitly prohibits the use,  
24 attempted use, or threatened use of physical force  
25 against such intimate partner or child that would  
26 reasonably be expected to cause bodily injury.

1 Any firearms in the possession of the respondent,  
2 except as provided in subsection (b), shall be ordered  
3 by the court to be turned over to the local law  
4 enforcement agency. The local law enforcement agency  
5 shall immediately mail the card to the Department of  
6 State Police Firearm Owner's Identification Card  
7 Office for safekeeping. Once the order expires, it is  
8 the respondent's responsibility to notify the  
9 Department of State Police Firearm Owner's  
10 Identification Card Office. ~~for safekeeping.~~ The court  
11 shall issue an order that the respondent's Firearm  
12 Owner's Identification Card be turned over to the local  
13 law enforcement agency for safekeeping. The period of  
14 safekeeping shall be for the duration of the order of  
15 protection. The firearm or firearms shall be returned  
16 to the respondent at expiration of the order of  
17 protection.

18 (b) If the respondent is a peace officer as defined  
19 in Section 2-13 of the Criminal Code of 1961, the court  
20 shall order that any firearms used by the respondent in  
21 the performance of his or her duties as a peace officer  
22 be surrendered to the chief law enforcement executive  
23 of the agency in which the respondent is employed, who  
24 shall retain the firearms for safekeeping for the  
25 duration of the order of protection.

26 (c) Upon expiration of the period of safekeeping,

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

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

23 (16) Order for payment of shelter services. Order  
24 respondent to reimburse a shelter providing temporary  
25 housing and counseling services to the petitioner for the  
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

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

11 (c) Relevant factors; findings.

12 (1) In determining whether to grant a specific remedy,  
13 other than payment of support, the court shall consider  
14 relevant factors, including but not limited to the  
15 following:

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

24 (ii) the danger that any minor child will be abused  
25 or neglected or improperly removed from the  
26 jurisdiction, improperly concealed within the State or

1           improperly separated from the child's primary  
2           caretaker.

3           (2) In comparing relative hardships resulting to the  
4           parties from loss of possession of the family home, the  
5           court shall consider relevant factors, including but not  
6           limited to the following:

7                   (i) availability, accessibility, cost, safety,  
8                   adequacy, location and other characteristics of  
9                   alternate housing for each party and any minor child or  
10                  dependent adult in the party's care;

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

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

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

19                   (i) That the court has considered the applicable  
20                   relevant factors described in paragraphs (1) and (2) of  
21                   this subsection.

22                   (ii) Whether the conduct or actions of respondent,  
23                   unless prohibited, will likely cause irreparable harm  
24                   or continued abuse.

25                   (iii) Whether it is necessary to grant the  
26                   requested relief in order to protect petitioner or

1 other alleged abused persons.

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

7 When a verified petition for an emergency order of  
8 protection in accordance with the requirements of Sections  
9 112A-5 and 112A-17 is presented to the court, the court  
10 shall examine petitioner on oath or affirmation. An  
11 emergency order of protection shall be issued by the court  
12 if it appears from the contents of the petition and the  
13 examination of petitioner that the averments are  
14 sufficient to indicate abuse by respondent and to support  
15 the granting of relief under the issuance of the emergency  
16 order of protection.

17 (5) Never married parties. No rights or  
18 responsibilities for a minor child born outside of marriage  
19 attach to a putative father until a father and child  
20 relationship has been established under the Illinois  
21 Parentage Act of 1984. Absent such an adjudication, no  
22 putative father shall be granted temporary custody of the  
23 minor child, visitation with the minor child, or physical  
24 care and possession of the minor child, nor shall an order  
25 of payment for support of the minor child be entered.

26 (d) Balance of hardships; findings. If the court finds that

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

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

11 (1) Respondent has cause for any use of force, unless  
12 that cause satisfies the standards for justifiable use of  
13 force provided by Article VII of the Criminal Code of 1961;

14 (2) Respondent was voluntarily intoxicated;

15 (3) Petitioner acted in self-defense or defense of  
16 another, provided that, if petitioner utilized force, such  
17 force was justifiable under Article VII of the Criminal  
18 Code of 1961;

19 (4) Petitioner did not act in self-defense or defense  
20 of another;

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

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

25 (7) Conduct by any family or household member excused  
26 the abuse by respondent, unless that same conduct would



1           have excused such abuse if the parties had not been family  
2           or household members.

3           (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
4           97-158, eff. 1-1-12.)

5           Section 20. The Unified Code of Corrections is amended by  
6           changing Section 5-6-3 as follows:

7           (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8           Sec. 5-6-3. Conditions of Probation and of Conditional  
9           Discharge.

10          (a) The conditions of probation and of conditional  
11          discharge shall be that the person:

12                 (1) not violate any criminal statute of any  
13                 jurisdiction;

14                 (2) report to or appear in person before such person or  
15                 agency as directed by the court;

16                 (3) refrain from possessing a firearm or other  
17                 dangerous weapon where the offense is a felony or, if a  
18                 misdemeanor, the offense involved the intentional or  
19                 knowing infliction of bodily harm or threat of bodily harm;

20                 (4) not leave the State without the consent of the  
21                 court or, in circumstances in which the reason for the  
22                 absence is of such an emergency nature that prior consent  
23                 by the court is not possible, without the prior  
24                 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional  
2 discharge supervision to another state is subject to  
3 acceptance by the other state pursuant to the Interstate  
4 Compact for Adult Offender Supervision;

5 (5) permit the probation officer to visit him at his  
6 home or elsewhere to the extent necessary to discharge his  
7 duties;

8 (6) perform no less than 30 hours of community service  
9 and not more than 120 hours of community service, if  
10 community service is available in the jurisdiction and is  
11 funded and approved by the county board where the offense  
12 was committed, where the offense was related to or in  
13 furtherance of the criminal activities of an organized gang  
14 and was motivated by the offender's membership in or  
15 allegiance to an organized gang. The community service  
16 shall include, but not be limited to, the cleanup and  
17 repair of any damage caused by a violation of Section  
18 21-1.3 of the Criminal Code of 1961 and similar damage to  
19 property located within the municipality or county in which  
20 the violation occurred. When possible and reasonable, the  
21 community service should be performed in the offender's  
22 neighborhood. For purposes of this Section, "organized  
23 gang" has the meaning ascribed to it in Section 10 of the  
24 Illinois Streetgang Terrorism Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has  
26 been sentenced to probation or conditional discharge for a

1 misdemeanor or felony in a county of 3,000,000 or more  
2 inhabitants and has not been previously convicted of a  
3 misdemeanor or felony, may be required by the sentencing  
4 court to attend educational courses designed to prepare the  
5 defendant for a high school diploma and to work toward a  
6 high school diploma or to work toward passing the high  
7 school level Test of General Educational Development (GED)  
8 or to work toward completing a vocational training program  
9 approved by the court. The person on probation or  
10 conditional discharge must attend a public institution of  
11 education to obtain the educational or vocational training  
12 required by this clause (7). The court shall revoke the  
13 probation or conditional discharge of a person who wilfully  
14 fails to comply with this clause (7). The person on  
15 probation or conditional discharge shall be required to pay  
16 for the cost of the educational courses or GED test, if a  
17 fee is charged for those courses or test. The court shall  
18 resentence the offender whose probation or conditional  
19 discharge has been revoked as provided in Section 5-6-4.  
20 This clause (7) does not apply to a person who has a high  
21 school diploma or has successfully passed the GED test.  
22 This clause (7) does not apply to a person who is  
23 determined by the court to be developmentally disabled or  
24 otherwise mentally incapable of completing the educational  
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, or the Methamphetamine Control  
3 and Community Protection Act after a previous conviction or  
4 disposition of supervision for possession of a substance  
5 prohibited by the Cannabis Control Act or Illinois  
6 Controlled Substances Act or after a sentence of probation  
7 under Section 10 of the Cannabis Control Act, Section 410  
8 of the Illinois Controlled Substances Act, or Section 70 of  
9 the Methamphetamine Control and Community Protection Act  
10 and upon a finding by the court that the person is  
11 addicted, undergo treatment at a substance abuse program  
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined  
14 in the Sex Offender Management Board Act, the person shall  
15 undergo and successfully complete sex offender treatment  
16 by a treatment provider approved by the Board and conducted  
17 in conformance with the standards developed under the Sex  
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, refrain from residing at  
21 the same address or in the same condominium unit or  
22 apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has  
25 been placed on supervision for a sex offense; the  
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders;

4 (8.7) if convicted for an offense committed on or after  
5 June 1, 2008 (the effective date of Public Act 95-464) that  
6 would qualify the accused as a child sex offender as  
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
8 1961, refrain from communicating with or contacting, by  
9 means of the Internet, a person who is not related to the  
10 accused and whom the accused reasonably believes to be  
11 under 18 years of age; for purposes of this paragraph  
12 (8.7), "Internet" has the meaning ascribed to it in Section  
13 16-0.1 of the Criminal Code of 1961; and a person is not  
14 related to the accused if the person is not: (i) the  
15 spouse, brother, or sister of the accused; (ii) a  
16 descendant of the accused; (iii) a first or second cousin  
17 of the accused; or (iv) a step-child or adopted child of  
18 the accused;

19 (8.8) if convicted for an offense under Section 11-6,  
20 11-9.1, 11-14.4 that involves soliciting for a juvenile  
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
22 of the Criminal Code of 1961, or any attempt to commit any  
23 of these offenses, committed on or after June 1, 2009 (the  
24 effective date of Public Act 95-983):

25 (i) not access or use a computer or any other  
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,  
2 except in connection with the offender's employment or  
3 search for employment with the prior approval of the  
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations  
6 of the offender's computer or any other device with  
7 Internet capability by the offender's probation  
8 officer, a law enforcement officer, or assigned  
9 computer or information technology specialist,  
10 including the retrieval and copying of all data from  
11 the computer or device and any internal or external  
12 peripherals and removal of such information,  
13 equipment, or device to conduct a more thorough  
14 inspection;

15 (iii) submit to the installation on the offender's  
16 computer or device with Internet capability, at the  
17 offender's expense, of one or more hardware or software  
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions  
20 concerning the offender's use of or access to a  
21 computer or any other device with Internet capability  
22 imposed by the offender's probation officer;

23 (8.9) if convicted of a sex offense as defined in the  
24 Sex Offender Registration Act committed on or after January  
25 1, 2010 (the effective date of Public Act 96-262), refrain  
26 from accessing or using a social networking website as

1 defined in Section 17-0.5 of the Criminal Code of 1961;

2 (9) if convicted of a felony or any conviction,  
3 including a misdemeanor, of Section 12-3.2, 12-3.3,  
4 12-3.4, or 12-3.5 of the Criminal Code of 1961, physically  
5 surrender at a time and place designated by the court, his  
6 or her Firearm Owner's Identification Card and any and all  
7 firearms in his or her possession which the court shall  
8 return to the Department of State Police Firearm Owner's  
9 Identification Card Office;

10 (10) if convicted of a sex offense as defined in  
11 subsection (a-5) of Section 3-1-2 of this Code, unless the  
12 offender is a parent or guardian of the person under 18  
13 years of age present in the home and no non-familial minors  
14 are present, not participate in a holiday event involving  
15 children under 18 years of age, such as distributing candy  
16 or other items to children on Halloween, wearing a Santa  
17 Claus costume on or preceding Christmas, being employed as  
18 a department store Santa Claus, or wearing an Easter Bunny  
19 costume on or preceding Easter;

20 (11) if convicted of a sex offense as defined in  
21 Section 2 of the Sex Offender Registration Act committed on  
22 or after January 1, 2010 (the effective date of Public Act  
23 96-362) that requires the person to register as a sex  
24 offender under that Act, may not knowingly use any computer  
25 scrub software on any computer that the sex offender uses;  
26 and

1           (12) if convicted of a violation of the Methamphetamine  
2 Control and Community Protection Act, the Methamphetamine  
3 Precursor Control Act, or a methamphetamine related  
4 offense:

5           (A) prohibited from purchasing, possessing, or  
6 having under his or her control any product containing  
7 pseudoephedrine unless prescribed by a physician; and

8           (B) prohibited from purchasing, possessing, or  
9 having under his or her control any product containing  
10 ammonium nitrate.

11       (b) The Court may in addition to other reasonable  
12 conditions relating to the nature of the offense or the  
13 rehabilitation of the defendant as determined for each  
14 defendant in the proper discretion of the Court require that  
15 the person:

16           (1) serve a term of periodic imprisonment under Article  
17 7 for a period not to exceed that specified in paragraph  
18 (d) of Section 5-7-1;

19           (2) pay a fine and costs;

20           (3) work or pursue a course of study or vocational  
21 training;

22           (4) undergo medical, psychological or psychiatric  
23 treatment; or treatment for drug addiction or alcoholism;

24           (5) attend or reside in a facility established for the  
25 instruction or residence of defendants on probation;

26           (6) support his dependents;



- 1           (7) and in addition, if a minor:
- 2                 (i) reside with his parents or in a foster home;
- 3                 (ii) attend school;
- 4                 (iii) attend a non-residential program for youth;
- 5                 (iv) contribute to his own support at home or in a
- 6 foster home;
- 7                 (v) with the consent of the superintendent of the
- 8 facility, attend an educational program at a facility
- 9 other than the school in which the offense was
- 10 committed if he or she is convicted of a crime of
- 11 violence as defined in Section 2 of the Crime Victims
- 12 Compensation Act committed in a school, on the real
- 13 property comprising a school, or within 1,000 feet of
- 14 the real property comprising a school;
- 15           (8) make restitution as provided in Section 5-5-6 of
- 16 this Code;
- 17           (9) perform some reasonable public or community
- 18 service;
- 19           (10) serve a term of home confinement. In addition to
- 20 any other applicable condition of probation or conditional
- 21 discharge, the conditions of home confinement shall be that
- 22 the offender:
- 23                 (i) remain within the interior premises of the
- 24 place designated for his confinement during the hours
- 25 designated by the court;
- 26                 (ii) admit any person or agent designated by the

1 court into the offender's place of confinement at any  
2 time for purposes of verifying the offender's  
3 compliance with the conditions of his confinement; and

4 (iii) if further deemed necessary by the court or  
5 the Probation or Court Services Department, be placed  
6 on an approved electronic monitoring device, subject  
7 to Article 8A of Chapter V;

8 (iv) for persons convicted of any alcohol,  
9 cannabis or controlled substance violation who are  
10 placed on an approved monitoring device as a condition  
11 of probation or conditional discharge, the court shall  
12 impose a reasonable fee for each day of the use of the  
13 device, as established by the county board in  
14 subsection (g) of this Section, unless after  
15 determining the inability of the offender to pay the  
16 fee, the court assesses a lesser fee or no fee as the  
17 case may be. This fee shall be imposed in addition to  
18 the fees imposed under subsections (g) and (i) of this  
19 Section. The fee shall be collected by the clerk of the  
20 circuit court. The clerk of the circuit court shall pay  
21 all monies collected from this fee to the county  
22 treasurer for deposit in the substance abuse services  
23 fund under Section 5-1086.1 of the Counties Code; and

24 (v) for persons convicted of offenses other than  
25 those referenced in clause (iv) above and who are  
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall  
2 impose a reasonable fee for each day of the use of the  
3 device, as established by the county board in  
4 subsection (g) of this Section, unless after  
5 determining the inability of the defendant to pay the  
6 fee, the court assesses a lesser fee or no fee as the  
7 case may be. This fee shall be imposed in addition to  
8 the fees imposed under subsections (g) and (i) of this  
9 Section. The fee shall be collected by the clerk of the  
10 circuit court. The clerk of the circuit court shall pay  
11 all monies collected from this fee to the county  
12 treasurer who shall use the monies collected to defray  
13 the costs of corrections. The county treasurer shall  
14 deposit the fee collected in the probation and court  
15 services fund.

16 (11) comply with the terms and conditions of an order  
17 of protection issued by the court pursuant to the Illinois  
18 Domestic Violence Act of 1986, as now or hereafter amended,  
19 or an order of protection issued by the court of another  
20 state, tribe, or United States territory. A copy of the  
21 order of protection shall be transmitted to the probation  
22 officer or agency having responsibility for the case;

23 (12) reimburse any "local anti-crime program" as  
24 defined in Section 7 of the Anti-Crime Advisory Council Act  
25 for any reasonable expenses incurred by the program on the  
26 offender's case, not to exceed the maximum amount of the

1 fine authorized for the offense for which the defendant was  
2 sentenced;

3 (13) contribute a reasonable sum of money, not to  
4 exceed the maximum amount of the fine authorized for the  
5 offense for which the defendant was sentenced, (i) to a  
6 "local anti-crime program", as defined in Section 7 of the  
7 Anti-Crime Advisory Council Act, or (ii) for offenses under  
8 the jurisdiction of the Department of Natural Resources, to  
9 the fund established by the Department of Natural Resources  
10 for the purchase of evidence for investigation purposes and  
11 to conduct investigations as outlined in Section 805-105 of  
12 the Department of Natural Resources (Conservation) Law;

13 (14) refrain from entering into a designated  
14 geographic area except upon such terms as the court finds  
15 appropriate. Such terms may include consideration of the  
16 purpose of the entry, the time of day, other persons  
17 accompanying the defendant, and advance approval by a  
18 probation officer, if the defendant has been placed on  
19 probation or advance approval by the court, if the  
20 defendant was placed on conditional discharge;

21 (15) refrain from having any contact, directly or  
22 indirectly, with certain specified persons or particular  
23 types of persons, including but not limited to members of  
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the  
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or the  
2 Methamphetamine Control and Community Protection Act,  
3 unless prescribed by a physician, and submit samples of his  
4 or her blood or urine or both for tests to determine the  
5 presence of any illicit drug;

6 (17) if convicted for an offense committed on or after  
7 June 1, 2008 (the effective date of Public Act 95-464) that  
8 would qualify the accused as a child sex offender as  
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
10 1961, refrain from communicating with or contacting, by  
11 means of the Internet, a person who is related to the  
12 accused and whom the accused reasonably believes to be  
13 under 18 years of age; for purposes of this paragraph (17),  
14 "Internet" has the meaning ascribed to it in Section 16-0.1  
15 of the Criminal Code of 1961; and a person is related to  
16 the accused if the person is: (i) the spouse, brother, or  
17 sister of the accused; (ii) a descendant of the accused;  
18 (iii) a first or second cousin of the accused; or (iv) a  
19 step-child or adopted child of the accused;

20 (18) if convicted for an offense committed on or after  
21 June 1, 2009 (the effective date of Public Act 95-983) that  
22 would qualify as a sex offense as defined in the Sex  
23 Offender Registration Act:

24 (i) not access or use a computer or any other  
25 device with Internet capability without the prior  
26 written approval of the offender's probation officer,

1           except in connection with the offender's employment or  
2           search for employment with the prior approval of the  
3           offender's probation officer;

4           (ii) submit to periodic unannounced examinations  
5           of the offender's computer or any other device with  
6           Internet capability by the offender's probation  
7           officer, a law enforcement officer, or assigned  
8           computer or information technology specialist,  
9           including the retrieval and copying of all data from  
10          the computer or device and any internal or external  
11          peripherals and removal of such information,  
12          equipment, or device to conduct a more thorough  
13          inspection;

14          (iii) submit to the installation on the offender's  
15          computer or device with Internet capability, at the  
16          subject's expense, of one or more hardware or software  
17          systems to monitor the Internet use; and

18          (iv) submit to any other appropriate restrictions  
19          concerning the offender's use of or access to a  
20          computer or any other device with Internet capability  
21          imposed by the offender's probation officer; and

22          (19) refrain from possessing a firearm or other  
23          dangerous weapon where the offense is a misdemeanor that  
24          did not involve the intentional or knowing infliction of  
25          bodily harm or threat of bodily harm.

26          (c) The court may as a condition of probation or of

1 conditional discharge require that a person under 18 years of  
2 age found guilty of any alcohol, cannabis or controlled  
3 substance violation, refrain from acquiring a driver's license  
4 during the period of probation or conditional discharge. If  
5 such person is in possession of a permit or license, the court  
6 may require that the minor refrain from driving or operating  
7 any motor vehicle during the period of probation or conditional  
8 discharge, except as may be necessary in the course of the  
9 minor's lawful employment.

10 (d) An offender sentenced to probation or to conditional  
11 discharge shall be given a certificate setting forth the  
12 conditions thereof.

13 (e) Except where the offender has committed a fourth or  
14 subsequent violation of subsection (c) of Section 6-303 of the  
15 Illinois Vehicle Code, the court shall not require as a  
16 condition of the sentence of probation or conditional discharge  
17 that the offender be committed to a period of imprisonment in  
18 excess of 6 months. This 6 month limit shall not include  
19 periods of confinement given pursuant to a sentence of county  
20 impact incarceration under Section 5-8-1.2.

21 Persons committed to imprisonment as a condition of  
22 probation or conditional discharge shall not be committed to  
23 the Department of Corrections.

24 (f) The court may combine a sentence of periodic  
25 imprisonment under Article 7 or a sentence to a county impact  
26 incarceration program under Article 8 with a sentence of

1 probation or conditional discharge.

2 (g) An offender sentenced to probation or to conditional  
3 discharge and who during the term of either undergoes mandatory  
4 drug or alcohol testing, or both, or is assigned to be placed  
5 on an approved electronic monitoring device, shall be ordered  
6 to pay all costs incidental to such mandatory drug or alcohol  
7 testing, or both, and all costs incidental to such approved  
8 electronic monitoring in accordance with the defendant's  
9 ability to pay those costs. The county board with the  
10 concurrence of the Chief Judge of the judicial circuit in which  
11 the county is located shall establish reasonable fees for the  
12 cost of maintenance, testing, and incidental expenses related  
13 to the mandatory drug or alcohol testing, or both, and all  
14 costs incidental to approved electronic monitoring, involved  
15 in a successful probation program for the county. The  
16 concurrence of the Chief Judge shall be in the form of an  
17 administrative order. The fees shall be collected by the clerk  
18 of the circuit court. The clerk of the circuit court shall pay  
19 all moneys collected from these fees to the county treasurer  
20 who shall use the moneys collected to defray the costs of drug  
21 testing, alcohol testing, and electronic monitoring. The  
22 county treasurer shall deposit the fees collected in the county  
23 working cash fund under Section 6-27001 or Section 6-29002 of  
24 the Counties Code, as the case may be.

25 (h) Jurisdiction over an offender may be transferred from  
26 the sentencing court to the court of another circuit with the



1 concurrence of both courts. Further transfers or retransfers of  
2 jurisdiction are also authorized in the same manner. The court  
3 to which jurisdiction has been transferred shall have the same  
4 powers as the sentencing court. The probation department within  
5 the circuit to which jurisdiction has been transferred may  
6 impose probation fees upon receiving the transferred offender,  
7 as provided in subsection (i). The probation department from  
8 the original sentencing court shall retain all probation fees  
9 collected prior to the transfer.

10 (i) The court shall impose upon an offender sentenced to  
11 probation after January 1, 1989 or to conditional discharge  
12 after January 1, 1992 or to community service under the  
13 supervision of a probation or court services department after  
14 January 1, 2004, as a condition of such probation or  
15 conditional discharge or supervised community service, a fee of  
16 \$50 for each month of probation or conditional discharge  
17 supervision or supervised community service ordered by the  
18 court, unless after determining the inability of the person  
19 sentenced to probation or conditional discharge or supervised  
20 community service to pay the fee, the court assesses a lesser  
21 fee. The court may not impose the fee on a minor who is made a  
22 ward of the State under the Juvenile Court Act of 1987 while  
23 the minor is in placement. The fee shall be imposed only upon  
24 an offender who is actively supervised by the probation and  
25 court services department. The fee shall be collected by the  
26 clerk of the circuit court. The clerk of the circuit court

1 shall pay all monies collected from this fee to the county  
2 treasurer for deposit in the probation and court services fund  
3 under Section 15.1 of the Probation and Probation Officers Act.

4 A circuit court may not impose a probation fee under this  
5 subsection (i) in excess of \$25 per month unless the circuit  
6 court has adopted, by administrative order issued by the chief  
7 judge, a standard probation fee guide determining an offender's  
8 ability to pay Of the amount collected as a probation fee, up  
9 to \$5 of that fee collected per month may be used to provide  
10 services to crime victims and their families.

11 The Court may only waive probation fees based on an  
12 offender's ability to pay. The probation department may  
13 re-evaluate an offender's ability to pay every 6 months, and,  
14 with the approval of the Director of Court Services or the  
15 Chief Probation Officer, adjust the monthly fee amount. An  
16 offender may elect to pay probation fees due in a lump sum. Any  
17 offender that has been assigned to the supervision of a  
18 probation department, or has been transferred either under  
19 subsection (h) of this Section or under any interstate compact,  
20 shall be required to pay probation fees to the department  
21 supervising the offender, based on the offender's ability to  
22 pay.

23 This amendatory Act of the 93rd General Assembly deletes  
24 the \$10 increase in the fee under this subsection that was  
25 imposed by Public Act 93-616. This deletion is intended to  
26 control over any other Act of the 93rd General Assembly that

1 retains or incorporates that fee increase.

2 (i-5) In addition to the fees imposed under subsection (i)  
3 of this Section, in the case of an offender convicted of a  
4 felony sex offense (as defined in the Sex Offender Management  
5 Board Act) or an offense that the court or probation department  
6 has determined to be sexually motivated (as defined in the Sex  
7 Offender Management Board Act), the court or the probation  
8 department shall assess additional fees to pay for all costs of  
9 treatment, assessment, evaluation for risk and treatment, and  
10 monitoring the offender, based on that offender's ability to  
11 pay those costs either as they occur or under a payment plan.

12 (j) All fines and costs imposed under this Section for any  
13 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
14 Code, or a similar provision of a local ordinance, and any  
15 violation of the Child Passenger Protection Act, or a similar  
16 provision of a local ordinance, shall be collected and  
17 disbursed by the circuit clerk as provided under Section 27.5  
18 of the Clerks of Courts Act.

19 (k) Any offender who is sentenced to probation or  
20 conditional discharge for a felony sex offense as defined in  
21 the Sex Offender Management Board Act or any offense that the  
22 court or probation department has determined to be sexually  
23 motivated as defined in the Sex Offender Management Board Act  
24 shall be required to refrain from any contact, directly or  
25 indirectly, with any persons specified by the court and shall  
26 be available for all evaluations and treatment programs

1 required by the court or the probation department.

2 (1) The court may order an offender who is sentenced to  
3 probation or conditional discharge for a violation of an order  
4 of protection be placed under electronic surveillance as  
5 provided in Section 5-8A-7 of this Code.

6 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
7 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
8 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,  
9 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
10 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
11 revised 9-14-11.)

12 Section 25. The Stalking No Contact Order Act is amended by  
13 changing Section 80 as follows:

14 (740 ILCS 21/80)

15 Sec. 80. Stalking no contact orders; remedies.

16 (a) If the court finds that the petitioner has been a  
17 victim of stalking, a stalking no contact order shall issue;  
18 provided that the petitioner must also satisfy the requirements  
19 of Section 95 on emergency orders or Section 100 on plenary  
20 orders. The petitioner shall not be denied a stalking no  
21 contact order because the petitioner or the respondent is a  
22 minor. The court, when determining whether or not to issue a  
23 stalking no contact order, may not require physical injury on  
24 the person of the petitioner. Modification and extension of

1 prior stalking no contact orders shall be in accordance with  
2 this Act.

3 (b) A stalking no contact order shall order one or more of  
4 the following:

5 (1) prohibit the respondent from threatening to commit  
6 or committing stalking;

7 (2) order the respondent not to have any contact with  
8 the petitioner or a third person specifically named by the  
9 court;

10 (3) prohibit the respondent from knowingly coming  
11 within, or knowingly remaining within a specified distance  
12 of the petitioner or the petitioner's residence, school,  
13 daycare, or place of employment, or any specified place  
14 frequented by the petitioner; however, the court may order  
15 the respondent to stay away from the respondent's own  
16 residence, school, or place of employment only if the  
17 respondent has been provided actual notice of the  
18 opportunity to appear and be heard on the petition;

19 (4) prohibit the respondent from possessing a Firearm  
20 Owners Identification Card, or possessing or buying  
21 firearms; and

22 (5) order other injunctive relief the court determines  
23 to be necessary to protect the petitioner or third party  
24 specifically named by the court.

25 (b-5) When the petitioner and the respondent attend the  
26 same public, private, or non-public elementary, middle, or high

1 school, the court when issuing a stalking no contact order and  
2 providing relief shall consider the severity of the act, any  
3 continuing physical danger or emotional distress to the  
4 petitioner, the educational rights guaranteed to the  
5 petitioner and respondent under federal and State law, the  
6 availability of a transfer of the respondent to another school,  
7 a change of placement or a change of program of the respondent,  
8 the expense, difficulty, and educational disruption that would  
9 be caused by a transfer of the respondent to another school,  
10 and any other relevant facts of the case. The court may order  
11 that the respondent not attend the public, private, or  
12 non-public elementary, middle, or high school attended by the  
13 petitioner, order that the respondent accept a change of  
14 placement or program, as determined by the school district or  
15 private or non-public school, or place restrictions on the  
16 respondent's movements within the school attended by the  
17 petitioner. The respondent bears the burden of proving by a  
18 preponderance of the evidence that a transfer, change of  
19 placement, or change of program of the respondent is not  
20 available. The respondent also bears the burden of production  
21 with respect to the expense, difficulty, and educational  
22 disruption that would be caused by a transfer of the respondent  
23 to another school. A transfer, change of placement, or change  
24 of program is not unavailable to the respondent solely on the  
25 ground that the respondent does not agree with the school  
26 district's or private or non-public school's transfer, change

1 of placement, or change of program or solely on the ground that  
2 the respondent fails or refuses to consent to or otherwise does  
3 not take an action required to effectuate a transfer, change of  
4 placement, or change of program. When a court orders a  
5 respondent to stay away from the public, private, or non-public  
6 school attended by the petitioner and the respondent requests a  
7 transfer to another attendance center within the respondent's  
8 school district or private or non-public school, the school  
9 district or private or non-public school shall have sole  
10 discretion to determine the attendance center to which the  
11 respondent is transferred. In the event the court order results  
12 in a transfer of the minor respondent to another attendance  
13 center, a change in the respondent's placement, or a change of  
14 the respondent's program, the parents, guardian, or legal  
15 custodian of the respondent is responsible for transportation  
16 and other costs associated with the transfer or change.

17 (b-6) The court may order the parents, guardian, or legal  
18 custodian of a minor respondent to take certain actions or to  
19 refrain from taking certain actions to ensure that the  
20 respondent complies with the order. In the event the court  
21 orders a transfer of the respondent to another school, the  
22 parents, guardian, or legal custodian of the respondent are  
23 responsible for transportation and other costs associated with  
24 the change of school by the respondent.

25 (b-7) The court shall not hold a school district or private  
26 or non-public school or any of its employees in civil or

1 criminal contempt unless the school district or private or  
2 non-public school has been allowed to intervene.

3 (b-8) The court may hold the parents, guardian, or legal  
4 custodian of a minor respondent in civil or criminal contempt  
5 for a violation of any provision of any order entered under  
6 this Act for conduct of the minor respondent in violation of  
7 this Act if the parents, guardian, or legal custodian directed,  
8 encouraged, or assisted the respondent minor in such conduct.

9 (c) The court may award the petitioner costs and attorneys  
10 fees if a stalking no contact order is granted.

11 (d) Monetary damages are not recoverable as a remedy.

12 (e) If the stalking no contact order prohibits the  
13 respondent from possessing a Firearm Owner's Identification  
14 Card, or possessing or buying firearms; the court shall  
15 confiscate the respondent's Firearm Owner's Identification  
16 Card and immediately return the card to the Department of State  
17 Police Firearm Owner's Identification Card Office.

18 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12.)

19 Section 30. The Illinois Domestic Violence Act of 1986 is  
20 amended by changing Section 214 as follows:

21 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

22 Sec. 214. Order of protection; remedies.

23 (a) Issuance of order. If the court finds that petitioner  
24 has been abused by a family or household member or that



1 petitioner is a high-risk adult who has been abused, neglected,  
2 or exploited, as defined in this Act, an order of protection  
3 prohibiting the abuse, neglect, or exploitation shall issue;  
4 provided that petitioner must also satisfy the requirements of  
5 one of the following Sections, as appropriate: Section 217 on  
6 emergency orders, Section 218 on interim orders, or Section 219  
7 on plenary orders. Petitioner shall not be denied an order of  
8 protection because petitioner or respondent is a minor. The  
9 court, when determining whether or not to issue an order of  
10 protection, shall not require physical manifestations of abuse  
11 on the person of the victim. Modification and extension of  
12 prior orders of protection shall be in accordance with this  
13 Act.

14 (b) Remedies and standards. The remedies to be included in  
15 an order of protection shall be determined in accordance with  
16 this Section and one of the following Sections, as appropriate:  
17 Section 217 on emergency orders, Section 218 on interim orders,  
18 and Section 219 on plenary orders. The remedies listed in this  
19 subsection shall be in addition to other civil or criminal  
20 remedies available to petitioner.

21 (1) Prohibition of abuse, neglect, or exploitation.  
22 Prohibit respondent's harassment, interference with  
23 personal liberty, intimidation of a dependent, physical  
24 abuse, or willful deprivation, neglect or exploitation, as  
25 defined in this Act, or stalking of the petitioner, as  
26 defined in Section 12-7.3 of the Criminal Code of 1961, if

1 such abuse, neglect, exploitation, or stalking has  
2 occurred or otherwise appears likely to occur if not  
3 prohibited.

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

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

22 (B) Presumption of hardships. If petitioner and  
23 respondent each has the right to occupancy of a  
24 residence or household, the court shall balance (i) the  
25 hardships to respondent and any minor child or  
26 dependent adult in respondent's care resulting from

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

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

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

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

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

19 (B) When the petitioner and the respondent attend  
20 the same public, private, or non-public elementary,  
21 middle, or high school, the court when issuing an order  
22 of protection and providing relief shall consider the  
23 severity of the act, any continuing physical danger or  
24 emotional distress to the petitioner, the educational  
25 rights guaranteed to the petitioner and respondent  
26 under federal and State law, the availability of a

1 transfer of the respondent to another school, a change  
2 of placement or a change of program of the respondent,  
3 the expense, difficulty, and educational disruption  
4 that would be caused by a transfer of the respondent to  
5 another school, and any other relevant facts of the  
6 case. The court may order that the respondent not  
7 attend the public, private, or non-public elementary,  
8 middle, or high school attended by the petitioner,  
9 order that the respondent accept a change of placement  
10 or change of program, as determined by the school  
11 district or private or non-public school, or place  
12 restrictions on the respondent's movements within the  
13 school attended by the petitioner. The respondent  
14 bears the burden of proving by a preponderance of the  
15 evidence that a transfer, change of placement, or  
16 change of program of the respondent is not available.  
17 The respondent also bears the burden of production with  
18 respect to the expense, difficulty, and educational  
19 disruption that would be caused by a transfer of the  
20 respondent to another school. A transfer, change of  
21 placement, or change of program is not unavailable to  
22 the respondent solely on the ground that the respondent  
23 does not agree with the school district's or private or  
24 non-public school's transfer, change of placement, or  
25 change of program or solely on the ground that the  
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a  
2 transfer, change of placement, or change of program.  
3 When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to  
6 another attendance center within the respondent's  
7 school district or private or non-public school, the  
8 school district or private or non-public school shall  
9 have sole discretion to determine the attendance  
10 center to which the respondent is transferred. In the  
11 event the court order results in a transfer of the  
12 minor respondent to another attendance center, a  
13 change in the respondent's placement, or a change of  
14 the respondent's program, the parents, guardian, or  
15 legal custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 transfer or change.

18 (C) The court may order the parents, guardian, or  
19 legal custodian of a minor respondent to take certain  
20 actions or to refrain from taking certain actions to  
21 ensure that the respondent complies with the order. ~~The~~  
22 ~~court may order the parents, guardian, or legal~~  
23 ~~custodian of a minor respondent to take certain actions~~  
24 ~~or to refrain from taking certain actions to ensure~~  
25 ~~that the respondent complies with the order.~~ In the  
26 event the court orders a transfer of the respondent to

1 another school, the parents, guardian, or legal  
2 custodian of the respondent is responsible for  
3 transportation and other costs associated with the  
4 change of school by the respondent.

5 (4) Counseling. Require or recommend the respondent to  
6 undergo counseling for a specified duration with a social  
7 worker, psychologist, clinical psychologist, psychiatrist,  
8 family service agency, alcohol or substance abuse program,  
9 mental health center guidance counselor, agency providing  
10 services to elders, program designed for domestic violence  
11 abusers or any other guidance service the court deems  
12 appropriate. The Court may order the respondent in any  
13 intimate partner relationship to report to an Illinois  
14 Department of Human Services protocol approved partner  
15 abuse intervention program for an assessment and to follow  
16 all recommended treatment.

17 (5) Physical care and possession of the minor child. In  
18 order to protect the minor child from abuse, neglect, or  
19 unwarranted separation from the person who has been the  
20 minor child's primary caretaker, or to otherwise protect  
21 the well-being of the minor child, the court may do either  
22 or both of the following: (i) grant petitioner physical  
23 care or possession of the minor child, or both, or (ii)  
24 order respondent to return a minor child to, or not remove  
25 a minor child from, the physical care of a parent or person  
26 in loco parentis.

1           If a court finds, after a hearing, that respondent has  
2 committed abuse (as defined in Section 103) of a minor  
3 child, there shall be a rebuttable presumption that  
4 awarding physical care to respondent would not be in the  
5 minor child's best interest.

6           (6) Temporary legal custody. Award temporary legal  
7 custody to petitioner in accordance with this Section, the  
8 Illinois Marriage and Dissolution of Marriage Act, the  
9 Illinois Parentage Act of 1984, and this State's Uniform  
10 Child-Custody Jurisdiction and Enforcement Act.

11           If a court finds, after a hearing, that respondent has  
12 committed abuse (as defined in Section 103) of a minor  
13 child, there shall be a rebuttable presumption that  
14 awarding temporary legal custody to respondent would not be  
15 in the child's best interest.

16           (7) Visitation. Determine the visitation rights, if  
17 any, of respondent in any case in which the court awards  
18 physical care or temporary legal custody of a minor child  
19 to petitioner. The court shall restrict or deny  
20 respondent's visitation with a minor child if the court  
21 finds that respondent has done or is likely to do any of  
22 the following: (i) abuse or endanger the minor child during  
23 visitation; (ii) use the visitation as an opportunity to  
24 abuse or harass petitioner or petitioner's family or  
25 household members; (iii) improperly conceal or detain the  
26 minor child; or (iv) otherwise act in a manner that is not



1 in the best interests of the minor child. The court shall  
2 not be limited by the standards set forth in Section 607.1  
3 of the Illinois Marriage and Dissolution of Marriage Act.  
4 If the court grants visitation, the order shall specify  
5 dates and times for the visitation to take place or other  
6 specific parameters or conditions that are appropriate. No  
7 order for visitation shall refer merely to the term  
8 "reasonable visitation".

9 Petitioner may deny respondent access to the minor  
10 child if, when respondent arrives for visitation,  
11 respondent is under the influence of drugs or alcohol and  
12 constitutes a threat to the safety and well-being of  
13 petitioner or petitioner's minor children or is behaving in  
14 a violent or abusive manner.

15 If necessary to protect any member of petitioner's  
16 family or household from future abuse, respondent shall be  
17 prohibited from coming to petitioner's residence to meet  
18 the minor child for visitation, and the parties shall  
19 submit to the court their recommendations for reasonable  
20 alternative arrangements for visitation. A person may be  
21 approved to supervise visitation only after filing an  
22 affidavit accepting that responsibility and acknowledging  
23 accountability to the court.

24 (8) Removal or concealment of minor child. Prohibit  
25 respondent from removing a minor child from the State or  
26 concealing the child within the State.

1           (9) Order to appear. Order the respondent to appear in  
2 court, alone or with a minor child, to prevent abuse,  
3 neglect, removal or concealment of the child, to return the  
4 child to the custody or care of the petitioner or to permit  
5 any court-ordered interview or examination of the child or  
6 the respondent.

7           (10) Possession of personal property. Grant petitioner  
8 exclusive possession of personal property and, if  
9 respondent has possession or control, direct respondent to  
10 promptly make it available to petitioner, if:

11                 (i) petitioner, but not respondent, owns the  
12 property; or

13                 (ii) the parties own the property jointly; sharing  
14 it would risk abuse of petitioner by respondent or is  
15 impracticable; and the balance of hardships favors  
16 temporary possession by petitioner.

17           If petitioner's sole claim to ownership of the property  
18 is that it is marital property, the court may award  
19 petitioner temporary possession thereof under the  
20 standards of subparagraph (ii) of this paragraph only if a  
21 proper proceeding has been filed under the Illinois  
22 Marriage and Dissolution of Marriage Act, as now or  
23 hereafter amended.

24           No order under this provision shall affect title to  
25 property.

26           (11) Protection of property. Forbid the respondent

1 from taking, transferring, encumbering, concealing,  
2 damaging or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court, if:

4 (i) petitioner, but not respondent, owns the  
5 property; or

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

8 If petitioner's sole claim to ownership of the property  
9 is that it is marital property, the court may grant  
10 petitioner relief under subparagraph (ii) of this  
11 paragraph only if a proper proceeding has been filed under  
12 the Illinois Marriage and Dissolution of Marriage Act, as  
13 now or hereafter amended.

14 The court may further prohibit respondent from  
15 improperly using the financial or other resources of an  
16 aged member of the family or household for the profit or  
17 advantage of respondent or of any other person.

18 (11.5) Protection of animals. Grant the petitioner the  
19 exclusive care, custody, or control of any animal owned,  
20 possessed, leased, kept, or held by either the petitioner  
21 or the respondent or a minor child residing in the  
22 residence or household of either the petitioner or the  
23 respondent and order the respondent to stay away from the  
24 animal and forbid the respondent from taking,  
25 transferring, encumbering, concealing, harming, or  
26 otherwise disposing of the animal.

1           (12) Order for payment of support. Order respondent to  
2           pay temporary support for the petitioner or any child in  
3           the petitioner's care or custody, when the respondent has a  
4           legal obligation to support that person, in accordance with  
5           the Illinois Marriage and Dissolution of Marriage Act,  
6           which shall govern, among other matters, the amount of  
7           support, payment through the clerk and withholding of  
8           income to secure payment. An order for child support may be  
9           granted to a petitioner with lawful physical care or  
10          custody of a child, or an order or agreement for physical  
11          care or custody, prior to entry of an order for legal  
12          custody. Such a support order shall expire upon entry of a  
13          valid order granting legal custody to another, unless  
14          otherwise provided in the custody order.

15          (13) Order for payment of losses. Order respondent to  
16          pay petitioner for losses suffered as a direct result of  
17          the abuse, neglect, or exploitation. Such losses shall  
18          include, but not be limited to, medical expenses, lost  
19          earnings or other support, repair or replacement of  
20          property damaged or taken, reasonable attorney's fees,  
21          court costs and moving or other travel expenses, including  
22          additional reasonable expenses for temporary shelter and  
23          restaurant meals.

24                 (i) Losses affecting family needs. If a party is  
25                 entitled to seek maintenance, child support or  
26                 property distribution from the other party under the

1 Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended, the court may order  
3 respondent to reimburse petitioner's actual losses, to  
4 the extent that such reimbursement would be  
5 "appropriate temporary relief", as authorized by  
6 subsection (a) (3) of Section 501 of that Act.

7 (ii) Recovery of expenses. In the case of an  
8 improper concealment or removal of a minor child, the  
9 court may order respondent to pay the reasonable  
10 expenses incurred or to be incurred in the search for  
11 and recovery of the minor child, including but not  
12 limited to legal fees, court costs, private  
13 investigator fees, and travel costs.

14 (14) Prohibition of entry. Prohibit the respondent  
15 from entering or remaining in the residence or household  
16 while the respondent is under the influence of alcohol or  
17 drugs and constitutes a threat to the safety and well-being  
18 of the petitioner or the petitioner's children.

19 (14.5) Prohibition of firearm possession.

20 (a) Prohibit a respondent against whom an order of  
21 protection was issued from possessing any firearms  
22 during the duration of the order if the order:

23 (1) was issued after a hearing of which such  
24 person received actual notice, and at which such  
25 person had an opportunity to participate;

26 (2) restrains such person from harassing,

1 stalking, or threatening an intimate partner of  
2 such person or child of such intimate partner or  
3 person, or engaging in other conduct that would  
4 place an intimate partner in reasonable fear of  
5 bodily injury to the partner or child; and

6 (3)(i) includes a finding that such person  
7 represents a credible threat to the physical  
8 safety of such intimate partner or child; or (ii)  
9 by its terms explicitly prohibits the use,  
10 attempted use, or threatened use of physical force  
11 against such intimate partner or child that would  
12 reasonably be expected to cause bodily injury.

13 Any Firearm Owner's Identification Card in the  
14 possession of the respondent, except as provided in  
15 subsection (b), shall be ordered by the court to be  
16 turned over to the local law enforcement agency. The  
17 local law enforcement agency shall immediately mail  
18 the card to the Department of State Police Firearm  
19 Owner's Identification Card Office for safekeeping.  
20 The court shall issue a warrant for seizure of any  
21 firearm and Firearm Owner's Identification Card in the  
22 possession of the respondent, to be kept by the local  
23 law enforcement agency for safekeeping, except as  
24 provided in subsection (b). The period of safekeeping  
25 shall be for the duration of the order of protection.  
26 The firearm or firearms and Firearm Owner's

1 Identification Card shall be returned to the  
2 respondent at the end of the order of protection. It is  
3 the respondent's responsibility to notify the  
4 Department of State Police Firearm Owner's  
5 Identification Card Office.

6 (b) If the respondent is a peace officer as defined  
7 in Section 2-13 of the Criminal Code of 1961, the court  
8 shall order that any firearms used by the respondent in  
9 the performance of his or her duties as a peace officer  
10 be surrendered to the chief law enforcement executive  
11 of the agency in which the respondent is employed, who  
12 shall retain the firearms for safekeeping for the  
13 duration of the order of protection.

14 (c) Upon expiration of the period of safekeeping,  
15 if the firearms or Firearm Owner's Identification Card  
16 cannot be returned to respondent because respondent  
17 cannot be located, fails to respond to requests to  
18 retrieve the firearms, or is not lawfully eligible to  
19 possess a firearm, upon petition from the local law  
20 enforcement agency, the court may order the local law  
21 enforcement agency to destroy the firearms, use the  
22 firearms for training purposes, or for any other  
23 application as deemed appropriate by the local law  
24 enforcement agency; or that the firearms be turned over  
25 to a third party who is lawfully eligible to possess  
26 firearms, and who does not reside with respondent.

1           (15) Prohibition of access to records. If an order of  
2 protection prohibits respondent from having contact with  
3 the minor child, or if petitioner's address is omitted  
4 under subsection (b) of Section 203, or if necessary to  
5 prevent abuse or wrongful removal or concealment of a minor  
6 child, the order shall deny respondent access to, and  
7 prohibit respondent from inspecting, obtaining, or  
8 attempting to inspect or obtain, school or any other  
9 records of the minor child who is in the care of  
10 petitioner.

11           (16) Order for payment of shelter services. Order  
12 respondent to reimburse a shelter providing temporary  
13 housing and counseling services to the petitioner for the  
14 cost of the services, as certified by the shelter and  
15 deemed reasonable by the court.

16           (17) Order for injunctive relief. Enter injunctive  
17 relief necessary or appropriate to prevent further abuse of  
18 a family or household member or further abuse, neglect, or  
19 exploitation of a high-risk adult with disabilities or to  
20 effectuate one of the granted remedies, if supported by the  
21 balance of hardships. If the harm to be prevented by the  
22 injunction is abuse or any other harm that one of the  
23 remedies listed in paragraphs (1) through (16) of this  
24 subsection is designed to prevent, no further evidence is  
25 necessary that the harm is an irreparable injury.

26           (c) Relevant factors; findings.



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

5           (i) the nature, frequency, severity, pattern and  
6 consequences of the respondent's past abuse, neglect  
7 or exploitation of the petitioner or any family or  
8 household member, including the concealment of his or  
9 her location in order to evade service of process or  
10 notice, and the likelihood of danger of future abuse,  
11 neglect, or exploitation to petitioner or any member of  
12 petitioner's or respondent's family or household; and

13           (ii) the danger that any minor child will be abused  
14 or neglected or improperly removed from the  
15 jurisdiction, improperly concealed within the State or  
16 improperly separated from the child's primary  
17 caretaker.

18           (2) In comparing relative hardships resulting to the  
19 parties from loss of possession of the family home, the  
20 court shall consider relevant factors, including but not  
21 limited to the following:

22           (i) availability, accessibility, cost, safety,  
23 adequacy, location and other characteristics of  
24 alternate housing for each party and any minor child or  
25 dependent adult in the party's care;

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

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

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

8           (i) That the court has considered the applicable  
9           relevant factors described in paragraphs (1) and (2) of  
10          this subsection.

11          (ii) Whether the conduct or actions of respondent,  
12          unless prohibited, will likely cause irreparable harm  
13          or continued abuse.

14          (iii) Whether it is necessary to grant the  
15          requested relief in order to protect petitioner or  
16          other alleged abused persons.

17          (4) For purposes of issuing an ex parte emergency order  
18          of protection, the court, as an alternative to or as a  
19          supplement to making the findings described in paragraphs  
20          (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
21          the following procedure:

22          When a verified petition for an emergency order of  
23          protection in accordance with the requirements of Sections  
24          203 and 217 is presented to the court, the court shall  
25          examine petitioner on oath or affirmation. An emergency  
26          order of protection shall be issued by the court if it

1 appears from the contents of the petition and the  
2 examination of petitioner that the averments are  
3 sufficient to indicate abuse by respondent and to support  
4 the granting of relief under the issuance of the emergency  
5 order of protection.

6 (5) Never married parties. No rights or  
7 responsibilities for a minor child born outside of marriage  
8 attach to a putative father until a father and child  
9 relationship has been established under the Illinois  
10 Parentage Act of 1984, the Illinois Public Aid Code,  
11 Section 12 of the Vital Records Act, the Juvenile Court Act  
12 of 1987, the Probate Act of 1985, the Revised Uniform  
13 Reciprocal Enforcement of Support Act, the Uniform  
14 Interstate Family Support Act, the Expedited Child Support  
15 Act of 1990, any judicial, administrative, or other act of  
16 another state or territory, any other Illinois statute, or  
17 by any foreign nation establishing the father and child  
18 relationship, any other proceeding substantially in  
19 conformity with the Personal Responsibility and Work  
20 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
21 or where both parties appeared in open court or at an  
22 administrative hearing acknowledging under oath or  
23 admitting by affirmation the existence of a father and  
24 child relationship. Absent such an adjudication, finding,  
25 or acknowledgement, no putative father shall be granted  
26 temporary custody of the minor child, visitation with the

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

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

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

15 (1) Respondent has cause for any use of force, unless  
16 that cause satisfies the standards for justifiable use of  
17 force provided by Article VII of the Criminal Code of 1961;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of  
20 another, provided that, if petitioner utilized force, such  
21 force was justifiable under Article VII of the Criminal  
22 Code of 1961;

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

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

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

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

9           (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
10          97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)".