



Rep. Cynthia Soto

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1 AMENDMENT TO SENATE BILL 1034

2 AMENDMENT NO. _____. Amend Senate Bill 1034, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (20 ILCS 2630/2.2 new)

8 Sec. 2.2. Notification to the Department. Upon judgment of
9 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
10 12-3.4, or 12-3.5 of the Criminal Code of 1961 when the
11 defendant has been determined, pursuant to Section 112A-11.1,
12 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
13 circuit court clerk shall include notification and a copy of
14 the written determination in a report of the conviction to the
15 Department of State Police Firearm Owner's Identification Card
16 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 to 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. The written determination
6 described in this Section shall be included in the defendant's
7 record of arrest and conviction in the manner and form
8 prescribed by the Department of State Police.

9 Section 10. The Mental Health and Developmental
10 Disabilities Code is amended by adding Section 6-103.1 as
11 follows:

12 (405 ILCS 5/6-103.1 new)

13 Sec. 6-103.1. Adjudication as a mental defective. When a
14 person has been adjudicated as a mental defective as defined in
15 Section 1.1 of the Firearm Owners Identification Card Act, the
16 court shall direct the circuit court clerk to immediately
17 notify the Department of State Police, Firearm Owner's
18 Identification (FOID) Office, in a form and manner prescribed
19 by the Department of State Police, and shall forward a copy of
20 the court order to the Department.

21 Section 15. The Firearm Owners Identification Card Act is
22 amended by changing Sections 2, 4, 6, 8, 8.1, 9, 10, 11, 13.2,
23 and 14 as follows:

1 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

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

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

9 (2) No person may acquire or possess firearm ammunition
10 within this State without having in his or her possession a
11 Firearm Owner's Identification Card previously issued in
12 his or her name by the Department of State Police under the
13 provisions of this Act.

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

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

19 (2) Members of the Armed Forces of the United States or
20 the National Guard, while engaged in the operation of their
21 official duties;

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

24 (4) Members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the

1 United States, while using the firearms for ceremonial
2 purposes with blank ammunition;

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

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

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

16 (8) Nonresidents while at a firearm showing or display
17 recognized by the Department of State Police; however, at
18 all other times and in all other places these persons must
19 have their firearms unloaded and enclosed in a case;

20 (9) Nonresidents whose firearms are unloaded and
21 enclosed in a case;

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

24 (11) Unemancipated minors while in the custody and
25 immediate control of their parent or legal guardian or
26 other person in loco parentis to the minor if the parent or

1 legal guardian or other person in loco parentis to the
2 minor has a currently valid Firearm Owner's Identification
3 Card;

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

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

17 (14) Resident hunters who are properly authorized to
18 hunt and, while accompanied by a person who possesses a
19 valid Firearm Owner's Identification Card, hunt in an area
20 within a commercial club licensed under the Wildlife Code
21 where hunting is permitted and controlled;

22 (15) A person who is otherwise eligible to obtain a
23 Firearm Owner's Identification Card under this Act and is
24 under the direct supervision of a holder of a Firearm
25 Owner's Identification Card who is 21 years of age or older
26 while the person is on a firing or shooting range or is a

1 participant in a firearms safety and training course
2 recognized by a law enforcement agency or a national,
3 statewide shooting sports organization; and

4 (16) Competitive shooting athletes whose competition
5 firearms are sanctioned by the International Olympic
6 Committee, the International Paralympic Committee, the
7 International Shooting Sport Federation, or USA Shooting
8 in connection with such athletes' training for and
9 participation in shooting competitions at the 2016 Olympic
10 and Paralympic Games and sanctioned test events leading up
11 to the 2016 Olympic and Paralympic Games.

12 (c) The provisions of this Section regarding the
13 acquisition and possession of firearms, firearm ammunition,
14 stun guns, and tasers do not apply to law enforcement officials
15 of this or any other jurisdiction, while engaged in the
16 operation of their official duties.

17 (d) Any person who becomes a resident of this State, who is
18 not otherwise prohibited from obtaining, possessing, or using a
19 firearm or firearm ammunition, shall not be required to have a
20 Firearm Owner's Identification Card to possess firearms or
21 firearms ammunition until 60 calendar days after he or she
22 obtains an Illinois driver's license or Illinois
23 Identification Card.

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

25 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

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

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

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

25 (iv) He or she has not been a patient in a mental
26 institution within the past 5 years and he or she has

1 not been adjudicated as a mental defective;

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

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

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

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

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

1 court of a judgment of conviction for that offense
2 shall be grounds for denying the issuance of a Firearm
3 Owner's Identification Card under this Section ~~this~~
4 ~~amendatory Act of the 97th General Assembly;~~

5 (x) (Blank);

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

13 (1) admitted to the United States for lawful
14 hunting or sporting purposes;

15 (2) an official representative of a foreign
16 government who is:

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

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

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

26 (4) a foreign law enforcement officer of a

1 friendly foreign government entering the United
2 States on official business; or

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

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

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

15 (xiv) He or she is a resident of the State of
16 Illinois; and

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

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

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

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

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

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

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

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

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

20 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
21 10-4-11.)

22 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

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

24 (a) A Firearm Owner's Identification Card, issued by the
25 Department of State Police at such places as the Director of

1 the Department shall specify, shall contain the applicant's
2 name, residence, date of birth, sex, physical description,
3 recent photograph, except as provided in subsection (c-5), and
4 signature. Each Firearm Owner's Identification Card must have
5 the expiration date boldly and conspicuously displayed on the
6 face of the card. Each Firearm Owner's Identification Card must
7 have printed on it the following: "CAUTION - This card does not
8 permit bearer to UNLAWFULLY carry or use firearms." Before
9 December 1, 2002, the Department may use a person's digital
10 photograph and signature from his or her Illinois driver's
11 license or Illinois Identification Card, if available. On and
12 after December 1, 2002, the Department shall use a person's
13 digital photograph and signature from his or her Illinois
14 driver's license or Illinois Identification Card, if
15 available. The Department shall decline to use a person's
16 digital photograph or signature if the digital photograph or
17 signature is the result of or associated with fraudulent or
18 erroneous data, unless otherwise provided by law.

19 (b) A person applying for a Firearm Owner's Identification
20 Card shall consent to the Department of State Police using the
21 applicant's digital driver's license or Illinois
22 Identification Card photograph, if available, and signature on
23 the applicant's Firearm Owner's Identification Card. The
24 Secretary of State shall allow the Department of State Police
25 access to the photograph and signature for the purpose of
26 identifying the applicant and issuing to the applicant a

1 Firearm Owner's Identification Card.

2 (c) The Secretary of State shall conduct a study to
3 determine the cost and feasibility of creating a method of
4 adding an identifiable code, background, or other means on the
5 driver's license or Illinois Identification Card to show that
6 an individual is not disqualified from owning or possessing a
7 firearm under State or federal law. The Secretary shall report
8 the findings of this study 12 months after the effective date
9 of this amendatory Act of the 92nd General Assembly.

10 (c-5) If a person qualifies for a photograph exemption, in
11 lieu of a photograph, the Firearm Owner's Identification Card
12 shall contain a copy of the card holder's fingerprints. Each
13 Firearm Owner's Identification Card described in this
14 subsection (c-5) must have printed on it the following: "This
15 card is only valid for firearm purchases through a federally
16 licensed firearms dealer when presented with photographic
17 identification, as prescribed by 18 U.S.C. 922 (t) (1) (C)."

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

19 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

25 (a) A person under 21 years of age who has been convicted

1 of a misdemeanor other than a traffic offense or adjudged
2 delinquent;

3 (b) A person under 21 years of age who does not have the
4 written consent of his parent or guardian to acquire and
5 possess firearms and firearm ammunition, or whose parent or
6 guardian has revoked such written consent, or where such parent
7 or guardian does not qualify to have a Firearm Owner's
8 Identification Card;

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

11 (d) A person addicted to narcotics;

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

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

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

21 (g) A person who is intellectually disabled;

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

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

26 (i-5) An alien who has been admitted to the United States

1 under a non-immigrant visa (as that term is defined in Section
2 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(26))), except that this subsection (i-5) does not apply
4 to any alien who has been lawfully admitted to the United
5 States under a non-immigrant visa if that alien is:

6 (1) admitted to the United States for lawful hunting or
7 sporting purposes;

8 (2) an official representative of a foreign government
9 who is:

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

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

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

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

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

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5 years

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

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

21 (m) (Blank);

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

25 (o) A minor subject to a petition filed under Section 5-520
26 of the Juvenile Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that if
2 committed by an adult would be a felony; ~~or~~

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

6 (q) A person who is not a resident of the State of
7 Illinois, except as provided in subsection (a-10) of Section 4.
8 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
9 eff. 1-1-12; revised 10-4-11.)

10 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

11 Sec. 8.1. Circuit Clerk to notify Department of State
12 Police.

13 (a) The Circuit Clerk shall, in the form and manner
14 required by the Supreme Court, notify the Department of State
15 Police of all final dispositions of cases for which the
16 Department has received information reported to it under
17 Sections Section 2.1 and 2.2 of the Criminal Identification
18 Act.

19 (b) Upon adjudication of any individual as a mental
20 defective, as defined in Section 1.1 or as provided in
21 paragraph (3.5) of subsection (c) of Section 104-26 of the Code
22 of Criminal Procedure of 1963, the court shall direct the
23 circuit court clerk to immediately notify the Department of
24 State Police, Firearm Owner's Identification (FOID)
25 department, and shall forward a copy of the court order to the

1 Department.

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

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

4 Sec. 9. Every person whose application for a Firearm
5 Owner's Identification Card is denied, and every holder of such
6 a Card whose ~~before his~~ Card is revoked or seized, shall
7 receive a written notice from the Department of State Police
8 stating specifically the grounds upon which his application has
9 been denied or upon which his Identification Card has been
10 revoked.

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

12 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

13 Sec. 10. Appeal to director; hearing; relief from firearm
14 prohibitions.

15 (a) Whenever an application for a Firearm Owner's
16 Identification Card is denied, whenever the Department fails to
17 act on an application within 30 days of its receipt, or
18 whenever such a Card is revoked or seized as provided for in
19 Section 8 of this Act, the aggrieved party may appeal to the
20 Director of ~~the Department of~~ State Police for a hearing upon
21 such denial, revocation or seizure, unless the denial,
22 revocation, or seizure was based upon a forcible felony,
23 stalking, aggravated stalking, domestic battery, any violation
24 of the Illinois Controlled Substances Act, the Methamphetamine

1 Control and Community Protection Act, or the Cannabis Control
2 Act that is classified as a Class 2 or greater felony, any
3 felony violation of Article 24 of the Criminal Code of 1961, or
4 any adjudication as a delinquent minor for the commission of an
5 offense that if committed by an adult would be a felony, in
6 which case the aggrieved party may petition the circuit court
7 in writing in the county of his or her residence for a hearing
8 upon such denial, revocation, or seizure.

9 (b) At least 30 days before any hearing in the circuit
10 court, the petitioner shall serve the relevant State's Attorney
11 with a copy of the petition. The State's Attorney may object to
12 the petition and present evidence. At the hearing the court
13 shall determine whether substantial justice has been done.
14 Should the court determine that substantial justice has not
15 been done, the court shall issue an order directing the
16 Department of State Police to issue a Card. However, the court
17 shall not issue the order if the petitioner is otherwise
18 prohibited from obtaining, possessing, or using a firearm under
19 federal law.

20 (c) Any person prohibited from possessing a firearm under
21 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
22 acquiring a Firearm Owner's Identification Card under Section 8
23 of this Act may apply to the Director of ~~the Department of~~
24 State Police or petition the circuit court in the county where
25 the petitioner resides, whichever is applicable in accordance
26 with subsection (a) of this Section, requesting relief from

1 such prohibition and the Director or court may grant such
2 relief if it is established by the applicant to the court's or
3 Director's satisfaction that:

4 (0.05) when in the circuit court, the State's Attorney
5 has been served with a written copy of the petition at
6 least 30 days before any such hearing in the circuit court
7 and at the hearing the State's Attorney was afforded an
8 opportunity to present evidence and object to the petition;

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

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

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

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

23
24 (d) When a minor is adjudicated delinquent for an offense
25 which if committed by an adult would be a felony, the court
26 shall notify the Department of State Police.

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

12 (f) Any person who is subject to the disabilities of 18
13 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
14 of 1968 because of an adjudication or commitment that occurred
15 under the laws of this State or who was determined to be
16 subject to the provisions of subsections (e), (f), or (g) of
17 Section 8 of this Act may apply to the Department of State
18 Police requesting relief from that prohibition. The Director
19 shall grant the relief if it is established by a preponderance
20 of the evidence that the person will not be likely to act in a
21 manner dangerous to public safety and that granting relief
22 would not be contrary to the public interest. In making this
23 determination, the Director shall receive evidence concerning
24 (i) the circumstances regarding the firearms disabilities from
25 which relief is sought; (ii) the petitioner's mental health and
26 criminal history records, if any; (iii) the petitioner's

1 reputation, developed at a minimum through character witness
2 statements, testimony, or other character evidence; and (iv)
3 changes in the petitioner's condition or circumstances since
4 the disqualifying events relevant to the relief sought. If
5 relief is granted under this subsection or by order of a court
6 under this Section, the Director shall as soon as practicable
7 but in no case later than 15 business days, update, correct,
8 modify, or remove the person's record in any database that the
9 Department of State Police makes available to the National
10 Instant Criminal Background Check System and notify the United
11 States Attorney General that the basis for the record being
12 made available no longer applies. The Department of State
13 Police shall adopt rules for the administration of this
14 subsection (f). ~~Any person who is prohibited from possessing a~~
15 ~~firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal~~
16 ~~Gun Control Act of 1968 may apply to the Department of State~~
17 ~~Police requesting relief from such prohibition and the Director~~
18 ~~shall grant such relief if it is established to the Director's~~
19 ~~satisfaction that the person will not be likely to act in a~~
20 ~~manner dangerous to public safety and granting relief would not~~
21 ~~be contrary to the public interest.~~

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

23 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

24 Sec. 11. Judicial review of final administrative
25 decisions.

1 (a) All final administrative decisions of the Department
2 under this Act, except final administrative decisions of the
3 Director of State Police to deny a person's application for
4 relief under subsection (f) of Section 10 of this Act, shall be
5 subject to judicial review under the provisions of the
6 Administrative Review Law, and all amendments and
7 modifications thereof, and the rules adopted pursuant thereto.
8 The term "administrative decision" is defined as in Section
9 3-101 of the Code of Civil Procedure.

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

16 (c) The Director of State Police shall submit a report to
17 the General Assembly on March 1 of each year, beginning March
18 1, 1991, listing all final decisions by a court of this State
19 upholding, reversing, or reversing in part any administrative
20 decision made by the Department of State Police.

21 (Source: P.A. 86-882.)

22 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

23 Sec. 13.2. The Department of State Police shall, 60 days
24 prior to the expiration of a Firearm Owner's Identification
25 Card, forward by first class mail to each person whose card is

1 to expire a notification of the expiration of the card and an
2 application which may be used to apply for renewal of the card.
3 It is the obligation of the holder of a Firearm Owner's
4 Identification Card to notify the Department of State Police of
5 any address change since the issuance of the Firearm Owner's
6 Identification Card. Whenever any person moves from the
7 residence address named on his or her card the person shall
8 within 21 calendar days thereafter notify in a form and manner
9 prescribed by the Department of his or her old and new
10 residence addresses and the card number held by him or her. Any
11 person whose legal name has changed from the name on the card
12 that he or she has been previously issued must apply for a
13 corrected card within 30 calendar days after the change. The
14 cost for a corrected card shall be \$5 which shall be deposited
15 into the Firearm Owner's Notification Fund.

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

17 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

18 Sec. 14. Sentence.

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

24 (a-5) A violation of paragraph (1) of subsection (a) of
25 Section 2, when the person's Firearm Owner's Identification

1 Card is expired but the person is not otherwise disqualified
2 from owning, purchasing, or possessing firearms, is a petty
3 offense if the card was expired for 6 months or less from the
4 date of expiration.

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

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

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

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

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

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

23 (d-5) Any person who knowingly enters false information on
24 an application for a Firearm Owner's Identification Card, who
25 knowingly gives a false answer to any question on the
26 application, or who knowingly submits false evidence in

1 connection with an application is guilty of a Class 2 felony.

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

4 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
5 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

6 Section 20. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 104-26 and 112A-14 and adding
8 Sections 112A-11.1 and 112A-11.2 as follows:

9 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

10 Sec. 104-26. Disposition of Defendants suffering
11 disabilities.

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

23 (b) A defendant convicted following a trial under Section
24 104-22 shall not be subject to the death penalty.

1 (c) A defendant convicted following a trial under Section
2 104-22 shall be sentenced according to the procedures and
3 dispositions authorized under the Unified Code of Corrections,
4 as now or hereafter amended, subject to the following
5 provisions:

6 (1) The court shall not impose a sentence of
7 imprisonment upon the offender if the court believes that
8 because of his disability a sentence of imprisonment would
9 not serve the ends of justice and the interests of society
10 and the offender or that because of his disability a
11 sentence of imprisonment would subject the offender to
12 excessive hardship. In addition to any other conditions of
13 a sentence of conditional discharge or probation the court
14 may require that the offender undergo treatment
15 appropriate to his mental or physical condition.

16 (2) After imposing a sentence of imprisonment upon an
17 offender who has a mental disability, the court may remand
18 him to the custody of the Department of Human Services and
19 order a hearing to be conducted pursuant to the provisions
20 of the Mental Health and Developmental Disabilities Code,
21 as now or hereafter amended. If the offender is committed
22 following such hearing, he shall be treated in the same
23 manner as any other civilly committed patient for all
24 purposes except as provided in this Section. If the
25 defendant is not committed pursuant to such hearing, he
26 shall be remanded to the sentencing court for disposition

1 according to the sentence imposed.

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

8 (3.5) If the court imposes a sentence of imprisonment
9 upon an offender who has a mental disability, the court
10 shall direct the circuit court clerk to immediately notify
11 the Department of State Police, Firearm Owner's
12 Identification (FOID) Office, in a form and manner
13 prescribed by the Department of State Police and shall
14 forward a copy of the court order to the Department.

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

21 (5) When an offender is placed with the Department of
22 Human Services or another facility pursuant to
23 subparagraph (2) or (4) of this paragraph (c), the
24 Department or private facility shall not discharge or allow
25 the offender to be at large in the community without prior
26 approval of the court. If the defendant is placed in the

1 custody of the Department of Human Services, the defendant
2 shall be placed in a secure setting unless the court
3 determines that there are compelling reasons why such
4 placement is not necessary. The offender shall accrue good
5 time and shall be eligible for parole in the same manner as
6 if he were serving his sentence within the Department of
7 Corrections. When the offender no longer requires
8 hospitalization, care, or treatment, the Department of
9 Human Services or the facility shall transfer him, if his
10 sentence has not expired, to the Department of Corrections.
11 If an offender is transferred to the Department of
12 Corrections, the Department of Human Services shall
13 transfer to the Department of Corrections all related
14 records pertaining to length of custody and treatment
15 services provided during the time the offender was held.

16 (6) The Department of Corrections shall notify the
17 Department of Human Services or a facility in which an
18 offender has been placed pursuant to subparagraph (2) or
19 (4) of paragraph (c) of this Section of the expiration of
20 his sentence. Thereafter, an offender in the Department of
21 Human Services shall continue to be treated pursuant to his
22 commitment order and shall be considered a civilly
23 committed patient for all purposes including discharge. An
24 offender who is in a facility pursuant to subparagraph (4)
25 of paragraph (c) of this Section shall be informed by the
26 facility of the expiration of his sentence, and shall

1 either consent to the continuation of his care or treatment
2 by the facility or shall be discharged.

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

4 (725 ILCS 5/112A-11.1 new)

5 Sec. 112A-11.1. Procedure for determining whether certain
6 misdemeanor crimes are crimes of domestic violence for purposes
7 of federal law.

8 (a) When a defendant has been charged with a violation of
9 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
10 Criminal Code of 1961, the State may, at arraignment or no
11 later than 45 days after arraignment, for the purpose of
12 notification to the Department of State Police Firearm Owner's
13 Identification Card Office, serve on the defendant and file
14 with the court a notice alleging that conviction of the offense
15 would subject the defendant to the prohibitions of 18 U.S.C.
16 922(g) (9) because of the relationship between the defendant and
17 the alleged victim and the nature of the alleged offense.

18 (b) The notice shall include the name of the person alleged
19 to be the victim of the crime and shall specify the nature of
20 the alleged relationship as set forth in 18 U.S.C.
21 921(a) (33) (A) (ii). It shall also specify the element of the
22 charged offense which requires the use or attempted use of
23 physical force, or the threatened use of a deadly weapon, as
24 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include
25 notice that the defendant is entitled to a hearing on the

1 allegation contained in the notice and that if the allegation
2 is sustained, that determination and conviction shall be
3 reported to the Department of State Police Firearm Owner's
4 Identification Card Office.

5 (c) After having been notified as provided in subsection
6 (b) of this Section, the defendant may stipulate or admit,
7 orally on the record or in writing, that conviction of the
8 offense would subject the defendant to the prohibitions of 18
9 U.S.C. 922(g) (9). In that case, the applicability of 18 U.S.C.
10 922(g) (9) shall be deemed established for purposes of Section
11 112A-11.2. If the defendant denies the applicability of 18
12 U.S.C. 922(g) (9) as alleged in the notice served by the State,
13 or stands mute with respect to that allegation, then the State
14 shall bear the burden to prove beyond a reasonable doubt that
15 the offense is one to which the prohibitions of 18 U.S.C.
16 922(g) (9) apply. The court may consider reliable hearsay
17 evidence submitted by either party provided that it is relevant
18 to the determination of the allegation. Facts previously proven
19 at trial or elicited at the time of entry of a plea of guilty
20 shall be deemed established beyond a reasonable doubt and shall
21 not be relitigated. At the conclusion of the hearing, or upon a
22 stipulation or admission, as applicable, the court shall make a
23 specific written determination with respect to the allegation.

24 (725 ILCS 5/112A-11.2 new)

25 Sec. 112A-11.2. Notification to the Department of State

1 Police Firearm Owner's Identification Card Office of
2 determinations in certain misdemeanor cases. Upon judgment of
3 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
4 12-3.4, or 12-3.5 of the Criminal Code of 1961 when the
5 defendant has been determined, under Section 112A-11.1, to be
6 subject to the prohibitions of 18 U.S.C. 922(g)(9), the circuit
7 court clerk shall include notification and a copy of the
8 written determination in a report of the conviction to the
9 Department of State Police Firearm Owner's Identification Card
10 Office to enable the office to report that determination to the
11 Federal Bureau of Investigation and assist the Bureau in
12 identifying persons prohibited from purchasing and possessing
13 a firearm pursuant to the provisions of 18 U.S.C. 922.

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

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

16 (a) Issuance of order. If the court finds that petitioner
17 has been abused by a family or household member, as defined in
18 this Article, an order of protection prohibiting such abuse
19 shall issue; provided that petitioner must also satisfy the
20 requirements of one of the following Sections, as appropriate:
21 Section 112A-17 on emergency orders, Section 112A-18 on interim
22 orders, or Section 112A-19 on plenary orders. Petitioner shall
23 not be denied an order of protection because petitioner or
24 respondent is a minor. The court, when determining whether or
25 not to issue an order of protection, shall not require physical

1 manifestations of abuse on the person of the victim.
2 Modification and extension of prior orders of protection shall
3 be in accordance with this Article.

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

11 (1) Prohibition of abuse. Prohibit respondent's
12 harassment, interference with personal liberty,
13 intimidation of a dependent, physical abuse or willful
14 deprivation, as defined in this Article, if such abuse has
15 occurred or otherwise appears likely to occur if not
16 prohibited.

17 (2) Grant of exclusive possession of residence.
18 Prohibit respondent from entering or remaining in any
19 residence, household, or premises of the petitioner,
20 including one owned or leased by respondent, if petitioner
21 has a right to occupancy thereof. The grant of exclusive
22 possession of the residence, household, or premises shall
23 not affect title to real property, nor shall the court be
24 limited by the standard set forth in Section 701 of the
25 Illinois Marriage and Dissolution of Marriage Act.

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely
2 or jointly owned or leased by that party, that party's
3 spouse, a person with a legal duty to support that
4 party or a minor child in that party's care, or by any
5 person or entity other than the opposing party that
6 authorizes that party's occupancy (e.g., a domestic
7 violence shelter). Standards set forth in subparagraph
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and
10 respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i) the
12 hardships to respondent and any minor child or
13 dependent adult in respondent's care resulting from
14 entry of this remedy with (ii) the hardships to
15 petitioner and any minor child or dependent adult in
16 petitioner's care resulting from continued exposure to
17 the risk of abuse (should petitioner remain at the
18 residence or household) or from loss of possession of
19 the residence or household (should petitioner leave to
20 avoid the risk of abuse). When determining the balance
21 of hardships, the court shall also take into account
22 the accessibility of the residence or household.
23 Hardships need not be balanced if respondent does not
24 have a right to occupancy.

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

1 rebutted by a preponderance of the evidence, showing
2 that the hardships to respondent substantially
3 outweigh the hardships to petitioner and any minor
4 child or dependent adult in petitioner's care. The
5 court, on the request of petitioner or on its own
6 motion, may order respondent to provide suitable,
7 accessible, alternate housing for petitioner instead
8 of excluding respondent from a mutual residence or
9 household.

10 (3) Stay away order and additional prohibitions. Order
11 respondent to stay away from petitioner or any other person
12 protected by the order of protection, or prohibit
13 respondent from entering or remaining present at
14 petitioner's school, place of employment, or other
15 specified places at times when petitioner is present, or
16 both, if reasonable, given the balance of hardships.
17 Hardships need not be balanced for the court to enter a
18 stay away order or prohibit entry if respondent has no
19 right to enter the premises.

20 If an order of protection grants petitioner exclusive
21 possession of the residence, or prohibits respondent from
22 entering the residence, or orders respondent to stay away
23 from petitioner or other protected persons, then the court
24 may allow respondent access to the residence to remove
25 items of clothing and personal adornment used exclusively
26 by respondent, medications, and other items as the court

1 directs. The right to access shall be exercised on only one
2 occasion as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement officer.

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

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

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 physical care to respondent would not be in the
4 minor child's best interest.

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

10 If a court finds, after a hearing, that respondent has
11 committed abuse (as defined in Section 112A-3) of a minor
12 child, there shall be a rebuttable presumption that
13 awarding temporary legal custody to respondent would not be
14 in the child's best interest.

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

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

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

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

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

26 (9) Order to appear. Order the respondent to appear in

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

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

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

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

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

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

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court, if:

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

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

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

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

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

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

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

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

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

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

17 (14.5) Prohibition of firearm possession.

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

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

24 (2) restrains such person from harassing,
25 stalking, or threatening an intimate partner of
26 such person or child of such intimate partner or

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

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

11 Any firearms in the possession of the respondent,
12 except as provided in subsection (b), shall be ordered
13 by the court to be turned over to the local law
14 enforcement agency for safekeeping. The court shall
15 issue an order that the respondent's Firearm Owner's
16 Identification Card be turned over to the local law
17 enforcement agency, which in turn shall immediately
18 mail the card to the Department of State Police Firearm
19 Owner's Identification Card Office for safekeeping.
20 The period of safekeeping shall be for the duration of
21 the order of protection. The firearm or firearms and
22 Firearm Owner's Identification Card, if unexpired,
23 shall at the respondent's request ~~shall~~ be returned to
24 the respondent at expiration of the order of
25 protection.

26 (b) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 1961, the court
2 shall order that any firearms used by the respondent in
3 the performance of his or her duties as a peace officer
4 be surrendered to the chief law enforcement executive
5 of the agency in which the respondent is employed, who
6 shall retain the firearms for safekeeping for the
7 duration of the order of protection.

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

21 (15) Prohibition of access to records. If an order of
22 protection prohibits respondent from having contact with
23 the minor child, or if petitioner's address is omitted
24 under subsection (b) of Section 112A-5, or if necessary to
25 prevent abuse or wrongful removal or concealment of a minor
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or
2 attempting to inspect or obtain, school or any other
3 records of the minor child who is in the care of
4 petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

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

19 (c) Relevant factors; findings.

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

24 (i) the nature, frequency, severity, pattern and
25 consequences of the respondent's past abuse of the
26 petitioner or any family or household member,

1 including the concealment of his or her location in
2 order to evade service of process or notice, and the
3 likelihood of danger of future abuse to petitioner or
4 any member of petitioner's or respondent's family or
5 household; and

6 (ii) the danger that any minor child will be abused
7 or neglected or improperly removed from the
8 jurisdiction, improperly concealed within the State or
9 improperly separated from the child's primary
10 caretaker.

11 (2) In comparing relative hardships resulting to the
12 parties from loss of possession of the family home, the
13 court shall consider relevant factors, including but not
14 limited to the following:

15 (i) availability, accessibility, cost, safety,
16 adequacy, location and other characteristics of
17 alternate housing for each party and any minor child or
18 dependent adult in the party's care;

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

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

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

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

4 (ii) Whether the conduct or actions of respondent,
5 unless prohibited, will likely cause irreparable harm
6 or continued abuse.

7 (iii) Whether it is necessary to grant the
8 requested relief in order to protect petitioner or
9 other alleged abused persons.

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

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

25 (5) Never married parties. No rights or
26 responsibilities for a minor child born outside of marriage

1 attach to a putative father until a father and child
2 relationship has been established under the Illinois
3 Parentage Act of 1984. Absent such an adjudication, no
4 putative father shall be granted temporary custody of the
5 minor child, visitation with the minor child, or physical
6 care and possession of the minor child, nor shall an order
7 of payment for support of the minor child be entered.

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

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

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

22 (2) Respondent was voluntarily intoxicated;

23 (3) Petitioner acted in self-defense or defense of
24 another, provided that, if petitioner utilized force, such
25 force was justifiable under Article VII of the Criminal
26 Code of 1961;

1 (4) Petitioner did not act in self-defense or defense
2 of another;

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

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

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

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

13 Section 25. The Unified Code of Corrections is amended by
14 changing Section 5-6-3 as follows:

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 Sec. 5-6-3. Conditions of Probation and of Conditional
17 Discharge.

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

20 (1) not violate any criminal statute of any
21 jurisdiction;

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

24 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily harm;

4 (4) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature that prior consent
7 by the court is not possible, without the prior
8 notification and approval of the person's probation
9 officer. Transfer of a person's probation or conditional
10 discharge supervision to another state is subject to
11 acceptance by the other state pursuant to the Interstate
12 Compact for Adult Offender Supervision;

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

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized gang
22 and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 and similar damage to

1 property located within the municipality or county in which
2 the violation occurred. When possible and reasonable, the
3 community service should be performed in the offender's
4 neighborhood. For purposes of this Section, "organized
5 gang" has the meaning ascribed to it in Section 10 of the
6 Illinois Streetgang Terrorism Omnibus Prevention Act;

7 (7) if he or she is at least 17 years of age and has
8 been sentenced to probation or conditional discharge for a
9 misdemeanor or felony in a county of 3,000,000 or more
10 inhabitants and has not been previously convicted of a
11 misdemeanor or felony, may be required by the sentencing
12 court to attend educational courses designed to prepare the
13 defendant for a high school diploma and to work toward a
14 high school diploma or to work toward passing the high
15 school level Test of General Educational Development (GED)
16 or to work toward completing a vocational training program
17 approved by the court. The person on probation or
18 conditional discharge must attend a public institution of
19 education to obtain the educational or vocational training
20 required by this clause (7). The court shall revoke the
21 probation or conditional discharge of a person who wilfully
22 fails to comply with this clause (7). The person on
23 probation or conditional discharge shall be required to pay
24 for the cost of the educational courses or GED test, if a
25 fee is charged for those courses or test. The court shall
26 resentence the offender whose probation or conditional

1 discharge has been revoked as provided in Section 5-6-4.
2 This clause (7) does not apply to a person who has a high
3 school diploma or has successfully passed the GED test.
4 This clause (7) does not apply to a person who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational
7 or vocational program;

8 (8) if convicted of possession of a substance
9 prohibited by the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act after a previous conviction or
12 disposition of supervision for possession of a substance
13 prohibited by the Cannabis Control Act or Illinois
14 Controlled Substances Act or after a sentence of probation
15 under Section 10 of the Cannabis Control Act, Section 410
16 of the Illinois Controlled Substances Act, or Section 70 of
17 the Methamphetamine Control and Community Protection Act
18 and upon a finding by the court that the person is
19 addicted, undergo treatment at a substance abuse program
20 approved by the court;

21 (8.5) if convicted of a felony sex offense as defined
22 in the Sex Offender Management Board Act, the person shall
23 undergo and successfully complete sex offender treatment
24 by a treatment provider approved by the Board and conducted
25 in conformance with the standards developed under the Sex
26 Offender Management Board Act;

1 (8.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing at
3 the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders;

12 (8.7) if convicted for an offense committed on or after
13 June 1, 2008 (the effective date of Public Act 95-464) that
14 would qualify the accused as a child sex offender as
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
16 1961, refrain from communicating with or contacting, by
17 means of the Internet, a person who is not related to the
18 accused and whom the accused reasonably believes to be
19 under 18 years of age; for purposes of this paragraph
20 (8.7), "Internet" has the meaning ascribed to it in Section
21 16-0.1 of the Criminal Code of 1961; and a person is not
22 related to the accused if the person is not: (i) the
23 spouse, brother, or sister of the accused; (ii) a
24 descendant of the accused; (iii) a first or second cousin
25 of the accused; or (iv) a step-child or adopted child of
26 the accused;

1 (8.8) if convicted for an offense under Section 11-6,
2 11-9.1, 11-14.4 that involves soliciting for a juvenile
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
4 of the Criminal Code of 1961, or any attempt to commit any
5 of these offenses, committed on or after June 1, 2009 (the
6 effective date of Public Act 95-983):

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the offender's probation officer,
10 except in connection with the offender's employment or
11 search for employment with the prior approval of the
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's probation
16 officer, a law enforcement officer, or assigned
17 computer or information technology specialist,
18 including the retrieval and copying of all data from
19 the computer or device and any internal or external
20 peripherals and removal of such information,
21 equipment, or device to conduct a more thorough
22 inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer;

5 (8.9) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after January
7 1, 2010 (the effective date of Public Act 96-262), refrain
8 from accessing or using a social networking website as
9 defined in Section 17-0.5 of the Criminal Code of 1961;

10 (9) if convicted of a felony or of any misdemeanor
11 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
12 12-3.5 of the Criminal Code of 1961 that was determined,
13 pursuant to Section 112A-11.1 of the Code of Criminal
14 Procedure of 1963, to trigger the prohibitions of 18 U.S.C.
15 922(g)(9), physically surrender at a time and place
16 designated by the court, his or her Firearm Owner's
17 Identification Card and any and all firearms in his or her
18 possession. The Court shall return to the Department of
19 State Police Firearm Owner's Identification Card Office
20 the person's Firearm Owner's Identification Card;

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter;

5 (11) if convicted of a sex offense as defined in
6 Section 2 of the Sex Offender Registration Act committed on
7 or after January 1, 2010 (the effective date of Public Act
8 96-362) that requires the person to register as a sex
9 offender under that Act, may not knowingly use any computer
10 scrub software on any computer that the sex offender uses;
11 and

12 (12) if convicted of a violation of the Methamphetamine
13 Control and Community Protection Act, the Methamphetamine
14 Precursor Control Act, or a methamphetamine related
15 offense:

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

19 (B) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 ammonium nitrate.

22 (b) The Court may in addition to other reasonable
23 conditions relating to the nature of the offense or the
24 rehabilitation of the defendant as determined for each
25 defendant in the proper discretion of the Court require that
26 the person:

1 (1) serve a term of periodic imprisonment under Article
2 7 for a period not to exceed that specified in paragraph
3 (d) of Section 5-7-1;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational
6 training;

7 (4) undergo medical, psychological or psychiatric
8 treatment; or treatment for drug addiction or alcoholism;

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

11 (6) support his dependents;

12 (7) and in addition, if a minor:

13 (i) reside with his parents or in a foster home;

14 (ii) attend school;

15 (iii) attend a non-residential program for youth;

16 (iv) contribute to his own support at home or in a
17 foster home;

18 (v) with the consent of the superintendent of the
19 facility, attend an educational program at a facility
20 other than the school in which the offense was
21 committed if he or she is convicted of a crime of
22 violence as defined in Section 2 of the Crime Victims
23 Compensation Act committed in a school, on the real
24 property comprising a school, or within 1,000 feet of
25 the real property comprising a school;

26 (8) make restitution as provided in Section 5-5-6 of

1 this Code;

2 (9) perform some reasonable public or community
3 service;

4 (10) serve a term of home confinement. In addition to
5 any other applicable condition of probation or conditional
6 discharge, the conditions of home confinement shall be that
7 the offender:

8 (i) remain within the interior premises of the
9 place designated for his confinement during the hours
10 designated by the court;

11 (ii) admit any person or agent designated by the
12 court into the offender's place of confinement at any
13 time for purposes of verifying the offender's
14 compliance with the conditions of his confinement; and

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

19 (iv) for persons convicted of any alcohol,
20 cannabis or controlled substance violation who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the offender to pay the

1 fee, the court assesses a lesser fee or no fee as the
2 case may be. This fee shall be imposed in addition to
3 the fees imposed under subsections (g) and (i) of this
4 Section. The fee shall be collected by the clerk of the
5 circuit court. The clerk of the circuit court shall pay
6 all monies collected from this fee to the county
7 treasurer for deposit in the substance abuse services
8 fund under Section 5-1086.1 of the Counties Code; and

9 (v) for persons convicted of offenses other than
10 those referenced in clause (iv) above and who are
11 placed on an approved monitoring device as a condition
12 of probation or conditional discharge, the court shall
13 impose a reasonable fee for each day of the use of the
14 device, as established by the county board in
15 subsection (g) of this Section, unless after
16 determining the inability of the defendant to pay the
17 fee, the court assesses a lesser fee or no fee as the
18 case may be. This fee shall be imposed in addition to
19 the fees imposed under subsections (g) and (i) of this
20 Section. The fee shall be collected by the clerk of the
21 circuit court. The clerk of the circuit court shall pay
22 all monies collected from this fee to the county
23 treasurer who shall use the monies collected to defray
24 the costs of corrections. The county treasurer shall
25 deposit the fee collected in the probation and court
26 services fund.

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986, as now or hereafter amended,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory. A copy of the
6 order of protection shall be transmitted to the probation
7 officer or agency having responsibility for the case;

8 (12) reimburse any "local anti-crime program" as
9 defined in Section 7 of the Anti-Crime Advisory Council Act
10 for any reasonable expenses incurred by the program on the
11 offender's case, not to exceed the maximum amount of the
12 fine authorized for the offense for which the defendant was
13 sentenced;

14 (13) contribute a reasonable sum of money, not to
15 exceed the maximum amount of the fine authorized for the
16 offense for which the defendant was sentenced, (i) to a
17 "local anti-crime program", as defined in Section 7 of the
18 Anti-Crime Advisory Council Act, or (ii) for offenses under
19 the jurisdiction of the Department of Natural Resources, to
20 the fund established by the Department of Natural Resources
21 for the purchase of evidence for investigation purposes and
22 to conduct investigations as outlined in Section 805-105 of
23 the Department of Natural Resources (Conservation) Law;

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer, if the defendant has been placed on
4 probation or advance approval by the court, if the
5 defendant was placed on conditional discharge;

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

10 (16) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or the
13 Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of his
15 or her blood or urine or both for tests to determine the
16 presence of any illicit drug;

17 (17) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) that
19 would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961, refrain from communicating with or contacting, by
22 means of the Internet, a person who is related to the
23 accused and whom the accused reasonably believes to be
24 under 18 years of age; for purposes of this paragraph (17),
25 "Internet" has the meaning ascribed to it in Section 16-0.1
26 of the Criminal Code of 1961; and a person is related to

1 the accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

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

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer; and

7 (19) refrain from possessing a firearm or other
8 dangerous weapon where the offense is a misdemeanor that
9 did not involve the intentional or knowing infliction of
10 bodily harm or threat of bodily harm.

11 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's license
15 during the period of probation or conditional discharge. If
16 such person is in possession of a permit or license, the court
17 may require that the minor refrain from driving or operating
18 any motor vehicle during the period of probation or conditional
19 discharge, except as may be necessary in the course of the
20 minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of the
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional discharge
2 that the offender be committed to a period of imprisonment in
3 excess of 6 months. This 6 month limit shall not include
4 periods of confinement given pursuant to a sentence of county
5 impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes mandatory
15 drug or alcohol testing, or both, or is assigned to be placed
16 on an approved electronic monitoring device, shall be ordered
17 to pay all costs incidental to such mandatory drug or alcohol
18 testing, or both, and all costs incidental to such approved
19 electronic monitoring in accordance with the defendant's
20 ability to pay those costs. The county board with the
21 concurrence of the Chief Judge of the judicial circuit in which
22 the county is located shall establish reasonable fees for the
23 cost of maintenance, testing, and incidental expenses related
24 to the mandatory drug or alcohol testing, or both, and all
25 costs incidental to approved electronic monitoring, involved
26 in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an
2 administrative order. The fees shall be collected by the clerk
3 of the circuit court. The clerk of the circuit court shall pay
4 all moneys collected from these fees to the county treasurer
5 who shall use the moneys collected to defray the costs of drug
6 testing, alcohol testing, and electronic monitoring. The
7 county treasurer shall deposit the fees collected in the county
8 working cash fund under Section 6-27001 or Section 6-29002 of
9 the Counties Code, as the case may be.

10 (h) Jurisdiction over an offender may be transferred from
11 the sentencing court to the court of another circuit with the
12 concurrence of both courts. Further transfers or retransfers of
13 jurisdiction are also authorized in the same manner. The court
14 to which jurisdiction has been transferred shall have the same
15 powers as the sentencing court. The probation department within
16 the circuit to which jurisdiction has been transferred may
17 impose probation fees upon receiving the transferred offender,
18 as provided in subsection (i). The probation department from
19 the original sentencing court shall retain all probation fees
20 collected prior to the transfer.

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee of

1 \$50 for each month of probation or conditional discharge
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 sentenced to probation or conditional discharge or supervised
5 community service to pay the fee, the court assesses a lesser
6 fee. The court may not impose the fee on a minor who is made a
7 ward of the State under the Juvenile Court Act of 1987 while
8 the minor is in placement. The fee shall be imposed only upon
9 an offender who is actively supervised by the probation and
10 court services department. The fee shall be collected by the
11 clerk of the circuit court. The clerk of the circuit court
12 shall pay all monies collected from this fee to the county
13 treasurer for deposit in the probation and court services fund
14 under Section 15.1 of the Probation and Probation Officers Act.

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

22 The Court may only waive probation fees based on an
23 offender's ability to pay. The probation department may
24 re-evaluate an offender's ability to pay every 6 months, and,
25 with the approval of the Director of Court Services or the
26 Chief Probation Officer, adjust the monthly fee amount. An

1 offender may elect to pay probation fees due in a lump sum. Any
2 offender that has been assigned to the supervision of a
3 probation department, or has been transferred either under
4 subsection (h) of this Section or under any interstate compact,
5 shall be required to pay probation fees to the department
6 supervising the offender, based on the offender's ability to
7 pay.

8 This amendatory Act of the 93rd General Assembly deletes
9 the \$10 increase in the fee under this subsection that was
10 imposed by Public Act 93-616. This deletion is intended to
11 control over any other Act of the 93rd General Assembly that
12 retains or incorporates that fee increase.

13 (i-5) In addition to the fees imposed under subsection (i)
14 of this Section, in the case of an offender convicted of a
15 felony sex offense (as defined in the Sex Offender Management
16 Board Act) or an offense that the court or probation department
17 has determined to be sexually motivated (as defined in the Sex
18 Offender Management Board Act), the court or the probation
19 department shall assess additional fees to pay for all costs of
20 treatment, assessment, evaluation for risk and treatment, and
21 monitoring the offender, based on that offender's ability to
22 pay those costs either as they occur or under a payment plan.

23 (j) All fines and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

4 (k) Any offender who is sentenced to probation or
5 conditional discharge for a felony sex offense as defined in
6 the Sex Offender Management Board Act or any offense that the
7 court or probation department has determined to be sexually
8 motivated as defined in the Sex Offender Management Board Act
9 shall be required to refrain from any contact, directly or
10 indirectly, with any persons specified by the court and shall
11 be available for all evaluations and treatment programs
12 required by the court or the probation department.

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

17 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
18 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
19 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
20 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
21 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
22 revised 9-14-11.)

23 Section 30. The Stalking No Contact Order Act is amended by
24 changing Section 80 as follows:

1 (740 ILCS 21/80)

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

3 (a) If the court finds that the petitioner has been a
4 victim of stalking, a stalking no contact order shall issue;
5 provided that the petitioner must also satisfy the requirements
6 of Section 95 on emergency orders or Section 100 on plenary
7 orders. The petitioner shall not be denied a stalking no
8 contact order because the petitioner or the respondent is a
9 minor. The court, when determining whether or not to issue a
10 stalking no contact order, may not require physical injury on
11 the person of the petitioner. Modification and extension of
12 prior stalking no contact orders shall be in accordance with
13 this Act.

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

16 (1) prohibit the respondent from threatening to commit
17 or committing stalking;

18 (2) order the respondent not to have any contact with
19 the petitioner or a third person specifically named by the
20 court;

21 (3) prohibit the respondent from knowingly coming
22 within, or knowingly remaining within a specified distance
23 of the petitioner or the petitioner's residence, school,
24 daycare, or place of employment, or any specified place
25 frequented by the petitioner; however, the court may order
26 the respondent to stay away from the respondent's own

1 residence, school, or place of employment only if the
2 respondent has been provided actual notice of the
3 opportunity to appear and be heard on the petition;

4 (4) prohibit the respondent from possessing a Firearm
5 Owners Identification Card, or possessing or buying
6 firearms; and

7 (5) order other injunctive relief the court determines
8 to be necessary to protect the petitioner or third party
9 specifically named by the court.

10 (b-5) When the petitioner and the respondent attend the
11 same public, private, or non-public elementary, middle, or high
12 school, the court when issuing a stalking no contact order and
13 providing relief shall consider the severity of the act, any
14 continuing physical danger or emotional distress to the
15 petitioner, the educational rights guaranteed to the
16 petitioner and respondent under federal and State law, the
17 availability of a transfer of the respondent to another school,
18 a change of placement or a change of program of the respondent,
19 the expense, difficulty, and educational disruption that would
20 be caused by a transfer of the respondent to another school,
21 and any other relevant facts of the case. The court may order
22 that the respondent not attend the public, private, or
23 non-public elementary, middle, or high school attended by the
24 petitioner, order that the respondent accept a change of
25 placement or program, as determined by the school district or
26 private or non-public school, or place restrictions on the

1 respondent's movements within the school attended by the
2 petitioner. The respondent bears the burden of proving by a
3 preponderance of the evidence that a transfer, change of
4 placement, or change of program of the respondent is not
5 available. The respondent also bears the burden of production
6 with respect to the expense, difficulty, and educational
7 disruption that would be caused by a transfer of the respondent
8 to another school. A transfer, change of placement, or change
9 of program is not unavailable to the respondent solely on the
10 ground that the respondent does not agree with the school
11 district's or private or non-public school's transfer, change
12 of placement, or change of program or solely on the ground that
13 the respondent fails or refuses to consent to or otherwise does
14 not take an action required to effectuate a transfer, change of
15 placement, or change of program. When a court orders a
16 respondent to stay away from the public, private, or non-public
17 school attended by the petitioner and the respondent requests a
18 transfer to another attendance center within the respondent's
19 school district or private or non-public school, the school
20 district or private or non-public school shall have sole
21 discretion to determine the attendance center to which the
22 respondent is transferred. In the event the court order results
23 in a transfer of the minor respondent to another attendance
24 center, a change in the respondent's placement, or a change of
25 the respondent's program, the parents, guardian, or legal
26 custodian of the respondent is responsible for transportation

1 and other costs associated with the transfer or change.

2 (b-6) The court may order the parents, guardian, or legal
3 custodian of a minor respondent to take certain actions or to
4 refrain from taking certain actions to ensure that the
5 respondent complies with the order. In the event the court
6 orders a transfer of the respondent to another school, the
7 parents, guardian, or legal custodian of the respondent are
8 responsible for transportation and other costs associated with
9 the change of school by the respondent.

10 (b-7) The court shall not hold a school district or private
11 or non-public school or any of its employees in civil or
12 criminal contempt unless the school district or private or
13 non-public school has been allowed to intervene.

14 (b-8) The court may hold the parents, guardian, or legal
15 custodian of a minor respondent in civil or criminal contempt
16 for a violation of any provision of any order entered under
17 this Act for conduct of the minor respondent in violation of
18 this Act if the parents, guardian, or legal custodian directed,
19 encouraged, or assisted the respondent minor in such conduct.

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

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

23 (e) If the stalking no contact order prohibits the
24 respondent from possessing a Firearm Owner's Identification
25 Card, or possessing or buying firearms; the court shall
26 confiscate the respondent's Firearm Owner's Identification

1 Card and immediately return the card to the Department of State
2 Police Firearm Owner's Identification Card Office.

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

4 Section 35. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 214 as follows:

6 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

7 Sec. 214. Order of protection; remedies.

8 (a) Issuance of order. If the court finds that petitioner
9 has been abused by a family or household member or that
10 petitioner is a high-risk adult who has been abused, neglected,
11 or exploited, as defined in this Act, an order of protection
12 prohibiting the abuse, neglect, or exploitation shall issue;
13 provided that petitioner must also satisfy the requirements of
14 one of the following Sections, as appropriate: Section 217 on
15 emergency orders, Section 218 on interim orders, or Section 219
16 on plenary orders. Petitioner shall not be denied an order of
17 protection because petitioner or respondent is a minor. The
18 court, when determining whether or not to issue an order of
19 protection, shall not require physical manifestations of abuse
20 on the person of the victim. Modification and extension of
21 prior orders of protection shall be in accordance with this
22 Act.

23 (b) Remedies and standards. The remedies to be included in
24 an order of protection shall be determined in accordance with

1 this Section and one of the following Sections, as appropriate:
2 Section 217 on emergency orders, Section 218 on interim orders,
3 and Section 219 on plenary orders. The remedies listed in this
4 subsection shall be in addition to other civil or criminal
5 remedies available to petitioner.

6 (1) Prohibition of abuse, neglect, or exploitation.
7 Prohibit respondent's harassment, interference with
8 personal liberty, intimidation of a dependent, physical
9 abuse, or willful deprivation, neglect or exploitation, as
10 defined in this Act, or stalking of the petitioner, as
11 defined in Section 12-7.3 of the Criminal Code of 1961, if
12 such abuse, neglect, exploitation, or stalking has
13 occurred or otherwise appears likely to occur if not
14 prohibited.

15 (2) Grant of exclusive possession of residence.
16 Prohibit respondent from entering or remaining in any
17 residence, household, or premises of the petitioner,
18 including one owned or leased by respondent, if petitioner
19 has a right to occupancy thereof. The grant of exclusive
20 possession of the residence, household, or premises shall
21 not affect title to real property, nor shall the court be
22 limited by the standard set forth in Section 701 of the
23 Illinois Marriage and Dissolution of Marriage Act.

24 (A) Right to occupancy. A party has a right to
25 occupancy of a residence or household if it is solely
26 or jointly owned or leased by that party, that party's

1 spouse, a person with a legal duty to support that
2 party or a minor child in that party's care, or by any
3 person or entity other than the opposing party that
4 authorizes that party's occupancy (e.g., a domestic
5 violence shelter). Standards set forth in subparagraph
6 (B) shall not preclude equitable relief.

7 (B) Presumption of hardships. If petitioner and
8 respondent each has the right to occupancy of a
9 residence or household, the court shall balance (i) the
10 hardships to respondent and any minor child or
11 dependent adult in respondent's care resulting from
12 entry of this remedy with (ii) the hardships to
13 petitioner and any minor child or dependent adult in
14 petitioner's care resulting from continued exposure to
15 the risk of abuse (should petitioner remain at the
16 residence or household) or from loss of possession of
17 the residence or household (should petitioner leave to
18 avoid the risk of abuse). When determining the balance
19 of hardships, the court shall also take into account
20 the accessibility of the residence or household.
21 Hardships need not be balanced if respondent does not
22 have a right to occupancy.

23 The balance of hardships is presumed to favor
24 possession by petitioner unless the presumption is
25 rebutted by a preponderance of the evidence, showing
26 that the hardships to respondent substantially

1 outweigh the hardships to petitioner and any minor
2 child or dependent adult in petitioner's care. The
3 court, on the request of petitioner or on its own
4 motion, may order respondent to provide suitable,
5 accessible, alternate housing for petitioner instead
6 of excluding respondent from a mutual residence or
7 household.

8 (3) Stay away order and additional prohibitions. Order
9 respondent to stay away from petitioner or any other person
10 protected by the order of protection, or prohibit
11 respondent from entering or remaining present at
12 petitioner's school, place of employment, or other
13 specified places at times when petitioner is present, or
14 both, if reasonable, given the balance of hardships.
15 Hardships need not be balanced for the court to enter a
16 stay away order or prohibit entry if respondent has no
17 right to enter the premises.

18 (A) If an order of protection grants petitioner
19 exclusive possession of the residence, or prohibits
20 respondent from entering the residence, or orders
21 respondent to stay away from petitioner or other
22 protected persons, then the court may allow respondent
23 access to the residence to remove items of clothing and
24 personal adornment used exclusively by respondent,
25 medications, and other items as the court directs. The
26 right to access shall be exercised on only one occasion

1 as the court directs and in the presence of an
2 agreed-upon adult third party or law enforcement
3 officer.

4 (B) When the petitioner and the respondent attend
5 the same public, private, or non-public elementary,
6 middle, or high school, the court when issuing an order
7 of protection and providing relief shall consider the
8 severity of the act, any continuing physical danger or
9 emotional distress to the petitioner, the educational
10 rights guaranteed to the petitioner and respondent
11 under federal and State law, the availability of a
12 transfer of the respondent to another school, a change
13 of placement or a change of program of the respondent,
14 the expense, difficulty, and educational disruption
15 that would be caused by a transfer of the respondent to
16 another school, and any other relevant facts of the
17 case. The court may order that the respondent not
18 attend the public, private, or non-public elementary,
19 middle, or high school attended by the petitioner,
20 order that the respondent accept a change of placement
21 or change of program, as determined by the school
22 district or private or non-public school, or place
23 restrictions on the respondent's movements within the
24 school attended by the petitioner. The respondent
25 bears the burden of proving by a preponderance of the
26 evidence that a transfer, change of placement, or

1 change of program of the respondent is not available.
2 The respondent also bears the burden of production with
3 respect to the expense, difficulty, and educational
4 disruption that would be caused by a transfer of the
5 respondent to another school. A transfer, change of
6 placement, or change of program is not unavailable to
7 the respondent solely on the ground that the respondent
8 does not agree with the school district's or private or
9 non-public school's transfer, change of placement, or
10 change of program or solely on the ground that the
11 respondent fails or refuses to consent or otherwise
12 does not take an action required to effectuate a
13 transfer, change of placement, or change of program.
14 When a court orders a respondent to stay away from the
15 public, private, or non-public school attended by the
16 petitioner and the respondent requests a transfer to
17 another attendance center within the respondent's
18 school district or private or non-public school, the
19 school district or private or non-public school shall
20 have sole discretion to determine the attendance
21 center to which the respondent is transferred. In the
22 event the court order results in a transfer of the
23 minor respondent to another attendance center, a
24 change in the respondent's placement, or a change of
25 the respondent's program, the parents, guardian, or
26 legal custodian of the respondent is responsible for

1 transportation and other costs associated with the
2 transfer or change.

3 (C) The court may order the parents, guardian, or
4 legal custodian of a minor respondent to take certain
5 actions or to refrain from taking certain actions to
6 ensure that the respondent complies with the order. ~~The~~
7 ~~court may order the parents, guardian, or legal~~
8 ~~custodian of a minor respondent to take certain actions~~
9 ~~or to refrain from taking certain actions to ensure~~
10 ~~that the respondent complies with the order.~~ In the
11 event the court orders a transfer of the respondent to
12 another school, the parents, guardian, or legal
13 custodian of the respondent is responsible for
14 transportation and other costs associated with the
15 change of school by the respondent.

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

1 all recommended treatment.

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

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

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

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

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

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

26 If necessary to protect any member of petitioner's

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

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

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

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

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly; sharing
25 it would risk abuse of petitioner by respondent or is
26 impracticable; and the balance of hardships favors

1 temporary possession by petitioner.

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

9 No order under this provision shall affect title to
10 property.

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

15 (i) petitioner, but not respondent, owns the
16 property; or

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

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

25 The court may further prohibit respondent from
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or
2 advantage of respondent or of any other person.

3 (11.5) Protection of animals. Grant the petitioner the
4 exclusive care, custody, or control of any animal owned,
5 possessed, leased, kept, or held by either the petitioner
6 or the respondent or a minor child residing in the
7 residence or household of either the petitioner or the
8 respondent and order the respondent to stay away from the
9 animal and forbid the respondent from taking,
10 transferring, encumbering, concealing, harming, or
11 otherwise disposing of the animal.

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

26 (13) Order for payment of losses. Order respondent to

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

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

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

25 (14) Prohibition of entry. Prohibit the respondent
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or
2 drugs and constitutes a threat to the safety and well-being
3 of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (a) Prohibit a respondent against whom an order of
6 protection was issued from possessing any firearms
7 during the duration of the order if the order:

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

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

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

24 Any Firearm Owner's Identification Card in the
25 possession of the respondent, except as provided in
26 subsection (b), shall be ordered by the court to be

1 turned over to the local law enforcement agency. The
2 local law enforcement agency shall immediately mail
3 the card to the Department of State Police Firearm
4 Owner's Identification Card Office for safekeeping.
5 The court shall issue a warrant for seizure of any
6 firearm ~~and Firearm Owner's Identification Card~~ in the
7 possession of the respondent, to be kept by the local
8 law enforcement agency for safekeeping, except as
9 provided in subsection (b). The period of safekeeping
10 shall be for the duration of the order of protection.
11 The firearm or firearms and Firearm Owner's
12 Identification Card, if unexpired, shall at the
13 respondent's request, shall be returned to the
14 respondent at the end of the order of protection. It is
15 the respondent's responsibility to notify the
16 Department of State Police Firearm Owner's
17 Identification Card Office.

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 203, 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 further abuse, neglect, or
5 exploitation of a high-risk adult with disabilities or to
6 effectuate one of the granted remedies, if supported by the
7 balance of hardships. If the harm to be prevented by the
8 injunction is abuse or any other harm that one of the
9 remedies listed in paragraphs (1) through (16) of this
10 subsection is designed to prevent, no further evidence is
11 necessary that the harm is an irreparable injury.

12 (c) Relevant factors; findings.

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

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

25 (ii) the danger that any minor child will be abused
26 or neglected or improperly removed from the

1 jurisdiction, improperly concealed within the State or
2 improperly separated from the child's primary
3 caretaker.

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

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

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

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

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

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

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

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

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

8 When a verified petition for an emergency order of
9 protection in accordance with the requirements of Sections
10 203 and 217 is presented to the court, the court shall
11 examine petitioner on oath or affirmation. An emergency
12 order of protection shall be issued by the court if it
13 appears from the contents of the petition and the
14 examination of petitioner that the averments are
15 sufficient to indicate abuse by respondent and to support
16 the granting of relief under the issuance of the emergency
17 order of protection.

18 (5) Never married parties. No rights or
19 responsibilities for a minor child born outside of marriage
20 attach to a putative father until a father and child
21 relationship has been established under the Illinois
22 Parentage Act of 1984, the Illinois Public Aid Code,
23 Section 12 of the Vital Records Act, the Juvenile Court Act
24 of 1987, the Probate Act of 1985, the Revised Uniform
25 Reciprocal Enforcement of Support Act, the Uniform
26 Interstate Family Support Act, the Expedited Child Support

1 Act of 1990, any judicial, administrative, or other act of
2 another state or territory, any other Illinois statute, or
3 by any foreign nation establishing the father and child
4 relationship, any other proceeding substantially in
5 conformity with the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
7 or where both parties appeared in open court or at an
8 administrative hearing acknowledging under oath or
9 admitting by affirmation the existence of a father and
10 child relationship. Absent such an adjudication, finding,
11 or acknowledgement, no putative father shall be granted
12 temporary custody of the minor child, visitation with the
13 minor child, or physical care and possession of the minor
14 child, nor shall an order of payment for support of the
15 minor child be entered.

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

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

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

4 (2) Respondent was voluntarily intoxicated;

5 (3) Petitioner acted in self-defense or defense of
6 another, provided that, if petitioner utilized force, such
7 force was justifiable under Article VII of the Criminal
8 Code of 1961;

9 (4) Petitioner did not act in self-defense or defense
10 of another;

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

13 (6) Petitioner did not leave the residence or household
14 to avoid further abuse, neglect, or exploitation by
15 respondent;

16 (7) Conduct by any family or household member excused
17 the abuse, neglect, or exploitation by respondent, unless
18 that same conduct would have excused such abuse, neglect,
19 or exploitation if the parties had not been family or
20 household members.

21 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
22 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)".